



June 13, 2011

Interagency Working Group on Food Marketed to Children  
Federal Trade Commission  
Office of the Secretary  
Room H-113 (Annex W),  
600 Pennsylvania Avenue, N.W.  
Washington, D.C. 20580

ATTN: Interagency Working Group on Food Marketed to Children: General Comments  
and Proposed Marketing Definitions: FTC Project No. P094513

To Whom it May Concern,

Trust for America's Health (TFAH) is pleased to have the opportunity to comment in response to the *Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts* released by the Interagency Working Group on Food Marketed to Children. As you know, these standards represent the product of a bipartisan Congressional effort to ensure that our nation's children are not exposed to inaccurate or misleading messages about food choices. These proposed marketing standards will serve as a fundamental step in improving the nutritional profile of foods marketed to children. According to TFAH's 2011 report, *F as in Fat: How Obesity Threatens America's Future*, more than one-third of children ages 10–17 are obese (16.4 percent) or overweight (18.2 percent).<sup>1</sup> It is imperative to take action today to reduce the factors that contribute to this epidemic, including the marketing of unhealthy foods to children and adolescents.

Companies spend roughly \$2 billion each year on marketing mainly unhealthy foods and beverages to children and adolescents nationally. While some companies have voluntarily vowed to reduce food marketing of unhealthy foods, only 17 companies currently participate in the Council of Better Business Bureau's Children's Food and Beverage Initiative (CFBAI). Furthermore, studies indicate that current self-regulatory efforts are not sufficient. A 2009 report from Children Now determined that the majority of advertisements from the 15 food companies that were then participating in CFBAI were for foods of low nutritional value.<sup>2</sup> The report, "The Impact of Industry Self-

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<sup>1</sup> Trust for America's Health. *F as in Fat: How Obesity Threatens America's Future*. Washington, D.C.: Trust for America's Health, 2011.

<sup>2</sup> Kunkel D, McKinley C, and Wright P. *The Impact of Industry Self-Regulation on the Nutritional Quality of Foods Advertised on Television to Children*. Oakland, CA: Children Now, December 2009. [http://www.childrennow.org/uploads/documents/adstudy\\_2009.pdf](http://www.childrennow.org/uploads/documents/adstudy_2009.pdf) (accessed May 17, 2010).

Regulation on the Nutritional Quality of Foods Advertised on Television to Children” found that few companies were meeting their voluntary commitments to reduce unhealthy marketing to children. Instead, more than two-thirds (68.5%) of all advertising studied was for foods and beverages in the lowest category of nutritional quality. According to a 2010 report released by the Yale Rudd Center for Food Policy and Obesity, children’s exposure to fast food TV ads is increasing, and snacks and desserts marketed directly to teens contain as many as 1,500 calories.<sup>3</sup>

The effects of food marketing are significant. A 2005 report released by the Institute of Medicine indicated that food marketing influences the health of children and adolescents in America, contributing to already high rates of obesity by affecting their food preferences, purchase requests, and dietary intake.<sup>4</sup> With 84 percent of parents reporting taking their child to a fast food restaurant at least once a week,<sup>5</sup> it is critical to support parents in their efforts to provide their children with nutritious foods.

Trust for America’s Health (TFAH) is a non-profit, non-partisan organization dedicated to saving lives by protecting the health of every community and working to make disease prevention a national priority. As a member of the Food Marketing Workgroup, TFAH has signed onto a letter supporting the proposed nutrition principles and marketing definitions, and offers the following recommendations that we hope will augment the efficacy of these principles.

### **Proposed Definition of Marketing Targeted to Children and Adolescents:**

TFAH strongly supports the conclusion by Congress and the Working Group that proposed nutrition standards apply to foods marketed to both children and adolescents. We further support the proposal to utilize the Federal Trade Commission definition for child-directed marketing. However, we have a few suggestions on how to improve and clarify the marketing definitions:

- Provide clear marketing definitions as a model for companies to easily adopt. Further, apply subjective criteria to *all* types of marketing approaches, including television, radio, movies, print advertisements, etc.
- Provide a more detailed definition of in-school marketing, with consideration of the vast array of marketing techniques relevant on the whole school campus throughout an extended school day. We urge that the definition include preschools, as well as elementary, middle, and high schools.

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<sup>3</sup> Yale Rudd Center for Food Policy and Obesity. “Fast Food f.a.c.t.s.: Evaluating Fast Food Nutrition and Marketing to Youth. [http://www.fastfoodmarketing.org/media/FastFoodFACTS\\_Report.pdf](http://www.fastfoodmarketing.org/media/FastFoodFACTS_Report.pdf) (accessed April 14, 2011).

<sup>4</sup> McGinnis M, Gootman J, Kraak V. *Food Marketing to Children and Youth: Threat or Opportunity?* The National Academy of Sciences, December 2005. <http://www.iom.edu/Reports/2005/Food-Marketing-to-Children-and-Youth-Threat-or-Opportunity.aspx> (accessed July 6, 2011).

<sup>5</sup> Yale Rudd Center for Food Policy and Obesity. “Fast Food f.a.c.t.s.: Evaluating Fast Food Nutrition and Marketing to Youth. [http://www.fastfoodmarketing.org/media/FastFoodFACTS\\_Report.pdf](http://www.fastfoodmarketing.org/media/FastFoodFACTS_Report.pdf) (accessed April 14, 2011).

- Provide a definition for brand marketing, and require brand marketing to be subject to the Working Group's nutrition principles.
- Clarify that the definition of premiums pertains to toys used for the purpose of promoting restaurant meals.

**Further, data regarding the adherence of companies to self-regulation, and to the impact on food marketing to children, should be closely monitored and evaluated.**

It is imperative to monitor the impact of these guidelines, once finalized. With full company adherence, the proposed nutrition standards could significantly reduce the marketing of unhealthy foods to children, thereby addressing the obesity epidemic. However, in order to monitor progress, it is necessary to collect data on the adherence of food marketing companies to the nutrition standards, and the impact of this adherence.

Thank you for your consideration of these views. We hope that our comments will assist the Interagency Working Group on Food Marketed to Children in improving the nutritional profile of foods marketed to children. The proposed nutritional standards will help to guide industry self-regulatory efforts in food marketing, thereby helping to promote a healthier diet for America's children, and reduce high rates of childhood obesity. We look forward to the release of final recommendations on food marketing nutrition standards by the end of 2011. If you have any questions, please do not hesitate to contact our Director of Government Relations, Becky Salay, at (202) 223-9870 ext. 15, or via email at [bsalay@tfah.org](mailto:bsalay@tfah.org).

Sincerely,

Jeffrey Levi, Ph.D.  
Executive Director