



It Pays to Advertise

Junk Food Marketing to Children

About Food & Water Watch

Food & Water Watch works to ensure the food, water and fish we consume is safe, accessible and sustainable. So we can all enjoy and trust in what we eat and drink, we help people take charge of where their food comes from, keep clean, affordable, public tap water flowing freely to our homes, protect the environmental quality of oceans, force government to do its job protecting citizens, and educate about the importance of keeping shared resources under public control.

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Executive Summary

Food marketing is pervasive in the lives of children and adolescents. Food and beverage companies spent \$1.6 billion in 2006 to reach this important market.¹ On television, online and even in schools, youth are regularly exposed to messages encouraging them to eat unhealthy foods, at a time when they need to establish healthy eating habits. One in three American children and adolescents is overweight or obese, conditions that contribute to poor health over their whole lifetimes.² Restricting unhealthy food marketing to youth is one important step in addressing this crisis.

Television advertisements aimed at children predominantly feature unhealthy foods, often served in unhealthy settings. A diet composed of foods marketed to children on television would consist mainly of cereal, fast food and snacks eaten outside of normal mealtimes in large servings. Outside of television, the Internet offers food companies the chance to engage youth in games and activities focused on their brands. Online advertising provides companies with a much cheaper method for youth to spend longer periods of time exposed to advertising for the same unhealthy products seen on television.³

Food advertising on television impacts children's preferences for particular categories and brands of food,⁴ increases their requests to parents for the advertised foods⁵ and leads to increased consumption of unhealthy foods.⁶ In one study, children ate more snacks while watching shows with food advertisements, whether or not they reported feeling hungry.⁷

Research on media literacy indicates that it takes repeated mental effort to resist advertisements for tempting foods. Because youth are exposed to so many marketing messages and because even older children need prompting to think critically about advertisements, it is hard to argue that youth can consistently fight off these messages on their own.⁸

The Federal Trade Commission (FTC) considered rule-making in the late 1970s to limit marketing sugary foods to children, but Congress put a stop to it. In response to renewed attention to childhood obesity, several food companies have chosen to self-regulate under the Children's Food and Beverage Advertising Initiative (CFBAI), but actual reductions in unhealthy foods marketed to youth have been quite limited.

The federal government in 2011 issued preliminary, voluntary Principles to recommend a consistent nutrition standard for industry self-regulation. The food industry heavily criticized the Principles as too strict and burdensome, even though, if enacted, they would have been entirely voluntary. Some of the very companies participating in the self-regulatory efforts lobbied to weaken the Principles,⁹ and ultimately Congress blocked the proposal, leaving no significant federal regulation or even guidance on food marketing to children.¹⁰

The public health challenge of increasing childhood obesity must be addressed. Improving the nutritional environment for youth will require many policy changes. It's time to ask the question: Is it appropriate to advertise unhealthy foods to children and adolescents? While the FTC's proposed voluntary Principles offered a strong set of guidelines, this voluntary proposal should not be the extent of the debate. Broader restrictions are necessary to protect youth from the influence of food and beverage marketing.

Specifically, Food & Water Watch recommends that:

- The FTC should be able to regulate any unfair or deceptive marketing, but Congress has limited the FTC's authority to restrict marketing to youth. Congress should provide the FTC with the full authority to regulate food and beverage marketing. Congress should also give the FTC the authority to create mandatory nutrition standards for food and beverages marketed to youth.
- The FTC should continue its monitoring of industry spending and self-regulatory efforts in food marketing to youth.
- Food and beverage companies should reduce advertising of unhealthy foods and beverages to children and reformulate products to make them healthier.
- The U.S. Department of Agriculture should issue strong nutrition standards for competitive foods sold in schools as stipulated in the Healthy, Hunger-Free Kids Act of 2010.



Introduction

Food marketing is pervasive in the lives of children and adolescents.^a On television, online and even in schools, youth are regularly exposed to messages encouraging them to eat unhealthy foods. These foods are full of salt, sugar and fat, a triumvirate of additives that trigger the brain's pleasure centers and encourage eating more.¹¹ Children and adolescents are quite vulnerable to marketing of unhealthy foods at a time when it is important to be developing healthy eating habits. The physical damage of a poor diet in youth can affect health over a lifetime.

Food and beverage companies in the United States spent \$1.6 billion in 2006 on marketing to youth¹² to capture the more than \$100 billion in food purchases (including half of all cereal purchases) that children influence every year.¹³ Adolescents themselves wield an annual purchasing power of \$80 billion.¹⁴ Between 1994 and 2004, food companies introduced more new food products aimed at youth than those targeting the general population.¹⁵ Parents and health providers have a hard time competing with these pervasive, persistent messages. It is hard to imagine a public health campaign to promote healthy eating with anything close to the resources the food industry possesses to advertise its products.¹⁶

Currently, the U.S. government does not have any nutrition standards for the foods marketed to children, although a voluntary standard was proposed and rejected, nor does the government restrict food marketing directed at youth. With increased public attention focused on obesity among youth, the food industry has begun some self-regulation, with companies voluntarily pledging to limit advertising of the unhealthiest foods to children under 12. The bulk of foods advertised to youth still fail to meet the standards of a healthy diet. It is time for the government to step in and limit food marketing to youth.

Childhood Obesity

In the last 30 years, the percentage of overweight and obese children in the United States has tripled.¹⁷ One in three American youth is overweight or obese.¹⁸ Nearly 17 percent of children and adolescents aged 2 to 19 years — more than 9 million American youth¹⁹ — are obese. Obesity is lower among children aged 2 to 5, at 10 percent, and closer to 20 percent for youth aged 6 to 19.²⁰ Trends in childhood overweight are similar, with nearly 14 percent of children aged 2 to 5, 19 percent of children aged 6 to 11, and 17 percent of adolescents facing overweight.²¹

Childhood obesity stresses children's bodies, causing detrimental effects in the short and long term. Obese youth face a higher likelihood of high blood pressure, high cholesterol, type 2 diabetes, breathing problems (such as sleep apnea), joint aches and digestive problems (such as gallstones and reflux). The prevalence of type 2 diabetes, formerly known as "adult-onset," has doubled among youth in the last 10 years.²²

In addition to these physical problems, obese youth can experience social discrimination and psychological distress. All of these health problems pose a huge burden for children and adolescents, directing energy away from the normal tasks of learning and growing up. Overweight and obese children are likely to continue to face significant health problems as adults, including obesity, heart disease, diabetes and some types of cancer.²³

Often people with these conditions are blamed for having poor self-control or overeating. In the case of children, it is often the parents who are blamed.²⁴ Yet the dramatic increases in childhood obesity and overweight point to causes that occur across the population, as opposed to individual "failures."²⁵ One important factor, as noted by the Centers for Disease Control (CDC) and others, is the marketing of less-healthy foods to youth.²⁶

a For the purposes of this report, child refers to ages 2 to 11, adolescent to ages 12 to 17 and youth to ages 2 to 17.

Food marketing compounds other factors that contribute to childhood obesity and overweight.²⁷ Foods high in sugar, salt and fat trigger pleasurable responses in the brain that make people want to eat more of them.²⁸ Since 1970, overall caloric intake among Americans has increased by 16 percent, or more than 500 calories per day.²⁹ Youth ages 2 to 18 drink more than twice as much soda and one-third less milk than they did in the late 1970s.³⁰ A recent U.S. Department of Agriculture (USDA) report found an association between food prices and children's body mass index (BMI), a measure of overweight, such that children's BMI increased when less-healthy foods were cheaper and decreased when healthy foods were cheaper.³¹

Low-income consumers in particular lack access to healthy foods. Several studies of low-income people's purchasing habits show an association between lack of access to supermarkets and fewer purchases of healthy foods.³² Lower soda prices are associated with higher BMI in children, especially if their household makes less than 200 percent of the federal poverty line.³³

Fourteen percent of low-income preschoolers are obese, compared to the national average of 10 percent.³⁴ And all Americans are eating more meals outside the home, often at fast food restaurants, which leads to higher caloric intake in children.³⁵

Obesity and its related illnesses require multiple steps to address, including better nutritional literacy, increased access to healthy foods and increases in physical activity. One logical first step is to stop promoting unhealthy foods to children and adolescents. Widespread marketing campaigns leave millions of families with a harder fight to establish healthy eating habits in their children.

Youth Exposure to Food and Beverage Advertising

Today's youth spend many hours day and night in front of screens. The National Academies of Science report that nearly every American child has a television in the household, and many children do not have restrictions on how much television they are allowed to watch.³⁶

According to a report by the Kaiser Foundation, young people's interaction with media is significant and increasing. The report defines media broadly, including time spent watching television, using any kind of media via cell phone, using the computer and playing video games. Uniquely, it measures "multi-tasking," recognizing that young people might listen to music from their phone while

surfing the Internet, for instance. In 2004, young people ages 8 to 18 spent nearly 6.5 hours consuming 8.5 hours of media content a day, when including multi-tasking. By 2009, that number had increased to 7.5 hours spent consuming nearly 11 hours of content.³⁷

Twenty percent of media consumption occurs on mobile devices. On average, an hour and a half of time is spent on the computer for leisure. Eighty-four percent of 8 to 18 year-olds have Internet access at home; 33 percent have Internet access in their bedrooms.³⁸ Media use spikes during the "tween" years of ages 11 to 14. Tweens consume nearly 12 hours of media content daily in just under nine hours, including five hours of television and movie content and an hour and a half of video games.³⁹

Most research on children's exposure to marketing analyzes television. The Federal Trade Commission (FTC) compared children's exposure to television advertising in 1977 and 2004. This frame of reference is useful as the significant increases in childhood overweight and obesity are often dated from the late 1970s and early 1980s. The FTC estimates that children under the age of 12 viewed 25,600 television advertisements in 2004. Just over 5,500 of those advertisements were for food, a 9 percent decrease compared to the number of food advertisements in 1977. This figure amounts to 15 food advertisements per day and 38 hours of food advertising per year.⁴⁰ Cereals and desserts were the most common categories of food advertised, followed by restaurant and fast food and sweetened drinks.⁴¹ In neither 2004 nor 1977 did the array of foods advertised to children in any way represent a balanced diet.⁴²



A 2010 study by the Rudd Center for Food Policy and Obesity made similar findings about youth exposure to food and beverage advertisements on television. The study found that children viewed an average of 13.4 television food advertisements daily, and adolescents viewed an average of 16.2, amounting to nearly 5,000 television food advertisements for children annually and nearly 6,000 for adolescents. Fast food advertisements were the most commonly viewed, with cereals, candy and non-fast-food restaurants among the other top categories.⁴³

According to the FTC study, most children's television advertising exposure occurred in the afternoons (26 percent) and evenings (29 percent), far more than Saturday mornings (4 percent), the stereotypical domain of young children's cartoon shows.⁴⁴ Children see the vast majority of food advertisements on cable rather than broadcast networks.⁴⁵ Half of children's television food advertising exposure comes from children's shows, in which children are at least 50 percent of the audience.⁴⁶ Most industry self-regulatory efforts focus only on children's programming, leaving aside the issue that the other half of children's food advertising exposure comes from non-children's programming.⁴⁷

When data is not available on children's actual exposure to media, it is helpful to examine industry expenditures on different categories of media. The FTC released a report to Congress, *Marketing Food to Children and Adolescents: A Review of Industry Expenditures, Activities, and Self-Regulation*, in 2008. With congressional backing, the FTC required companies to submit data about their advertising practices and spending. Food and beverage companies reported to the FTC that they spent \$1.6 billion marketing food to children in 2006.⁴⁸ Nearly \$750 million, or 46 percent, was spent on television advertising, with half of that spent on advertising directed to children younger than 12.



New media, including websites, e-mail, text messaging and viral marketing, constituted only 5 percent of total spending in 2006, although that money goes much further because those forms of advertising are cheaper than television advertisements. Two-thirds of companies reported using some form of online marketing. Approximately two-thirds of total spending focused on three categories of foods: soda, restaurant and fast food, and cereal. Nearly all of the marketing money for soda was aimed at adolescents, with 24 percent of it spent on in-school marketing. Companies spent \$360 million on toys included in children's meals. Including toys, cross-promotions and TV advertising, restaurant companies spent just over half-a-billion dollars marketing their products, twice the spending of any other food category.⁴⁹

Advertising Content

Television Advertising

Television advertisements aimed at children predominantly feature unhealthy foods, often served in unhealthy settings. A diet composed of foods marketed to children on television would consist mainly of cereal, fast food and snacks eaten outside of normal mealtimes in large servings. For instance, according to the FTC, 85 percent of cereal advertisements directed at children in 2004 were for highly sugared cereals.⁵⁰

These advertisements use emotional appeals to portray their brands as fun or cool. Advertisements less frequently address taste, quality or nutrition — actual characteristics of the food itself. It almost goes without saying that the advertisements do not address any negative outcomes of unhealthy eating; it is assumed that any one food advertised will be consumed in moderation. The totality of advertising exposure, however, represents nothing moderate at all.⁵¹

A 2005 study of commercials shown during Saturday mornings found that half of all the advertisements were for food. The most common food advertised was cereal and cereal bars (27 percent of food advertisements), followed by restaurants and snack foods at nearly 20 percent each of advertisements. When evaluated against the U.S. Dietary Guidelines, 91 percent of the foods advertised failed in at least one measure of nutritional quality, including high levels of fat, sodium or added sugars, or low levels of nutrients.⁵² Nearly 60 percent of the food advertisements portrayed foods high in sugar.

While 78 percent of the foods advertised met basic guidelines for vitamin and mineral content, this was typically due to fortification. Only 7 percent of the advertisements portrayed foods with at least half a serving of fruits or

vegetables. Most of the advertisements (86 percent) used emotional appeals to market their products. Nearly three-quarters of the advertisements included “movie, cartoon, animated, or costumed characters,” and a quarter included mention of a giveaway with purchase of the product.⁵³

Another 2005 study reviewed television advertisements aimed at children during programming throughout the week. As with the previous study, the vast majority of foods advertised (83 percent) were convenience foods and sweets. The foods tended to be high in fat and sodium and low in fiber and some vitamins and minerals. It was more common to see foods depicted as snacks than as part of any other meal, and all the kids in the commercials were portrayed at a healthy body weight no matter what they were eating.⁵⁴

Most advertisements to children portray the foods as fun, an effective appeal given children’s early developmental needs.⁵⁵ An analysis of nearly 150 commercials shown in children’s programming found that 85 percent associated the food with fun or happiness, and nearly 60 percent associated the food with play.⁵⁶ Only 8 percent of advertisements represented the foods as healthy, with nearly 20 percent of cereal advertisements using health claims, and no fast food restaurants doing so.⁵⁷ Fast food commercials often appeal to peer acceptance, an appeal also effective for adolescents.⁵⁸

Online Advertising

Whereas children passively watch television, the Internet offers food companies the chance to engage children in games and activities focused on their brands. Online advertising provides companies with a much cheaper method for children and adolescents to spend longer periods of time exposed to advertising for the same unhealthy products seen on television.⁵⁹

One common form of online marketing is the “advergame,” a video game based entirely on the food brand that blurs the line between program content and advertising.⁶⁰ The games are often the same kind of simple, addictive game you might find on your computer or smartphone, but based around the brand with a piece of cereal as the game piece, for instance. Television commercials last on average 30 seconds, so a game that captures a child’s attention for a few minutes to half an hour represents a substantial period of brand exposure.⁶¹

Children use the Internet from a young age, most commonly to play games.⁶² Food companies’ websites attract hundreds of thousands of children. Two of McDonald’s major sites, HappyMeal.com and McWorld.com, received 350,000 visitors under the age of 12 in February



2011.⁶³ Two popular cereal websites, FrootLoops.com and AppleJacks.com, received 216,000 and 175,000 unique visitors under the age of 17 each month in 2011.⁶⁴

Studies have found that the foods promoted on food company websites and advergames are primarily unhealthy. In a study of 28 children’s websites, 49 of the 77 advertised food products met Institute of Medicine (IOM) standards of foods to avoid, while only five met the standards for foods to encourage.⁶⁵ Another study of 130 major food and beverage websites found that nearly half had designated children’s sites, 85 percent of which included adver gaming. The vast majority (87 percent) of foods and beverages marketed in those children’s sites were “of low nutritional quality.”⁶⁶

Only 15 percent of the 130 major websites studied included a parental permission statement, and 35 percent included an ad break warning message, indicating that the sites were advertising. Ad break warnings are considered good practice, as children cannot always distinguish between programming and advertising content.⁶⁷ A study of food industry websites advertised on the Cartoon Network and Nickelodeon found that nearly all foods advertised were high in sugar and fat, with restaurant foods and ready-to-eat foods comprising 42 percent and 32 percent of the foods advertised.⁶⁸ Just over 80 percent of the websites used adver gaming to promote their products.⁶⁹



Impact of Advertising on Children's Diets

The ubiquity of unhealthy food advertising in children's lives is undeniable. The food industry claims that advertising affects only children's brand preferences, but scientific evidence indicates that advertising influences children's eating preferences and habits more broadly.⁷⁰

Children's exposure to healthy foods in their early years helps set the stage for healthy eating, and parents play a critical role in modeling and enforcing good habits at home.⁷¹ Yet our brains are wired to prefer foods high in sugar, fat and salt⁷² — the very foods typically marketed to children — and children's peers and the media gain increasing influence on eating habits in the tween and teenage years. Some argue that television viewing hurts children because the activity is sedentary as opposed to playful and active, and certainly higher television viewing is associated with higher weight.⁷³ But studies also indicate that it is the food advertisements themselves that negatively impact children's dietary preferences and consumption, contributing to the public health crisis of childhood obesity.^b

Viewing large amounts of television during childhood has been associated in multiple studies with unhealthy dietary habits and high body mass indexes later in life.⁷⁴ Although many factors affect children's diets and food preferences, several studies have found that food advertising has a specific effect separate from those factors.⁷⁵ Food advertising on television impacts children's preferences for particular categories and brands of food⁷⁶ and increases their requests to parents for the advertised foods.⁷⁷ Additionally, food advertising leads to increased consumption of unhealthy foods,⁷⁸ including but not limited to the foods advertised.⁷⁹

Two government reports further detail the impact of food advertising on children. In 2006, the IOM released *Food Marketing to Children and Youth: Threat or Opportunity?*, which included a review of 123 scientific studies of food advertising's role in children's lives.⁸⁰ The report divided its evidence base into two categories: children (ages 2 to 11) and adolescents (ages 12 to 18). In the case of children, strong evidence exists that television advertising impacts children's food and beverage preferences, purchases, requests to their parents and caregivers, and short-term consumption habits. Overall, the IOM reports, "it can be concluded that television advertising influences children to prefer and request high-calorie and low-nutrient foods and beverages."⁸¹

There is moderate evidence that advertising affects the usual, day-to-day eating habits of 2–5 year-olds, and weak evidence that this is so for 6–11 year-olds.⁸² With adolescents, the situation is less clear, in part because there is less research on the topic. The IOM concluded that there is insufficient evidence to conclude that food advertising impacts the food and beverage preferences and purchase requests of adolescents, although the research that does exist suggests that there is an impact.⁸³

For both children and adolescents, there is a strong association between exposure to television advertising and obesity. Yet the available research does not sufficiently rule out mitigating factors to determine if exposure to television advertising causes childhood obesity.⁸⁴ High exposure to television advertising correlates with high levels of watching television, for instance, and questions such as how much television impacts exercise and snacking must be addressed more thoroughly.⁸⁵ The IOM notes that even if television advertising plays a small contributing role toward obesity, reducing that particular impact across the population would be significant.⁸⁶

In the FTC report, *Marketing Food to Children and Adolescents: A Review of Industry Expenditures, Activities, and Self-Regulation*, companies shared their research about what makes advertising work with children. Specifically, children like commercials that tell a fun, exciting story and link to websites with games and prizes. Children like animated characters, whether from a popular TV show or movie or associated with the brand itself. Whereas appealing to children involves fun, adolescents are more likely to respond to appeals that the food tastes good. Both children and adolescents respond to prizes and sweepstakes. What

^b This section focuses primarily on television advertising, as research examining how online marketing affects youth eating habits is quite limited, and further investigation is necessary to understand its current and potential impacts.

doesn't work? Commercials that claim that the product is nutritious are less effective because children and adolescents then conclude that the food must not taste good.⁸⁷

In an experiment to examine food advertisements and snacking, researchers found that children ate nearly 50 percent more food when watching a show with food advertisements as opposed to a show with non-food advertisements. The snacks made available were not even related to

those in the advertisements, and the children ate the snacks whether or not they reported feeling hungry.⁸⁸ Children consumed, on average, just under 100 calories during the 30-minute show. If children snacked that much extra every day, they would gain 10 extra pounds over the course of a year.⁸⁹ The study suggests that simply watching food advertising has a broader impact in encouraging immediate eating, not only in creating desire for the particular brand.

In-School Marketing

Schools present a special case in the world of food marketing to youth. Unlike television programs and websites, the audience share of youth is very clear at schools. Food and beverage marketing at schools comes in a variety of forms: vending machines, free educational materials, extracurricular sponsorships and fundraisers, among others.¹⁸⁰ In the height of irony, McDonald's, Coca-Cola and PepsiCo have all sponsored in-school fitness programs,¹⁸¹ promoting the message that exercise is the solution to diet-related illnesses.



Schools rely on corporate partnerships as a source of funds and free materials.¹⁸² Schools earn money from vending machine contracts based on the amount of products that students purchase.¹⁸³ If the vending machines are full of soda and junk food, as is typical, the school's short-term financial benefits are pitted against the long-term health impacts to the students from consuming extra junk food at school. Additionally, the presence of junk food sales and advertising in schools directly contradicts any classroom nutrition lessons.

In 2006, the William J. Clinton Foundation and the American Heart Association partnered with several food and beverage companies to create a new industry self-regulatory initiative, the Alliance for a Healthier Generation. The project focuses on "competitive foods," any food sold in a school outside of the federal school meal programs.¹⁸⁴ Among other projects, the Alliance has worked with the Coca-Cola Company, Dr Pepper Snapple Group, PepsiCo and the American Beverage Association to improve the nutritional quality of beverages sold in schools.¹⁸⁵ According to its progress report, the Alliance has achieved an 88 percent decrease in calories shipped to schools in the form of beverages between 2004 and 2009. The reduction was achieved through a combination of changing product offerings and reducing portion sizes.¹⁸⁶

The Alliance's achievements in improving the quality of beverages sold are significant, but there is still much further to go. According to the CDC, 65 percent of middle and high schools sell sweetened drinks, 51 percent sell less-healthy foods and 49 percent allow advertising of less-healthy foods.¹⁸⁷ Over 60 percent of elementary school students attend schools where beverages are sold on campus, but only 16 percent attend schools in which the only competitive beverages, those sold outside of the school meal program, are water, 100-percent juice or low-fat milk.¹⁸⁸

For the first time, Congress has passed legislation to address the nutritional quality of competitive foods. The USDA already determines nutrition standards for federal school meals, and the most recent school meal reauthorization, the Healthy, Hunger-Free Kids Act, provided the USDA with the additional authority to set nutrition standards for any foods sold in schools at any time during the school day.¹⁸⁹ It does not address advertising and promotions, but does include fundraisers as well as vending machines, snack bars and à la carte offerings during meals.

This legislation for the first time provides mandatory authority to change how food and beverages are marketed to youth, in the limited context of competitive foods sold in schools. It is an important step toward improving the food environment in schools.

In an effort to distinguish between the effects of viewing television and viewing television advertisements specifically, one study analyzed obesity among children who watched commercial television versus television without advertisements, such as DVDs or certain educational programming. The study also accounted for influences that might have interfered with the study, such as parental education level, which allowed the study to evaluate causation. Commercial viewing was “a significant predictor” of childhood obesity. Viewing television without commercials was not. The relationship between commercial viewing and obesity was stronger for children under the age of seven.⁹⁰

Do Children and Adolescents Understand Food Advertising’s Intent?

Advertising affects children and adolescents through different mental processes. Children have lower media literacy and are therefore influenced by simpler arguments. Research suggests that adolescents are more likely to understand that advertisements are trying to sell them something and so require more complex arguments to be convinced.⁹¹

Young children often truly cannot tell what is a commercial and what is not, but the advertisements do influence them. Children as young as two can recognize brand logos⁹²; preschoolers have shown preferences for foods placed in McDonald’s packaging, even if the foods are not the products that McDonald’s sells.⁹³ According to the IOM, children aged four and under cannot distinguish between television programs and commercials, and children under the age of eight do not understand that advertising is designed to persuade them.⁹⁴

Because of this lack of understanding, the American Academy of Pediatrics has called for a ban on junk food marketing to children, and a task force of the American Psychological Association has recommended that all television advertising to children under age eight be restricted.⁹⁵ Advergaming and websites further exploit children’s vulnerabilities, as the boundary between content and programming can be far less clear than that between a television program and a commercial.⁹⁶

Adolescents are much more likely to understand that commercials are designed to persuade them and may approach advertising with a more wary perspective.⁹⁷ Because of this understanding, restrictions on food marketing to youth are often aimed at children under the age of 12.⁹⁸ Yet, with repeated exposure, the advertisements still work often “without conscious perception of the



marketing stimulus.”⁹⁹ Advertisers also target teenagers with new online marketing techniques such as product placements and viral marketing that are more likely to undermine the viewer’s skepticism.¹⁰⁰ Coupled with adolescents’ tendency toward weak impulse control,¹⁰¹ the role that advertising plays in adolescent purchasing and dietary habits should not be dismissed.

Media literacy describes the process of learning about uses of media and understanding its commercial intent.¹⁰² Defenders of food marketing sometimes argue that children should learn media literacy from their parents or schools and that this knowledge will protect them from the worst effects of junk food advertising. The argument is problematic, however, as advertising can influence children well before they understand what advertising is. Additionally, there is little evidence to support the claim that media literacy significantly reduces the impact of advertising on children.¹⁰³

In what is known about media literacy, the most important factor appears to be consistency. In other words, it takes repeated mental effort to resist advertisements for tempting foods. Because youth are exposed to so many marketing messages, and because even older children need prompting to think critically about advertisements, it is hard to argue that youth can consistently fight off these messages on their own. Finally, even if youth can counteract the messages of junk food marketing, they may not want to do so. Junk food tastes good, after all, and eating something specifically disallowed by parents or teachers can hold its own appeal.¹⁰⁴

Although parents can teach their children to think critically about advertising and make healthier choices, children can wear down their parents with repeated requests for unhealthy foods.¹⁰⁵ The media literacy argument essentially relies on parents and schools to counteract a negative

influence in children's lives. It raises an obvious question: Rather than teach youth to defend themselves against marketing messages, isn't it more effective to restrict the advertising in the first place? Certainly, children should learn to think critically about media and advertising, but on a matter as important as their health, they deserve protection.

Regulation of Food Marketing to Youth

Federal

The concept of regulating food marketing to children is not new. The Federal Trade Commission Act bans "unfair or deceptive acts" affecting interstate commerce and allows the FTC to sue companies for actions that violate this provision and even to create regulations for common problems.

In 1978, the FTC examined regulating food marketing to children in part due to concern over the impact of sugary foods on children's dental health.¹⁰⁶ During "KidVid," as the process was known, the FTC considered banning all television marketing to children under age eight and targeted "sugary foods" as unacceptable to market to children under age 11.¹⁰⁷ The FTC reported evidence that children's self-control and understanding of the health impacts of sugary foods could not overcome their more immediate desire to consume them.¹⁰⁸ The food industry fought these regulations, spending \$16 million lobbying against them.¹⁰⁹

In 1980, in response to the significant pressure from industry, Congress passed the FTC Improvements Act, which specifically removed the FTC's authority to regulate marketing to children as unfair. However, it left the FTC the ability to regulate deceptive practices in food marketing to children. The FTC ended the rule-making process without creating any regulations in 1981.¹¹⁰ Regulators faced many difficulties, such as lobbying by the food industry, but practical factors impacted the process as well. At the time, there was insufficient evidence that food

advertising negatively impacted children's eating habits. Additionally, regulators faced challenges defining what marketing was aimed at children versus older children or adults. Although many programs are specifically marketed to children, children also watch programs with significant adult audiences, such as evening sitcoms.¹¹¹

The government did not address the issue of food marketing to children again until over 30 years later, when childhood obesity became prominent on the national agenda. In 2005, the FTC and the Department of Health and Human Services (HHS) sparked the debate with a public workshop on the issue. Due to lack of information about the extent of marketing, the FTC subpoenaed 44 food and beverage companies to obtain information on money spent on various methods of marketing food to youth. The resulting report, *Marketing Food to Children and Adolescents: A Review of Industry Expenditures, Activities, and Self-Regulation*, included a review of industry self-regulation efforts prompted by the government's renewed interest in the issue.¹¹²

The American Recovery and Reinvestment Act, known more commonly as the stimulus package, required the FTC, the CDC, the Food and Drug Administration (FDA) and the USDA to establish an Interagency Working Group on Food Marketed to Children. The legislation charged the Working Group with developing standards by July 2010 for what types of foods were appropriate to market to children.¹¹³

The Working Group released the initial set of standards in the spring of 2011 for public comment. The "Preliminary Proposed Nutrition Principles to Guide Industry Self-Regulatory Efforts" (Principles) took two approaches for evaluating foods based on the 2010 Dietary Guidelines.¹¹⁴ Foods and beverages would either need to provide a "meaningful contribution to healthy diet" or meet standards on "nutrients to limit," including salt, saturated fat, trans fats and added sugar.¹¹⁵

The Principles targeted the 10 categories of foods most heavily marketed to children: "breakfast cereals; snack foods; candy; dairy products; baked goods; carbonated beverages; fruit juices and non-carbonated beverages; prepared foods and meals; frozen and chilled desserts; and restaurant foods."¹¹⁶ The definition of marketing mirrored that of the 2008 FTC report spanning all marketing to youth ages 2 to 17, including not just television and print media but also online marketing, social media and indirect forms of marketing such as product placements, celebrity endorsements and contests.¹¹⁷





The Principles earned praise from public health organizations for providing a strong baseline standard and addressing the loopholes often found in industry self-regulatory efforts (discussed below).¹¹⁸ Most foods currently marketed to children did not meet the Principles' standards, and most processed foods would need to be reformulated to meet them.¹¹⁹ Various food industry organizations protested that the Principles would disallow marketing for some soups, vegetable juices, cereals and yogurts,¹²⁰ although public health advocates countered that these claims were exaggerated.¹²¹ That any ostensibly healthy food would not meet the Principles' standards brings into question just how common added fat, sugar and salt are in processed foods.

The Grocery Manufacturers Association (GMA) claimed that the Working Group created needlessly strict regulations, ignoring significant progress already made in improving the quality of foods marketed to children. According to GMA representative Scott Faber, "In recent years, we have changed the recipes of more than 20,000 products to reduce calories, sugar, sodium, and fat and have pledged to annually remove 1.5 trillion calories from commerce by 2015."¹²² The Association of National Advertisers argues, "Despite calling these proposals 'voluntary,' the government clearly is trying to place major pressure on the food, beverage and restaurant industries on what can and cannot be advertised."¹²³ An FTC attorney stated that the agency's "ambition isn't that food companies stop marketing to kids but that they reformulate their products and market more healthful foods."¹²⁴

The FTC made multiple public defenses of the Principles and stated a willingness to revise the standards, and the vast majority of the 29,000 public comments supported them.¹²⁵ But Congress blocked the Principles by requiring a cost-benefit analysis, a nearly impossible task for a

voluntary measure, as the request pre-supposes that the Principles are binding. The FTC has since decided not to pursue the Principles.¹²⁶ In this most recent case, as in every other attempt to limit food marketing to children, industry pressure trumped public health.

Local and State

Local and state regulations to address food marketing to youth have been few. The City of San Francisco has passed an ordinance that bans restaurants from offering toys in children's meals that are high in calories, sugar and fat. Any children's meal that offers a free toy must also include fruits and vegetables. In essence, the ordinance has been dubbed a ban on McDonald's Happy Meal toys. Santa Clara County, California, has passed a similar law.¹²⁷

Some state legislatures, in response to San Francisco's ordinance and other nutrition-related ordinances, such as trans fat bans and menu calorie-labeling requirements, have passed state laws that would supersede any such local law. These bills give only the state the authority to pass such laws. Arizona, for instance, specifically disallows towns and counties from banning consumer incentives in food marketing, which includes toys in children's meals, and Ohio gives the state director of agriculture the sole authority to regulate consumer incentives, among other related issues. State restaurant associations have lobbied for the state bills, arguing that varying local ordinances applying to their marketing practices creates an unfair regulatory burden.¹²⁸

Industry Self-Regulation

The 2011 exercise of proposing Principles to guide industry self-regulation gave the food industry the opportunity to tout its progress in improving the health of food marketed to children. Yet self-regulation has occurred only under the threat of government regulation, and the efforts so far have not done nearly enough to protect children from the worst effects of food marketing. Significant industry self-regulatory efforts began in response to the FTC and HHS 2005 workshop and 2006 report on marketing, self-regulation and childhood obesity,¹²⁹ and a new industry agreement on uniform nutrition standards followed in response to the proposed Principles.¹³⁰

Studies of industry self-regulatory efforts worldwide have found that they are typically created in response to potential government intervention and are effective in achieving basic controls of "the most irresponsible advertisements," but not changing much beyond that.¹³¹ The researchers of one study describe: "As with the tobacco and alcohol

industries, food industry self-regulation appears to be motivated more by external threats: negative public attitudes, government action that restricts key business practices, and litigation. Where industry and public health objectives conflict, an industry has incentives to create a public image of concern and to promise change, but then to create weak standards with lax enforcement.”¹³²

Children’s Food and Beverage Advertising Initiative^c

In response to the federal government’s renewed scrutiny of food marketing to youth, the Council of Better Business Bureaus (BBB) sponsored the voluntary Children’s Food and Beverage Advertising Initiative (CFBAI) in 2006, with the goal of promoting advertising messaging to children “to encourage healthier dietary choices and healthy lifestyles.”¹³³ The standards for the CFBAI apply to all marketing to children under the age of 12 and rely on each food company to set its own standards for what constitutes “better-for-you” foods that are appropriate to market to young children.¹³⁴ As of December 2013, participating companies will be required to follow a uniform nutrition standard.¹³⁵

As of 2012, the companies participating are Burger King Corporation, Campbell Soup Company, Coca-Cola Company, ConAgra Foods, Inc., The Dannon Company, General Mills, Inc., Hershey Company, Kellogg Company, Kraft Foods Global, Inc., Mars Snackfoods US, LLC, McDonald’s USA, Nestlé USA, PepsiCo, Inc., Post Foods, Sara Lee Corp. and Unilever United States.¹³⁶ Three companies — Coca-Cola, Hershey’s and Mars — have stopped marketing directed to children under 12 years of age.¹³⁷ The remaining companies have developed individual pledges to improve the health content of foods they market to children. The pledges apply to all forms of advertising. Most companies consider programs with a 35 percent or greater audience share of children ages 2 to 11 to be “child-directed,” and most companies have also chosen not to market to children under the age of 6.

At a minimum, under the CFBAI, the companies must:

- “Devote 100 percent of their child-directed advertising to better-for-you foods, or to not engage in such advertising;
- Establish nutrition standards, consistent with established scientific and/or government standards and recommendations and subject to BBB approval, that govern what foods they may advertise to children;

“Better-for-You” Foods

Here are a few of the foods considered “better-for-you” options and therefore appropriate to market to children under age 12 by the Children’s Food and Beverage Advertising Initiative.¹³⁹

Cereal

- Apple Jacks
- Cinnamon Toast Crunch
- Cocoa Pebbles
- Froot Loops
- Fruity Pebbles
- Kellogg’s Frosted Flakes
- Lucky Charms
- Trix

Fast Food

- Burger King Kids Meals with “Fresh Apple Slices” and fat-free milk or apple juice
- McDonald’s Happy Meals with fries, apple slices and fat-free chocolate milk
- Prepared Meals
- Kid Cuisine Meals, including the Carnival Corn Dog, Kickin’ Ravioli and KC’s Primo Pepperoni Double Stuffed Pizza
- Chef Boyardee Overstuffed Italian Sausage Ravioli and Pepperoni Pizza Ravioli

Snacks

- A variety of Unilever Popsicles, including products named after Dora the Explorer, Marvel Super Heroes, Spider Man and SpongeBob SquarePants
- Honey Maid Grahamfuls Filled Crackers – Peanut Butter and Chocolate

Beverages

- Kool-Aid Singles

- Limit the use of third-party licensed characters, celebrities and movie tie-ins in child-directed advertising consistent with the company’s advertising commitment;
- Not pay for or actively seek to place their food and beverage products in the program/editorial content of any medium that is child-directed for the purpose of promoting the sale of those products;

^c See Hawkes (2005) for discussion of a few earlier initiatives.

- Include only the company’s better-for-you foods or healthy dietary choices in interactive games that incorporate a company’s food products; and
- Not advertise their branded foods to children in elementary schools (this limitation does not apply to charitable fundraising, displays of food products, public service messaging or items given to school administrators).¹³⁸

Evaluating the Children’s Food and Beverage Advertising Initiative

The Grocery Manufacturer’s Association and the Association of National Advertisers have promoted a study of television advertising aimed at children ages 2 to 11, comparing advertising levels in 2004 versus 2010, to evaluate the CFBAI’s effectiveness in reducing children’s exposure to food advertising.¹⁴⁰ According to the study, the average child in this age span viewed approximately 1,250 food and beverage advertisements on children’s television in 2010, compared to 2,500 in 2004, and food and beverage companies spent \$200 million on television advertising to this demographic, compared to \$600 million in 2004. That amounts to half the advertising views on children’s television, and two-thirds less spending.

In the study, these impressive figures are followed by graphs revealing drastic reductions in television advertising to children in certain food categories, including cookies, snack bars, candy and soft drinks. In these categories, television advertisements directed specifically at children have been all but eliminated. Additionally, advertisements for fruits and vegetables have increased over 150 percent, in part because there were so few of them to start.¹⁴¹

These reductions in advertising are noteworthy. Yet compared to the goals set out in the Interagency Working Group’s Principles, there are significant gaps. Foremost among them are age and form of media. The study does not address exposure to youth ages 12 to 17, nor does the study address children’s exposure to television advertisements outside of children’s programming. Recall that another 2010 study estimated that children’s total television food advertising exposure — including all shows, not just children’s shows — was 5,000 viewings per year, far higher than the totals described above.¹⁴² The study also leaves out advertising online, where much advertising has shifted in recent years.¹⁴³

Certainly, reducing advertising for junk foods makes the advertising mix less unhealthy, but these efforts do not reach far enough. The Working Group has indicated that most foods currently advertised to youth would not meet



their proposed Principles.¹⁴⁴ Three studies further evaluate the CFBAI against third-party nutrition standards and confirm that, even after taking into account the industry’s self-regulatory efforts, most of the food marketed to children is not healthy.

An evaluation of food marketed to children before and after implementation of the CFBAI found only a slight decrease in the marketing of unhealthy foods to children. In 2009, 72.5 percent of foods marketed to children were “Whoa” foods, those that should be consumed only occasionally as treats (as determined by the HHS “Go-Slow-Whoa” food rating system), compared to 84 percent in 2005.¹⁴⁵ Of advertising by companies participating in the CFBAI, 68.5 percent of advertisements featured “Whoa” foods, while only 1 percent of food advertising by those companies met the standards of healthier “Go” foods that children should be encouraged to eat on a regular basis.

Additionally, half the advertisements using licensed characters were for “Whoa” foods.¹⁴⁶ And, yet, according to the study, the companies involved were all meeting their pledges, and nearly three-quarters of the food advertisements were from companies participating in the initiative.¹⁴⁷ The efforts have simply not been enough to make a substantial change in the overall content of food marketing to young children.¹⁴⁸ The authors specifically identify the lack of a unified standard as a weakness of the CFBAI: “At its root, this situation suggests that each company tailors its unique nutritional guidelines to define healthy foods by carefully weighing the implications of each factor for its particular product portfolio. It implies that shades of grey in close call decision-making may be shaped at least in part by a company’s self-interest in qualifying more of its products in the ‘healthy’ category.”¹⁴⁹

The Center for Science in the Public Interest evaluated CFBAI-approved “better-for-you” foods against the nutrition standards for the National Alliance for Nutrition and Activity (NANA)’s Model School Wellness Policies on Physical Activity and Nutrition. Of the 452 “better-for-you” products approved by the CFBAI as of 2009, only 41 percent met the NANA standard. Products most likely to meet the standard included yogurt and juices.¹⁵⁰

The study also analyzed food advertisements on the children’s cable channel Nickelodeon in 2005 and 2009 to observe any differences since the CFBAI went into effect. Overall, advertisements for nutritionally poor foods decreased from 88 percent to 79 percent of the total, a statistically insignificant difference. The percentage of advertisements for foods high in added sugars actually increased over the time frame, while advertisements high in total fat, saturated and trans fats, and sodium decreased.

Three-quarters of the advertisements were from companies participating in the CFBAI. Advertisements from companies participating in the CFBAI were much more likely to meet the NANA standards, with 28 percent of those advertisements meeting the NANA standard and virtually no advertisements from the non-CFBAI companies doing so.¹⁵¹ Thus, CFBAI-approved advertisements represent a higher likelihood, but no guarantee, of healthful content.

Yale University’s Rudd Center for Food Policy and Obesity has analyzed cereal and beverage advertisements to children.¹⁵² A study of cereal advertisements from CFBAI-participating companies found that these companies tend to market their least-healthy options to children.¹⁵³ For example, in 2011, children ages 2 to 11 on average saw three times as many ads for CFBAI-approved Honey Nut Cheerios compared to regular Cheerios.¹⁵⁴



The cereals marketed directly to children in the study contain 56 percent more sugar, 52 percent less fiber and 50 percent more sodium than cereal marketed to adults. Companies typically marketed their healthier cereals to adults for the adult’s consumption.¹⁵⁵ There is perhaps no better example of mixed messaging: the same company is marketing one set of cereals to children, and another set of cereals to the parents to buy for the children. On the one hand, cereal companies can promote their involvement in the CFBAI, while on the other hand, they are setting up parents to fail with their contradictory marketing practices.

The Rudd Center also found that children and teens viewed twice as many ads for regular soda in 2010 as in 2008.¹⁵⁶ While youth exposure to sugary drink ads from PepsiCo declined, exposure doubled to ads from Coca-Cola, Dr Pepper Snapple Group drinks and 5-hour Energy.¹⁵⁷ Note that PepsiCo and Coca-Cola are both members of the CFBAI.¹⁵⁸ Coca-Cola also appears as a product placement in primetime television shows commonly watched by youth.¹⁵⁹ These placements represent a loophole in the CFBAI standards, which require limiting product placements only in children’s programming.¹⁶⁰

Improving Industry Self-Regulation

While there have been some improvements, the overall quality of food marketed to youth is still quite unhealthy. Industry self-regulation is clearly insufficient to make the necessary changes to improve the health of food marketed to children. One consistent criticism of industry-led regulatory efforts has been the lack of a uniform nutrition standard for foods and beverages advertised to youth.¹⁶¹ The Principles represented the first statement by the federal government to create best practices for such a standard to recommend to industry, in lieu of industry action on the matter. On the very last day to submit comments on the Principles,¹⁶² the CFBAI countered with its own uniform nutrition standard, which participating companies must implement by the end of 2013.

The CFBAI standard set limits on sodium, saturated fat, trans fat, sugar and calories for each of 10 broad food categories.¹⁶³ This nutrition standard is weaker than the Principles’ standard and applies to fewer types of advertising.¹⁶⁴ While most foods currently acceptable under the CFBAI would not meet the Principles’ standard, two-thirds would meet the CFBAI’s new uniform standard. Most products that do not meet the standard would require minimal adjustments to do so.¹⁶⁵

In other words, the CFBAI's new standard does not actually make significant improvements over the current situation. At least three of the companies participating in the CFBAI — General Mills, Kellogg and PepsiCo — lobbied to weaken the Principles as part of a media and food industry effort called the Sensible Food Policy Coalition.¹⁶⁶ As the earlier evaluations suggest, a strong nutrition standard is necessary to reduce children's exposure to unhealthy food advertising. The food and beverage industry should support a stronger standard.

Further improvements to industry-led programs like the CFBAI would include:

- **Elimination of junk food marketing during certain contexts**¹⁶⁷: As recommended by the World Health Organization, settings where children gather, such as schools and after-school programs, should be free of junk food marketing.
- **Outside evaluation of industry efforts**¹⁶⁸: The FTC's report, *Marketing Food to Children and Adolescents: A Review of Industry Expenditures, Activities, and Self-Regulation*, provides one example of a thorough evaluation of industry spending on different types of marketing.

- **Targeted goals to improve health outcomes for youth**: Some public health advocates have called for outcome-based evaluations with goals for reducing children's consumption of unhealthy foods or improvements in childhood overweight and obesity.¹⁶⁹
- **Inclusion of media companies, such as television networks and social media websites**¹⁷⁰: Self-regulation would be strengthened if media companies agreed not to show advertisements, include product placements or allow their characters to endorse foods that do not meet a common nutrition standard.
- **Participation by additional food and beverage companies**¹⁷¹: For industry self-regulatory efforts to work most effectively, every company should participate.

The White House Task Force on Childhood Obesity has recommended a number of improvements to industry self-regulatory initiatives to make them more far-reaching and consistent. The Task Force allows for the possibility that industry efforts will make a significant difference in youth's exposure to unhealthy food marketing, but it recommends revised federal rules should these efforts not work fast enough. Specifically, the report recommends

Does the First Amendment Protect Commercial Speech?

For the most part, the U.S. Supreme Court has interpreted the First Amendment as protecting "commercial speech," leaving this form of expression largely unregulated.¹⁹⁰ Commercial speech is "expression related solely to the economic interests of the speaker and its audience" and "speech that proposes a commercial transaction." Yet, based on the 1980 case *Central Hudson Gas & Electric Corporation v. Public Service Commission of New York*, commercial speech can be regulated if it is deemed false, misleading or deceptive.¹⁹¹

The central question about whether food marketing to kids is protected under the First Amendment naturally follows: Is it inherently false, misleading or deceptive? Can children understand the marketing as advertising? What if some advertisements are considered misleading and others are not? At what age does it apply?

The restriction on misleading advertising does not allow for the elimination of whole categories of advertising if it is possible for the advertising to be done in a way that is not misleading.¹⁹² Researchers and advocates have argued that advertising to young children is inherently misleading because children cannot understand the persuasive intent of advertising. There is no non-misleading alternative in this case, as even disclosure statements are beyond children's understanding.¹⁹³

The Supreme Court has also identified children's rights to protection as different from that of adults, as children are particularly vulnerable to marketing influence.¹⁹⁴ In practice, as seen in the FTC's efforts to regulate marketing to children, applying these definitions is complicated. In the 2001 case of *Lorillard v. Reilly*, for instance, the Supreme Court ruled that Massachusetts could not restrict tobacco advertising near schools and playgrounds because it interfered with companies' ability to market to adults.¹⁹⁵ Distinguishing between advertising directed at children and especially adolescents versus adults complicates attempts to regulate food marketing.

Certain programs and websites are clearly aimed at children, but there is also much content whose audience is mixed. The First Amendment protection in these cases has not been clearly defined. The Supreme Court last ruled on a commercial speech case in 2002.¹⁹⁶ The FTC has developed its own guidelines to determine what fraction of the audience must be made up of children or adolescents to determine whether the programming is aimed at that age group, but those regulations have only been proposed for voluntary restrictions on food marketing to children.¹⁹⁷



that, within three years, the majority of food advertising directed at children should be for healthy foods and beverages, and licensed characters should be used only to promote healthy products.¹⁷² It seems highly unlikely that the food and beverage industry will meet these goals.

The suggested improvements would make industry self-regulatory efforts stronger, but, ultimately, the problem is that food marketing works.¹⁷³ Industry self-regulatory efforts may have removed advertisements for some of the unhealthiest products, but there are many inconsistencies, and the majority of food in advertisements to youth remains unhealthy. The IOM states that “food and beverage companies, restaurants, and marketers have underutilized potential to devote creativity and resources to develop and promote food, beverages, and meals that support healthful diets for children and youth.”¹⁷⁴ Unfortunately, without regulations or the threat thereof, the industry remains without sufficient incentive to do so.

International Regulation

The World Health Organization (WHO) recently passed recommendations to “reduce the impact on children of marketing of foods high in saturated fats, trans-fatty acids, free sugars, or salt,” with the larger goal of reducing the prevalence of diseases to which unhealthy diets contribute.¹⁷⁵ Acknowledging member nations’ varying capacity to enact marketing restrictions, the WHO recommends that national governments should define what

types of marketing to restrict and what nutritional standards are appropriate for foods marketed to children, and oversee all implementation and evaluation.¹⁷⁶ In particular, the recommendations call for banning marketing of foods high in salt, sugar and fat in schools and other places frequented by children.¹⁷⁷

Worldwide, as of 2006, 36 countries had implemented regulations addressing food marketing to youth on television, most aimed at children under age 12, and 21 countries regulated marketing in schools.¹⁷⁸ At the time, only Finland and Spain limited product placements, and only Brazil limited Internet marketing. The United Kingdom has enacted some of the most stringent requirements, banning all junk food marketing on children’s television stations and programming aimed at youth under age 16 as of 2008.¹⁷⁹ Many food corporations sell their products globally and have therefore had experience meeting the regulatory requirements of different countries.

Recommendations

The public health challenge of rising childhood obesity must be addressed. Improving the nutritional environment for youth will require many policy changes. It’s time to ask the question: Is it appropriate to advertise unhealthy foods to children and adolescents? While the FTC’s proposed voluntary Principles offered a strong set of guidelines, this proposal should not be the extent of the debate about improving the nutritional value of foods marketed to youth. Broader restrictions are necessary to protect youth from the influence of food and beverage marketing.

Specifically, Food & Water Watch recommends that:

- The FTC should be able to regulate any unfair or deceptive marketing, but Congress has limited the FTC’s authority to restrict marketing to youth. Congress should provide the FTC with the full authority to regulate food and beverage marketing. Congress should also give the FTC the authority to create mandatory nutrition standards for food and beverages marketed to youth.
- The FTC should continue its monitoring of industry spending and self-regulatory efforts in food marketing to youth.
- Food and beverage companies should reduce advertising of unhealthy foods and beverages to children and reformulate products to make them healthier.
- The USDA should issue strong nutrition standards for competitive foods sold in schools as stipulated in the Healthy, Hunger-Free Kids Act of 2010.

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