The Children’s Food & Beverage Advertising Initiative and the Children’s Advertising Review Unit of the Council of Better Business Bureaus Comment on the World Health Organization’s Discussion Paper for the Global Coordination Mechanism on the Prevention and Control of Noncommunicable Diseases (NCDs) and the Working Group on how to Realize Government’s Commitments to Engage with the Private Sector for the Prevention and Control of NCDs

February 6, 2015

I. Introduction

The Children’s Food & Beverage Advertising Initiative (CFBAI) and the Children’s Advertising Review Unit (CARU), advertising self-regulation programs administered by the Council of Better Business Bureaus (BBB) in the United States, wish to express our appreciation to the World Health Organization (WHO) for the opportunity to provide comments to the Working Group of the WHO Global Coordination Mechanism on the Prevention and Control of NCDs (Working Group). This group has the important responsibility of recommending methods to encourage Member States and the private sector to realize the commitment to strengthen their contribution to NCD prevention and control.¹

We are keenly aware of the burdens NCDs place on individuals and societies and share, in particular, a commitment to tackling childhood obesity. The private sector, including self-regulation bodies, has an important role to play in NCD prevention. Both CFBAI and CARU have committed time, resources and expertise to this effort.²

Our comment provides feedback on several documents that will be considered by the Working Group at its February 2015 meeting. Specifically, CFBAI and CARU’s feedback relates to the Working Group’s Discussion Paper (“Discussion Paper”) and the Policy Brief “Taking Measures to Implement the WHO Set of Recommendations to Reduce the Impact of the Marketing of Unhealthy Foods and Non-alcoholic Beverages to Children” (“Policy Brief”).³

The Working Group invites feedback on the Discussion Paper, requesting examples of engagement by government with the private sector that have resulted in measurable progress on five specific areas, including recommendations to reduce the impact of the marketing of unhealthy food and non-alcoholic beverages to children.⁴ This comment addresses Question 1: “1. Are there other specific examples of engagement with the private sector on the five areas . . . that have led to measurable progress?”

CFBAI and CARU have responded to U.S. government requests that the food industry do more to improve the landscape of food marketing to children in the United States. Our
comment describes how CFBAI and CARU have been transforming the children’s food advertising landscape. CARU provides guidance to advertisers on how to advertise foods to children responsibly and holds companies accountable when they do not. Under CFBAI, participants may only advertise to children foods that meet meaningful nutrition criteria. This has led to significant reductions in calories, sugars, sodium and fat and increases in the nutritional density in foods they advertise to children. CFBAI’s program has been the model for similar programs around the globe.

To ensure the Working Group has accurate information regarding the U.S. advertising environment, this comment corrects inaccurate information in the Policy Brief regarding CFBAI (and other) self-regulatory standards. Our comment also explains why conclusions based on ad monitoring that reflects all ads that children may see on all types of programming, rather than advertising on programming directed to children, cannot and does not reflect the progress made in the U.S. food marketing landscape.

II. Background

In 2006, BBB and leading U.S. food and beverage advertisers created CFBAI to respond to calls to action from the U.S. Federal Trade Commission (FTC), the U.S. Department of Health & Human Services (HHS)\(^5\) and the Institute of Medicine (IOM)\(^6\) for industry self-regulation and food companies to do more to address food advertising to children because of the rise in childhood obesity. IOM had recommended that food and beverage companies shift their child-directed advertising emphasis to foods and beverages that are lower in calories, fats, salt and added sugars, and higher in nutrient content.\(^7\)

CFBAI was created to change the children’s food advertising landscape by using the power of a coalition and nutrition standards to limit what foods would be advertised to children. At the same time, the CARU Guidelines, first established in 1974, which cover advertising of all products to children, were strengthened to ensure that food advertising to children encourages healthy dietary choices and lifestyles. Together the CFBAI and CARU self-regulation programs provide active, thoughtful and rigorous oversight of child-directed food marketing, and provide examples of engagement with the private sector that have reduced the impact of the marketing of unhealthy foods to children.

A. About BBB

The Council of Better Business Bureaus, a non-profit membership organization, is the umbrella organization for local Better Business Bureaus, which are grassroots organizations
that foster a fair and honest marketplace and an ethical business environment. BBB also administers respected self-regulation programs including CARU and CFBAI.

**B. About CFBAI**

CFBAI’s goal is to be part of a multi-faceted solution to the complex problem of childhood obesity by using advertising to help promote healthier dietary choices and lifestyles among children under age 12. Under CFBAI’s Core Principles, participants commit that in advertising primarily directed to children under age 12 (“child-directed advertising”) they will depict only healthier or better-for-you foods. The participants agree to CFBAI oversight and to be held accountable for failure to comply with their commitments. CFBAI extensively monitors covered media for compliance and requires participants to submit detailed self-assessments annually. Each year CFBAI publishes a compliance and progress report. We have found outstanding compliance every year. The problems that CFBAI has detected or that participants have self-reported have been quickly remedied.

Since December 31, 2013, participants may advertise only foods that meet CFBAI’s category-specific uniform nutrition criteria in advertising primarily directed to children under age 12. CFBAI’s uniform nutrition criteria replaced and are stronger than previously used company-specific nutrition criteria.

**C. About CARU**

Because special protections are important for children under age 12, the U.S. advertising industry has long had a set of stringent rules for advertising directed to them. CARU has promoted high standards of responsible advertising to children under 12 since 1974. CARU has Guidelines for children’s advertisers to ensure that advertising for foods and all other products advertised to children is not deceptive, unfair or inappropriate for its intended audience. Periodically, CARU updates its Guidelines to reflect marketplace and media developments. Reflecting concerns regarding food marketing to children, in 2006 CARU revised its Guidelines to help ensure that food advertising to children promotes healthy diets and does not disparage healthy foods or lifestyles.

**III. Under Self-Regulation the U.S. Children’s Food Advertising Landscape Is Greatly Improved and Progress is Ongoing**

Since 2007, when CFBAI participant commitments began to launch and under CARU’s strengthened Guidelines, there has been steady improvement in the types of foods advertised to children, in the nutritional composition of foods that are advertised, and in how foods are advertised to children. How child-directed advertising is defined is a key issue
and CFBAI’s approach is sometimes misunderstood or mischaracterized. To ensure the Working Group has correct, up-to-date information, below we explain how CFBAI defines child-directed advertising and why. In addition, below we summarize the significant nutritional improvements that have occurred under self-regulation. In this section we also describe how CARU’s guidelines and enforcement actions promote the depiction of healthy diets and lifestyles in child-directed food ads.

A. CFBAI Robustly Defines “Child-Directed” Advertising

CFBAI’s goal is to be a part of the solution to childhood obesity by transforming advertising that is designed to be appealing and persuasive to children under age 12. CFBAI is not designed to address all ads in venues children might visit or might see in media, such as ads on prime time programs. Even when family or adult-directed programs in primetime are popular with children, they tend to be a very small portion of the audience. In primetime, ad buys are costly so advertising is targeted towards the relevant demographic groups that are a significant portion of the audience, which are not children. Thus, CFBAI has taken a measured and responsible approach that is responsive to concerns about the impact of advertising to kids on food preferences and short term consumption patterns, but does not unduly affect advertising that is directed at adults and teens.

For television (and other measured media), since 2010 CFBAI has considered food advertising to be child-directed if it is on programs where at least 35% of the audience are children under age 12. The Policy Brief states, incorrectly — at least as to the CFBAI, Canadian and EU programs — that “[t]he standards applied in voluntary pledges or codes have been shown to have substantial loopholes, including: only applying when children are over 50% of the audience, which in reality occurs infrequently.”

CFBAI’s definition of “child-directed advertising” serves well to address advertising on the medium most popular with children. Although the children’s media environment is evolving with the growing popularity of mobile devices, analysts continue to find that U.S. children use TV far more than any other medium and spend more time with this medium than with others. CFBAI’s 35% threshold means that CFBAI’s nutrition standards apply virtually always to its participants’ advertising on cable TV children’s networks devoted to children’s programming (i.e., Nickelodeon, Cartoon Network and Disney XD). CFBAI participants’ advertising is generally regarded as representing a substantial majority (from ~70 to 80%) of child-directed food advertising on this key medium. CFBAI’s standard therefore has a broad impact where children spend most of their screen time.
While television indisputably remains the medium of choice for kids, CFBAI also comprehensively covers digital media, which children consume in growing quantities. CFBAI’s commitments apply to child-directed company-owned sites, third-party sites, and interactive games the participants may provide. CFBAI requirements also apply to child-directed ads on cell phones, smart phones, tablets and word-of-mouth advertising. In determining whether online venues are child-directed our analysis goes beyond a simple consideration of site demographics. We recognize that, in the evolving online world, a 35% visitor threshold by itself, may not necessarily fully address whether a site is primarily child-directed. Accordingly, CFBAI considers multiple factors, including:

- The target audience based on the participant’s media plan;
- Whether there are child-directed ads in other CFBAI-covered media (e.g., ads in child-directed TV) for the participants’ foods that would drive children to the site;
- Actions taken to restrict child access, such as age screening;
- The overall net impression of the site’s content, which involves evaluating the overall effect of the content, language, graphics, pictures, games and age limitations on activities. (We note that animation, cartoon or licensed characters, fantasy and games are often used in sites directed to older teens and adults and thus do not necessarily make a site child-directed.)

Under this set of factors, CFBAI may consider a site child-directed even if fewer than 35% of the visitors or an unknown percentage of children are visitors.

**B. CFBAI’s Requirement that Foods in Child-Directed Advertising Meet Meaningful Nutrition Criteria Has Improved Foods Advertised to Children**

As noted in the Policy Brief, in May 2010 the WHO Member States endorsed a set of recommendations on the marketing of foods and non-alcoholic beverages to children: “The main purpose of the recommendations is to guide efforts by member States to help reduce the impact of foods high in saturated fats, trans fatty acids, free sugars and salts.” As explained above, CFBAI was created in 2006 in part to respond to similar calls from the IOM for companies to shift their child-directed advertising to foods that are lower in calories, fats, salt and added sugars, and that are higher in nutrient content. Thus the goals set for CFBAI and the WHO recommendations for private sector engagement are quite similar.

At the outset, CFBAI permitted participants to use company-specific nutrition criteria if they were meaningful and science-based. These standards led to CFBAI participants developing new, healthier foods and making hundreds of recipe improvements in foods they advertised to children. The impact during the first three years alone has been recognized by the FTC. In its press release accompanying the December 2012 *Review of Food Marketing to Children*
and Adolescents, (comparing foods advertised in 2006, pre-CFBAI, and in 2009) the FTC recognized the progress under CFBAI:

The encouraging news is that we’re seeing promising signs that food companies are reformulating their products and marketing more nutritious foods to kids, especially among companies participating in industry self-regulatory efforts.\(^\text{23}\) (Emphasis added)

The FTC Report also stated that CFBAI’s “New Uniform criteria . . . will likely lead to further improvements in the nutritional quality of foods advertised to children. . . .”\(^\text{24}\)

In July 2011, CFBAI announced it was adopting category-specific uniform nutrition criteria, which became effective December 31, 2013.\(^\text{25}\) These uniform criteria, stronger than the previously-used company-specific criteria, are leading to further improvements.\(^\text{26}\) Now participants may advertise to children only foods that meet CFBAI’s category-specific “nutrients to limit” criteria for calories, saturated fat, trans fat, sodium and total sugars. In addition, to be consistent with the 2010 Dietary Guidelines for Americans the criteria include requirements for “nutrition components to encourage” for all categories.

During the September 18, 2013 White House Convening on Food Marketing to Children, the First Lady of the United States recognized the significance and enormity of the task for competitors successfully to create uniform nutrition standards, and their potential impact.

I was so pleased that 17 major American companies came together on their own as part of the Children’s Food and Beverage Advertising Initiative to adopt new standards for marketing to kids. And I know this wasn’t easy. Forging consensus among fierce competitors is a challenge to say the least. But these new standards are beginning to have an impact, and I commend all of these companies for taking action.\(^\text{27}\)

Government officials also were positive about the development of CFBAI’s new criteria, recognizing that CFBAI had struck a balance to achieve standards that were rigorous and realistic. The FTC described the new criteria as “substantial progress” and as being “considerably stronger than the status quo.”\(^\text{28}\)

Although CFBAI keeps track of food improvements in various ways, our analyses of foods advertised during a random sample of programs on the most popular children’s television network (Nickelodeon) provide a useful way to assess the landscape. CFBAI’s Nickelodeon snapshots consistently have found that food ads represent less than one-quarter of the ads in the sample. Ads for sedentary entertainment, such as show promos, movies or video games, were more prevalent. Of the food ads, we have found that from 75-80% were for CFBAI participants’ foods. Below we highlight CFBAI participants’ progress in reducing
calories, sugars, sodium, and fat and increasing the fruit, vegetable, non- or low-fat dairy, and whole grains content (and other positive nutrients) of the foods they advertise to children.\textsuperscript{29}

1. Advertised Foods Contain Lower Amounts of Nutrients to Limit

CFBAI participants have made notable improvements in foods they advertise to children, particularly by reducing calories, sugars, and sodium.

**Calories.** While foods advertised to children are often criticized for being high in calories, that is not the case for participant-advertised foods. CFBAI’s criteria set reasonable limits for calories that vary by category, but our analyses show that foods in participant advertising to children often contain even fewer calories than permitted. Table 1 shows the highest calorie level by category from our review of ads that aired on a random sample of programs in 2013 and 2014, and that the maximum amount of calories in some categories decreased in 2014.

<table>
<thead>
<tr>
<th>Food Type</th>
<th>2014</th>
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<tr>
<td>Beverage (Exempt)\textsuperscript{30}</td>
<td>30</td>
<td>30</td>
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<tr>
<td>Beverage (Juice)</td>
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<td>100</td>
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<tr>
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<tr>
<td>Meal</td>
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</tbody>
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**Quick serve restaurant calorie highlights.** CFBAI’s participants include two of the largest quick serve restaurants, Burger King Corp. and McDonald’s. While CFBAI’s nutrition criteria allows up to 600 calories for meal, Table 1 shows that advertised meals contain less than that amount. Both companies, through their CFBAI commitments, promote fruit and 100% juice, non- or low-fat white milk or non-fat chocolate milk as part of their children’s meal bundles. Both also have adopted in-restaurant practices that may reduce calories in the meals consumers purchase.\textsuperscript{31}

**Sodium.** Our participants have reduced the sodium content in many foods they advertise to children, and often have general portfolio-wide sodium reduction goals. Reductions have occurred in foods popular with children such as canned pastas,\textsuperscript{32} cereals,\textsuperscript{33} crackers,\textsuperscript{34} meals,\textsuperscript{35} and waffles.\textsuperscript{36}
**Sugars.** Significant sugar reductions have occurred in a variety of foods CFBAI participants advertise to children, including yogurts,\(^{37}\) meals\(^ {38}\) and most notably, cereals, which rank among the most frequently advertised foods to children. Before CFBAI started, some cereals advertised to children had 14-15 grams of sugar per serving. Now all cereals with a standard one-ounce serving size that are advertised to children contain no more than 10 grams per serving.\(^ {39}\) Many contain less and the percentage of cereals with 9 or fewer grams per serving has been steadily growing.

**2. Improvements in the Nutrition Components to Encourage (NCTE) of Foods**

Many foods CFBAI participants advertise to children contain fruits, vegetables, non- or low-fat dairy, and whole grains, and all meet minimum requirements for NCTE, which may be fruits, vegetables, dairy, whole grains or essential vitamins and minerals. Over the years, the nutrient density of foods CFBAI participants have advertised to children has steadily increased. Now about 80% of the ads are for foods that contain, either as a component or an ingredient, fruits, vegetables, whole grains\(^ {40}\) or dairy. The cereal category, in particular, is notable for increases in whole grain content,\(^ {41}\) but the whole grain content of other foods also has increased.\(^ {42}\)

**Fruits and Vegetables.** With the exception of dairy drinks and low-calorie flavored waters (≤40 calories), only 100% fruit juice (or juice with water), fruit/vegetable juice blends, and fruit smoothies (with no added caloric sweeteners) are advertised to children (either individually or as part of a meal). Many foods advertised to children also contain fruit or vegetables.\(^ {43}\)

**Dairy.** Non- or low-fat white or non-fat chocolate milk typically are advertised to children as part of CFBAI quick serve restaurant participants’ meals (100% juices also are sometimes advertised). Yogurt and yogurt-drinks are often advertised and in CFBAI’s review of ads that aired on a sample of Nickelodeon programming, yogurts were the third most frequently advertised food in 2013 and 2014.

**C. CARU’s Food Advertising Guidance and Enforcement Actions Promote Responsible Food Advertising Practices**

In 2006, CARU revised its guidance on responsible advertising to help ensure that food advertising to children is appropriate by requiring the following:

- Requiring that depictions of food being eaten are tied to the labeled serving size;
- Requiring that snack foods be clearly depicted as such and not as a substitute for meals;
- Prohibiting the disparagement of healthy foods or lifestyles; and
• Requiring that mealtime depictions of foods be shown in the context of a nutritionally balanced meal.

CARU has actively monitored and enforced these enhanced Guidelines by prescreening more than 100 food advertisements each year before companies finalized or aired them. Through voluntary prescreening companies are advised whether an ad might violate CARU’s Guidelines and have the opportunity to revise the ad before airing. CARU also has investigated food ads that it believes depict or encourage excess consumption, inappropriately focus on promotional premiums such as toys rather than the food, disparage healthy lifestyle choices, and fail to depict a food as part of a balanced meal. Companies virtually always abide by CARU’s case findings and the case findings also serve to inform others about practices to avoid. A table summarizing CARU’s food advertising cases since 2006 is attached as Appendix A to this comment.
IV. Conclusion

CFBAI and CARU are dynamic programs and driving forces in creating positive changes in the children’s advertising landscape in the United States. CARU has focused on how foods are being advertised to ensure they are truthful, nondeceptive, and do not undermine healthy diets and lifestyles. CFBAI has focused on the nutritional composition of foods its participants advertise to children to ensure they are healthier or better-for-you foods. Over the past seven years, CFBAI’s participants have developed new, healthier foods and have made hundreds of recipe improvements, initially because of their implementation of company-specific nutrition criteria and later the implementation of CFBAI’s category-specific uniform nutrition criteria. Self-regulation progress also has included enhancement of media platform coverage. Under these complementary programs, children’s food marketing has experienced steady progress and these programs are models for strong, transparent and responsive self-regulation globally.

We hope our remarks inform the Working Group about the positive impact that private sector engagement is having in reducing unhealthy food and beverage advertising to children.

Respectfully submitted,

Maureen Enright, JD, Deputy Director, CFBAI

Elaine Kolish, JD, Director and VP, CFBAI

Angela Tiffin, JD, CARU

Wayne Keeley, JD, Director and VP, CARU
1 See the Political Declaration of the High-level Meeting of the General Assembly on the Prevention and Control of Non-communicable Diseases ("Political Declaration") adopted by Member States in September 2011.

2 CFBAI primarily addresses what foods are advertised to children by participating companies, and CARU focuses on how all products, including foods, are advertised to children by all companies that advertise to children. CFBAI has 17 participants, some of the largest food and beverage companies in the United States and the world. They are Burger King Corporation, Campbell Soup Company, The Coca-Cola Company, ConAgra Foods, Inc., The Dannon Company, Inc., Ferrero USA, Inc., The Hershey Company, General Mills Inc., Kellogg Company, Kraft Foods Group, Inc., Mars, Incorporated, McDonald’s USA, Mondelēz Global LLC, Nestlé USA, PepsiCo, Inc., Post Foods, LLC and Unilever United States.

3 The Political Declaration seeks contributions from the private sector to support efforts towards the prevention and control of NCDs in five areas, including "reducing marketing of unhealthy food and non-alcoholic beverages to children."

4 Discussion Paper at 1.


6 See Food Marketing to Children and Youth: Threat or Opportunity? (2006) ("IOM Report"). The IOM is an American NGO founded in 1970, under the congressional charter of the National Academy of Sciences (NAS). IOM is part of the U.S. National Academies, which includes NAS.

7 IOM Report at 11.

8 CFBAI’s Core Principles also require other commitments, including participants agreeing to not advertise their foods, even their healthier ones, to children in elementary schools (pre-K through 6th grade). CFBAI’s Core Principles and other program materials referred to in this comment are available on CFBAI’s website at www.bbb.org/kids_food.


10 CARU’s operational policies are set by the Advertising Self-Regulatory Council (ASRC), which is a strategic alliance of the advertising industry and BBB.


12 Self-regulation and U.S. government regulation of advertising directed to children historically have focused on children under age 12 (see, e.g., Trade Regulation Rule Pursuant to the Telephone Disclosure and Dispute Resolution Act of 1992, 16 C.F.R. Part 308). By age 12, the literature shows that most children understand the persuasive intent of advertising (see, e.g., IOM Report, n. 6 above). Thus, CFBAI also focuses on children under age 12.


14 See IOM Report at n. 6, above.

15 Policy Brief at 3.

16 In its October 2013 report, Zero to Eight: Children’s Media Use in America 2013, Common Sense Media determined that 58% of children watch TV at least once a day, compared to 17% on mobile devices, 14% on computers, and 6% on video games. Moreover, 50% of the nearly two hours of total screen time children log each day is spent watching TV.

17 The FTC’s 2012 Food Marketing Report found that CFBAI participants accounted for 89% of the children’s ad spend in 2009. “A Review of Food Marketing to Children and Adolescents Follow-Up Report,” Federal Trade Commission (Dec. 2012) at 56 (“FTC Report”), available at http://www.ftc.gov/reports/review-food-marketing-children-adolescents-follow-report. CFBAI’s own annual analyses of advertising in children’s programming generally have found that CFBAI participants represent ~80% of the advertising. Our analyses also have shown that food ads are less than 25% of all the ads on children’s programming. See CFBAI presentation at the White House Convening on Food Marketing to Children (Sept. 18, 2013).
Using a different definition of "advertising to children" that sweeps in food ads that are not intended for children can lead to misleading conclusions regarding the impact of advertising self-regulation. If the foods in those ads are part of a data set used to evaluate the nutritional makeup of foods purportedly "advertised to children," the resulting conclusions do not accurately describe self-regulatory efforts that actually focus on advertising directed to children. See Dembek CR, Harris JL, Schwartz MB. (2014). Trends in Television Food Advertising to Young People: 2013 Update. Yale Rudd Center. 2013. Even research looking at all ads kids see find that CFBAI’s definition captures a substantial amount of the ads children see. At the same time, it is important to recognize that ads on programs not directed to children could be for non-child-appealing foods, such as coffee or mayonnaise, or use themes designed to appeal to the adult viewers.


20 Some sites do not receive enough traffic to be tracked by third-party services and, if the sites do not require visitors to register and give their ages, the site owners will not know how many visitors are children.

21 Online gaming demographics indicate that the percentage of children under 12 visiting online gaming sites is much lower than older age brackets. According to 2012 demographic and sales data, the average computer and video game player is 30 years old, with more female gamers over 18 than males 17 and under. 2013 Essential Facts about the Computer and Video Game Industry at 2-3, available at http://igea.wpengine.com/wp-content/uploads/2013/06/ESA_EF_2013.pdf.

22 Policy Brief at 2.

23 FTC Releases Follow-Up Study Detailing Promotional Activities, Expenditures, and Nutritional Profiles of Food Marketed to Children and Adolescents (press release), available at http://www.ftc.gov/news-events/press-releases/2012/12/ftc-releases-follow-study-detailing-promotional-activities. The 2012 Report also noted an improvement in the overall nutritional profile of foods advertised to children: "Calories and the food components to reduce (sugar, sodium, saturated fat, and trans fat) all decreased, while all of the nutrients to increase showed improvements (namely fiber, whole grain, calcium, vitamin D, and potassium)." FTC Report at 30.


25 CFBAI’s White Paper on CFBAI’s Uniform Nutrition Criteria comprehensively describes the bases for the criteria. In developing these criteria, CFBAI was mindful of the food science challenges companies face when attempting to increase healthier nutrients (e.g., whole grains) while simultaneously reducing nutrients to limit (e.g., sodium or sugars). The challenges include replicating taste, and functional and product performance.

26 The benefits and strengths of the new criteria compared to company-specific criteria are outlined in a Fact Sheet CFBAI issued in 2013. CFBAI issued a press release in January 2014 describing some of these improvements.

27 Remarks of Mrs. Obama, available at http://www.whitehouse.gov/the-press-office/2013/09/18/remarks-first-lady-during-white-house-convening-food-marketing-children. In addition to commending food companies and self-regulation for the improvements already achieved, Mrs. Obama exhorted food companies to do more to market healthy foods to kids, and CFBAI continues to discuss additional ways to enhance the program.


29 Many CFBAI participants also are engaging in ongoing portfolio-wide nutrition improvement efforts, discussed in greater detail in the IFBA and Grocery Manufacturers Association comments to the Working Group.

30 Beverages that are “low” in calories (i.e., per U.S. Food and Drug Administration regulations contain no more than 40 calories per 8 oz serving) are “exempt” from having to meet CFBAI’s uniform nutrition criteria.

31 In 2011, Burger King Corp. changed its point-of-purchase practices. Now, customers who order BK Kids Meals are asked what drink and side item they want, instead of automatically being served French fries and soda. In 2012, McDonald’s Happy Meal customers automatically began receiving both a smaller kid-size fry and apple slices instead of having to choose either a small size fry or apple dippers with caramel dip. The kid-size fries are about a 1.1 ounce or ~100 calorie portion, down from the 230 calories in the prior “small” portion (the apple slice portion also was changed to ¼-cup from a ⅛-cup serving). Now McDonald’s also offers clementine oranges and low-fat yogurt as side options.

32 For example, in 2013-2014 ConAgra Foods lowered sodium by 8% in five Chef Boyardee canned pastas.
For example, General Mills has reduced the sodium in its *Cinnamon Toast Crunch* by 18% (to 180 from 220 mg per serving) since 2011, and Post has reduced the sodium in its *Fruity Pebbles* by 18% (to 140 from 170 mg).

For example, Campbell Soup has reduced sodium in its *Flavor Blasted Goldfish* baked snack crackers to 250-280 from 300-320 mg. Mondelēz International has reduced sodium by 7 to 13% in many of its *Honey Maid Grahams*.

For example, McDonald’s has reduced sodium in the Chicken Nuggets included in its 4-piece *Chicken McNuggets Happy Meal* by 20% (to 360 from 450 mg). ConAgra Foods also has reduced the average sodium content by more than 10% in the *Kid Cuisine* meals that it may advertise to children.

Kellogg reduced the sodium in its *Eggo Waffles* over the years by more than 16% (to 360 from 430 mg).

For example, General Mills reduced the amount of sugar in its *Yoplait Go-Gurt* yogurts by 10% in 2013 and since 2007 has reduced the sugar content in its *Trix* yogurts (to 10 from 13 grams). In April 2013, the Dannon Company cut sugar by 25% (to 10 from 14 grams) in its *Danimals Smoothie* yogurt drink.

Both Burger King Corp. and McDonald’s stopped offering caramel dipping sauces for apple slices (consisting largely of added sugars) in their kids’ meals in 2012.

For example, since 2007 General Mills has reduced the sugar content in *Trix* to 10 from 13 grams per serving; Kellogg reduced the sugar in *Frosted Flakes* to 10 from 11 grams per serving in December 2013; and Post has reduced the sugar content of *Fruity Pebbles* to 9 from 11 grams per serving since 2011.

The 2010 *Dietary Guidelines for Americans* recommend that half of all grains consumed be whole grains. Foods with at least 8 grams of whole grains per ounce-equivalent are said to contain "a substantial amount of whole grains" and can help people meet the whole grain recommendation. See 2010 DGA at 37.

As of May 2014, two-thirds of CFBAI participant ready-to-eat cereals that may be advertised to children list whole grains as the first ingredient, most (71%) contain at least 8 grams of whole grains, 50% contain at least 12 grams (a 44% increase from May 2013), and nearly 30% contain more than 12 grams. See CFBAI’s May 2014 Cereals Snapshot.

For example, significant whole grain content (at least 8 grams per serving) also is present in all of Campbell Soup Company and Mondelēz International graham crackers and certain other crackers they may advertise to children. In addition, components in certain entrées or meals contain at least 8 grams of whole grains (e.g., certain ConAgra Foods *Chef Boyardee* canned pastas, and sub rolls and pizza crust in Kraft *Lunchables with Smoothie*).

For example, ConAgra Foods’ canned pastas provide between ½ and 1½ servings of vegetables. In addition, nine (of 10) ConAgra Foods *Kid Cuisine* meals that may be advertised to children contain at least one serving of vegetables. Both Burger King Corp. and McDonald’s also advertise fruit with their children’s meals.

In the rare instance in which a company decides not to follow CARU’s decision, the matter is referred to the FTC for whatever action it deems appropriate.
CARU monitors advertising for all products, including foods, in media primarily directed to children under age 12 to ensure compliance with its Guidelines. The Guidelines set high standards for the industry to assure that advertising directed to children is not deceptive, unfair or inappropriate for its intended audience. CARU’s Guidelines help ensure that child-directed food advertising is non-deceptive and appropriate by:

- Requiring that depictions of food being eaten are tied to the labeled serving size;
- Prohibiting the disparagement of healthy foods or lifestyles;
- Requiring that mealtime depictions of foods be shown in the context of a nutritionally balanced meal
- Requiring that snack foods be clearly depicted as such and not as a substitute for meals; and
- Requiring that food ads offering premiums give primary emphasis to the product being sold and not to the premium.

The table below lists food advertising cases CARU has reported since 2007.

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<thead>
<tr>
<th>Date</th>
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| 08/09/07 | GENERAL MILLS, INC. Cookie Crisp Case #4708 | Product Presentation: The amount of the food featured should not be excessive or more than would be reasonable to consume in the depicted situation. General Guidelines (b)(7) | • TV ad depicted a boy adding more cereal to his bowl.  
• Children could potentially believe that more than one bowlful of cereal was a reasonable portion. |
| 08/16/07 | CONAGRA FOODS Chef Boyardee Beef Ravioli Case #4711 | Product Presentation: The amount of the food featured should not be excessive or more than would be reasonable to consume in the depicted situation. General Guidelines (b)(7) | • TV ad portrayed a hungry monster that turned into a boy chugging a can of Chef Boyardee (which was a two servings can).  
• One reasonable message conveyed by the commercial was that a child should eat the whole can. The ad thus encouraged overconsumption. |
| 11/27/07 | SUNNY DELIGHT BEVERAGES CO. sunnydelight.com Case #4761 | Product Claims: Net impression of advertising, including express and implied claims and material omissions, must not be misleading to the children to whom it is directed. General Guidelines (a)(1) | • On a company-owned website, the depiction of an orange, which appeared when a child dragged her mouse over the Sunny D Original beverage, implied that the drink contained a significant amount of orange juice when it did not.  
• A caption stating “A full day’s supply of vitamin C!” over a slice of an orange flanking a bottle of Sunny D Original implied that the Vitamin C comes from the orange juice in the drink. |
| 08/28/09 | MCDONALD’S CORPORATION Kidz Bop Happy Meal Case #5078 | Premiums: Advertising that contains a premium message should focus the child’s attention primarily on the product. General Guidelines (f)(2)(i)(a) | • TV ad focused primarily on the premium (the music on the CD) rather than the food (the Happy Meal). |
| 04/23/10 | KELLOGG COMPANY Pop-Tarts Case #5165 | Product Claims: Net impression of an ad, including express and implied claims and material omissions, must not be misleading to the children to whom it is directed. General Guidelines (a)(1) | • The claim "Made with Real Fruit” on packages for Pop-Tarts combined with pictures of strawberries or other fruit on the package, could easily lead a child to believe that the product contained substantial amounts of fruit, when such was not the case.  
• The Nutrition Facts Panel on fruit-flavored Pop-Tarts boxes indicated that the foods contained less than six percent fruit. |
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| 05/10  | TYSON FOODS, INC.            | Tyson Chicken Nuggets                  | **General Guidelines (b)(8)**: The TV ad depicted children, presented by their parents with balanced meal options, taking various steps to avoid eating the meal, (e.g., feeding to a dog). This conveyed the message that children preferred the Tyson Chicken Nuggets meal over the nutritionally-balanced meals their parents gave them.  
In showing this preference the children in the ad disparaged the healthy lifestyle choices their parents were trying to help them make. |
| 08/10  | KRAFT FOODS GLOBAL, INC.     | Macaroni & Cheese                      | **General Guidelines (b)(9)(a)**: The ads were for Macaroni & Cheese, a meal product in a mealtime setting but did not adequately depict a “nutritionally balanced meal,” which the Guidelines define as containing 3 of the 5 major food groups. |
| 04/11  | BURGER KING                  | BK Kids Meal                           | **General Guidelines (f)(2)(i)(a)**: The BK Kids Meal TV ad began with a young boy sitting alone and unhappy. His peers notice him when he pulls out a Ring Pop. CARU considered that the primary focus of the ad was on the young boy, not the candy itself.  
One reasonable message that children may glean from the commercial is that having Ring Pops will make them popular. |
| 05/11  | HARIBO OF AMERICA, INC.      | Gold-Bears Gummy Candy                 | **General Guidelines (b)(7)**: The Gold-Bears Gummy Candy TV ad depicted a bag of Gold-Bears containing 2 servings, children, each eating a Gold-Bears. The children in the ad disparaged children preferred having a healthy snack like blueberries, a bowl of oatmeal, a glass of milk, and other foods.  
CARU referred the case to FTC because the advertiser aired the commercial again without modifying the serving size issue. |
| 07/12  | KRAFT FOODS GLOBAL, INC.     | Lunchables                            | **General Guidelines (b)(9)(a)**: The Lunchables peanut butter and jelly sandwich, without the required fruit or vegetable component.  
**Guidelines (b)(7)**: The ad depicted a meal product in a mealtime setting but did not adequately depict a “nutritionally balanced meal,” which the Guidelines define as containing 3 of the 5 major food groups. |
| 09/12  | TOPPS, INC                   | Ring Pops                              | **General Guidelines (h)(3)**: The Ring Pops TV ad begins with a young boy sitting alone and unhappy. His peers notice him when he pulls out a Ring Pop. CARU considered that the primary focus of the ad was on the young boy, not the candy itself.  
One reasonable message that children may glean from the commercial is that having Ring Pops will make them popular. |
| 10/12  | SUNCORE PRODUCTS, LLC        | WhoNu? Cookies                         | **General Guidelines (a)(2)**: The WhoNu? Cookies TV ad could reasonably believe that eating a WhoNu? cookie was just as healthy as consuming other foods depicted in the ad, e.g., a cup of blueberries, a bowl of oatmeal, a glass of milk, and other foods.  
CARU looked at the ad’s visual content, subject matter and language. |
| 07/14  | LIVING ESSENTIALS            | 5 Hour Energy Drink                   | **General Guidelines (i)(1)(b)**: The 5 Hour Energy Drink TV ad was a highly caffeinated beverage with child safety warnings was unintentionally placed on children's programming on streaming media.                                                                                     |