

Congress of the United States
Washington, DC 20515

October 11, 2011

The Honorable Kathleen Sebelius
Secretary
Health and Human Services
200 Independence Avenue SW
Washington, DC 20201

The Honorable Tom Vilsack
Secretary
Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

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

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

Dear Chairman Leibowitz:

We are writing to express our deep concern about the recent proposal by Federal Trade Commission, the Food & Drug Administration, the Department of Agriculture, and the Centers for Disease Control that would ban the advertising of nearly all foods to children and adolescents.

This ban is far-reaching, affecting not only advertisements that primarily reach children, but also many that reach adults. Indeed, the ban would even prohibit the use of iconic brand logos on the packaging adults see and purchase at the grocery store if those logos contain animated characters. This would destroy equity that companies have accrued in their brands.

We believe the guidelines, as currently drafted, are also too prohibitive. Many foods that qualify under the Food and Drug Administration's definition of "healthy" would be precluded by the guidelines. Even foods that are approved for consumption as part of the Supplemental Nutrition Program for Women, Infants and Children (WIC) would not meet the guidelines.

As you are aware, in an Executive Order dated January 18, 2011, President Obama mandated that federal agencies must regulate in a manner that preserves and promotes "economic growth, innovation, competitiveness, and job creation" and that regulations "must be based on the best available science." It is difficult to see how the proposed regulations satisfy these mandates.

This policy would have an enormous impact on the food manufacturing industry which employs 1.5 million Americans. According to a study conducted by IHS Global insights, if this rule goes into effect we would see a potential reduction of 20% in food and beverage advertising expenditures which could affect over 74,000 jobs in just one year.

Because of the devastating impacts of this rule, we ask that the Commission and the Interagency Working Group immediately withdraw this proposal.

Sincerely,

Eric Paulsen

Mike Rogy

Tim Hulskamp

Bill Boxy

Jill

Peter Proskam

Patrick T. McHenry

Marena Blackburn

Kari Yoder

Paul Brun

Bill Johnson

Howard

Joseph Pitts

Jill Cote

Tom Graves

Ch Bonstam

Raney Roughton

Reed J Kiddle

Di Jack

Stacy Long

Blain Lufenege

Allen B. West

Candice S Miller

Adam Smith

Todd R Plotts

Clark Kingston

AC Hawn

Bob Goodlette

Scott Lovatt

David Mays

Scott Jarvis

Tom [unclear]
MO-6

Cynthia P. Lummis

Pat [unclear]

Therese Hely

K. Willing

Debra B. Adair

Frank Stank

Alan Nunneley

Shane Remy

Pat Tibari

Tim Walling

Diane Black

Jean Schmidt

Xu Carter

Peter Flores

Joe Wilson

Howard Coble

Rick Crawford

Blake Furettal

John Fleming

John Amstrong

Quinn Furr

Bob

Al Causey TX-23

Louis Lehman

Jenny Reberg

Justin

Carl Roberts

Tom Salham

Sam Johnson

Sam Wonnack