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Federal Trade Commission
Office of the Secretary
Room H-135 (Annex J)
600 Pennsylvania Avenue, NW
Washington, DC 20580

Office of Management and Budget
Attn: Desk Officer for the Federal Trade Commission
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**Re: Food Industry Marketing to Children Report: Paperwork Comment; FTC
File No.P064504**

The following members of the Children's Media Policy Coalition, specifically Action Coalition for Media Education, American Academy of Pediatrics, Benton Foundation, Children Now, National PTA, and the Office of Communication of the United Church of Christ, Inc., appreciate this opportunity to comment on the Federal Trade Commission's ("FTC" or "Commission") proposed information requests to food and beverage companies on marketing activities targeted to children and adolescents. *Agency Information Collection Activities; Proposed Collection; Comment Request*, 72 Fed. Reg. 19505 (April 18, 2007) (the "Notice").

We support the proposal and are pleased that the Commission is going forward with this valuable proceeding. We urge the Office of Management and Budget (“OMB”) to approve promptly the information collection so the Commission can continue work on its report to Congress.

As organizations concerned about excessive, deceptive, or unfair advertising to children, we frequently participate in proceedings at the FCC and FTC. Indeed, we filed comments in response to *Request for Information and Comment, Food Marketing Practices to Children*, 71 Fed. Reg. 10535 (March 1, 2006), urging the FTC to utilize its authority to compel disclosure of the information needed to prepare the report to Congress on the nature of food marketing to children. *Letter to Donald S. Clark Re: Project No. P064504* (April 3, 2006). We also filed comments in response to *Agency Information Collection Activities: Comment Request*, 71 Fed. Reg. 62109 (Oct. 23, 2006), recommending that the Commission alter its request in several ways to enhance the quality, utility, and clarity of the information to be collected. In addition, four of our members, American Academy of Pediatrics, Benton Foundation, Children Now, and National PTA, are currently participating in the joint FCC and congressional Task Force on Media and Childhood Obesity.

The Notice outlined a proposed information request that would be sent to 44 food and beverage manufacturers, distributors, and marketers and quick services restaurant companies. The request will ask these companies for five types of information: (1) the types of foods marketed to children and adolescents; (2) the types of measured and unmeasured media techniques used to market food products to children and adolescents; (3) the amount spent to communicate marketing messages about food products to children and adolescents in measured and unmeasured media; (4) the nature of the marketing activities in unmeasured media used to market food products to children and adolescents; and (5) any marketing policies, initiatives, or

research in effect or undertaken by the companies relating to the marketing of food and beverage products to children and adolescents. The Notice requests comments on the proposed information request.

As the Commission recognized, much of the data necessary to prepare the report is not publicly available. The Institute of Medicine (“IOM”) experienced this problem while developing its report on the effects of advertising on children. Even though the IOM report did an excellent job of reviewing marketing to children, it had a difficult time obtaining the data necessary to fully answer its inquiries. For example, the IOM encountered difficulty obtaining information on product purchases, target markets, and marketing strategies, *IOM Report, Food Marketing to Children and Youth: Threat or Opportunity*, National Academies Press (2006) at 1-14, all of which are types of information the Commission has found essential to its final report to Congress. Therefore, it is crucial that the FTC be able to fully exercise its power under §6(b) of the FTC Act, 15 U.S.C. §46(b), to gather this vital data on an increasingly important issue.

As we have pointed out in the past, the Commission’s investigative power is especially important where little publicly available data is accessible. By example, as the IOM noted, there is very little public information about online marketing practices. *IOM Report* at 4-46, 5-2, 5-60, 5-61. The comments of the Grocery Manufacturers Association and Food Products Association further state that information on marketing in unmeasured media is not even available from commercial market research sources. *Comments of the Grocery Manufacturers Association/Food Products Association, Re: FTC File No. P064504* (December 21, 2006). This lack of availability is precisely the reason that the Commission’s proposed information request is so important. Furthermore, including information about the unmeasured media marketing of food and beverage companies is crucial given that advertisers are increasingly turning away from

traditional television advertising. See Abbey Klaassen, *Marketers Lose Confidence in TV Advertising*, AdAge (2006).

In addition, any general information that is available publicly or from market research companies is not available in the detail and specificity necessary for the Commission to diligently complete its report to Congress. The Commission requests marketing expenditures broken down by 20 media categories for each company. It also asks for information about advertising aimed at targeting two different age groups. This type of detailed information is simply not available to the Commission without the use of a compulsory information request. Publicly available information and commercial research reports cannot provide this type of specialized information. Nor is information on unmeasured media expenditures available, except directly from the food and beverage manufacturers.

Finally, although we believe that the information request should have been even broader, in particular by including a request for advertising revenues of children's media companies, we believe that the relatively low costs of the proposed request are far outweighed by the wealth of information the Commission will receive on an important topic. The cost is especially small considering the enormous expenditures made by food and beverage companies on advertising to children. The IOM Report states that food and beverage companies spend over \$10 billion per year on advertising to children. *IOM Committee on Food Marketing and the Diets of Children and Youth*, Food Marketing to Children and Youth: Threat or Opportunity?, National Academies Press. Washington, D.C. 2005. The FTC's aggregate cost estimate of the information request is a mere 0.16% of the industry's annual advertising budget. Additionally, because the Commission has promised to keep all company-specific data and information it receives confidential, a position we have supported, companies can have no fear that providing the

information requested to the FTC would result in harm to their businesses.

We appreciate the opportunity to share our views with the Commission and the Office of Management and Budget on this matter of great public importance. We are very pleased that the Commission is moving forward on this important study, and urge the OMB to approve the request without delay.

Respectfully Submitted,

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