

Children's Food and Beverage Advertising Initiative

Introduction

Companies engaged in advertising and marketing food and beverage products have developed this self regulatory initiative for advertising such products to children under 12. The goal of this initiative is to use advertising to help promote healthy dietary choices and healthy lifestyles among American children. While it remains the primary responsibility of parents to guide their children's behavior in these areas, industry members are voluntarily pursuing this initiative as a means of assisting parents in their efforts.

Core Principles

Companies participating in this initiative will publicly commit to advertising that will further the goal of promoting healthy dietary choices and healthy lifestyles to children under 12. These commitments will be set forth in an individual "Pledge" for each participant. Because companies and their product lines vary, company commitments will also vary. However, all commitments will be consistent with the following core principles:

- **Advertising Messaging.** Participants will devote at least 50%¹ of their television, radio, print and internet advertising primarily directed to children under 12² to advertising that will further the goal of promoting healthy dietary choices and healthy lifestyles. This will be achieved in one of two ways (or some combination of both):

(1) By advertising products that represent healthy dietary choices in accordance with company developed standards that are consistent with established scientific and/or government standards. Examples of possible standards include:

- FDA defined "healthy" foods [21 CFR 101.65(d)(2)]
- Products that qualify for an FDA authorized health claim [21 CFR 101.70-101.83]
- Products meeting FDA/USDA criteria for claims of "free," "low," or "reduced" calories, total fat, saturated fat, sodium or sugar

¹ This minimum percentage may be increased over time.

² Measured in media impressions at the time the advertising is purchased, as determined by reliable third party data such as Nielsen ratings for TV, radio and Internet, and PIB (Publisher's Information Bureau) and MRI (Mediamark Research Inc.) data for print advertising. The 50% commitment will be calculated separately for each advertising medium. Measurement for advertising on company owned websites will be determined in accordance with standards established as part of the company's Pledge.

- Products that qualify for the USDA Healthier School Challenge Program criteria for Sales/Service of A La Carte and/or Vended Items
- Principles addressing recommended consumption by children under 12 under USDA Dietary Guidelines and My Pyramid
- Products representing a portion control option, such as products advertised and sold in a package size of 100 calories or less

or

(2) By advertising that prominently includes healthy lifestyle messages designed to appeal to the intended audience, such as:

- messaging that encourages physical activity
 - messaging that encourages good dietary habits, consistent with established scientific and/or government standards such as USDA Dietary Guidelines and My Pyramid
- **Use of Licensed Characters.** Participants will commit to reduce their use of third-party licensed characters³ in advertising primarily directed to children under 12, unless such advertising complies with the messaging options set out above. Each participant will state in its commitment the percentage reduction in its use of licensed characters.
 - **Product Placement.** Participants will commit to not paying for or actively seeking to place their food or beverage products in the program/editorial content of any medium primarily directed to children under 12 for the purpose of promoting the sale of those products.
 - **Use of Products in Interactive Games.** Participants will commit that, in any interactive game primarily directed to children under 12 where the company's food or beverage products are incorporated into the game, the interactive game must incorporate or be accompanied by products representing healthy dietary choices under #1 above or healthy lifestyle messaging under #2 above.
 - **Advertising in Schools.** Participants will commit to not advertising food or beverage products in elementary schools.⁴
 - **Implementation.** Participants will formalize and publish their Pledge approximately 6 to 9 months following the establishment of the

³ This commitment does not apply to the use of licensed characters on packaging, provided the packaging does not appear in advertising directed to children under 12. The limitation also does not apply to the use of company-owned characters.

⁴ This limitation will not apply to displays of food and beverage products, charitable fundraising activities, public service messaging, or items provided to school administrators.

Monitoring/Enforcement entity described below. The Pledge will include an implementation schedule for each commitment made by the participant.

Monitoring/Enforcement

Company Pledges, including the specific commitments that will identify the healthy dietary choices criteria, will be established in consultation with a new program administered by the Council of Better Business Bureaus.

The new program will be responsible for monitoring company commitments. Monitoring will include the review of advertising materials, product information, and media impression information (submitted on a confidential basis) to confirm participant compliance. The program will also respond to public inquiries relating to compliance.

The new program will develop procedures that provide for the expulsion of a company that does not comply with its Pledge after being given notice and an opportunity to bring its conduct into compliance, and notice of any expulsion to regulatory authorities such as the Federal Trade Commission under appropriate circumstances.

The new program will publicly issue reports detailing its activities, including any expulsions or notices of such to regulatory authorities.

The new program, in consultation with the participants, will periodically review its procedures and the overall impact of this initiative. The first such review shall be started after the new program has been operational for at least 3 years.