

Federal Trade Commission
Office of the Secretary
Room H-113 (Annex W)
600 Pennsylvania Avenue, NW
Washington, DC 20580

Re: Interagency Working Group on Food Marketed to Children: FTC Project No. P094513

To Whom It May Concern:

Campbell Mithun is a partner with the food industry in advertising and marketing food products. We are submitting this comment to express our strong opposition to what appears to be an uninformed and misguided regulatory assault on the food industry, the federal government's proposed ban on the advertising of most food products to children and adolescents.

First, we are concerned that the nutrition standards contained in the proposal are too restrictive. We find it illogical that many food products that are authorized by the FDA to make health claims or that are recommended by the USDA in the food guidance system, MyPlate, released recently, could not be marketed to children under the proposed regulations.

We are also especially troubled by the types of restriction the proposal would place on activities they define as "marketing to kids," such as advertising on television shows where adults make up seventy or eighty percent of the audience. Clearly, such restrictions are overbroad.

In addition, as an advertising agency, Campbell Mithun is extremely disturbed about the First Amendment issues presented by the proposed advertising ban and the precedent that it might set for allowing restrictions on other types of advertising. Although the proposal characterizes the ban on advertising food products to children and adolescents as "voluntary," and thus attempts to avoid First Amendment based challenges, the government has made thinly veiled threats that the ban may be made mandatory if the food industry does not comply with the proposal. If the government is allowed to subvert First Amendment rights by using ostensibly "voluntary" regulations to ban the advertising of food products that the government disfavors, we are exceedingly concerned about what other products that the government disfavors will be next.

Finally, this effort to reduce childhood obesity by banning advertising of food products to children and adolescents is misguided in that there is no evidence of a causal connection between advertising food products and childhood obesity. In fact, to the contrary, the FTC's Bureau of Economics has confirmed that food advertising to children has been declining while rates of childhood obesity have been on the rise.

Respectfully,

Steve Wehrenberg
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