



**RUDD CENTER**  
**FOR FOOD POLICY  
& OBESITY**  
Yale University

Rudd Center for Food Policy and Obesity  
Yale University

309 EDWARDS STREET BOX 208369 NEW HAVEN, CT 06520-8369  
(203) 432-6700 PHONE  
(203) 432-9674 FAX

July 14, 2011

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

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

The Rudd Center fully supports the need for the Interagency Working Group on Food Marketing to Children to set strong, uniform nutrition and marketing principles to define marketing practices that will promote children's health. Current food industry self-regulatory initiatives, primarily the Children's Food and Beverage Advertising Initiative (CFBAI), have resulted in few improvements in the nutritional quality or quantity of food marketing to children and do not begin to address the extraordinarily unhealthy food marketing environment that continues to surround young people. We are also pleased to provide data to help answer specific questions raised by the Working Group regarding definitions of food marketing targeted to children.

### **Significant limitations of the current industry self-regulatory efforts**

Current food company pledges on marketing to children through the CFBAI include numerous omissions that have resulted in few reductions to children's total exposure to advertising for calorie-dense nutrient-poor foods, and thus severely limit their ability to improve children's dietary choices and health.<sup>1</sup> Adoption of the Interagency Working Group principles in place of current food industry principles will substantially address the following limitations of the CFBAI.

### **Companies have developed their own definitions of "better-for-you" foods that often do not meet guidelines for nutritious foods that positively contribute to a healthful diet for children.**

The company-designated "better-for-you" foods continue to consist primarily of heavily-processed foods with limited nutritional benefit. Although companies have made some

---

<sup>1</sup> Hawkes D. Regulating food marketing to young people worldwide: Trends and policy drivers. *American Journal of Public Health*. 2007;97(1962-1973);  
Kunkel D, McKinley C, Wright P. The impact of industry self-regulation on the nutritional quality of foods advertised on television to children. 2009: [www.childrennow.org/uploads/documents/adstudy\\_2009.pdf](http://www.childrennow.org/uploads/documents/adstudy_2009.pdf);  
Sharma LL, Teret SP, Brownell KD. The food industry and self-regulation: Standards to promote success and to avoid public health failures. *American Journal of Public Health*. 2010;100(2);  
Wilde P. Self-regulation and the response to concerns about food and beverage marketing to children in the United States. *Nutrition Reviews*. 2009;67:155-166.

improvement in levels of harmful nutrients such as sugar, saturated fat or sodium for products in their list, many would not be considered “good-for-you” by nutritionists. For instance, CFBAI-approved “better-for-you” products include snack foods such as crackers or cookies, and even beverages consisting of 100% of calories from added sugar, such as Kool-Aid. These products are often fortified with vitamins or minerals, giving the appearance of healthfulness, while failing to meaningfully contribute to one of the primary food groups. Other “better-for-you” company-approved foods include cereals that consist of as much as 40% sugar by weight, Popsicles, and canned soups with excessive sodium.<sup>2</sup> The lack of uniform nutrition criteria makes it difficult for the public to know which products are healthy and which foods children should be encouraged to consume more of through advertising targeted to them.

**The CFBAI covers only “child-directed advertising” and does not address numerous other forms of marketing also targeted to children.**

According to the FTC report on marketing expenditures, approximately one-third of food company marketing expenditures<sup>3</sup> specifically targeted to children (2-11 years) do not qualify as “child-directed advertising” and thus are not covered by most company pledges. These uncovered forms of child-targeted marketing include the majority of in-school marketing practices,<sup>4</sup> packaging/labeling, in-store marketing, events marketing, cross-promotions, athletic sponsorships, and philanthropy. In addition, many of these marketing practices are used by food companies to disproportionately target young people. Given companies’ investment in these forms of marketing, we can conclude that they are highly effective and likely to have a significant influence on children’s preferences and consumption of these products.

**Participating companies’ definitions of child-directed advertising continue to allow high levels of child exposure to advertising even in covered media.**

Television advertising comprises more than 50% of food companies’ child-targeted marketing expenses.<sup>5</sup> Using data from Nielsen, we have been tracking child exposure to television food advertising on all programming since 2002. From 2004 to 2008, there was a 12% decline in children’s total exposure to television food advertising, including substantial reductions in advertising for some of the least nutritious product categories such as candy, carbonated

---

<sup>2</sup> Council of Better Business Bureaus. BBB Children’s Food and Beverage Advertising Initiative: Food and Beverage Products that Meet Participants’ Approved Nutrition Standards. 2011 April: [www.bbb.org/us/storage/0/Shared%20Documents/April%202011.pdf](http://www.bbb.org/us/storage/0/Shared%20Documents/April%202011.pdf)

<sup>3</sup> Federal Trade Commission. Marketing Food to Children and Adolescents. A Review of Industry Expenditures, Activities, and Self-Regulation. *A report to Congress*. 2008: [www.ftc.gov](http://www.ftc.gov).

<sup>4</sup> Council of Better Business Bureaus. BBB’s Children’s Food and Beverage Advertising Initiative: Fact Sheet on the Elementary School Advertising Principles. 2009: [www.bbb.org/us/storage/0/Shared%20Documents/ESFactSheetFinalWord.pdf](http://www.bbb.org/us/storage/0/Shared%20Documents/ESFactSheetFinalWord.pdf)

<sup>5</sup> Federal Trade Commission. Marketing Food to Children and Adolescents. A Review of Industry Expenditures, Activities, and Self-Regulation. *A report to Congress*. 2008: [www.ftc.gov](http://www.ftc.gov).

beverages, sweet snacks and high-sugar cereals.<sup>6</sup> However, from 2008 to 2010, this trend was reversed, and child exposure to television food advertising increased by 9%.<sup>7</sup>

Some of this increase was due to advertising from companies that have not joined the CFBAI, including nearly all restaurants and some advertisers on children's television (e.g., Chuck E Cheese, Topps candies).<sup>8</sup> However, children also viewed additional advertising from companies that belong to the CFBAI, including manufacturers of carbonated beverages and candy who have pledged that they will not advertise any of their products to children under 12 years. Child exposure to carbonated beverage advertising increased by 70%, an even greater increase than the 57% additional carbonated beverage ads viewed by adults. These numbers suggest that companies placed their advertising on programs that are disproportionately viewed by children compared to adults. The candy category presents an even more alarming picture. From 2008 to 2010, children's exposure to candy advertising doubled, and this category became the second most-viewed type of packaged food advertising (exceeded only by cereal ads). The four candy companies that belong to the CFBAI increased their television advertising to children by 140% overall, with the biggest increases by Hershey. In spite of its pledge to refrain from advertising any of its products in child-directed media, children's exposure to television advertising for Hershey candies, including Reese's Pieces and Peanut Butter Cups, and Twizzlers, increased from 34 ads viewed per year in 2008 to 183 ads per year in 2010. Notably, this acceleration in child exposure to food advertising occurred after companies' full implementation of their CFBAI pledges.<sup>9</sup>

Child exposure to television advertising for some categories of calorie-dense nutrient-poor foods, such as sweet snacks (including cookies, ice cream, and cakes) and crackers and savory snacks, has continued to decline since its peak in 2004. At the same time, advertising exposure by adults has remained steady or increased. These findings indicate that companies can reduce child exposure to food advertising without reducing adult exposure. However, the current definitions of child-directed advertising in the CFBAI have allowed many companies to follow the letter of their pledges (i.e., not advertising in children's programming), but not the spirit of the CFBAI to improve the nutritional quality of foods advertised to children.

**Advertising to adolescents is not covered, and participating companies continue to market to this vulnerable group with no limitations.**

The public health community has raised concerns that implementation of the CFBAI may lead companies to refocus their marketing efforts from children to adolescents, and there is evidence that this has occurred. Adolescent exposure to television food marketing remained fairly constant

---

<sup>6</sup> Harris JL, Weinberg ME, Schwartz MB, Ross C, Ostroff J, Brownell KD. Trends in television food advertising: Progress in reducing unhealthy marketing to young people? 2008; [www.yaleruddcenter.org/resources/upload/docs/what/reports/RuddReport\\_TVFoodAdvertising\\_2.10.pdf](http://www.yaleruddcenter.org/resources/upload/docs/what/reports/RuddReport_TVFoodAdvertising_2.10.pdf).

<sup>7</sup> Rudd Center for Food Policy and Obesity. Trends in television food advertising to young people: 2010 update. 2010; [www.yaleruddcenter.org/resources/upload/docs/what/reports/RuddReport\\_TVFoodAdvertising\\_6.11.pdf](http://www.yaleruddcenter.org/resources/upload/docs/what/reports/RuddReport_TVFoodAdvertising_6.11.pdf)

<sup>8</sup> Kunkel D, McKinley C, Wright P. The impact of industry self-regulation on the nutritional quality of foods advertised on television to children. 2009; [www.childrennow.org/uploads/documents/adstudy\\_2009.pdf](http://www.childrennow.org/uploads/documents/adstudy_2009.pdf).

<sup>9</sup> Council of Better Business Bureaus. The Children's Food and Beverage Advertising Initiative in Action: A Report on Compliance and Implementation in 2009. 2009; [www.bbb.org/us/storage/0/Shared%20Documents/BBBwithlinks.pdf](http://www.bbb.org/us/storage/0/Shared%20Documents/BBBwithlinks.pdf)

from 2002 to 2007, and then increased by 23% from 2007 to 2010; this increase occurred during the same time that companies began to implement their CFBAI pledges on food advertising to children.<sup>10</sup> In addition, some companies, for example makers of Coca-Cola and Pop-tarts, have recently developed marketing programs specifically targeted to teens.<sup>11</sup> The recent explosion of food advertising in social and viral media, including Facebook, Twitter and YouTube, lends additional support to this concern.<sup>12</sup>

Marketing of nutritionally-poor products to adolescents likely contributes to poor diet and high rates of obesity among this age group. Young people from ages 12 to 17 are highly skeptical of traditional advertising and understand its intent.<sup>13</sup> However, they remain highly influenced by the marketing techniques commonly used by food companies,<sup>14</sup> especially when those techniques exploit their unique developmental vulnerabilities such as fitting in with their peers (e.g., social media and viral marketing) and being cool (e.g., music and extreme sporting events, mobile applications), and when they persuade covertly in ways that are not automatically recognized as advertising (e.g., sponsorships, product placements, “liking” a product on Facebook).<sup>15</sup> In addition, when the advertised products are highly appealing, but damaging to their health, adolescents lack the self-regulatory abilities to forgo the immediate rewards of consumption in return for the long-term benefits to their health.<sup>16</sup> Of note, the CFBAI has also defined tweens (i.e., 12- to 14-year-olds) as adolescents, even though marketers have identified this group as a key target market because they are more susceptible to marketing appeals than older adolescents.<sup>17</sup>

---

<sup>10</sup> Rudd Center for Food Policy and Obesity. Trends in television food advertising to young people: 2010 update. 2010: [www.yaleruddcenter.org/resources/upload/docs/what/reports/RuddReport\\_TVFoodAdvertising\\_6.11.pdf](http://www.yaleruddcenter.org/resources/upload/docs/what/reports/RuddReport_TVFoodAdvertising_6.11.pdf).

<sup>11</sup> Kellogg. Pop-Tarts Front Row. 2011: [teens.poptarts.com/Event.aspx/List](http://teens.poptarts.com/Event.aspx/List).

Mobile Marketer. Coca-Cola kickstarts summer season via interactive mobile. 2011, June 22: [www.mobilemarketer.com/cms/news/advertising/10275.html](http://www.mobilemarketer.com/cms/news/advertising/10275.html);

Mobile Marketer. Fanta sponsors Jenga app to drive brand awareness among teenagers. 2011, June 28: [www.mobilemarketer.com/cms/news/gaming/10330.html](http://www.mobilemarketer.com/cms/news/gaming/10330.html);

<sup>12</sup> Association of National Advertisers. New ASNA/B2B study: Marketers embrace newer media platforms. Press release. 2009: [www.ana.net/content/show/id/557](http://www.ana.net/content/show/id/557).

Lenhart A, Purcell K, Smith A, Zickuhr K. Social media and young adults. Pew Internet and American Life Project. 2010: [www.pewinternet.org/Reports/2010/Social-Media-and-Young-Adults.aspx](http://www.pewinternet.org/Reports/2010/Social-Media-and-Young-Adults.aspx).

<sup>13</sup> Boush DM, Friestad M, Rose GM. Adolescent skepticism toward TV advertising and knowledge of advertising tactics. *Journal of Consumer Research* 1994;21:165-175.

<sup>14</sup> Pechmann C, Levine L, Loughlin S, Leslie F. Impulsive and self-conscious: Adolescents' vulnerability to advertising and promotion. *Journal of Public Policy and Marketing*. 2005;24(2):202-221.

<sup>15</sup> Harris JL, Brownell KD, Bargh JA. The food marketing defense model: Integrating psychological research to protect youth and inform public policy. *Social Issues and Policy Review*. 2009;3:211-271.

<sup>16</sup> Pechmann C, Levine L, Loughlin S, Leslie F. Impulsive and self-conscious: Adolescents' vulnerability to advertising and promotion. *Journal of Public Policy and Marketing*. 2005;24(2):202-221.

<sup>17</sup> DeMesa A. Marketing and tweens. *Business Week*. 2005, Oct. 12.

Kennedy DG. Coming of age in consumerdom. *American Demographics*. 2004; 14.

Loechner J. Brand equity ages with age. Media Post, Research Brief. 2011, Jan 11:

[www.mediapost.com/publications/?fa=Articles.showArticle&art\\_aid=142161&passFuseAction=PublicationsSearch.showSearchReslts&art\\_searched=tweens&page\\_number=0](http://www.mediapost.com/publications/?fa=Articles.showArticle&art_aid=142161&passFuseAction=PublicationsSearch.showSearchReslts&art_searched=tweens&page_number=0)

## **Information regarding specific questions raised by the Working Group**

**23) We support the application of nutritional principles to marketing techniques that disproportionately focus on adolescents. In addition to in-school marketing and social media, we also recommend adding cross-promotion licenses, event marketing, and cause-related marketing to the list of adolescent-focused marketing techniques.**

In-school marketing, by definition, is disproportionately viewed by children and adolescents and thus targeted to them. In addition, adolescents' use of social media, especially Facebook, indicates that marketing in these venues reach a vast youth audience. For example, 73% of online teens are members of a social networking site, compared to 47% of online adults;<sup>18</sup> According to Consumer Reports, 20 million young people (under 18 years) actively used a Facebook account in the past year.<sup>19</sup> Although not technically allowed to join Facebook, 5 million Facebook users were younger than 13;<sup>20</sup> 37% of 10- to 12-year-olds have a Facebook account.<sup>21</sup> As of May, 2009, 29% of teens had added a brand to their online network;<sup>22</sup> since then, the promotion of food brands on Facebook has skyrocketed. Food companies comprise one-half of the top 20 brands on Facebook, including Coca-Cola (#1), Starbucks (#3), Oreo (#4), Red Bull (#5), Skittles (#8), and Pringles (11), with 10 million or more fans.<sup>23</sup> Coca-Cola, the eleventh most popular page on all of Facebook, has over 31 million fans.<sup>24</sup>

Food and beverage advertisers with the most sophisticated Facebook pages promote high levels of interaction between their brand and fans, encouraging fans to participate in polls, watch and upload videos, take part in contests (which frequently involve the completion of tasks, such as taking a photo with the food or beverage in hand and posting it to the brand's wall), send virtual gifts to friends, and even vote on new flavors for products. These interactions are each recorded on the fan's wall and visible to their friends. Furthermore, these interactions may be picked up by friends' news feeds and promoted on their friends' Facebook home pages.

As mentioned, these viral forms of marketing are likely to be most effective at influencing adolescent consumers who are more susceptible to peer influence and highly motivated to fit in with their peers.<sup>25</sup> Although skeptical of traditional forms of marketing, through Facebook and

---

<sup>18</sup> Lenhart A, Purcell K, Smith A, Zickuhr K. Social Media and Young Adults. Pew Internet & American Life Project. 2010: [www.pewinternet.org/Reports/2010/Social-Media-and-Young-Adults.aspx](http://www.pewinternet.org/Reports/2010/Social-Media-and-Young-Adults.aspx).

<sup>19</sup> Consumer Reports. That Facebook friend might be 10 years old, and other troubling news. 2011, June: [www.consumerreports.org/cro/magazine-archive/2011/june/electronics-computers/state-of-the-net/facebook-concerns/index.htm](http://www.consumerreports.org/cro/magazine-archive/2011/june/electronics-computers/state-of-the-net/facebook-concerns/index.htm)

<sup>20</sup> *Ibid.*

<sup>21</sup> Pieters A, Krupin C. Youth Online Behavior Study for McAfee. Harris Interactive. 2010: [safekids.com/mcafee\\_harris.pdf](http://safekids.com/mcafee_harris.pdf)

Pieters et al. 2010

<sup>22</sup> Fuse Network. Fuse's Teen Advertising Study. 2009 Spring: [www.fusemarketing.com/pdfs/Fuse\\_UMASS\\_Teen\\_Advertising\\_Study.pdf](http://www.fusemarketing.com/pdfs/Fuse_UMASS_Teen_Advertising_Study.pdf)

<sup>23</sup> TheNextWeb.com. Meet the top 20 brands on Facebook. 2011, July 4: [www.thenextweb.com/socialmedia/2011/07/04/meet-the-top-20-brands-on-facebook/](http://www.thenextweb.com/socialmedia/2011/07/04/meet-the-top-20-brands-on-facebook/)

<sup>24</sup> *Ibid.*

<sup>25</sup> Clasen DR, Brown BB. The multidimensionality of peer pressure in adolescence. *Journal of Youth and Adolescence*. 1985; 14(6): 451-468.

other social media, adolescents and even younger children are becoming unwitting marketers and enable companies to exponentially extend the reach of their advertising campaigns.

Additional forms of marketing, including cross-promotions, event marketing, and cause-related marketing are also disproportionately targeted to young people and should be included in the list of adolescent-focused marketing techniques. According to the FTC report on food marketing, expenditures targeted to youth (ages 2-17) comprise just 27% of total marketing expenditures, yet they represent 94% of cross-promotion licenses, 67% of philanthropy (i.e., cause-related marketing), and 66% of events marketing.<sup>26</sup> Most of this spending was by companies marketing some of the least nutritious products. For example, carbonated beverages used events marketing the most (65% of spending on youth-targeted events) and restaurants spent the most on cause-related marketing (55% of youth-targeted philanthropy spending).<sup>27</sup> In addition, 73% of spending on youth-targeted cross-promotion licenses promoted restaurant foods, breakfast cereals, and snack foods.<sup>28</sup>

As companies increasingly move toward integrated marketing campaigns that present the same message in all forms of media, these adolescent-targeted marketing techniques are also heavily promoted in television and radio advertising, company websites, and third-party internet ads.<sup>29</sup> As a result, promotion of techniques such as social media, events marketing, and cause-related marketing on other media should also be subject to the nutritional principles.

#### **24) The FTC criteria used to identify food marketing directed to children and adolescents covers virtually all promotional activities currently targeted to these groups.**

In the course of our research on food marketing practices targeted to youth, we have not identified any common practices that are not included in these criteria. However, the use of a few non-traditional marketing practices has grown exponentially in the past few years and/or is forecasted to grow in the future, including social media (especially Facebook, Twitter and YouTube)<sup>30</sup> and mobile marketing (especially mobile applications and websites).<sup>31</sup> We

---

Pechmann C, Levine L, Loughlin S, Leslie F. Impulsive and self-conscious: Adolescents' vulnerability to advertising and promotion. *Journal of Public Policy and Marketing*. 2005;24(2):202-221;

Rubin KH, Bukowski W, Parker JG. Peer interactions, relationships and groups. In W Damon & N Eisenberg (Eds), *Handbook of Child Psychology*, 5<sup>th</sup> Edition. 2005: 619-700.

Steinberg L. Risk taking in adolescence: New perspectives from brain and behavioral science. *Current Directions in Psychological Science*, 2007;16(2):55-59.

<sup>26</sup> Federal Trade Commission. Marketing Food to Children and Adolescents. A Review of Industry Expenditures, Activities, and Self-Regulation. *A report to Congress* 2008; [www.ftc.gov](http://www.ftc.gov).

<sup>27</sup> *Ibid.*

<sup>28</sup> *Ibid.*

<sup>29</sup> Kitchen PJ, Kim I, Schultz DE. Integrated marketing communications: Practice leads theory. *Journal of Advertising Research*. 2008;48(4):531-546.

<sup>30</sup> Association of National Advertisers. New ASNA/B2B study: Marketers embrace newer media platforms. Press release. 2009; [www.ana.net/content/show/id/557](http://www.ana.net/content/show/id/557).

Lenhart A, Purcell K, Smith A, Zickuhr K. Social media and young adults. Pew Internet and American Life Project. 2010; [www.pewinternet.org/Reports/2010/Social-Media-and-Young-Adults.aspx](http://www.pewinternet.org/Reports/2010/Social-Media-and-Young-Adults.aspx).

<sup>31</sup> The Nielsen Company. How teens use media: A Nielsen report on the myths and realities of teen media trends. 2009, June; [blog.nielsen.com/nielsenwire/reports/nielsen\\_howteensusemedia\\_june09.pdf](http://blog.nielsen.com/nielsenwire/reports/nielsen_howteensusemedia_june09.pdf).

recommend that these forms of marketing should be listed as separate marketing techniques and specifically monitored.

In addition, the list of food marketing techniques must be continually monitored and updated as companies identify new techniques that appeal to young people. For example, a technique called “crowd-sourcing,” or involving consumers in companies’ marketing plans, has recently been introduced in some large-scale campaigns, including Mountain Dew’s campaign to allow consumers to choose their next flavor (“Dewmocracy”<sup>32</sup>), or Pepsi’s marketing to ask individuals to vote on the community groups who will receive funding through their “PepsiRefresh”<sup>33</sup> campaign.

**25) A child audience share as low as 20% will capture a greater share of children’s exposure to TV food advertising than current food company definitions and will not affect marketing directed primarily to adults.**

The Rudd Center conducted an analysis of alternative criteria to define child-targeted programming to determine the percentage of telecasts affected and advertisements viewed by different age groups (see Table 1). This analysis used data from Nielsen on program audience ratings and gross ratings point (GRP) data for child exposure to food advertising in 2009. As shown, the criterion proposed by the Working Group (i.e., 30% of audience comprised of children ages 2-11) affects just 6.5% of all television programs and covers 45% or more of food advertising viewed by children, but just 5% of ads viewed by adults. Even more restrictive criteria (i.e., 20% of audience) would affect just 7.5% of food ads viewed by adults.

Table 1. Alternative audience composition criteria for child-directed television programs

Criterion for child-directed programs*	% of telecasts	% of food advertisements viewed		
		Preschoolers (ages 2-5)	Children (ages 6-11)	Adults (ages 18-49)
50% of audience	4.5%	43.0%	38.9%	4.1%
30% of audience	6.5%	48.5%	45.6%	5.2%
20% of audience	7.6%	52.6%	52.1%	7.5%

\* Children, ages 2-11, as % of total audience in 2009

© The Nielsen Company

**26) Audience percentages of measured media provide specific, easy-to-measure criteria to define youth-targeted television, print and Internet media; however, additional criteria are needed to substantially reduce total youth exposure to these media.**

As presented above and also documented in a report by the FTC,<sup>34</sup> approximately one-half of all television food ads seen by children appear on children’s programming; therefore, audience percentage measures do not adequately protect children from exposure to advertising for

<sup>32</sup> PepsiCo. Dewmocracy. 2010: www.dewmocracy.com

<sup>33</sup> PepsiCo. Pepsi Refresh Project. 2011: www.refresheverything.com

<sup>34</sup> Federal Trade Commission. Children's Exposure to TV Advertising in 1977 and 2004. Bureau of Economics Staff Report. 2007:www.ftc.gov.



nutritionally-poor foods. In addition, tighter restrictions on advertising on children’s programming may lead to increased advertising on general-audience programming viewed by large numbers of children. This prediction is supported by 70 to 98% increases in television advertising viewed by children for carbonated beverages and candy from 2008 to 2010, during the same time that most manufacturers of these two product categories eliminated their advertising on children’s television.

The proposed audience percentage measure requirements are also unlikely to reduce child exposure to advertising in at least one additional medium: the internet. A recent analysis by the Rudd Center of websites that contain child-targeted advergimes found just six sites that met the proposed child-targeted criterion (i.e., 20% of more of visitors to the site were children ages 2-11, see Table 2).<sup>35</sup> As a result, the majority of existing websites that contain child-targeted content would not be covered by the proposed requirements. These findings also reflect the less-sophisticated audience measures available for newer media as compared to television. For example, measures of visitors to websites do not reflect children who might be viewing with their parents. In addition, they include viewers who may be visiting other adult-targeted sections of the company websites (e.g., “information for parents”). There are no publicly available sources to monitor traffic to individual pages or individual sections (e.g., child- vs. adult-targeted sections) of company websites.

Table 2. Child audience composition of top ten food company websites\*

Website	Children (ages 2-11) % of unique viewers
PFGoldfish.com	35%
McWorld.com	33%
HappyMeal.com	29%
FrootLoops.com	25%
AppleJacks.com	23%
CornPops.com	21%
ClubBK.com	19%
ReesesPuffs.com	18%
Millsberry.com	18%
Postopia.com	17%

\* Ranked by children, ages 2-11, as % of total audience (2+ years) in 2009

© comScore, MediaMetrix report

Measurement of food advertising by radio audience composition is also problematic. Although some radio stations do track the number of child listeners to their stations through Arbitron, these numbers are not available in most markets. As a result, we have not identified a reliable outside source to provide radio advertising exposure data for children.

Due to the difficulty of obtaining audience measurement data for many of the most-widely used media (except television), as well as the possibility that companies may increase their child-targeted marketing placed in general audience media with large child audiences, we propose that

<sup>35</sup> Harris JL, Speers SA, Schwartz MB, Brownell KD. Food company-sponsored advergimes on the internet: Children’s exposure and effects on food consumption. 2011: manuscript under review.



additional criteria are needed to effectively protect children from exposure to marketing for foods that do not meet the Working Group's nutritional principles. For example, the Rudd Center analysis on alternative criteria to define child-targeted media found that including an audience size measure (i.e., programming with 100,000 or more child viewers) as well as the 20% child audience composition measure, increased the number of food advertisements covered to 70% for children and just 34% for adults. In addition, the "subjective" criteria used to define child-targeted marketing presented in the FTC marketing expenditures report should be applied to all forms of marketing to supplement audience measurement criteria. These criteria include child-oriented animated or licensed characters; celebrity endorsers highly popular with children; language or actors indicating that the marketing is intended for children; child-oriented themes, activities, incentives, products or media; child-oriented premiums; industry ratings (e.g., video games, movies); and other marketing programs/events that actively seek the participation or attendance of children.

**27) The "subjective" criteria outlined in the FTC 2008 Food Marketing Report cover nearly all forms of child-targeted marketing.**

The one exception we would like to note is the definition of child-targeted movies. Most child-targeted movies now receive a PG rating, for example the upcoming "Smurfs" movie;<sup>36</sup> therefore, product placements in PG-rated movies should also be subject to the Working Group nutritional principles. In addition, these criteria should be regularly reviewed and updated to ensure that they include the newest techniques used by food marketers to reach children. We also propose that the term "subjective" is not the best way to describe these criteria. Numerous publications have used criteria such as these to quantitatively assess the incidence of child-targeted food marketing.<sup>37</sup> These could be described more accurately as child-targeted marketing techniques.

**30) The proposed nutrition and marketing principles would be implemented voluntarily by the food companies; therefore, they do not raise commercial speech or First Amendment concerns.**

Thank you for the opportunity to submit these comments for the substantial contribution of the Working Group to develop marketing principles to define food marketing practices targeted to children and adolescents.

---

<sup>36</sup> Sony Pictures. The Smurfs. 2011: [www.smurfhappens.com](http://www.smurfhappens.com)

<sup>37</sup> For example, Harris JL, Schwartz MB, Brownell KD, et al. Cereal FACTS: Evaluating the nutrition quality and marketing of children's cereals. 2009; [http://www.cerealfacts.org/media/Cereal\\_FACTS\\_Report.pdf](http://www.cerealfacts.org/media/Cereal_FACTS_Report.pdf);  
Harris JL, Schwartz MB, Brownell KD. Marketing foods to children and adolescents: Licensed characters and other promotions on packaged foods in the supermarket. *Public Health Nutrition*, 2010; 13(3): 409-417;  
Harris JL, Brownell KD, Schwartz MB. Fast Food FACTS: Evaluation of the nutritional quality and marketing of fast food to youth. 2010; [www.fastfoodfacts.org](http://www.fastfoodfacts.org).

Sincerely,

Jennifer L. Harris, PhD, MBA  
Director of Marketing Initiatives

Jennifer L. Pomeranz, JD, MPH  
Director of Legal Initiatives

Marlene B. Schwartz, PhD  
Deputy Director

Kelly D Brownell, PhD  
Director