

Contests. Contests not only encourage children to purchase food for reasons unrelated to the food, but also can be deceptive for children who do

“In advertising sweepstakes to children, care should be taken not to produce unrealistic expectations of the chances of winning,” according to the Children’s Advertising Review Unit, the self-regulatory organization of the advertising industry (2002).

not understand how slim their odds of winning are. Wording such as, “You’ve Won \$10,000!” (on Nabisco Oreo cookies packages) and “2000 First Prize Winners!” (on Cap’n Crunch boxes) could mislead children about their odds of winning. Despite the picture of a toy box overflowing with Tiger Electronics toys on the back of the Cap’n Crunch cereal box, the odds of winning were one in 1,765,800 for the grand prize (every toy Tiger makes) and one in 8,829 for the first prize (one toy, chosen



Despite the picture on the Cap’n Crunch cereal box, the odds of winning the box full of Tiger toys were one in 1,765,800.

by the sponsor). The odds of winning one of the grand prizes in the Boards or Bikes contest, which occupies the entire back of some Oscar Mayer’s Lunchables boxes, is one in 27 million.

Using Health and Fitness to Sell Low-nutrition Foods to Children

Some ads misleadingly imply that foods are healthy by referring to them as good sources of energy (in other words, a good source of calories), by associating the product with athletes or physical activities, by showing the product surrounded by pictures of fruit, milk or other healthy ingredients, or by featuring slim, healthy, fit kids enjoying high-calorie foods in the ads.

Kotz and Story (1994) found that nutrition and health are the implicit messages used most often in food advertisements aimed at children (in 49% of ads). Nutrition messages are



The front of Oreo’s packages states that “You’ve Won \$10,000,” but it takes a close look at the side of the package to find out that the odds of winning are one in 12 million.

“Approximately half of the nutrition-related information in food and beverage advertisements was misleading or inaccurate....Television must be recognized as a major source of nutrition (mis)information,” stated Byrd-Bredbenner & Grasso, Rutgers University and Montclair State University (2000).

used most commonly in ads for breakfast cereals, which claim to be “part of a complete/nutritious/balanced breakfast.” Another study found that when advertisements aimed at children show people eating the advertised food, almost all (89%) of the actors shown eating are slim and healthy-looking, despite the fact that 54% of the foods shown in the ads are high in calories, fat and sugar (Byrd-Bredbenner & Grasso, 2000).

Linking Junk Food with Fitness.

KC and his friends beat the Big Bad Wolf and his team in soccer after eating Kid Cuisine frozen dinners. In a television ad for Gatorade, which derives 100% of its calories from refined sugars, children drinking Gatorade are portrayed as “unstoppable” and cannot be caught by an adult.

Packages of Skippy’s peanut butter and chocolate Squeeze Stix snacks feature a boy skating, playing soccer and skate boarding. The box of Post’s Oreo O’s cereal reads “Play Like the Pros! Hit Farther. Steal Faster. Field Better.” and points children to its online Baseball Skills Challenge game. A Coca-Cola ad in *Teen People* (2003) features youth riding bicycles. Sammy Sosa, Mike

Piazza and other baseball stars sell Big League Chew gum in its magazine ad (*Sports Illustrated for Kids*, 2003).

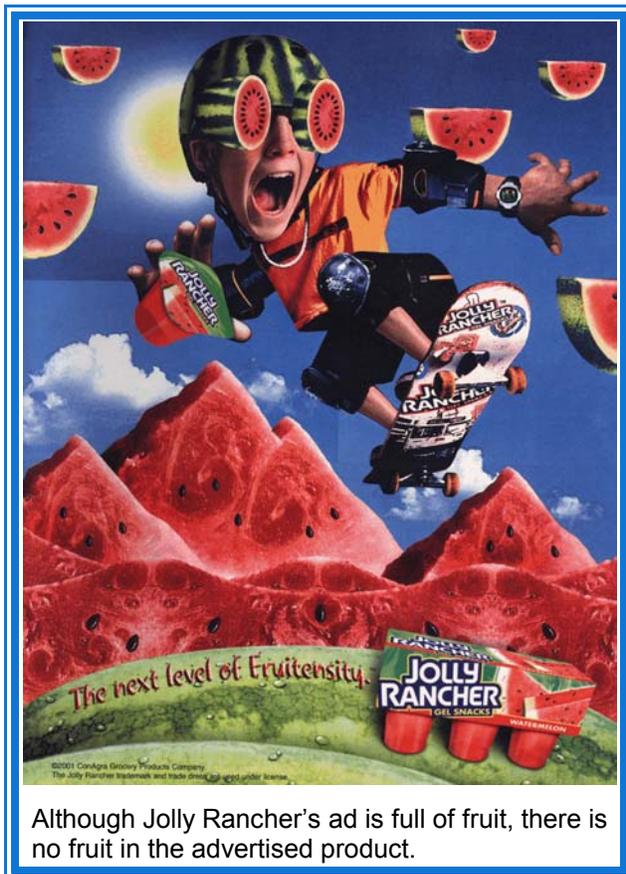
Sponsoring and other marketing at sporting events also associate food companies’ products with fitness. PepsiCo hands out samples of Mountain Dew at surfing, skateboard and snowboard tournaments (Horovitz, 2002). In addition, PepsiCo has teamed up with the National Football League, Major League Baseball and Major League Soccer to sponsor youth sports



Food companies often associate low-nutrition foods with athletes or physical activities.

skills competitions in local parks around the country. Its website features a number of star athletes. Bubblicious Bubble Gum, RC Cola, M&M/Mars and Stouffer’s Foods sponsor Little League Baseball (Little League Baseball, 2003).

Fruitless Marketing. Another way in which companies position their products as healthy is to associate them with images of healthy ingredients like fruit. A magazine ad for Jolly Rancher Gel Snacks features a boy surrounded with images of watermelons and the text reads, “the next level of Fruitensity” (*Sports Illustrated for Kids*, 2001). However, there is no fruit in the product.



A television ad for Trix cereal features bold images of fruit, states that “colorful, fruity Trix is part of a good breakfast” and the cereal itself is shaped like fruits, yet the cereal contains no fruit. Campbell’s V8 Splash and Kraft’s Kool-Aid Jammers drinks contain just 10% fruit juice, but their packaging is plastered with images of fruit and

includes claims of being rich in vitamin C (which is added at the factory). An ad for Coca-Cola is a seek-and-find game with bottles of Coca-Cola hidden in a garden of tomatoes, corn and peas (*American Airlines Landing Zone*, 2002). The vegetable rows are labeled “smiles,” “pretty eyes” and “strong teeth!”

Kellogg associated its Chocolate Chip Pop-Tarts with the nation’s symbol of healthy eating, the Food Guide Pyramid, in a magazine ad (*Sport Illustrated for Kids*, 2001). Kellogg’s “Chocolate Food Pyramid,” with cookie, cake and toaster pastry groups, claimed to make eating chocolate easy. Kellogg also sells a coloring and activity book, *Healthy and Happy*, that urges children to “Be healthy with Tony the Tiger” (Kellogg, 2002b).

Soft Marketing: Image Ads

Many companies engage in event and cause marketing: direct advertising, charity work and donations that are designed to improve their corporate image. By associating their names with images of benevolence, companies hope that children and their parents will trust them and their products, and thus, in the long term, buy more of their product.

The U.S. General Accounting Office found that many businesses donate cash or assistance to schools for philanthropic purposes, but that the donations often have commercial payoffs (GAO, 2000). Coca-Cola is a sponsor of the National PTA (PTA, 2003).

When not aimed at schools, philanthropy is still often focused on children. Coca-Cola sponsors Boys and Girls Club of America (Coca-Cola, 2003). McDonald's sponsors awards, scholarships and health promotion programs for children and a reading program for families (McDonald's, 1998).

“There are certain kinds of advertising and promotions that must be measured by specific volume results. [Harry] Potter is not one of those. Potter is designed to have a ‘halo’ effect,” said John Sicher, editor and publisher of *Beverage Digest* (Leith, 2002).

General Mills' Betty Crocker brand sponsors “The Great American Bake Sale,” which urges people to hold a bake sale and donate the proceeds to Share Our Strength to fight child hunger (Betty Crocker, 2003).

Coca-Cola, the exclusive commercial sponsor for the first three Harry Potter films, spent \$287 million on their campaign tied to the movies (Walley, 2002) with the hope that some of “the magic” would rub off on the company. The campaign includes an image-boosting literacy and reading campaign. Sponsoring Olympic and other athletes also can be an image-booster, as it has the dual effect of appearing benevolent and associating a product with health and athleticism. Coca-Cola and McDonald's are both Olympic sponsors.

Ads that Encourage Overeating

Some advertisements and marketing encourage children to overeat or eat large quantities or show big portion sizes. A magazine ad for Cap'n Crunch's Smashed Berries cereal reads, "Kids smashed 'em in the factory so you can fit more in your mouth" (*Nickelodeon*, 2001). An M&M's ad campaign uses the tag line "Tons of chocolate candy searching for a mouth" (*Disney Adventures*, 2003; *Nickelodeon*, 2003) and pictures a seemingly endless stream of candies headed toward an open mouth (*Disney Adventures*, 2002).

A Denny's restaurant ad shown during children's programming featured Miss Piggy, a Muppet character, ordering three Grand Slam breakfast platters for herself. Three platters provide 3,030 calories. "There is no such thing as too many Bugles" and "More is better" are the messages of a television ad for General Mills' Bugles snacks. Other tag lines in ads shown during children's programming include "Once you pop you can't stop" for Procter and Gamble's Pringles chips and "Get your own box" for Sunshine Cheez-Its snack crackers. One 16-ounce box of Cheez-Its has 2,400 calories and a-day-and-a-half's worth (30 grams) of saturated fat.

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JASON GIAMBI

"I usually have several Pepsis each day - it really lifts me up." - Jason Giambi

The newest member of Pepsi sports is ready for his first rockin' season. Step into the dugout with Jason Giambi and read his thoughts about Pepsi, and other fun stuff, in his exclusive Pepsi.com interview. And for other cool Giambi items, check out his bio and wallpaper.

BIO INTERVIEW WALLPAPERS

WATCH THE GIAMBI & SOSA TV AD

THE SAMMY & JASON ALL-STAR PHOTOS

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Pepsi's website does not provide a good role model for consuming sugary soft drinks in moderation.

Pepsi's website profile of baseball star Jason Giambi, which displays the prominent quote, "I usually have several Pepsis each day - it really lifts me up," does not provide a good role model for consuming sugary soft drinks in moderation (PepsiCo, 2003).

Marketing to Very Young Children

While the discussion above describes many examples of marketing aimed at preschool-aged children, it is important to emphasize. Food companies are targeting children at very young ages with marketing campaigns for low-nutrition foods. Companies work to get children to recognize and try their brands as early as possible, in the hopes of securing their lifelong loyalty.

Burger King has sold chicken nuggets shaped like Teletubbies and Rugrats, characters from programs targeted to preschoolers (Lusk, 2002).

McDonald's Happy Meals have featured toys based on *Teletubbies* (McDonald's, 2002d), a program which is aimed at children as young as 1 year old. In addition, it sponsors and runs ads during Playhouse Disney, a block of programming for preschoolers on the Disney Channel (*Wall Street Journal*, 2002).

Some of the "ads you buy" are clearly aimed at small children. The cookie-jar shaped box for Fisher-Price's Oreo Matchin' Middles game states it is for children ages 3 to 7 ("no reading required"). Cereal, candy, cookie and other food counting and play books, like the *M&M's Birthday Book*, *Froot Loops! Counting Fun Book* and *Oreo Cookie Counting Book* are board books, which clearly are aimed at very young children.



"1 little OREO, in the setting sun. It's too tasty to resist. And soon there are ... none!" the Oreo Cookie Counting Book.

Mechanical Spin Pop lollipops with figurines of Winnie the Pooh or the Rugrats' Baby Dil make candy into a toy. The Keebler Company bakes cookies and cheese snack crackers into the shapes of Sesame Street characters like Cookie Monster and Elmo, and also features large pictures of the characters on the packages. Kellogg's Hunny Bs cereal, which is 40% sugars, is based on and prominently features on the box the Disney character Winnie the Pooh.

The Persuasive Power of Marketing Aimed at Children

The Food Industry Believes Food Marketing Is Effective

Companies use advertising and marketing to sell more product (by switching children to their brand or increasing the overall sales of the category) and increase profits. While they are not intentionally trying to undermine children's health, there is no disputing that the goal of food marketing aimed at children is to influence their food choices.

Companies clearly believe that advertising and other marketing are effective ways to influence children's food choices or they would not spend so much money on them. Overall, the industry spent \$26 billion advertising and promoting food products and brands in 2000 (Elitzak, 2001). On its website, McDonald's notes that, "Thanks to television commercials, his participation in fundraising events, and daily visits with children in hospitals, schools and McDonald's restaurants, Ronald McDonald has become a national institution - recognized by 96 percent of American children" (McDonald's, 1998).

Children's Understanding of Advertising

A review commissioned by the United Kingdom Ministry of Agriculture, Fisheries and Food concluded that children begin to distinguish advertising from programming in early childhood (around 5 to 8 years old), though the

distinction is based primarily on fundamental characteristics such as that commercials are shorter than programs. Between approximately ages 9 to 12, the majority of children are aware that commercials are about selling things, but not until early adolescence do they develop a complete understanding of the intent of advertising, such as profit motives (Young et al., 1996). Thus, many children lack the cognitive skills and maturity to deal with advertising and are vulnerable to its persuasive appeals (Strasburger, 2001; Valkenburg, 2000). Children also may be more susceptible to advertising than adults and may need less exposure to produce a response. The Millward Brown research company found that children are three-times more likely to remember advertised brands than adults (Lindstrom & Seybold, 2003).

In addition, children do not understand the complexities of good nutrition. That coupled with their lack of understanding of long-term health risks and their focus on the immediate make children especially vulnerable to the marketing of low-nutrition foods.

Younger children are more likely to believe that advertisements are truthful than older children (Ray & Klesges, 1993; Clancy-Hepburn et al., 1974). The Federal Trade Commission concluded that children six years and younger "place indiscriminate trust in televised advertising messages (and) they do not understand the persuasive bias in television advertising" (Elliott et, 1981). First graders were less likely to understand which sugary products shown in ads could cause dental cavities than were students in third and

sixth grade (Lambo, 1981). In a study of fifth and sixth graders, children believed that 70% of the commercials they saw for health-oriented products were true, and 90% of the children described the messages of the advertisements as intended by the sponsors (Lewis & Lewis, 1974).

Undue Influence: How Advertising Affects Children's Food Choices

Children learn behaviors by imitating role models – parents, teachers, peers, siblings, etc., including role models they see on television (Strasburger, 1999). Studies find that advertising influences children's food choices – which products and brands they prefer, what they choose and what they pester their parents to purchase.

“Marketing in and of itself is inherently manipulative, that's the whole point of it,” said Susan Linn, Harvard Medical School (Hood, 2000).

Children exposed to commercials are significantly more likely to choose the advertised items (Borzekowski & Robinson, 2001; Gorn & Goldberg, 1982; Jeffrey et al., 1982; Stoneman & Brody, 1981; Goldberg & Gorn, 1978; Goldberg et al., 1978). Goldberg (1990) found that the more commercial television children see, the more likely they are to have advertised cereals in their homes. In addition, high school students who watch Channel One have more positive attitudes about and report

the intent to buy more of the products advertised on the station, but they did not report purchasing more of the advertised items as compared to students who did not watch Channel One (Greenberg & Brand, 1993). Eliminating ads for candy has been found to be as effective as showing positive ads for fruit in increasing fruit selections by children (Gorn & Goldberg, 1982).

USDA concluded that “foods with the highest advertising intensity tend to be the ones over-consumed relative to Federal dietary recommendations such as the *Dietary Guidelines for Americans*” (Gallo, 1999). A survey of nutrition professionals found that a majority think that most corporate-sponsored school materials and programs are likely to influence children's food choices (Levine & Gussow, 1999).

Studies show that repeated exposure of young children to foods can increase acceptability and preference for those foods (Birch, 1998). While those studies have been conducted using direct taste and visual exposure to food, it seems likely that advertising similarly could increase children's familiarity with foods and positively affect food preferences. In other studies, children's liking for foods has been shown to increase after seeing them advertised on television (Ray & Klesges, 1993).

Pester Power

Critics of limiting food marketing aimed at children argue that although companies market their products directly to children, it is up to the parents to decide whether to purchase those

products. However, a key aim of marketing aimed at children is to get them to nag their parents to purchase certain foods. Marketers call this “pester power” or the “nag factor.” General Mills’ Betty Crocker Fruit Snacks website states, “Driving the ‘kid nag’ factor with gatekeepers [parents] is crucial to the category’s success” (General Mills, 2002).

From personal experience, most parents know that marketing campaigns are effective in driving children to request products. In addition, studies show that children who are exposed to commercials or who watch more television make more purchase requests of their parents for advertised foods (Robertson et al., 1989; Taras et al., 1989; Stoneman & Brody, 1982; Galst & White, 1976; Clancy-Hepburn et al., 1974). Likewise, children whose parents limit television viewing make fewer purchase requests (Wiman, 1983). Sugary cereals, fast food, soft drinks, and candy are requested most often.

Though industry representatives counter that it is the responsibility of parents to say “no” in the face of pestering, repeated nagging of parents and the need for parents to repeatedly say “no” can strain the parent-child relationship (this is on top of having to say “no” to nagging to see R-rated movies, play violent video games and buy clothes and toys parents may not be able to afford). Conflicts arise because the foods that are most heavily advertised to children are low-nutrition foods, of which parents would like their children to eat less. Parental authority is undermined by the wide discrepancies

between what parents tell their children is healthy to eat and what marketers tell children is desirable to eat.⁸

Viewing television commercials for food and the number of purchase requests that children make of their parents are both associated with greater parent-child conflict (Robertson et al., 1989; Goldberg & Gorn, 1978; Ward & Wackman, 1972). In a study that observed families in supermarkets, about a quarter of all interactions regarding choosing a breakfast cereal

“All our advertising is targeted to kids....You want that nag factor so that seven-year-old Sarah is nagging mom in the grocery store to buy Funky Purple [ketchup]. We’re not sure mom would reach out for it on her own,” said Kelly Stitt, a senior brand manager at Heinz (Eig, 2001).

resulted in parent-child conflict (Atkin, 1978). When the cereal purchase request was denied, 65% of interactions resulted in conflict and 48% resulted in unhappiness (though the anger and unhappiness were usually short-lived).

Marketers count on children to wear their parents down and on parents to give in. Parents often find it easier to just say “yes” to reduce stress and strain and allow them to focus on other issues

⁸Although it is beyond the scope of this report, there also is a disconnect between the calorie-dense, low-nutrition foods which are predominantly marketed to children and the thin body images portrayed in the media.

(Kanner & Kasser, 2000). Even if parents say “no” most of the time, they need to find some things to say “yes” to. Thus, parents decide what things are the least bad and give in to those (Levin, 1998). Parents may choose to give in to junk-food requests rather than to R-rated movies, violent video games, clothes or toys parents cannot afford or risky activities with friends.

Health Effects of Advertising and Television Viewing

The World Health Organization recently concluded that heavy marketing of energy-dense and fast food is a “probable” contributor to obesity (WHO, 2003).

Children who watch more television (4 or more hours per day) have higher weights for height (body mass indices) (Crespo et al., 2001; Andersen et al., 1998; Gortmaker et al., 1996) and body fatness (skinfold thickness) (Andersen et al., 1998; Dietz & Gortmaker, 1985) than those who watch less (fewer than 2 hours a day). Gortmaker et al. (1996) found that a child who watches 5 or more hours of television a day is 5 times more likely to be overweight than a child who watches 0 to 2 hours. The relationship between obesity and television viewing is found even in preschool-age children (between 1 and 5 years old) (Dennison et al., 2002).

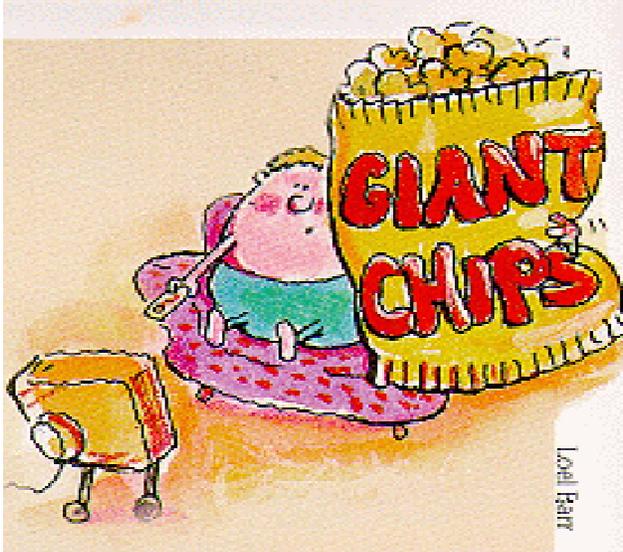
Obesity rates increase as the number of hours of television viewing increases (i.e., there is a dose-response relationship), which adds to the evidence that the relationship between television viewing and obesity is causative, rather than just an

association (Crespo et al., 2001; Gortmaker et al., 1996; Dietz, 1990; Dietz & Gortmaker, 1985). In addition, intervention studies have found reducing television viewing, either coupled with or without activities to change eating habits, to be an effective component of programs to reduce obesity (Gortmaker et al., 1999; Robinson, 1999).

Television viewing may contribute to obesity because of children snacking while watching TV, advertising that encourages increased calorie consumption, or the displacement of physical activity. Some studies have found that television viewing is associated with small reductions in physical activity levels, but the associations are either weak or not found at all (Coon & Tucker, 2002; Robinson, 2001).

Watching more television is associated with less healthful eating patterns (Robinson & Killen, 1995), even when controlling for the child’s reading level, parental education level and other factors (Signorielli & Lears, 1992). Children who watch more television consume more calories (Crespo et al., 2001; Taras et al., 1989). Girls who watch 5 or more hours of television a day consume 2,025 calories per day compared to 1,850 calories a day for girls who watch no more than 1 hour of television per day (Crespo et al., 2001). Although a similar association was found for boys, the results were not statistically significant.

Taras and colleagues (1989) found that food purchasing requests that resulted from exposure to commercial television



were associated with higher intakes of saturated fat and sugar. (Requests were not associated with higher sodium intake, which was not accurately assessed by their food frequency questionnaire.) Children who watch more television eat more snacks in front of the television (Francis et al., 2003). In addition, exposure to television advertising has been shown to increase children's intakes of calories and/or snack foods (Francis et al., 2003 [for girls with at least one overweight parent]; Bolton, 1983,⁹ Jeffrey et al., 1982).

Advertising Can Effectively Promote Healthy Behaviors

Results from tobacco control programs provide strong evidence that media campaigns can promote healthy behaviors. Media campaigns, coupled

⁹ Although the effect size in Bolton's study was small, snack foods are only one of a large number of low-nutrition food products marketed to children.

with other strategies, have effectively reduced the percentage of adolescents who use tobacco (CDC, 2000a). The Florida Department of Health's "truth" campaign used advertising, advocacy and public relations and resulted in a 40% reduction in the smoking rates of middle school students and an 18% decline among high school students (Hicks, 2001). The counter ads that were aired between 1968 and 1970 significantly helped to reduce smoking, even though tobacco ads outnumbered anti-smoking ads by about three to one (Dorfman & Wallack, 1993; Warner, 1977).

The Centers for Disease Control and Prevention's (CDC) review of ten studies found that large-scale, community-wide campaigns (media, usually coupled with community-based activities) can be an effective way to promote physical activity (CDC, 2001b). CDC concluded that community-wide campaigns can result in a 5% increase in the percentage of the community that is physically active and a 16% increase in energy expenditure.

Wheeling Walks, an eight-week population-based campaign to promote walking, used paid advertising and public relations activities supported by programs at worksites and other community locations. The campaign resulted in a 15% increase in the percentage of the population who reported walking at least 30 minutes per day on 5 or more days per week as compared to a control city (Reger et al., 2002).

Advertising also has been shown to effectively promote healthy eating.

West Virginia University and the Center for Science in the Public Interest conducted a media campaign to determine whether paid advertising and public relations, in the absence of other programming, could change people's eating habits. Paid advertising on television and radio, supported by press conferences and other events to generate news coverage of the

As a result of a mass media campaign in Arizona targeted to food stamp recipients, consumption of five or more servings of fruits and vegetables per day doubled among those earning less than \$15,000 per year, and tripled among those earning \$15,000 to \$20,000 (Arizona Nutrition Network, 2001). The results of most corporate food advertising campaigns are proprietary.



campaign, encouraged people to switch from whole or 2% milk (high fat) to 1% or fat free (low fat) (Reger et al., 1999). Telephone surveys showed that 34% of people switched from high-fat to low-fat milk after the campaign, compared to 4% who switched over the same period in a similar city where the ads were not shown. Community-wide consumption of low-fat milk (as a percentage of total supermarket milk sales) increased by 60% – from 29% of sales before the campaign to 46% after the campaign.

One of the few published examples comes from the Kellogg Company's advertising campaign (television and print ads, coupons, messages on packaging) to encourage the consumption of high-fiber cereals. Supermarket sales data indicated that the market share of all high-fiber cereals increased by 37% over the 48-week study period (Levy & Stokes, 1987).

Regulations for Food Advertising and Marketing Aimed at Children

General Regulations

The Federal Communications Commission (FCC) is responsible for regulating and licensing radio and television stations (FCC, 2003). The FCC is charged with enforcing the Children's Television Act of 1990 (and the subsequent 1996 regulations to strengthen it), which put limits on the amount of advertising during children's television and require television stations to air three hours a week of educational and informational programming for children. In general, the FCC does not address the content of ads.

The Federal Trade Commission (FTC), which enforces a number of federal antitrust and consumer protection laws, is charged with preventing deceptive and unfair acts and practices, which include advertising and marketing (FTC, 2003a). Deceptive acts and practices are defined as "a representation, omission or practice that is likely to mislead the consumer" (FTC, 1983). In addition, if a practice or representation is directed at a specific group, such as children, the FTC "examines reasonableness from the perspective of that group." Unfairness is broadly defined as "(1) whether the practice injures consumers; (2) whether it violates established public policy; or (3) whether it is unethical or unscrupulous" (FTC, 1980a).

The FTC has a working agreement with the Food and Drug Administration (FDA)

that gives the FTC primary responsibility for food advertising (except labeling) (FTC & FDA, 1988). The FTC has additional enforcement policy that addresses nutrient content claims and health claims in food advertising (FTC, 1994).

Regulations on Advertising to Children

Historically, both the FTC and the FCC have had jurisdiction over advertising to children. In 1974, the **Federal Communications Commission** was the first to implement regulations to address advertising aimed at children. The FCC required television stations to place separators between programs and commercials to aid children in identifying advertisements. It also set limits on the amount of advertising per hour during children's programs (U.S. House of Representatives, 1989).

During the deregulation efforts of the 1980s, the FCC dropped the limits on advertising time (Carmody, 1988). However, as a result of a lawsuit filed by the Action for Children's Television, the U.S. Court of Appeals for the District of Columbia ordered the FCC to reexamine the issue (U.S. Court of Appeals, 1987). After the FCC failed to act, Congress stepped in. In 1989, Congress passed the Children's Television Act, but President Ronald Reagan pocket vetoed the bill. Congress passed the Children's Television Act again in 1990, and President George H.W. Bush allowed the bill to become law without his signature (Bush, 1990).

Current law, under the Children's Television Act, restricts advertising during children's programs to no more than 10½ minutes per hour on weekends and 12 minutes per hour on weekdays (FCC, 1990). However, the bill did not reduce the amount of advertising aimed at children, since 10½ and 12 minutes were already the industry norm (Jacobson & Maxwell, 1994).

The Federal Trade Commission

issued a report on television advertising to children in 1978 (Ratner et al., 1978). The FTC concluded that "television advertising for any product directed to children who are too young to appreciate the selling purpose of, or otherwise comprehend or evaluate, the advertising is inherently unfair and deceptive." They wrote that "it is hard to envision any remedy short of a ban adequate to cure this inherent unfairness and deceptiveness." The FTC report recommended a ban on all television advertising aimed at young children and limitations on commercials for sugary foods aimed at older children, and recommended that advertisers of sugary foods fund nutrition and health messages to balance their advertisements.

Broadcasters, advertising agencies and food and toy companies strongly opposed the FTC findings. They worked to stop the FTC from holding hearings, lobbied Congress to prevent the FTC from using its funding to address children's television and filed a lawsuit against the Commission (Jacobson & Maxwell, 1994). Although the FTC did hold hearings on its proposals, before it could act, Congress

passed the "Federal Trade Commission Improvements Act of 1980." The Act withdrew the FTC's authority to issue industry-wide regulations to stop unfair advertising practices (FTC, 1980b). As a result, the FTC now regulates ads on a case-by-case basis.

The FTC, under the Reagan Administration, concluded that "child-oriented television advertising is a legitimate cause for public concern" and that young children do not have the cognitive ability to understand the persuasive intent of advertising and indiscriminately trust ads (Elliott et al., 1981). It also found that the techniques used in children's advertising enhance the appeal of advertised products. The FTC concluded that "the record establishes that the only effective remedy would be a ban on all advertisements oriented toward young children, and such a ban, as a practical matter, cannot be implemented," because then there would be no way to fund children's television programs. With that, the FTC's efforts to regulate children's television advertising came to an end (Jacobson & Maxwell, 1994).

More recently, the FTC issued regulations to implement the Children's Online Privacy Protection Act, and has outlined procedures for commercial websites for obtaining parental consent before collecting, using or disclosing personal information from children (FTC, 2003b).

Self Regulation: Foxes Guarding the Hen House. In contrast to the efforts in the 1970s and early 1980s to restrict or ban advertising to children, today, food advertising and marketing

aimed at children is left largely to occasional FTC enforcement actions and to self-regulation by the industries that have a financial interest in selling food to children.

The Children's Advertising Review Unit (CARU), a program of the Council of Better Business Bureaus and part of the advertising industry's self-regulation program, monitors advertising and marketing aimed at children through all media. CARU's 22-member advisory board includes executives from M&M/Mars, General Mills, Kellogg, Kraft Foods, McDonald's and Nestle USA. CARU has more than 35 supporters, which include Burger King, Frito-Lay, Hershey and PepsiCo. Other advisors and supporters are large toy companies, advertising agencies, computer companies and university faculty (CARU, 2003).

CARU has developed a set of "Self-Regulatory Guidelines for Children's Advertising." The Guidelines are based on seven laudable principles that state, among other things, that:

- Children's limited capacity for evaluating information dictates that advertisers have a special responsibility to protect young children from their own susceptibilities.
- Advertisers should be careful not to exploit unfairly children's imaginative qualities to create unrealistic expectations for their products.
- Advertisers should recognize that children may learn practices from

advertising that may affect their health and well-being.

- Recognizing the potential of advertising to influence behavior, advertisers should provide examples of positive and beneficial social behavior.
- Advertisers should contribute to th(is)e parent-child relationship in a constructive manner (CARU, 2002b).

Examples of the guidelines (for children under 12 years old) include (CARU, 2002):

- Copy, sound and visual presentations should not mislead children about product or performance characteristics. Such characteristics may include...nutritional benefits.
- Children should not be urged to ask parents or others to buy products.
- Studies have shown that the mere appearance of a character with a product can significantly alter a child's perception of the product. Advertising presentations by program/editorial characters may hamper a young child's ability to distinguish between program/editorial content and advertising.

The CARU Guidelines look good on paper. However, they are not enforceable beyond the limited complaint procedures established by CARU and voluntary action by a

company. More broadly, CARU's guidelines and case-by-case enforcement do not address the core of the matter: children's food preferences and choices are manipulated by advertising. Changing how the sales pitch is couched does not change that or the fact that most ads aimed at children promote low-nutrition foods.

Advertising Laws and Regulations Related to Other Health Behaviors

Tobacco Advertising. Advertising for cigarettes, smokeless tobacco and little cigars is prohibited by law on television and radio (FTC, 2003b). The ban is enforced by the U.S. Department of Justice (ACS et al., 2002). In addition, tobacco product packages, advertising and point-of-purchase displays are required by law to carry health warning labels (FTC, 2003b). The Federal Trade Commission also can take action against deceptive and unfair tobacco advertising and marketing under its general authority under the FTC Act. In addition, states must ensure compliance with laws prohibiting the sale of tobacco to youth under 18 years old or risk losing funding from the Substance Abuse Prevention and Treatment block grant (ACS et al., 2002).

As part of the 1998 tobacco settlement with state attorneys general, cigarette manufacturers agreed not to "take any action, directly or indirectly, to target youth . . . in the advertising, promotion, or marketing of tobacco products" (National Center for Tobacco-Free Kids, 2001). However, studies have shown that tobacco companies continue to advertise heavily in magazines that appeal to teenagers, such as *Sports*

Illustrated and *Rolling Stone*, use promotions such as hat giveaways, which appeal to youth, and use in-store displays and promotions that reach children (National Center for Tobacco-Free Kids, 2001). In 2000, more than 80% of youth saw cigarette ads in magazines an average of 17 times (King & Siegel, 2001).

Alcohol Advertising. Alcohol advertising is only minimally regulated beyond the general prohibitions against deceptive and unfair practices of the Federal Trade Commission. In addition, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) of the U.S. Department of Justice prohibits certain claims specific to alcohol, such as claims about the intoxicating nature of the beverage and the strength of the alcohol (ATF, 1998). Up until 1996, the distilled spirits industry had voluntarily agreed not to advertise on television, but it is now advertising hard liquor on radio and cable television. Ads for hard liquor are still not accepted by television broadcast networks (FTC, 2003b).

Each industry (beer, wine and hard liquor) has a voluntary code regarding advertising aimed at children, as do many broadcasters. These address advertisement placement, content, product placement, website advertising and marketing on college campuses (FTC, 1999). However, those codes are weak, vaguely written and poorly enforced. For example, they allow placement of alcohol ads during programs where half the audience is younger than 21 years. That standard results in many children viewing alcohol advertising.

Regulation of Children's Advertising in Other Countries

The European Union (EU) has enacted legislation that addresses advertising to children as part of its "Television without Frontiers" directive. It requires that advertising not "directly exhort minors to buy a product or a service by exploiting their inexperience or credulity;" "directly encourage minors to persuade their parents or others to purchase the goods or services being advertised;" or "exploit the special trust minors place in parents, teachers or other persons" (European Commission, 1997). The Directive also limits television commercials to 12 minutes per hour during all programming, including those aimed at children, and requires that advertising be "readily recognizable as such and kept quite separate from other parts of the program." The Television without Frontiers directive, which was last revised in 1997, is in the process of being reviewed in 2003 to determine if it needs to be updated or adapted (European Commission, 2003).

In most European countries, advertising practices are regulated by a combination of law and industry self-regulation. The International Chamber of Commerce (ICC) has a widely-adopted International Code of Advertising Practice, which includes guidance to industry on marketing to children and youth (ICC, 2003). This voluntary code encourages marketers not to take advantage of children's inexperience; suggest that purchase of a product will give a child physical, social or psychological advantages over other children; undermine parental authority or judgements; or directly

appeal to children to persuade their parents to buy a product for them.

Several EU member countries impose additional restrictions beyond the Television without Frontiers standards and self-regulation (International Research Associates, 2001; Consumers International, 1996). Sweden, Norway and the Flemish region of Belgium have banned television advertising directed at children, including advertising during or immediately before and after children's programs. Broadcasters in Denmark

"There is in fact plenty of room for advertising children's products quite legally on TV in Sweden. You are free to let the commercials speak to parents, grandparents or any other grown-up," stated Axel Edling, Sweden's Consumer Ombudsman (1999).

have conceded to a similar voluntary restriction. Austria prohibits advertising during children's programming, but companies can advertise outside these dedicated children's program blocks in other shows popular with children. The United Kingdom limits ads on television to 7 minutes per hour generally and 7½ minutes per hour between 6 and 11 p.m. or between 7 and 9 a.m.

Australia does not allow advertising during programs for preschoolers, and limits ads to 5 minutes per half hour during "C"-rated programs (programs appropriate for primary school children) (Australian Broadcast Authority, 2002). However, Australian children's

programming is more often rated as “G,” during which 13 to 15 minutes of advertising is allowed per hour. In the Canadian province of Quebec, advertising is not allowed during programming for which 15% or more of the audience is under 13 years old (Consumers International, 1996).

Although international consumer organizations have expressed concerns about companies circumventing regulations to limit advertising to children and about weak enforcement, the regulations do seem to reduce the amount of advertising to which children are exposed.

Some countries also place restrictions on promotions/prizes and/or on character tie-ins (Consumers International, 1996). Because premiums can interest children in products that they might not want otherwise, Denmark prohibits prizes from being offered to young people. Norway prohibits the use of irrelevant premiums in all advertising (including to adults). Australia does not allow prizes to be offered during preschool programming (Australian Broadcasting Authority, 2002).

To reduce confusion between programming and advertisements, Denmark and Sweden prohibit characters or actors from children’s programs from appearing in ads aimed at children (Consumers International, 1996). The UK prohibits such endorsements before 9 p.m. Australia prohibits them within 12 months of the personality or character appearing on a program. No EU countries limit the use of other popular personalities (such as

other actors, athletes or musicians) in advertising.

Several countries have regulations specific to food advertising aimed at children, such as that food advertising should not encourage excessive intake, contain misleading information about the nutritional value of a product, or discourage children from choosing fresh fruits or vegetables (Consumers International, 1996). In addition, the Netherlands and the Flemish region of Belgium require a toothbrush logo to appear in ads for sweets.

Marketing and advertising in schools is banned in Austria, Belgium, Germany and Portugal. Advertising and marketing is not allowed in schools in France, Italy or Luxembourg unless there is an educational link or it is approved by the governing agency. However, these regulations are not always followed or enforced (Consumentenbond, 1996).

The Challenge

A number of countries restrict marketing aimed at children. In the U.S., steps have been taken to reduce the marketing of products (tobacco and alcohol) that can undermine health. However, industry defeated past efforts to reduce junk-food marketing aimed at children in this country. The time has come for concerned citizens to urge school boards, state legislatures, Congress, television stations and the food industry to provide better food environments for children.

Recommendations

In late 1970s and early 1980s, there were efforts (which Big Business defeated) to reduce junk-food advertising aimed at children. Given the rising obesity and diabetes rates and children's poor eating habits, it is time to revisit current practices and strengthen laws and regulations to better protect children's health and support parents' efforts to feed their children healthy diets.

The following actions should be taken to encourage children to eat healthier diets and limit their exposure to marketing and advertising of low-nutrition foods:

Federal Government:

- Sponsor media-based campaigns to promote healthy eating and physical activity.
- Congress should give the Federal Trade Commission the authority and adequate funding to develop and implement (in consultation with the Department of Health and Human Services) nutrition standards for foods that can be advertised and marketed to children and limit advertising and marketing for foods that do not meet those standards. Standards should be set for portion sizes, calories, saturated and trans fat, refined sugars and sodium and require minimal amounts of nutrients. Food companies' right to free speech must be balanced by the nation's compelling need to protect children's health.

- Prohibit product placement of low-nutrition foods in movies and television programs for which children are a significant portion of the audience.
- Fund research by the Centers for Disease Control and Prevention (CDC) and the National Institutes of Health (NIH) to further assess the impact of food marketing on children's diets and health.
- Fund the National Academies' Institute of Medicine to conduct a review and write a report on the scope and impact of food marketing aimed at children and recommend any remedial measures that would help to protect children's health.

State and Local Governments (Including Schools):

- State legislatures should provide funding to their health departments for media campaigns to promote healthy eating and physical activity.
 - The campaigns could be paid for out of general revenues or by implementing or increasing (for the 17 states that already tax soft drinks¹⁰) a small tax on soft drinks

¹⁰States include AR, CA, IL, IN, KY, ME, MN, MO, NJ, NY, ND, RI, TN, TX, VA, WA, and WV. A list of state soft-drink tax policies from the National Conference of State Legislatures can be found at www.ncsl.org/programs/health/snacktax.htm.

(one to two cents per 12-ounce soft drink).

- Prohibit the marketing of low-nutrition foods in schools.
- Require that soft drink and vending contracts between schools and companies be reviewed by parents and other community members before they are signed. Ensure that the foods and beverages to be sold through those contracts meet nutrition standards. Prohibit the sale of soft drinks and other high-calorie, low-nutrition foods in schools anywhere on campus throughout the school day.
- Adopt guidelines for the use of corporate-sponsored educational materials in schools to ensure that they are accurate, objective and do not promote the consumption of low-nutrition foods.
- State health departments should conduct a review and write a report on food marketing aimed at children.
- Implement media literacy programs to teach children the purpose of advertising and how to identify and resist advertising and other marketing techniques.

Industry:

- Agree not to market low-nutrition foods to children or encourage children to overeat.
- Agree not to take advantage of children's inexperience and vulnerabilities, and follow guidelines for responsible food marketing aimed at children.
- Do not prey on schools' financial situation by offering them contracts, financial incentives, products or services in exchange for the opportunity to sell and market low-nutrition foods to children in schools.
- Do not place candy and other low-nutrition foods in check-out aisles or on low shelves in grocery, drug, toy, video and other retail stores. Low-nutrition foods should be placed at parents' eye level, not at children's.

Parents, Health Professionals and Other Community Members:

- Speak up, work with others and urge local, state and federal officials to pass laws to limit junk food marketing aimed at children.
- Urge broadcasters, food companies, restaurants and others who market food to adhere to guidelines for responsible food marketing aimed at children and support companies that follow those guidelines.

- Evaluate the amount and types of advertising and marketing of low-nutrition foods in your local school. Take steps to reduce it.
- Be a positive role model for healthy eating and limiting television viewing.
- Limit children's television viewing time, monitor which shows your children view, watch with your children, and do not allow your children to have a television in their bedroom.
 - Turn the television off while your children are doing homework or eating meals.
 - Mute the television during commercials or videotape TV shows so that you can fast forward through the commercials.
- Do not allow your children to be subjects in market research.
- The American Psychological Association should amend its code of ethics and psychologists should refuse to help food companies delve into children's psyches and manipulate their food preferences for low-nutrition foods (Kanner and Kasser, 2000).
- Pediatricians should counsel families about television viewing/food marketing and their effects.
- State Attorneys General and trial lawyers should consider options for using the courts to protect children from junk-food marketing.

Conclusion: Parents Cannot Compete with Advertising

A healthy diet, beginning in childhood, is crucial to preventing obesity, diabetes, heart disease, cancer and other diseases. Those **chronic diseases/conditions often take decades to develop, but have their roots in childhood, when disease processes begin and eating habits are formed.** Yet few children are eating in accordance with dietary guidelines, and the rates of obesity and diabetes are rising rapidly in children. Parents bear most of the responsibility for feeding their children well. However, society should support parent's efforts by protecting children from practices that can harm their health.

Although children's food choices are affected by many factors, food marketing is an important one. Companies relentlessly bombard children with messages to eat too much – especially high-calorie, low-nutrition foods. **Food marketing aimed at children has increased dramatically over the last two decades. As this report documents, it now reaches children almost everywhere they are throughout the day,** through television, magazines, websites, product placement in movies, product packaging, in-store displays, books, clothing and even in school, as well as the ubiquitous placement of fast-food restaurants and vending machines.

Food manufacturers and chain restaurants use aggressive and sophisticated marketing techniques to attract children's attention,

manipulate their food choices, and prompt them to pester their parents to purchase products. Harry Potter, SpongeBob Squarepants, Winnie the Pooh, Elmo, games, contests, prizes and sports stars are enlisted to entice children to request low-nutrition foods.

Companies use advertising and other marketing techniques to sell more product and increase profits. While they are not intentionally trying to undermine children's health, **the goal of food marketing aimed at children is to influence their food choices,** and that contributes to over-eating the very foods of which children should be eating less.

Many children, especially young children, lack the cognitive skills and maturity to understand advertising or to understand that advertisers are trying to sell them something or may exaggerate claims. **Studies demonstrate that advertising influences children's food preferences and choices and what they pester their parents to purchase.** Persistent nagging of parents and the need for parents to repeatedly say "no" can strain the parent-child relationship (this is on top of having to say "no" to nagging to see R-rated movies, play violent video games and buy clothes and toys parents may not be able to afford).

Conflicts arise because the foods that are most heavily marketed to children are low-nutrition foods. Conflicts also result from and parental authority is undermined by the wide discrepancies between what parents tell their children is healthy to eat and what marketers tell children is desirable to eat. **Marketers**

count on children wearing their parents down and on parents giving in and purchasing low-nutrition foods for their children.

Public policy has been used to protect children from products or behaviors that could harm them, even when such policies might negatively affect businesses. Tobacco advertising is banned from television and radio, some steps have been taken to restrict ads for alcohol and cigarettes to limit children's exposure to them, and the sale of alcohol to children under 21 is illegal.

As early as 1952, television broadcasters, in their now-defunct Television Code, recognized that "television broadcasters should exercise the utmost care and discrimination with regard to advertising material, including content, placement and presentation, near or adjacent to programs designed for children" (National Association of Radio and Television Broadcasters, 1952). That tradition is supposed to be continued through the industry-sponsored Children's Advertising Review Unit's (CARU) voluntary, self-regulatory system.

However, **as this report documents, many food companies are not advertising and marketing products to children responsibly and the current regulatory system is inadequate to protect children's diets and health.**

There Is Hope

In the past few years, parents, school officials and legislators in some communities have begun to fight the junk-food marketers. California has banned the sale of soft drinks in elementary and middle schools. New York, Los Angeles, Oakland (CA), Portsmouth (NH) and other cities have banned soft drinks in all their public schools. States, including Connecticut, Kentucky, Maine, Massachusetts, New York, South Carolina, Texas and Washington, have introduced (but not yet passed) legislation to get junk food out of schools (visit www.cspinet.org/schoolfoods for more information about state and local efforts to improve school foods). The fear of lawsuits has spurred McDonald's, Kraft and other companies to placate parents by offering a few more healthful choices. But overall, little progress has been made in protecting children from food marketers.

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