



July 14, 2011

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

Dear Secretary Vilsack, Chairman Leibowitz, Director Frieden, and Commissioner Hamburg:

We appreciate all of the work the Interagency Working Group on Food Marketed to Children has put into the Proposed Nutrition Principles and Marketing Definitions and reiterate the importance of such principles given the critical role of marketing on behavior and choices.

Given that the principles are voluntary guidance and are not mandatory, it is critical that the Interagency Working Group ensure that final principles are as robust as possible. While concerns from food industry are certainly expected due to the fact that many food products heavily marketed to children would not comply with these nutrition standards, it is critical that final guidance reflect true nutrition science with regard to foods that contribute to healthy diets in children. The rapidly increasing rates of childhood obesity and related chronic disease such as type II diabetes in children require that all sectors of society are involved in creating healthier environments for all children. It is ultimately the role of government to ensure equity in opportunities to achieve the best health outcomes possible. For many children, high levels of media consumption are part of daily life; the quality and length of life for these children should not be compromised as a result.

In considering these proposed principles and definitions, we wish to highlight the recent research indicating the racial and ethnic disparities in children's exposure to media, and the link between marketing targeted at Blacks and Latinos and the inequitable rates of obesity, overweight and chronic disease among Black and Latino populations. According to this research, significantly more time was spent consuming television, DVDs, mobile and online viewing through cell phones and computers, and video games by Black, Asian and Latino children ages 8-18 years, when compared with white children of the same ages. While the average amount of total media exposure is less than 9 hours in a typical day for white children, Black, Asian and Latino children average 13 hours of total media exposure in a typical day.¹

Given this critical need for improvements in the kinds of foods marketed to children and teens, we recommend the following changes to clarify and strengthen the principles:

- If possible, revise the suggested timeframe for implementation of the proposed nutrition principles to two-years, with a five-year timeframe for implementation of the final sodium standards. If this is not possible, the suggested timeframe for implementation should not be extended beyond five years. Extending this time period does not protect the generation of children who are already exposed to this marketing.

- We agree with Option 2 for Principle A, which bases the criteria for nutrient contributions to the diet on the proportion of the specified food groups. However, the calorie reference level should be adjusted downward from 2,000 calories, given that this is higher than the current daily recommended calories for most children. Additionally, there should be overall calorie limits, based on the critical role that overall calorie balance has in improving the health of Americans according to the Dietary Guidelines.
- With regard to the Nutrients to Limit (principle B), we strongly agree with focusing on added sugars rather than total sugars. However, we feel that the calculations used to determine the proposed limit for added sugars should be both age appropriate and better aligned with the 2010 DGA. Given that the 2,000 calorie diet is not applicable to most children, we propose a limit of 8 grams of sugar per serving for children age 2-11 and 11 grams of sugar per serving for children age 12-17. We strongly support the target of 0g of trans fat, based on our experiences eliminating trans fat from food prepared for retail sale in the City of Boston.

We support the IWG's comprehensive view of marketing to children and its proposal to define child-directed marketing according to the existing definitions developed by the FTC for its expenditures studies (Marketing Food to Children and Adolescents: A Review of Industry Expenditures, Activities, and Self Regulation, Appendix B), with a few exceptions. However, we strongly recommend that the IWG adapt those to develop a set of clearly-stated model definitions that could be easily adopted by companies and incorporated, as is, into company marketing policies. This would make it easier for companies to apply the definitions and would increase consistency between company marketing policies.

- In response to the question about brand advertising, we believe that the IWG should provide a clear definition of brand advertising and require brand marketing to meet IWG nutrition principles in a comprehensive way; perhaps a certain percentage of the brand product line must comply with the standards, proportional to the amount of advertising dollars targeted to children. Many marketing efforts aimed at children do not promote individual products, but instead promote a line of products, one brand within a company, or a whole company.
- While we recognize the value in focusing particularly on the foods most heavily marketed to children, there would be an added value to including all products marketed to children, since many of the examples given of foods that do not fit into the heavily marketed to children categories are foods which are heavily consumed by children, are unhealthy, and are marketed to children in a variety of ways.
- With regard to children's meals at restaurants, since these items are generally listed as complete meals or combination meals, the guidelines should be applied such that each full meal should meet the nutrition principles outlined in the report, so that they include the minimum food group nutrient standards without exceeding the maximums for nutrients to limit. Based on research on children's nutrition behavior choices, there should also be guidance around what the default components of the meal are with regard to versions of combination meals included in marketing and advertising. For instance, recent media coverage of the *Healthful Kids Meal* initiative indicated that IHOP had substituted fruit for fries as the default kids meal choice, yielding an increased consumption of the fruit choice in IHOP restaurants.ⁱⁱ

Based on the important role that media consumption plays in the lives of older children and teenagers:

- We strongly support the IWG's proposal to fully apply the nutrition principles to all marketing approaches aimed at children ages 2-17. Research shows that teens also are uniquely vulnerable to food marketing and are aggressively targeted by food marketers. We recommend that IWG not apply the guidelines to a smaller set of media for adolescents. In doing so, it would reduce the potential impact of these guidelines and continue to put older children and teens at risk; these young consumers are at particular risk because unlike younger children, they may have more disposable income and can make more autonomous choices.
- When determining the final minimum audience share targeted to children to which the standards apply, we ask you to ensure that PG-rated movies and family TV shows (ie *American Idol*) are included, and that they are included in the definitions of product placements, TV commercials and movie advertising. Many TV shows and movies, particularly PG-rated movies, which are not explicitly for children, have high youth viewership; many are in fact intended for children and teens if not explicitly marketed as such.

Finally, we encourage the IWG to take a particular look at the differential impacts of food marketing to Black and Latino children, given their demonstrated higher rates of media consumption, the presence of marketing targeted directly at them, and the racial disparities in obesity, overweight and associated chronic disease. Similar to trends across the country, Black and Latino youth in the City of Boston have significantly higher rates of obesity and overweight compared with their white peers, and these racial and ethnic inequities persist into adulthood.ⁱⁱⁱ Research has demonstrated that marketing of unhealthy foods is often targeted at Black and Latino populations, thus creating an opportunity for the IWG to address the ways that food companies market unhealthy foods to Black and Latino children.^{iv}

We urge the IWG to address the above issues and look forward to the release of the final recommendations by the end of 2011. We also urge the IWG to review and update the nutrition principles and marketing definitions every five years, given the changing nature of the media landscape and food environment for children. As the Institute of Medicine and numerous researchers have demonstrated, marketing to children influences their food preferences, purchases, and ultimately what they eat. Right now, their environment is filled with marketing for unhealthy foods. We hope our nation's food marketers will make children's health a priority and adopt these voluntary principles.

Sincerely,

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ⁱ Center on Media and Human Development. *Children, media and race: media use among white, black, Hispanic, and asian American children*. Northwestern University; June 2011

ⁱⁱ Jalonick, MC. Chain restaurants will make kids menus healthier. *Associated Press*. July 13, 2011

ⁱⁱⁱ Boston Public Health Commission. Health of Boston 2010. Retrieved from:
<http://www.bphc.org/about/research/hob2010/Forms%20%20Documents/Health%20of%20Boston%202010%20Full%20Report%20Rev16Nov10.pdf>

^{iv} Grier, Sonya A., and Shiriki K. Kumanyika. "The Context for Choice: Health Implications of Targeted Food and Beverage Marketing to African Americans." *American Journal of Public Health* 98(9) 2008: 1616-29.