



July 14, 2011

Chairman Jon Leibowitz
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Secretary Tom Vilsack
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Director Thomas Frieden
Centers for Disease Control and
Prevention
1600 Clifton Road
Atlanta, GA 30333

Commissioner Margaret Hamburg
Food and Drug Administration
10903 New Hampshire Avenue
Silver Spring, MD 20993

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, the undersigned, strongly support the Interagency Working Group (IWG) on Food Marketed to Children's proposed nutrition principles and marketing definitions. This is an important time to address food marketing to children and youth. Our nation faces unprecedented rates of obesity and other nutrition-related diseases.

Food companies have taken steps to address food marketing, but the current self-regulatory program is flawed. Studies show that the overwhelming majority of foods marketed to children are still high in calories, saturated fat, sugars, or salt. The IWG's guidelines will provide a strong model for companies to develop or strengthen marketing policies and address current weaknesses in the self-regulation of food marketing to children.

In developing the standards, the IWG fulfilled the congressional directive set out in the 2009 Omnibus Appropriations Act (H.R. 1105). As directed by Congress, the IWG has carefully studied food and beverage marketing and developed a set of principles that are strongly based in science and consensus nutrition and marketing recommendations from authoritative sources.

We enthusiastically support the IWG's proposal to use a food-based approach to ensure that the foods marketed to children make a meaningful contribution to a healthful diet. That approach is essential given the basic premise of the *Dietary Guidelines for Americans (DGA)*: that nutrient needs be met primarily by consuming nutrient-dense foods. To be consistent with the *Dietary Guidelines*,

those recommendations should be based on serving sizes of foods (Principle A, option 2), except in the case of whole grains, for which the *Dietary Guidelines* makes a recommendation based on percentages (50% of grains should be whole grains; i.e., use Principle A, option 1 for grains).

While we strongly support the overall proposed nutrition principles, we offer several recommendations to clarify and strengthen them:

- 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. Allowing companies ten years to fully comply with the nutrition principles would mean that a whole generation of children would not be protected by the IWG recommendations.
- Clarify that the proposed nutrition principles apply to *all* foods marketed to children, not just those most heavily marketed to them. It would be unfair to companies, confusing to parents, and unhelpful to children to have the principles apply to some marketed foods and not others.
- Include calorie limits. The *DGA* stresses that obesity results from a caloric imbalance, not a nutrient imbalance.
- Combine fish, extra lean meat, poultry, eggs, nuts, and beans into a single food group, to be consistent with MyPlate and the *DGA*. Separating those groups overemphasizes protein, which is not a nutrient of public health concern for children.
- We strongly support the IWG's interim and long-term sodium benchmarks for individual foods. We suggest that the IWG adjust the standard for main dishes and add a separate standard for meals.

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 as noted below. 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 increase consistency between company marketing policies.

We applaud Congress and the IWG for considering marketing targeted to both children and adolescents. We strongly support the IWG's proposal to fully apply the nutrition principles to all marketing approaches aimed at children ages 2-11. Research shows that teens also are uniquely vulnerable to food marketing and are aggressively targeted by food marketers. We urge companies to be responsible in how they market to teens and ask the IWG to include a section in

the self-regulatory marketing principles on the unique vulnerabilities of adolescents to marketing, especially digital marketing.

We urge the IWG to make the following additions and clarifications to the final marketing definitions:

- Apply subjective criteria to *all* types of marketing approaches. Subjective criteria (such as whether the marketing includes child-oriented themes) should be applied not only to Internet, on-package, premiums, events, celebrities, and mobile devices, but also to television, radio, and print advertisements, as well as to movies, toys/premiums, and the use of licensed characters.
- Define brand marketing and require brand marketing to meet IWG nutrition principles. 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.
- Provide a more detailed definition of in-school marketing to clearly delineate the wide variety of marketing techniques that are covered on the whole school campus for the extended school day. Include preschools, and elementary, middle, and high schools in that definition.
- Make clear that the definition of premiums includes toys used to promote restaurant meals; toy premiums make up more than half of fast-food marketing expenditures.
- Include PG-rated movies in the definitions of product placements and movie advertising. Child-directed movies have undergone a noticeable “ratings creep” over the past several years, with many child-directed movies now rated PG.

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.

Thank you for taking up this serious and important issue. 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.

Respectfully,