



*Before the*  
FEDERAL TRADE COMMISSION  
Washington, DC 20580

**In the Matter of** )  
)  
**Interagency Working Group on Food Marketed** ) **FTC Project No. P094513**  
**to Children: General Comments and Proposed** )  
**Marketing Definitions** )

**COMMENTS OF COMMON SENSE MEDIA**

These comments are submitted by Common Sense Media, one of the nation’s leading nonprofit organizations dedicated to promoting healthy media for kids, giving families a choice and a voice about the media they consume, creating digital media literacy and citizenship education tools, and building awareness about how media impacts the physical, emotional, social, and cognitive well-being of our nation’s children. Our work promoting healthy media for kids includes encouraging the marketing of healthy foods and experiences – and combatting the marketing of unhealthy foods and experiences – to kids.

Given the explosion of obesity rates in our nation’s children, Common Sense Media applauds the Interagency Working Group’s efforts to improve the nutritional profile of foods marketed to children ages 2-17 and to use digital marketing and advertising to support healthy food choices. As a member of the bipartisan Task Force on Media and Childhood Obesity initiated in 2007 by leaders of the U.S. Senate and the Federal Communications Commission, we know that the proposals of the Interagency Working Group are extremely important – and directly connected to the “Solving the Problem of Childhood Obesity Within a Generation” action plan announced last year by the White House. The Interagency Working Group's proposals to advance current voluntary industry efforts will not be enough to solve childhood obesity, but they are the very least that our nation should do to begin solving the problem.

Advertising and marketing have changed significantly in the five years since the Federal Trade Commission conducted its 2006 analysis of food and beverage marketing to children and teens. Most importantly, social networking websites and mobile technology have revolutionized the way that children interact with media and how advertisers target them – largely out of sight and control of their parents.

This constantly evolving media landscape requires an updated and full definition of what qualifies as marketing to children, as well as action on the part of industry, policymakers, and parents to make education about advertising and digital literacy a priority for our nation’s schools.

In response to the Interagency Working Group’s proposed principles, Common Sense Media’s comments address the marketing topics outlined in questions 23 through 28 and highlight key areas where additional measures should be taken, especially for children and teens.

## **CRITERIA FOR FOOD MARKETING**

Traditional media is still an important part of this discussion, because children and teens still watch a lot of television and see far too many advertisements for unhealthy foods. However, it is also crucial to recognize how social media has exploded in the last five years, making the FTC's 2006 definition of marketing targeted to children and teens out of date.

Companies spent more than \$2 billion in social media ad spending in 2010, and that number is expected to hit \$8.3 billion by 2015.<sup>i</sup> Many of these ads are clearly aimed at – and reach – kids and teens: As of 2009, 93% of teens went online, and 73% of those teens used social networking sites.<sup>ii</sup> As the largest social network, Facebook alone claimed nearly one third of Internet display ad views in the first quarter of 2011.<sup>iii</sup>

Social media marketing is diverse and dynamic. Facebook recently introduced “sponsored stories,” which turn users’ updates into ads.<sup>iv</sup> This development builds on the site’s “social ads,” which use the “likes” and images of users – including those under age 18 – in marketing on the network.<sup>v</sup>

In addition to display ads, companies are leveraging celebrity spokespeople and the direct, ongoing contact they have with fans on social networking sites to market their products. Recent examples of popular figures marketing unhealthy and even potentially dangerous products through social networking include:

- Kim Kardashian promoting QuickTrim diet pills on Facebook (where she has more than 5.5 million followers), Twitter (more than 7.5 million followers),<sup>vi</sup> and her blog
- Snoop Dogg promoting Blast by Colt 45, a fruit-flavored, brightly colored malt liquor drink on Facebook (more than 10 million followers), Twitter (more than 3.5 million followers),<sup>vii</sup> and YouTube<sup>viii</sup>

To address this rapidly expanding and evolving landscape, the Working Group cannot simply adopt the FTC's five-year-old definition. It must modernize and include marketing through social networking sites, especially through celebrity spokespeople who have widespread appeal with kids and teens.

Moreover, it is essential that the definitions of online marketing apply across platforms – especially to mobile devices and applications, as cell phones become ubiquitous<sup>ix</sup> and smartphones become more popular.<sup>x</sup> This is particularly important for minority youth, who spend significantly more time using mobile platforms than white youth – on average, from 1.5 to 1.75 hours more.<sup>xi</sup> These definitions also must continue to evolve to reflect future developments in advertising and marketing.

## **PRIVACY PROTECTIONS**

Social media marketing bypasses parents and leverages personal information that users have included in their profiles and updates. It therefore deserves special attention from the Working Group, especially because this mix may violate the intent of the Children's Online Privacy Protection Act: to help parents maintain their traditional role as gatekeepers of information that is collected from and about their children online, and retain control of how that information is

used. This is especially true in light of *Consumer Reports*' recent finding that 7.5 million Facebook users are under the age of 13 – and 5 million are under the age of 10.<sup>xii</sup>

Moreover, advertising and marketing – especially online and through mobile phones and devices – raise important questions about online privacy. Any government regulation or industry self-regulation regarding marketing to children and teens should include measures to prevent the tracking and abuse of private, personal information. As we highlighted in our comments on the FTC's 2010 report *Protecting Consumer Privacy in an Era of Rapid Change*:

As a nation, we have long recognized that children are not ready to make the same kinds of decisions that adults are ... It is widely recognized that children, especially at younger ages, cannot really distinguish between content and advertising. That is why Congress established limits decades ago on TV advertisers targeting kids. We need similar rules in the online world.

Tracking of private, personal information – potentially including geolocation information – for behavioral marketing and advertising purposes is neither safe nor sensible when applied to kids. We would not allow companies to track every step a kid takes in the offline world, and we shouldn't allow it online, either. In fact, some types of behavioral marketing to children – because of the lack of informed consent from children or parents – seem to clearly fit the definition of unfair and deceptive trade practices.<sup>xiii</sup>

## EDUCATION

A full and current definition of marketing and increased online privacy protections are crucial to any effective policies on marketing to kids and teens, but we also have an urgent need for more and better education – for parents, kids, and teachers. Our dynamic digital world requires new comprehension skills, especially as the line between content and advertising in online and mobile spaces continues to blur. As the American Academy of Pediatrics suggests, media education programs are a key element of mitigating the effects of advertising and media on children's and teens' body weight.<sup>xiv</sup> Digital media literacy should be a priority for parents, educators, industry, and policymakers.

Common Sense Media's parent media education program has simple but essential media literacy information, which helps parents understand the potential developmental impact of media on kids and make smart choices about media in their kids' lives. Recent examples include parent tips and videos like:

- *Junk Food Ads Tips* (in English and Spanish)<sup>xv</sup>
- *Celebrity Role Models*<sup>xvi</sup>
- *Girls (and Boys) and Body Image Tips*<sup>xvii</sup>

Informing parents is crucial; so is educating kids themselves. Advertising and digital literacy programs like the FTC's Admongo initiative help children and teens recognize and understand advertising and make more informed and healthier decisions. In addition, Common Sense Media has free digital literacy and citizenship curriculum tools for K-12 students<sup>xviii</sup> and educators that are now in 15,000 schools, and other education groups are developing similar resources.

Parents, educators, advocates, and industry must work together to ensure that our nation's children have access to this sort of information and are prepared to make smart choices – about healthy food and also about food marketing.

## CONCLUSION

Common Sense Media applauds the creation of uniform nutrition and marketing principles to improve children's diets and health. We urge the Interagency Working Group to ensure the effectiveness of these principles by recognizing the current – and constantly changing – state of marketing to kids and teens. The principles must:

- Take social media marketing into account
- Apply across all media platforms
- Respect and protect kids' and teens' privacy
- Promote education on advertising and digital literacy

There are many things that parents can do to help their children eat well and make informed, healthy decisions. But with the rise of digital advertising – especially in social media – parents' traditional role as gatekeeper is often weakened by the deluge of marketing aimed at kids and teens. Policymakers must stand up for parents and push industry to continue improving its self-regulatory framework.

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<sup>i</sup> BIA/Kelsey, May 2011. [http://www.biakelsey.com/Company/Press-Releases/110502-Social-Media-Ad-Spending-to-Reach-\\$8.3-Billion-in-2015.asp](http://www.biakelsey.com/Company/Press-Releases/110502-Social-Media-Ad-Spending-to-Reach-$8.3-Billion-in-2015.asp)

<sup>ii</sup> Lenhart et al., *Social Media and Young Adults*, Pew Internet and American Life Project, February 2010. <http://pewinternet.org/Reports/2010/Social-Media-and-Young-Adults/Summary-of-Findings.aspx>

<sup>iii</sup> comScore, May 2011. [http://www.comscore.com/Press\\_Events/Press\\_Releases/2011/5/U.S. Online Display Advertising Market Delivers 1.1 Trillion Impressions in Q1 2011](http://www.comscore.com/Press_Events/Press_Releases/2011/5/U.S._Online_Display_Advertising_Market_Delivers_1.1_Trillion_Impressions_in_Q1_2011)

<sup>iv</sup> Morrissey, Brian, "Facebook Launches 'Social Stories,'" Adweek, January 25, 2011.

<http://www.adweek.com/news/technology/facebook-launches-sponsored-stories-125531>

<sup>v</sup> Weidlich, Thom, "Facebook Sued Over Social Ads Using Minors as Endorsers Without Permission," Bloomberg, May 2, 2011. <http://www.bloomberg.com/news/2011-05-02/facebook-sued-over-social-ads-using-minors-as-endorsers-without-permission.html>

<sup>vi</sup> Followers on June 5, 2011.

<sup>vii</sup> Followers on June 5, 2011.

<sup>viii</sup> Newman, Andrew Adam, "A Line of Brews Draws a Star Endorser, and Critics," New York Times, April 17, 2011.

<http://www.nytimes.com/2011/04/18/business/media/18adco.html>

<sup>ix</sup> "As of September 2009, 75% of American teens ages 12-17 [had] a cell phone, a number that has steadily increased from 45% of teens in November 2004." Lenhart et al., *Teens and Mobile Phones*, Pew Internet and American Life Project, April 2010. <http://pewinternet.org/Reports/2010/Teens-and-Mobile-Phones/Chapter-1/Overview.aspx>

<sup>x</sup> Entner, Roger, "Smartphones to Overtake Feature Phones in U.S. by 2011," Nielsen, March 2010.

<http://blog.nielsen.com/nielsenwire/consumer/smartphones-to-overtake-feature-phones-in-u-s-by-2011/>

<sup>xi</sup> Rideout et al., *Children, Media, and Race*, Northwestern University, June 2011.

<sup>xii</sup> Consumer Reports, State of the Net Survey, June 2011. <http://www.consumerreports.org/cro/magazine-archive/2011/june/electronics-computers/state-of-the-net/facebook-concerns/index.htm>

<sup>xiii</sup> <http://ftc.gov/os/comments/privacyreportframework/00457-57995.pdf>

<sup>xiv</sup> Strasburger, Victor C., "Policy Statement—Children, Adolescents, Obesity, and the Media," *Pediatrics*, July 1, 2011.

<sup>xv</sup> <http://www.common sense.org/advice-for-parents/junk-food-ads-tips>

<sup>xvi</sup> <http://www.common sense.org/advice-for-parents/celebrity-role-models>

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<sup>xvii</sup> <http://www.commonsense.org/advice-for-parents/girls-and-body-image-tips> and

<http://www.commonsense.org/advice-for-parents/boys-and-body-image-tips>

<sup>xviii</sup> [www.commonsense.org/educators](http://www.commonsense.org/educators)