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Food Advertising Policy in the United States

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Executive Summary

Marketing food to children is a complex, creative, and well-funded business in the United States. Food manufacturers are estimated to spend up to US$10 billion a year marketing foods to children, using a variety of techniques including television ads, magazine ads, Internet games, promotional packaging, give-aways, and corporate sponsorships and donations to schools. The overwhelming majority of foods marketed to children are high-calorie, high-fat, and high-sugar foods, leading health experts and advocates to propose a strong link between increased food advertisements directed to children and the disturbing rise in overweight children in the United States and worldwide.

Some advocates call for new, more stringent guidelines on marketing food to children; food marketing is largely a self-regulated process, with the Federal Trade Commission (FTC) and Federal Communications Commission (FCC) playing a limited role. The primary self-regulatory body is the Children's Advertising Review Unit (CARU), funded by industry to monitor ads directed at children and enforce guidelines pertaining to the truth, accuracy, and appropriateness of the ads for children. Guidelines specifically related to food advertisements state that the ads should encourage "sound use" of the product "with a view to the healthy development of the child and development of good nutritional practices" (NARC 2004, 12). Concerns have been raised, however, about whether industry is sufficiently motivated to enforce regulations on itself and whether it truly has the best interests of children in mind. Some countries, like Norway and Sweden, have completely banned all advertisements to children during children's programming.

Recent meetings between food industry representatives, health experts, and advocates in the United States have outlined concerns on both sides regarding regulation of food advertisements. Food advertisements are generally protected by First Amendment rights, but precedents exist in the form of stricter U.S. regulations on the advertising of some products (alcohol and tobacco). Past attempts by the FTC to regulate foods advertised to children also ran into problems defining targeted foods and differentiating between television programs directed to children and those directed more broadly. Children's food advertisements also pay for children's programming and magazines, making a total ban on all these advertisements difficult to implement without repercussions for these popular programs. Current CARU regulations also do not adequately address newer forms of marketing (such as Internet marketing).

Although these policy issues could be handled creatively, concerns have also been raised about the appropriate role of parents as their children's primary resources and teachers. Parents certainly have a role to play in deciding what their children will eat, but advocates argue that a barrage of food advertisements leads to nagging by children that erodes parental authority over time, particularly among overstressed parents. Advocates have also called for a limitation or ban on advertising to children in schools, but such a ban could decrease revenue, particularly in low-income schools, that educators have come to rely on to fund important programs.

At this time stakeholders on all sides of the issue are meeting to discuss next steps. Industry would like to avoid increased federal regulation, but some advocates are calling for an improved self-regulatory process with the option for bolstered government action should industry not meet its agreed obligations.

Your assignment is to formulate a policy to regulate food marketing directed at children. Take into consideration industry, government, parent, school, and health advocate perspectives.

Background

Food marketing is big business in the United States and worldwide. In 2000 alone US$33 billion dollars were spent on food advertisements and promotional expenditures in the United States (Nestle 2002), making the food industry one of the country's largest advertisers. Overall expenditure worldwide more than doubled from US$216 billion to US$512 billion during the period from 1980 to 2004 (Hawkes 2006). Food marketing efforts include TV, radio, and magazine ads; Internet web pages; billboards; in-school marketing; prize

drawings and giveaways; promotional packaging; and product placements in movies and other media.

With so much energy and resources going into the marketing of food, researchers and advocates have begun to examine the link between food advertisements and the alarming trend of increased overweight and obesity, particularly among children. In the United States, currently 16 percent of children ages 6–19 are overweight (defined as having a body mass index greater than the 95th percentile) (CDC 2005). This level represents a 45 percent increase in the number of overweight children since 1994. Additionally, an overwhelming number of children in the United States fail to meet dietary recommendations for fruits, vegetables, and dairy products. Their diets are high in fat, saturated fat, sugar, and sodium, while being insufficient in a number of micronutrients and fiber (IOM 2005).

Children aged 2–7 years in the United States watch an average of 2 hours of television a day, and children aged 8–13 watch an average of 3.5 hours of television. During this time children are exposed to about one food commercial every 5 minutes, or from 24 to 42 food commercials per day (Story and French 2004).

Television food advertising for all age groups in the United States is overwhelming skewed toward high-calorie, high-sugar, and high-fat foods. Approximately 22 percent of all television advertising for food in the United States is for prepared convenience foods, 15 percent for candy and snacks, and 10 percent for soft drinks. Only 2 percent of advertising dollars were spent on fruits, vegetables, whole grains, and beans (Nestle 2002).

Television advertising directed at children is similarly skewed. Of the ads directed at children, about 50 percent are for food, and most of these ads are for high-calorie, low-nutrient-dense foods (Story and French 2004). For instance, an analysis of television advertisements featured during children's Saturday morning television programs showed that more than 50 percent of the advertised foods fell into the category of fats, oils, and sweets in the U.S. Department of Agriculture's Food Guide Pyramid. An additional 43 percent of the ads were for foods from the grains group of the Food Pyramid, but of these, 60 percent were for high-sugar cereals (Kotz and Story 1994). Currently an estimated US$10 billion are spent marketing food to children (Nestle 2006).

Marketing food is of heightened interest to food manufacturers for a few reasons. The food industry is intensely competitive, with companies competing for a limited amount of "stomach share." Many of the products food manufacturers produce are similar, and so companies use advertising to differentiate their brands. Food is also a frequent repeat purchase item, meaning people can change their opinions quickly. For this reason, manufacturers need to stay in the forefront of consumers' minds through marketing.

There are several motivations for advertising food to children. First, many children, particularly adolescents, are direct purchasers of food. Of the purchases made by children 4–12 years old, 33 percent are for foods and beverages (Schor 2004). Further, a recent survey of adolescents reported that 52 percent do at least some grocery shopping for their family (Larson et al. 2006). Second, advertisers are looking to build food brand recognition and loyalty at an early age, when children are just forming their food attitudes and preferences. Research has shown that children as young as 2–3 years can recognize brands; by the time a child is in first grade, he or she is familiar with as many as 200 brands. The majority of children's food requests are for branded items (IOM 2006). Third, children strongly influence household food purchasing decisions. Young children exposed to food advertisements are more likely to "nag" their parents for those items, and stressed parents are likely to give in to at least 50 percent of those requests (McNeal 1999). Additionally, research has shown that adolescents influence at least 60 percent of household food purchase decisions for certain categories of foods, like snacks and cereals (IOM 2006).

Food Marketing in Developing Countries

Child overweight is no longer associated with children and youth only in wealthy or industrialized countries. .Approximately 10 percent of children worldwide are now estimated to be overweight, with about 25 percent of these children considered obese. More than 30 percent of children in the Americas, 20 percent of children in Europe, 15 percent of children in the Near and Middle East, and 6 percent of children in the Asian-Pacific

region are now considered overweight (Lobstein et al. 2004). Diseases associated with overweight are likely to strain already overstretched medical and public health resources, and this prospect is of great concern, particularly in poor countries (Lobstein et al. 2004).

There are likely many causes for the increasing number of overweight children. Researchers associate this trend largely with an increasingly globalized, westernized lifestyle replete with processed foods high in fat and sugar, large portion sizes, and a more sedentary lifestyle. The rapid spread of the fast food restaurant McDonald's exemplifies this trend. From 1991 to 2001 the company's own materials show that the number of restaurants rose from 212 to 1,581 in Latin America, from 11 to 503 in the Middle East and North Africa, from 1,458 to 6,748 in Asia, and from 0 to 103 in South Africa (Dalmeny et al. 2003). McDonald's now produces its food in 121 countries. Similarly globalized, Coca-Cola now produces its product in more than 200 countries, and Pepsi is produced in 190 (Hawkes 2002).

Food companies increasingly target markets in developing countries as growing middle and upper classes are able to afford the processed and packaged products that saturate the markets in more developed countries (Hawkes 2006). This increase in advertising and marketing has gone hand-in-hand with the spread of foreign direct investment, with marketing being enabled by the spread of marketing firms, communication technologies, and commercial media firms into developing countries. In turn, marketing has led to increased demand for more products from the globalized world (Hawkes 2006).

As in more developed countries, sophisticated forms of marketing are used in developing countries to create this demand. Since the localities being targeted often have diverse tastes and preferences, food companies devise specific local strategies to gain share in the market (called *glocal* marketing). This strategy includes introducing menu items consisting of local flavors and foods commonly found in local diets. Other marketing strategies bare a strong resemblance to strategies used in more developed countries (enticing television commercials, print ads, Internet promotions, innovative packaging, giveaways, sports sponsorships, contests, and the like), but they make use of local customs and cultural preferences (Hawkes 2002). These kinds of marketing techniques will be discussed further below.

Typically, new stores and new foods are marketed in urban areas and in locations where people with expendable income are likely to find them (such as in department stores), but food companies also market specially priced and packaged products to poorer or more rural citizens to build demand. For instance, many restaurants will sell lower-priced items to reach more people. Many food companies also provide store owners with equipment (for example, Coke provides coolers to store owners) and access to an extensive distribution network, making their products easy to distribute and sell (Hawkes 2002).

Kinds of Marketing

Marketing, broadly defined, is anything that a company does to encourage consumption of its products. Marketers are both creative and exhaustive in the ways in which they reach children. Currently, they reach children through schools, child care, grocery stores, shopping malls, theaters, sporting events, sponsored events, and kids' clubs using a variety of media (including television ads, radio, product packaging, product placements in movies and television shows, magazines, books, the Internet, video games, and advergames). Among these many forms of marketing, however, television advertising makes up by far the largest segment of marketing efforts, capturing 70 percent of advertising dollars (*Advertising Age* 2002).

Children's Understanding of Advertisements

Advertising to children has been of particular concern because young children are just beginning to form their attitudes about food and eating and are particularly susceptible to influences from their environment. Research has shown that children up to the age of 10 are not yet able to differentiate between advertising and program content, and not until age 12 are they able to understand the full purpose of advertising (IOM 2006). Consequently, it can be argued that children's immature social and cognitive development makes them less able to think critically about the advertisements to which they are exposed.

The use of promotional characters that appeal to children's sensibilities is also a popular tactic. In some cases these are uniquely developed characters, but increasingly food advertisers use cross-promotions with characters from current movies and television shows. Children view the characters and celebrities selling products as authority figures looking out for the child's well-being and consequently cannot think critically about the advertisement's intent (IOM 2006).

It can be argued that even teenagers are vulnerable to advertising owing to their stage of emotional development, when acceptance by their peers in matters of image and appearance is heightened (Story and French 2004). Children are also vulnerable to the messages in food advertisements because their development does not yet allow them to think about the long-term health consequences of their choices, and they may lack the nutritional knowledge to understand the role of high-sugar and high-fat diets in health (CSPI 2003).

Given that children lack the maturity and cognitive skills to fully comprehend the messages of advertising, many researchers and advocates have called marketing directed at children exploitive. Although it is doubtful that the food companies are purposely trying to worsen the health of children, they are trying to sell products—specifically, processed foods that are very profitable to the company. The increasing amount of resources spent on food marketing to children (from US$6.9 billion to US$10 billion between 1992 and 2002, by some estimates) speaks indirectly to the positive return on investment companies must be seeing as a result of their marketing endeavors (CSPI 2003).

Role of Advertising in Food Behavior and Obesity

So what effect does all this advertising have on children's food preferences, food purchase requests, and food intake? Although there have been no studies to show directly that food advertisements over time in a real-world setting affect food intake in children, experimental, observational, and correlational studies suggest an important influence. Indeed, the available evidence led the World Health Organization in 2003 to deem food advertising a "probable" contributor to the world obesity epidemic (WHO 2004).

Recent reviews have found good evidence that children's food preferences and food purchase-related behavior are influenced by advertising, particularly television advertising, which has been most often studied (Hastings et al. 2003; Story and French 2004). The influence of advertising may be due to what some researchers call "pester power" created by clever marketing. A review of several studies showed that frequent exposure to television advertising for food increases the number of requests children make to their parents for that product (Coon and Tucker 2002). On the other hand, children who are less exposed to television advertising because of limited television viewing, make fewer purchasing requests (Wiman 1983). Not surprisingly, given the kinds of foods most often advertised, children are more likely to "pester" their parents for sugary cereals, fast food, soft drinks, and candy (CSPI 2003).

The evidence for a connection between food advertising and actual consumption is less strong, although some studies have found such a connection (Hastings et al. 2003). For instance, Goldberg (1990) found that the more commercial television a child sees, the more likely she is to have advertised cereals in her home. Exposure to high-calorie, low-nutrient-dense foods in schools may also increase student's consumption of those foods. In a longitudinal study, Cullen and Zakeri (2004) found that middle school students who had access to school snack bars consumed fewer fruits and nonstarchy vegetables, less milk, and more sweetened beverages compared with the previous school year, when they were in elementary school and only had access to lunch meals served at school. Availability of these kinds of foods in school serves not only as a source of calories, but as an effective form of advertisement that can build brand loyalty and product preferences over time.

The connection between food advertising and obesity in children is less well documented, but indirect evidence suggests a connection. For instance, studies have shown that as the number of hours of television viewing increases, obesity rates also increase, although the effect is small (Gortmaker et al. 1996; Dietz and Gortmaker et al. 1985; Crespo et al. 2001). This relationship may exist because children are exposed to more television advertisements leading to increased consumption of those products, because children are more likely to snack while watching television,

or because television viewing replaces physical activity. It could also be that all three factors contribute to higher observed rates of obesity.

Food Advertising Regulations in the United States

Regulation of food advertising in the United States can be grouped into two major categories: government regulation (statutory and non-statutory) and self-regulation. The two federal organizations primarily responsible for regulating advertising in the United States are the Federal Communications Commission (FCC) and the Federal Trade Commission (FTC). Self-regulation by the advertising, communication, and food industries falls largely under the Children's Advertising Review Unit (CARU). The roles of each of these organizations will be discussed further in the "Stakeholders" section.

Most federal regulation targets children's advertisements on television, although the Children's Online Privacy Protection Act (COPPA) has given the FTC authority to regulate some features of online advertising directed at children under 13 years old. Regulation of in-school marketing is largely a state and local issue. An increasing number of states across the United States are enacting legislation to ban or limit junk food sales in schools. Many local schools and school districts have also passed similar regulations.

Global Food Regulation

Globally, very few countries have regulations specific to food marketing to children. Regulations do exist, however, that cover marketing to children in general, particularly on television. For instance, Quebec, Canada, and Sweden have banned child-targeted television advertising, although these bans do not prevent cross-border advertising (WHO 2004). Other countries rely on statutory regulations or self-regulatory systems (or a combination of both) to guide some components of child-targeted advertising.

Although the standards regulating advertisements for foods vary from country to country, language and concepts are frequently excerpted from the International Chamber of Commerce's International Code of Advertising Practices (WHO 2004). This code, which is the basis of many countries' self-regulatory systems, mainly emphasizes that advertisements should be permitted so long as they are not misleading or dishonest and they can be clearly distinguished from the medium in which they are used. The guidelines pertaining directly to children's advertisements emphasize that advertisements should not exploit children's natural credulity; they should avoid harming children emotionally, morally, or physically; they should not insinuate that children possessing the product will have advantages over others; and they should not undermine adult authority (WHO 2004).

Policy Issues

Children as a Special Case

As already discussed, children are especially vulnerable to marketing and advertisements because of their immature level of development. Both advocates and industry representatives agree that children are a special case requiring special protection. They agree that advertisements with the intent to harm or deceive children should be banned. Where the two groups differ, however, is in how much special protection children should receive beyond these basic principles. Some advocates contend that all advertisements, including those for food, should be banned during children's programming. They believe that children are growing up bombarded with ads, mainly for foods they should be eating less of. Advertisers, however, contend that regulations that are too stringent impinge on their rights and unfairly place the blame for children's poor eating habits in their hands.

Protection of Free Speech

There is no legislation prohibiting the kinds of foods that are marketed to children, only regulations stipulating that advertising (for any product) be fair and truthful. Industry representatives point out that bans on what kinds of foods can be advertised, and to a certain extent regulations on how those foods are advertised, run counter to principles of free speech. Certainly, the right to free speech should be protected, but the extent to which advertisements, as an extension of commercial activity, fall under free speech protection is a matter of constitutional debate (Westen 2005). Clear examples exist where the interest protecting public health has successfully brought about limitations on the marketing of goods considered

harmful (like tobacco and alcohol in the United States). There are also international precedents, particularly a ruling by the Canadian Supreme Court in 1989 that a ban on all advertisements directed at children in Quebec did not unduly limit free expression (WHO 2004).

Nutritional Standards

Although government restrictions on what kinds of foods can be advertised may run into free speech challenges, advocates have encouraged industry to voluntarily develop nutrition standards about what kinds of foods can be marketed to children. Some food industry representatives have countered saying that this kind of approach is "paternalistic." Industry representatives explain that no foods are inherently dangerous and that all foods can be part of a healthy diet (Schoenecker 2006). This is indeed the perspective espoused in the U.S. Department of Agriculture Food Guide Pyramid, which makes allotments in the daily diet for "discretionary calories" coming primarily from foods in the fats, oils, and sweets category (USDA 2006).

Even if industry and advocates could agree on a set of nutritional standards, what would these standards look like? The FTC's attempts at formulating industrywide regulations for food advertisements directed at children in the late 1970s ran into just such a snag. For instance, Tracy Westen, former deputy director for consumer protection at the FTC, described the difficulty his staff had defining "foods that cause tooth decay." Are they foods high in sugar? If so, then foods like fruit juice or dried fruit might be banned (Westen 2005). The United Kingdom has recently taken up the issue of nutrition standards for commercial advertisements in its 2007 regulation to strongly curtail food advertisements to children under 16 years old. It has created a nutrient profiling model to identify and separate truly unhealthful foods high in sugar, sodium, and fat from healthful foods (like nuts and dried fruits) that may be unfairly restricted (Rayner et al. 2005).

Defining Advertising to Children

How does one define an advertisement directed at children? At first one may think it is an ad that runs during children's programming, but the FTC research from the early 1970s showed that even children's programs have a large adult audience, and advertisements to this mature group could not be banned. And how does one define children's programming? A number of television shows throughout the day and in a number of genres are watched by all family members, including children (Westen 2005). Also problematic is defining the age range for which ads should be banned. As already discussed, science does not clearly indicate an age at which children are no longer susceptible to advertising, particularly when the variability in children's development due to other factors is considered (such as socioeconomic status and family support).

Funding Children's Programming, Magazines, and School Activities

If food ads in children's media were banned, who would pay for these programs and print materials, given that food ads make up a large portion of advertising revenue? The Office of Com-\munications in the United Kingdom recently tallied the impact on national television broadcasters of the government's new proposed ban on food ads to children. (These bans would exist on all channels broadcasting from UK soil and would apply to any program with significant viewership by children less than 16 years of age day or night.) Depending on the level of children's programming, broadcasters stand to lose 0.7 percent to 15 percent of revenues, with the impact lessening somewhat over time as broadcasters and advertisers adjust (Office of Communications 2006). In Quebec, where a television ban has been in place for nearly two decades, the Canadian self-regulatory body, Advertising Standards Canada, contends that media dollars have left the region, although declines in the quality of children's programming are debatable (WHO 2004).

Schools also benefit from advertisements and promotions sponsored by food companies. These companies subsidize everything from textbook covers, calendars, and learning games to screen savers, sports equipment, and even athletic stadiums, in exchange for displaying the companies' promotional messages and selling their products on the school grounds. Even the presence of a branded vending machine in a school is a form of advertisement for that company. A recent study of beverage contracts between schools and corporations, however, conducted by the Center for

Science in the Public Interest, found that these contracts generated on average only US$18 per student per year, compared with the average US$8,000 a year spent on educating each American students (CSPI 2006).

Self-Regulation versus Statutory Regulation

Any regulatory system, whether imposed by government or industry, requires a system of monitoring and enforcement. Industry has argued that a self-regulatory system is more flexible and adaptable. Represented industries can act quickly within the system to make needed changes (for instance, as new media become popular) rather than acting through a cumbersome federal bureaucratic process. Industry also has a vested interest in making sure that companies comply with their own regulations. Manufacturers that consistently mislead the public, break their own rules, or promote messages that harm children risk harming their public image (Hawkes 2005).

Advocates for stronger government regulation argue, however, that the current system of self-regulation is not effectively monitoring children's advertisements, allowing many advertisements that appear to violate CARU's regulations. If such a lack of enforcement and compliance occurs, advocates have little recourse to demand that industry comply with its own regulation. Advocates also argue that the self-regulatory system is not nearly transparent enough to members of the public, does not contain an effective mechanism for responding to consumer complaints, and lacks adequate representation from health and child development experts (FTC/HHS 2006). A self-regulatory system may be effective only if there is the threat of heightened government action if the system fails. Some advocates also argue that in addition to the present industry guidelines, specific nutrition standards should be developed that guide which foods can be advertised to children (FTC/HHS 2006).

Parental Responsibility

Food industry representatives and many researchers point to the important role played by parents in choosing what foods are served to their children, as well as the role that parents play in teaching their children good nutritional habits. It is well known that children learn by observing their parents and other adults and reflect those behaviors back through social modeling (Brown and Ogden 2004). For instance, in one study, 8- to 13-year-old children whose parents regularly consumed carbonated soft drinks were nearly three times more likely to consume carbonated soft drinks five or more times a week than were those whose parents did not regularly consume carbonated soft drinks (Grimm et al. 2004).

While it is often argued that parents have the power (and the responsibility) to say "no" to pestering for unhealthy foods, the repeated nagging of children for these foods and other advertised products and services adds stress to the parent-child relationship (Atkin 1978; Buijzen and Vallkenburg 2003). Many parents, particularly those most stressed by their social and economic circumstances, may find it easier to give in and buy the less healthy foods (CSPI 2003). Research shows that parents give in to children's food requests about 50 percent of the time (McNeal 1999; O'Dougherty et al. 2006), and observational studies of parent-child interactions in grocery stores show that when a refusal is made, 65 percent of the time a conflict results and 45 percent of the time "unhappiness" results (Atkin 1978). Given these findings, it is not surprising that children are reported as the most influential members of a household in food decision making (IOM 2006).

It should also be noted that although children consume the majority of their calories at home, many foods, particularly among older children, are consumed away from the watchful eyes of parents. Data from a national survey show that children and adolescents aged 2–19 years consumed only 70 percent of their meals and 80 percent of their snacks at home (Lin et al 1999). Add to that the ubiquitous availability of "junk foods," and it becomes difficult for parents to regulate much of their children's diets.

Which Comes First—Advertisements for High-Calorie Foods or Consumer Demand?

It may not be surprising that the most highly advertised foods, and increasingly consumed foods, in the U.S. diet are those high in fat, sugar, and sodium—that is, foods that taste good. Taste is a major, if not the major, determinant of food decisions (Glanz et al. 1998). So are food companies only delivering what children want? Experiments

have repeatedly shown that children prefer high-sugar and high-fat foods (Birch 1999; Rozin 2002), and parents frequently cite taste as the reason for their children's poor consumption of vegetables (Wardle et al. 2003). Humans, however, also live in cultural environments that can shape their food preferences beyond their innate physiological predispositions. For instance, young children's innate food preferences can be altered by the social experience of consuming those foods and through repeated exposure (Wardle et al. 2003; Birch 1999). So although children may already prefer high-fat, -sugar, and -sodium foods, advertisements portraying these foods as fun, tasty, and endowed with special characteristics (eaten by the child's favorite cartoon character, for instance) may make them even more attractive to the child.

Promoting Healthy Behaviors

Advertising can be used to promote healthy behaviors, although the amount of money spent on this effort pales in comparison with advertisements for high-sugar and high-fat foods. Nestle (2002) estimates that the amount of money spent by food manufacturers to advertise just one snack product can be anywhere from 10 to 50 times the U.S. federal expenditure to promote the Food Guide Pyramid or to encourage people to eat more fruits and vegetables.

Industry has also used health messages to promote its products. In 1991 the National Cancer Institute and the Produce for Better Health Foundation (a fruit and vegetable industry group) teamed up in a public-private partnership to promote a National 5-A-Day Campaign to encourage consumers to consume at least five servings of produce every day. In many ways this partnership is a win-win for the produce industry and those interested in promoting good nutrition. Because of chronic underfunding, however, the amount of financial support for public communication has been minimal, amounting to just US$3 million in 1999. In a similar period US$80 million was spent to advertise M&M candies alone (Nestle 2002).

In some instances, industry has tackled the health message head-on, resulting in benefits to the bottom line. For instance, for a period of several months Kellogg's initiated a marketing campaign to promote high-fiber cereal. This campaign resulted in a 37 percent increase in the market share of all high-fiber cereals over the study period, but the effect disappeared after the end of the promotion (Levy and Stokes 1987).

Stakeholders

The Federal Communications Commission (FCC)

Two major government bodies have regulatory power over advertising through the media: the FCC and the FTC. The FCC is responsible for regulating and licensing radio, television, satellite, and cable stations. Its responsibilities for children's advertising are exercised mainly through the Children's Television Act of 1990. This act requires that stations provide at least three hours of educational and informational programming for children per week. Stations are also to air no more than 10.5 minutes of advertisements per hour during children's programs on weekends and no more than 12 minutes per hour on weekdays. Other regulations enforced by the FCC include prohibitions against "host selling," in which a character on a TV program promotes products during the show. They also require clear separation between a TV program and advertisements (consequently TV stations air "buffers" like "we'll be right break after these messages) (Story and French 2004).

The Federal Trade Commission (FTC)

Regulations concerning the content of ads are generally the responsibility of the FTC, which is primarily interested in ensuring that advertisements are fair and free of deception. In 1978 the FTC weighed the evidence that young children are easily manipulated by advertisements owing to their immature cognitive development and decided that advertising sugary foods to children constituted unfairness and deceptiveness in advertising (CSPI 2003). It took initial steps to ban all advertisements to young children on television and to curtail commercials directed to older children for sugary products. The FTC also recommended that manufacturers advertising such sugary foods additionally fund health and nutrition messages to balance the advertisements for less healthy foods. To gather testimony on these issues the FTC held hearings in the late 1970s.

After strong lobbying from food and toy companies, broadcasters, and advertising agencies

against the FTC's measures, Congress passed the "Federal Trade Commission Improvements Act of 1980," which withdrew the FTC's authority to pass industrywide regulations on advertisements. Since that time, the FTC has only been able to regulate advertisements on a case-by-case basis and has put aside attempts to ban advertisements to children, although official documents from that time contend that advertisements "are a legitimate cause of public concern" (CSPI 2003, 42).

The FTC has also recently issued regulations for online children's advertising under the Children's Online Privacy Protection Act. This act requires commercial websites to get parents' approval before collecting personal information from children under age 13 (FTC 1999).

Children's Advertising Review Unit (CARU)

The advertising and food industries have promoted a self-regulatory system for advertising directed at children since the early 1970s. In 1974 the National Advertising Review Council (NARC)—an independent self-regulatory body allied with the Council of Better Business Bureaus—set up the Children's Advertising Review Unit specifically to promote responsible children's advertising. The mission of this organization is to "not only ensure the truth and accuracy of children's directed advertising, but because of the inherent susceptibilities of young children, to ensure that advertising to children meets a host of principles and guidelines created to protect children" (NARC 2004, 26).

Among the guidelines used by CARU that apply to children's food ads:

- Copy, sound, and visual presentations should not mislead children about product or performance characteristics. Such characteristics may include…nutritional benefits.
- The advertising presentation should not mislead children about benefits from use of the product. Such benefits may include, but are not limited to, the acquisition of strength, status, popularity, growth, proficiency, and intelligence.
- The amount of product featured should be within reasonable levels for the situation depicted.
- Representation of food products should be made so as to encourage sound use of the product with a view toward healthy development of the child and development of good nutritional practices.
- Advertisements representing mealtime should clearly and adequately depict the role of the product within the framework of a balanced diet.
- Snack foods should be clearly depicted as such, and not as substitutes for meals (NARC 2004, 12).

CARU applies these guidelines primarily through internal monitoring, although it takes a limited number of complaints from consumers. The organization reviews about 1,000 commercial each month, in addition to print, radio, and online advertising (Hawkes 2005). When CARU finds an ad at variance with its guidelines, it alerts that advertiser, who has 15 days to respond. CARU then makes a decision about how to proceed, and if the advertiser is found to be out of compliance, it can either amend the ad or withdraw it completely. If the advertiser refuses to comply with CARU's ruling, the organization can issue a press release creating negative publicity for the advertiser. According to CARU, the compliance rate is greater than 97 percent (Hawkes 2005). More than 150 cases involving food had been brought as of 2004 (NARC 2004).

Some advocates have been troubled by the composition of CARU's advisory board members and supporters, who hail largely from companies that manufacture foods high in sugar and fat, as well as toy manufacturers, fast food companies, and computer companies.

Food Industry

The food industry is obviously interested in advertising as a way to market and sell its products. Although food companies often act independently and according to their own priorities when marketing their individual products, they have developed several trade associations to lobby on trade and other policy issues relevant to the member companies. One of the most influential of these associations is the Grocery Manufacturers Association, whose mission is to "advance the interests of

the food, beverage, and consumer products industry on key issues that affect the ability of brand manufacturers to market their products profitably and deliver superior value to the consumer." According to its website, the GMA currently has 120 member companies, including Coca-Cola, Altria, Nestlé, and Sara Lee (GMA 2006).

Advertising and Communications Agencies and Media

Advertising agencies clearly have a role in children's advertising, as they are often the ones employed to design commercials, web pages, and print materials. Media agencies also have a strong interest in advertisements directed to children because, as mentioned earlier, revenues from these advertisements help pay for programming, magazines, and other media directed to children. Some media agencies, in response to advocate pressure, have developed their own regulations about what kind (or how many) food advertisements they will allow during their programs and in their materials. Additionally, popular characters featured on children's television programs are frequently leased to food companies for cross-promotions. Recently media organizations like Nickelodeon, Disney, and Sesame Workshop have initiated policies to lease cartoon characters to healthier foods, but some advocates criticize this move as mere "window dressing" because characters are still used more often on low-nutrient-dense foods (Horovitz 2006).

Schools

Funding from food manufacturers can help support some school activities, although the average yearly amount per student is small (CSPI 2006). Most children in the United States spend six to seven hours a day in school, and so the desire of food companies to market their products in this setting is clear. Advocates argue that schools should be teaching students healthy habits and that promoting junk food runs counter to this mission.

Families

As already discussed, parents have a major role to play in teaching their children good nutrition habits. Parents are also the gatekeepers for much, though not all, of the food their children consume. Diets of the majority of adults in the United States are far from exemplary, however, and within families there is strong correlation between the eating habits of children and their parents. Nonetheless, parents clearly have a strong interest in ensuring that their children grow up healthy and strong. Some parents are better able to juggle and balance the messages of food marketers within their family's food decisions and provide their children with overall healthy diets. Other parents, however, for various reasons (stress, lack of knowledge, skills, and financial resources) are unable to maintain this balance. For these families a limited number of programs exist to help meet their special challenges—nutrition education courses and food assistance programs. Evaluations show that these programs do make some positive differences in overall eating habits, but they have limited reach, and this is particularly true for nutrition education programs (Montgomery and Willis 2006; Basiotis et al. 1998). Evaluations of how well these programs counter the messages of food marketers have not been conducted.

Advocacy Organizations

A number of advocacy groups in the United States have been formed to lobby for increased awareness of the role of marketing in food decisions and to sponsor increased industry and marketing regulation. The following are a sample:

- The Center for Science in the Public Interest (CSPI) is an advocacy organization for nutrition and health. CSPI recently published a report entitled *Pestering Parents: How Food Companies Market Obesity to Children.*
- The Campaign for a Commercial-Free Childhood (CCFC) describes itself as "a national coalition" of a variety of experts and parents "who counter the harmful effects of marketing to children through action, advocacy, education, research, and collaboration" (CCFC 2006).
- The Center for Informed Food Choices (CIFC) recently sponsored a symposium entitled "Food Marketing to Children and the Law" bringing together health and child development experts with lawyers to investigate policy and legislative options to curb advertisements to children (CIFC 2005).

Policy Options

Many recommendations have been made about how to change or strengthen policies related to food marketing directed at children. These policy recommendations span a variety of venues and advertising media and can be roughly divided into three categories: regulations, incentives, and knowledge generation.

Regulations

Although some advocates argue for a complete federal ban of all food advertisements directed to children, others suggest that the food industry and advertisers work more closely with government and health advocates to develop a mutually agreed-upon set of standards by which advertising will be regulated. In this regard, some advocates have suggested strengthening the self-regulation mechanisms in CARU, including making the organization more transparent, adding representatives to the Board of Directors from a variety of backgrounds (such as health experts and representatives of parent groups), creating nutritional standards for food advertisements, improving monitoring and compliance of advertisements, and expanding the scope of regulatory oversight to emerging forms of media like the Internet and in-school promotions. Another policy approach allows for a greater regulatory role by the federal government if the food industry fails to enforce self-regulation guidelines satisfactorily.

Policy changes are also taking place in schools. Several U.S. states and local school districts have established more stringent guidelines on what kinds of foods can be sold on school grounds and what kind of industry advertising and sponsorship will be permitted. Although most of these policies are still too new for their impact to be adequately evaluated, many advocates believe that these policies send the right message—that schools should be commercial-free zones where children can focus on their education.

Incentives

Some advocates have suggested that the creative energy, resources, and market power of food manufacturers and marketing agencies be directed at promoting foods lower in calories, fat, and sugar and higher in essential micronutrients that will more closely meet the U.S. Department of Agriculture's Dietary Guidelines. Incentive programs could be designed that would encourage development and promotion of healthier foods, along with the standard fare. For instance, for every minute of television ads promoting high-calorie, low-nutrient-dense foods, food manufacturers could air ads for healthier foods. Similarly, government could be an important partner with industry and health advocates to foster social marketing campaigns to improve food consumption among children.

Knowledge Generation

The most important influences on children's food choices are their parents, and their capacity to promote healthier food choices among their children needs to be supported and strengthened. Some advocates have argued for strengthening educational and social marketing programs directed at parents, particularly parents of young children, to encourage healthier food choices and instill the importance of these choices for long-term health.

Government also has a unique role in sponsoring research to better understand how advertising influences food choice and how this power of advertising can be used to improve diets.

Additionally, some advocates are calling for schools to strengthen their efforts to promote positive health messages and stress the importance of a good diet. Might there be a role for members of the private sector, in partnership with schools and parents, to devise strategies to improve nutrition education and promote positive behavior change?

Assignment

Your assignment is to formulate a policy to regulate food marketing directed at children. Take into consideration industry, government, parent, school, and health advocate perspectives.

Additional Readings

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