

June 29, 2023

VIA ELECTRONIC MAIL

The Honorable Lina Khan, Chair
The Honorable Rebecca Slaughter, Commissioner
The Honorable Alvaro Bedoya, Commissioner
Federal Trade Commission
600 Pennsylvania Avenue NW
Washington, DC 20580

Re: Investigation of Food Marketing to Children Expenditures

In the fiscal year 2023 House Financial Services and General Government Appropriations Bill report, Congress directed the Federal Trade Commission (FTC) to report on the marketing activities and expenditures of the food industry targeted toward children and adolescents by June 29, 2023.¹ Particularly, Congress directed the FTC to investigate food marketing expenditures related to food and beverage marketing targeting children and adolescents of color, digital food and beverage marketing and data practices targeting children and adolescents, and food and beverage advertising on educational technology platforms. The undersigned organizations and researchers respectfully request that the FTC follow through with Congress's directive in a timely manner.

The FTC has previously published reports on food industry marketing activities and expenditures targeted towards children and adolescents, first in 2008 with "[Marketing Food to Children and Adolescents: A Review of Industry Expenditures, Activities, and Self-Regulation: A Federal Trade Commission Report to Congress](#)," and again in 2012 with "[A Review of Food Marketing to Children and Adolescents](#)."

In the decade since the last of these reports was published, we have seen an increased investment in marketing and advertising in digital media, which is often reliant on consumer data and complex algorithms for success.^{2, 3, 4} Furthermore, in 2021, Black youth viewed more television advertisements for food and beverages than their White peers after accounting for differences in television viewing times.⁵ In 2021, food and beverage companies spent a greater proportion of total television advertising spending on Spanish-language television compared to 2017.⁶ In addition, there is evidence of food advertising on online educational platforms that were recommended for use during remote learning and may be included in teachers' lesson plans.⁷

An updated report on food industry marketing activities and expenditures targeted towards children and adolescents will be critical to shedding light on how these advertising practices are adversely impacting youth, especially youth of color.

The FTC's 6(b) authority uniquely positions the agency to provide insight on these large food marketing expenditures and evolving marketing tactics, which otherwise remain largely unknown. Therefore, we urge you to follow Congress's directive to publish an updated report on food marketing expenditures targeted toward children and adolescents. We appreciate your attention to these issues and would like to meet with those working on the report to discuss further.

Sincerely,

Association of State Public Health Nutritionists

Berkeley Media Studies Group

Center for Science in the Public Interest

ChangeLab Solutions

Fairplay

Healthy Food America

Healthy Savannah

Interfaith Center on Corporate Responsibility (ICCR)

Prevention Institute

Public Health Advocacy Institute

Redstone Global Center for Prevention and Wellness

Seventh Generation Interfaith Coalition for Corporate Responsible Investments

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Shu Wen Ng, PhD

Walter Willett, MD, DrPH
Professor of Epidemiology and Nutrition
Harvard T. H. Chan School of Public Health

¹ H.R. Rep. No. 117-393, Title IV (2023).

² Pew Research Center. *Digital and non-digital advertising revenue*. July 27, 2021. Available <https://www.pewresearch.org/journalism/chart/sotnm-digital-and-non-digital-advertising-revenue/?tabId=tab-624eec00-c690-4080-b3cc-673ac491b2d4-chart>. Accessed June 21, 2023.

³ Rayport J. Is Programmatic Advertising the Future of Marketing? *Harvard Business Review*. June 22, 2015. Available <https://hbr.org/2015/06/is-programmatic-advertising-the-future-of-marketing>. Accessed June 21, 2023.

⁴ Chen B. The Battle for Digital Privacy Is Reshaping the Internet. *The New York Times*. September 16, 2021. Available <https://www.nytimes.com/2021/09/16/technology/digital-privacy.html?searchResultPosition=15>. Accessed June 21, 2023.

⁵ Harris JL, et al. *Rudd Report: Targeted food and beverage advertising to Black and Hispanic consumers: 2022 update*. UConn Rudd Center for Food Policy & Health, Council on Black Health, Salud America. November 2022. Available <https://uconnruddcenter.org/wp-content/uploads/sites/2909/2022/11/Rudd-Targeted-Marketing-Report-2022.pdf>. Accessed June 21, 2023.

⁶ Harris, 2022.

⁷ Emond JA, et al. Unhealthy Food Marketing on Commercial Educational Websites: Remote Learning and Gaps in Regulation. *Am J Prev Med*. 2021. 60(4): 587-591.