

July 14, 2011

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

Director Thomas Frieden Centers for Disease Control and Prevention 1600 Clifton Road Atlanta, GA 30333 Secretary Tom Vilsack U.S. Department of Agriculture 1400 Independence Avenue, SW Washington, DC 20250

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,

African American Collaborative Obesity Network	California Center for Public Health Advocacy
Alex Molnar, Commercialism in Education Research Unit Arizona State University	Campaign for a Commercial-Free Childhood
American Association for Health Education	CATCH - Coordinated Approach to Child Health
American College of Preventative Medicine	Center for Communications, Health and the Environment (CECHE)
American Dietetic Association	Center for Digital Democracy
American Heart Association	Center for Science in the Public Interest
American Institute for Cancer Research	Consortium to Lower Obesity in Chicago Children (CLOCC)
American Public Health Association	Corporate Accountability International
American School Health Association	
American Society of Bariatric Physicians	Dale Kunkel University of Arizona
Association of State and Territorial Public Health Nutrition Directors	David Britt Retired CEO, Sesame Workshop
Association of State and Territorial Health Officials	David L. Katz, MD, MPH, FACPM, FACP Director, Yale University Prevention
Berkeley Media Studies Group, a project of the Public Health Institute	Research Center Defeat Diabetes Foundation
Black Women's Health Imperative	Directors of Health Promotion and
Boston Public Health Commission	Education
California Pan-Ethnic Health	Disciples Justice Action Network
Network	Earth Day Network
California Association of Nutrition and Activity Programs	Environmental Working Group

Faith Boninger, Commercialism in Education Research Unit Arizona State University	National Association of State Boards of Education
FGE Food and Nutrition Team	National Black Child Development Institute
First Focus	National Consumers League
Food Trust	National Forum for Heart Disease and Stroke Prevention
Healthy School Lunch Program	
Healthy Schools Campaign	National Policy & Legal Analysis Network to Prevent Childhood Obesity, a project of Public Health Law and Policy
Indiana Rural Health Association	
Iowa Public Health Association	National PTA
Jerome Williams	National WIC Association
Director, Center for Urban Entrepreneurship and Development Rutgers Business School	North Coast Opportunities Community Action
Kathryn Montgomery, PhD Professor, School of Communication American University	New York State Healthy Eating and Physical Activity Alliance
·	Ohio Public Health Association
Kendrin Sonneville, ScD, RD, LDN Instructor, Department of Pediatrics Harvard Medical School	Oral Health America
	Oregon Public Health Institute
Leadership for Healthy Communities	Partnership for Prevention
National Action Against Obesity	Prevention Institute
National Alliance to Advance Adolescent Health	Preventive Cardiovascular Nurses Association
National Association of County and City Health Officials	Produce for Better Health Foundation
National Association of School Nurses	Project Bread - The Walk for Hunger
National Association of Sport and Physical Education	Public Health - Seattle & King County

Public Health Advocacy Institute

Public Health Law Center

Rudd Center, Yale University

Robert Wood Johnson Foundation Center to Prevent Childhood Obesity

Samuels and Associates

Shape Up America!

Society for Nutrition Education

South Carolina Eat Smart, Move More Coalition

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Trust for America's Health

United Church of Christ, Office of

Communication, Inc.

United States Water Fitness

Association

Voices for America's Children

Young People's Healthy Heart

Program

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