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July 13, 2011

Mr. Jon Leibowitz, Chairman
Federal Trade Commission
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Dear Chairman Leibowitz:

The Ohio Grocers Association represents 700 companies across the state, from the largest chain stores to the smallest independent grocers. The retail food industry has a broad range of business interests, including consumer relations. I write today to **strongly oppose** the Interagency Working Group's (IWG) *proposed nutrition principles* for advertising and marketing to children and adolescents under age 18.

The advertising restrictions contained in **the *proposed nutrition principles* are the most bizarre and unconscionable I have seen in my 53 years in the grocery business.** The sweeping restrictions would curtail marketing of thousands of healthy food products, force dramatic changes to food packaging, undermine financial support for television shows and charitable organizations, and effectively prohibit many of the ways we reach consumers – including adults.

We all agree that obesity—especially childhood obesity—is a serious problem. However, the IWG's proposal is based on the false premise that there is an established, direct link between food advertising and childhood obesity. **There is no evidence to support this position. The FTC's own Bureau of Economics confirmed that food advertising to children has declined while obesity has been on the rise.** In addition, strangely, many of the foods affected by the proposal are lower-calorie, nutrient-dense foods that the government elsewhere has encouraged people to eat.

'Health and Wellness' is a primary driver in the food industry and will continue to be without radical government intervention. The IWG's proposal completely ignores significant advertising changes already made by the food industry. In fact, because of the industry's own commitment, the advertising landscape looks entirely different today than it did just a few years ago. Between 2002 and 2009, food and beverage companies developed and introduced to the marketplace more than 20,000 healthier product choices. During the same time, advertising to children—including ads for soft drinks, cookies, candy, snacks and frozen foods—dramatically declined. Beginning in 2006, the Council of Better Business Bureaus and leading food and beverage companies launched the *Children's Food and Beverage Advertising Initiative* (CFBAI), and developed a self-regulated mechanism to apply science-based nutrition standards to marketing viewed by children.

While the IWG's proposal would not advance the goal of reducing obesity, it would have major ramifications for many sectors of our economy. Suppliers to the food industry (ex. farmers), the food manufacturing industry, grocers and other retailers,

and those in the advertising and media industries would all be negatively impacted by the staggering scope of the restrictions. The Sensible Food Policy Coalition recently released an Economic Impact Assessment of the proposal, estimating that a 20% reduction in food and beverage advertising expenditures **could affect 74,000 jobs in 2011 alone.**

The *proposed nutrition principles* drafted by the IWG have no basis in sound-science, or even common sense. We urge you to immediately withdraw the proposal and keep over-reaching, unnecessary regulations from harming U.S. employers and our economy.

Sincerely,

Thomas S. Jackson, CAE
President & CEO

cc: Ohio Members of Congress