

THE CHILDREN'S FOOD & BEVERAGE ADVERTISING INITIATIVE IN ACTION

A REPORT ON COMPLIANCE AND PROGRESS DURING 2013



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Council of Better Business Bureaus

Letter from the President

During 2013, the Council of Better Business Bureaus' (BBB) Children's Food and Beverage Advertising Initiative (CFBAI) and CFBAI's participants fulfilled an important commitment they made to the public in July 2011. Specifically, on December 31, 2013, CFBAI-developed category-specific uniform criteria went into effect. As even the First Lady of the United States has recognized, "forging consensus [on the criteria] among fierce competitors," some of the country and world's largest food companies, was challenging. We were pleased that the hard work that went into creating those criteria paid off and that we could celebrate the New Year with new criteria that are making such a difference in the foods CFBAI's participants make and advertise to children.

This, CFBAI's 7th Annual Report, describes the journey the participants have taken to improve the foods they advertise and to change the entire children's food advertising landscape. We should not forget that BBB's creation of CFBAI in November 2006 was a historic event. For the first time, leading food and beverage companies voluntarily pledged to advertise only foods meeting meaningful nutrition criteria or to not advertise to children and to be held accountable by BBB/CFBAI, an independent third-party, for their actions. This

Initiative then became a model for other voluntary pledge programs around the globe. Now programs similar to CFBAI have been adopted in approximately 50 countries.

We at BBB are delighted that our work in developing and administering strong, thoughtful and transparent self-regulation is a model for others and has been recognized by the Federal Trade Commission on so many occasions, including at the inaugural BBB Self-Regulation Conference held on June 11, 2014. There, our keynote speaker, the Honorable Maureen Ohlhausen, Commissioner, FTC, said BBB "continues to provide an excellent example of how to develop and implement best practices for self-regulation in advertising and other areas of potential concern to consumers." The Commissioner also cited a 2012 FTC Report that suggested that participation in CFBAI "is leading to positive results for consumers." This Report shows that since the data for the FTC Report was collected there have been further improvements in the foods advertised to children. CFBAI's participants clearly are on the right path and I congratulate them on their commitment to being a part of the solution to childhood obesity.

Mary Power
President & CEO

CFBAI Participants



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Executive Summary

In January 2014, CFBAI issued a press release announcing “[CFBAI Celebrates New Year with New Uniform Nutrition Criteria for Child-Directed Advertising](#).” This release explained that after December 31, 2013 all foods advertised to children by CFBAI participants were required to meet new, more rigorous uniform nutrition criteria that supersede the previously used company-specific nutrition criteria. CFBAI’s participant companies had worked hard since July 2011, when the new criteria were announced, to meet CFBAI’s implementation date for the new nutrition criteria. While some companies had been able to apply the criteria to recipes earlier, the New Year rang in additional improvements and changes to what was being advertised. The calories, sugar and sodium in certain foods were reduced and some foods, not yet able to meet the new criteria, were removed from companies’ children’s advertising line-ups. We expect reformulation and innovation to be ongoing.

This Report describes improvements in foods during 2013 and since then. The improvements in 2013 reflect both changes made to meet meaningful company-specific nutrition criteria and the early adoption of CFBAI’s criteria. While the new criteria are an important advance, the use of company-specific criteria also led to notable improvements in foods advertised to children as the Federal Trade Commission (FTC) noted in its most recent report. In a [press release](#) announcing its [Review of Food Marketing to Children and Adolescents](#) (comparing foods advertised to children in 2006, pre-CFBAI, and 2009, when company-specific standards were in effect under CFBAI) the FTC stated,

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.

The adoption and implementation of uniform criteria, however, are noteworthy developments. The FTC and First Lady Michelle Obama (and others) have cited the potential of the new criteria to drive further improvements in foods advertised to children. CFBAI’s criteria also are used as a roadmap for positive

improvements in foods that may not be advertised extensively or at all to children.

During 2013, we also were pleased that discussions about CFBAI’s role in changing the children’s food advertising landscape led CFBAI and the Interfaith Center on Corporate Responsibility (ICCR), a coalition of hundreds of faith and values-driven organizations that manage over \$60 billion in assets, to co-host a roundtable on food marketing to children. Subsequently, in July 2014, ICCR led a coalition of investors in a campaign to urge 30 food, beverage, restaurant and media companies to join CFBAI.

2013 Highlights

Continued the Excellent Compliance Record.

CFBAI’s independent monitoring of hundreds of ads and review of the participants’ self-assessments (compliance reports) show an outstanding record. In a few instances, however, foods that did not meet the relevant CFBAI-approved nutrition standards appeared in child-directed TV programming. Some digital advertising also promoted brands, where not all the items met the relevant nutrition criteria, rather than a specific food that did. These errors occurred because of communication lapses, programs that had larger children’s audiences than expected or unintentional errors on the part of the participant or a third-party. When they became aware of the issues, the participants promptly remedied the problems, and as needed took steps to avoid them in the future.

Enhanced the Nutritional Content of Foods Advertised to and/or Enjoyed by Children.

During 2013 and 2014, the participants’ foods continued to improve. In 2013 a CFBAI review of ads in 27.5 hours of Nickelodeon programs that aired between July and August 2013 found 75% of CFBAI participant-advertised foods contained fruit, vegetables, whole grains or dairy, a significant increase from 2010. In 2014, slightly fewer participant foods were advertised than in 2013 and fewer foods contained a food group to encourage. But, those foods were advertised more times than other foods in the sample. Thus, the percentage of ads containing a food group to encourage was 82% in both 2013 and 2014.

In 2013 and 2014 the cereal category continued to be the top advertising category and to show notable positive

changes. In 2013, 73% of the cereals on CFBAI's list contained no more than 10 grams of sugar per serving (analysis of children's cereals on CFBAI's May 2013 list, not all of which are necessarily actively advertised to children). Now, in 2014, all one-ounce serving size cereals on CFBAI's list contain no more than 10 grams per serving and more than half, up from 36% in 2013, contain no more than 9 grams of sugar per serving. As before most contain at least 8 grams of whole grains per serving, and 50% contain at least 12 grams per serving, a 44% increase from May 2013.

Grew and Strengthened the CFBAI and its Influence. In early 2013, *Mondelēz International* officially joined CFBAI, although it made the effective date of its pledge fall 2012, immediately after it split from *Kraft*. In September 2013, *Ferrero USA* also became a CFBAI participant and its pledge went into effect at that time. In September 2013, CFBAI announced that Cartoon Network had determined, as of January 2014, to align its nutrition standards with CFBAI's nutrition criteria in conjunction with the U.S. licensing of its characters to food companies. During 2014, *Dannon* informed CFBAI that, as of January 2015, it was strengthening its company policy regarding advertising to children under age 6 and would not place ads in media when children ages 2–5 are at least 35% of the audience. Previously, *Dannon* used a 50% threshold.

Prepared for Implementation of CFBAI-Developed, Category-Specific Uniform Nutrition Criteria. While some participants had adopted the new criteria in whole or in part well before the December 31, 2013 implementation deadline, others worked during 2013 to meet the deadline. They expended considerable resources to further improve foods advertised to children to meet the new criteria and ensure the reformulated versions were significantly available when those foods were advertised in the New Year. In some instances they needed to change their media plans to account for foods that would not be advertised because they did not meet the new criteria.

Communicated CFBAI's Performance and Progress. During 2013, CFBAI spoke at numerous events about progress under CFBAI-set voluntary standards, issued fact sheets about the program and regularly updated its website with program and pledge news. Notably, CFBAI was one of only four organizations asked to speak at the September 2013 White House Convening on Food Marketing to Children. CFBAI also was proud to co-host a roundtable with ICCR to continue the dialog begun at the White House about the role of the food industry in combatting childhood obesity. CFBAI also filed a comment with USDA in response to its request for comment on proposed standards for competitive foods, sharing with USDA CFBAI's experience in setting standards for children's food advertising.

Looking Ahead

Maintaining and continuing the progress on the leveling off and reductions in childhood obesity rates in some areas and some groups, as CDC and others reported in 2013 and 2014, will require more work from all sectors of society. In the years ahead, CFBAI will endeavor to do its part by helping responsible members of the food industry continue to transform the children's food advertising landscape.



I. Introduction and Report Overview

Since 2006, leading consumer packaged goods companies and quick serve restaurants that comprise CFBAI have been committed to being a part of the solution to childhood obesity by changing the food advertising landscape.¹ Through the use of voluntary standards CFBAI’s participants have transformed the children’s food advertising arena and have improved the marketplace overall.²

We are gratified that this progress is being recognized. For example, during the September 18, 2013 White House Convening on Food Marketing to Children, the First Lady stated,

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.³

Similarly, the FTC’s 2012 [“Review of Food Marketing to Children and Adolescents”](#) reported an improvement in the overall nutritional profile of foods advertised to youth: “Calories and the food components to reduce (sodium, sugar, 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).”⁴ The FTC report also noted that, “The food and beverage industry, and in particular the CFBAI, has made major strides since the early days of self-regulation

in 2006,” and that CFBAI’s “New uniform criteria . . . will likely lead to further improvements in the nutritional quality of foods marketed to children”⁵

The full implementation of the uniform nutrition criteria on December 31, 2013 has led to additional nutritional improvements in participants’ foods primarily because of the reformulation of existing foods. The effect of the new criteria also will go beyond the participants because of Cartoon Network’s September 2013 decision to align its nutrition standards for use of its licensed characters with CFBAI’s criteria as of January 1, 2014.⁶

This Report provides our assessment of the participants’ compliance with their pledges and describes progress that they made during 2013 in fulfilling CFBAI’s goal to change the mix of products in child-directed advertising to include healthier foods.⁷ See Table 1.

Part II of this Report briefly recounts CFBAI’s history and describes the participants’ representation in food advertising to children. Part III describes the nutrition developments and improvements that occurred during 2013 and more recently. Part IV describes our assessment of the participants’ compliance with their pledges and why we have concluded that overall compliance is excellent. It describes compliance issues that occurred during 2013 and the steps taken to rectify those problems. Part V describes next steps for CFBAI.

Table 1. CFBAI Company Compliance Assessment List for 2013

Burger King Corporation	General Mills Inc.	McDonald’s USA, LLC
Campbell Soup Company	The Hershey Company	Mondelēz Global LLC
The Coca-Cola Company	Hillshire Brands Company ⁸	Nestlé USA
ConAgra Foods, Inc.	Kellogg Company	PepsiCo, Inc.
The Dannon Company, Inc.	Kraft Foods Group, Inc.	Post Foods, LLC
Ferrero USA, Inc.	Mars, Incorporated	Unilever



Endnotes

¹ See e.g., [IOM's 2006 report](#), "Food Marketing to Children and Youth: Threat or Opportunity?," which recommended that food and beverage companies shift their mix of advertising to include healthier foods. Available at <http://www.iom.edu/Reports/2005/Food-Marketing-to-Children-and-Youth-Threat-or-Opportunity.aspx>.

² Thirteen CFBAI participants also participate in the Healthy Weight Commitment Foundation (HWCF). Recently, the [HWCF](#) announced a Robert Wood Johnson Foundation-funded independent evaluation found that HWCF's 16 member companies sold 6.4 trillion calories fewer in the U.S. in 2012 than they did in 2007, exceeding their commitment ahead of schedule and by more than 400 percent. See press release at http://www.healthyweightcommit.org/news/major_food_beverage_companies_remove_6.4_trillion_calories_from_u.s._market/.

³ Remarks by the [First Lady](#) During White House Convening on Food Marketing to Children (Sept. 18, 2013). Available at <http://www.whitehouse.gov/the-press-office/2013/09/18/remarks-first-lady-during-white-house-convening-food-marketing-children>.

⁴ See "A Review of Food Marketing to Children and Adolescents Follow-Up Report," Federal Trade Commission (Dec. 2012) at 30 ("FTC 2012 Report"). Available at <http://www.ftc.gov/reports/review-food-marketing-children-adolescents-follow-report>.

⁵ See FTC 2012 Report at ES-2.

⁶ See "[What are Cartoon Network's guidelines regarding licensing its characters on food and beverages in the U.S.?](#)" Available at http://www.cartoonnetwork.com/legal/parentguide/move-it-movement/files/CN_CharacterLicensing_2013.pdf. Cartoon Network has had nutrition standards for licenses in place since 2007. Aligning with CFBAI's criteria now requires companies to meet tougher standards.

⁷ CFBAI's prior annual reports and other program materials are available on CFBAI's website (www.bbb.org/kids_food).

⁸ *Hillshire Brands Company* decided to not renew its participation in 2014, but submitted a final report in 2014 regarding its compliance in 2013.

II. About CFBAI and Food Advertising to Children

CFBAI was created in November 2006 to respond to a call-to-action for additional self-regulatory standards on food advertising to children because of concerns about the prevalence of childhood obesity.⁹ The program provides participants a way to be a part of the solution through the use of nutrition standards to govern *what* foods they advertise to children.¹⁰ CFBAI supplements another BBB program, the Children’s Advertising Review Unit (CARU), which addresses *how* foods and other products are advertised to children.

By design, CFBAI’s standards apply to advertising primarily directed to children under age 12 — not all ads children may see in programs or websites that are primarily directed to adults or families.¹¹ While many children may watch family programs, sporting events and other programs, they typically represent a very small

minority of the audience. CFBAI’s focus thus helps children who need special protections, supports rather than supersedes parental authority, and limits the effect on communications directed to teens and adults.¹²

A. Background

All CFBAI participants develop a “pledge” addressing CFBAI’s Core Principles regarding advertising, licensed characters, product placement, interactive games, and activities in elementary schools that are directed to children.¹³ The participants agree to CFBAI oversight and to be held accountable for failure to comply with their pledges.

Since the program was announced in 2006, CFBAI has grown from 10 to 17 participants. The program’s requirements also have been strengthened and the media covered have expanded. See Table 2.

Table 2. Summary of CFBAI Program Improvements

Improvement	Effective Date	Comments
Adopted CFBAI-developed category-specific uniform nutrition criteria	Announced July 2011; Effective Dec. 31, 2013	New criteria generally supersede company-specific criteria; companies have option to use company criteria when stricter
Added compliance monitoring of company policies on not directing ads to children under age six	Monitoring began in 2010	Not a CFBAI requirement; added compliance monitoring after the majority of participants adopted this policy
Harmonized “child-directed” ad definitions	Effective in 2010 for some participants and Jan. 2011 for others	All participants use a definition with an audience threshold no higher than 35% of the audience ages 2-11 (those at 50% went to 35%); supplemental factors also used for new media (see Table 5)
Expanded ad scope to cover: <ul style="list-style-type: none"> • Ads on digital and mobile media, such as ads on smart phones and tablets; • Ads on EC-rated and other child-directed video games, DVDs of child-directed G-rated movies and ads in other child-directed DVDs; • Word-of-mouth advertising that is primarily child-directed 	Effective Jan. 1, 2010	Supplemented existing coverage of traditional measured media (TV, print, radio, Internet)
Expanded ad scope to cover use of movie tie-ins and celebrities	Effective Jan. 1, 2010	In child-directed ads use is limited to foods meeting CFBAI’s nutrition criteria; supplemented existing licensed character coverage
Eliminated healthy lifestyle messaging as a compliance option	Effective Jan. 1, 2010	Healthy lifestyle messaging to children is still a program goal
Adopted requirement that all foods advertised to children must meet nutrition criteria	Effective Jan. 1, 2010	Increased requirement from 50% to 100%

B. CFBAI Program Materials and Outreach Activities

CFBAI makes program information public and accessible through a variety of means.¹⁴

Website. CFBAI regularly updates its comprehensive website. The posted materials include company pledges, a list of foods that meet CFBAI’s nutrition criteria that are or may be advertised to children, CFBAI’s comments to government agencies, and presentations to various organizations.

Fact Sheets. CFBAI prepares fact sheets highlighting program features, changes or improvements in foods or categories of foods. In 2013 and in 2014, CFBAI updated or issued new fact sheets, including [CFBAI's Uniform Nutrition Criteria Fact Sheet](#) (June 2013), [CFBAI 2013 Cereals Snapshot](#) (May 2013), [CFBAI 2014 Cereals Snapshot](#) (March 2014), [CFBAI Program and Core Principles At A Glance](#) (June 2014), and [What "Child-Directed Advertising" Means Under CFBAI](#) (Aug. 2014).

Public Comments. CFBAI responds to requests for comment from government agencies on matters regarding food marketing to children and nutrition standards. In 2013, CFBAI submitted a [comment](#) in response to USDA’s request for comments on proposed nutrition standards for foods sold in schools. In 2014, CFBAI submitted a [comment](#) to the 2015 Dietary Guidelines Advisory Committee on the food marketing environment and how CFBAI’s standard-setting is improving this environment. CFBAI also submitted a [comment](#) to USDA on the

proposed rule on *Local School Wellness Policy Implementation under the Healthy, Hunger-Free Kids Act of 2010* (April 2014).

Briefings and Speeches. CFBAI is a frequent speaker at conferences and meetings on food advertising and childhood obesity. In 2013 CFBAI presented at the [Grocery Manufacturers Association Public Policy Summit](#) (July 2013), the [White House Convening on Food Marketing to Children](#) (Sept. 2013) and a number of legal conferences. CFBAI also co-hosted, with ICCR, a roundtable on “[Corporate Leadership in Addressing Childhood Obesity: Public Health Impact through Core Business Strategy](#)” (Dec. 2013).

C. Participants’ Representation in Child-Directed Food Advertising

CFBAI’s participants’ commitments cover a substantial proportion of child-directed food advertising. In December 2012, the FTC reported that CFBAI-participant ad expenditures accounted for 89% of all the food advertising expenditures to children (based on 2009 data).¹⁵ In terms of television ads, which continue to be a key medium for reaching children, in 2013 CFBAI found that 81% of food ads on a major children’s TV network were for CFBAI participants’ pledge-compliant foods (based on an analysis of ads in 27.5 hours of Nickelodeon programming that aired during July-August 2013).

Endnotes

⁹ A detailed CFBAI history and five-year retrospective can be found in the [2011 CFBAI Progress Report](#). All progress reports are available on CFBAI’s website.

¹⁰ While CFBAI focuses on *what* can be advertised it also limits *where* advertising can be placed. Even foods that meet nutrition standards may not be used for product placement in editorial/entertainment content that is primarily directed to children under age 12 or be advertised to children in elementary schools.

¹¹ Historically, self-regulation has focused on children under age 12, and thus CFBAI also focuses on this age group. Although studies suggest various ages at which children begin to understand the persuasive intent of advertising, it is generally agreed that by age 12 children do have that ability. Because special protections are important for children under age 12, the advertising industry always has had a set of stringent rules for advertising primarily directed to children under age 12. CARU, a BBB-administered program, has promoted high standards of responsible advertising to children under age 12 since 1974. (CARU’s operational policies are set by the Advertising Self-Regulation Council, which is a strategic alliance of the advertising industry and BBB.)

CARU has guidelines for children’s advertisers to ensure that children’s advertising is not deceptive, unfair or inappropriate for its intended audience. CARU’s guidelines apply to all children’s advertisers while CFBAI is an opt-in program.

¹² A [2012 survey](#) shows consumers are more interested in obtaining information about how to have a healthy lifestyle (83%) and “[p]roviding incentives to the food industry to produce healthier foods,” than in a ban on ads for unhealthy foods aimed at kids (44%). Key findings from the survey are available at <http://www.apnorc.org/PDFs/Obesity/AP-NORC-Obesity-Research-Highlights.pdf>.

¹³ The current *Program and Core Principles Statement (4th Edition)* is attached as Appendix A. All pledges are available on CFBAI’s website.

¹⁴ The fact sheets, public comments, briefings and speeches referenced in this section are available on CFBAI’s website.

¹⁵ See FTC 2012 Report, note 4 above. The FTC’s definition of advertising to children includes items not covered by CFBAI, such as shelf placement allowances, in-store ad displays and promotions, and packaging and labeling.

III. Nutrition Developments and Improvements

CFBAI’s uniform nutrition criteria, announced in July 2011, were successfully implemented, as planned, on December 31, 2013.¹⁶ The new criteria, which were responsive to

recommendations from the First Lady, the White House Task Force on Obesity, the FTC, and others, have been recognized as being more robust than the previously used company-specific criteria. For example, in 2011, the [FTC](#) described the new criteria as “substantial progress” and as being “considerably stronger than the status quo.”¹⁷ Similarly, Dr. Robert Post, then Deputy Director, Center for Nutrition Policy and Promotion, [USDA](#), stated, “The new uniform CFBAI nutrition criteria appear to be a step forward in changing the food advertising landscape, while also taking into consideration the feasibility of manufacturers making meaningful changes to the nutrient content of foods.”¹⁸ In 2013, at the White House Convening on Food Marketing to Children, the [First Lady](#) commended the participants for forging consensus on the new standards.¹⁹ Yet, even before implementation of the new criteria, CFBAI participants’ meaningful company-specific nutrition criteria had improved the foods advertised to children under age 12, as we have detailed in prior reports.

While improvements are occurring across the board now that the uniform nutrition criteria are in effect, criteria for nutrients in two categories are particularly noteworthy for the changes they are creating. First, now in child-directed advertising all cereals with a standard one-ounce serving size contain no more than 10 grams of sugar per serving. Previously, such cereals may have had up to 12 grams of sugar per serving under company-specific criteria, and before CFBAI started some contained 14-15 grams per serving. Second, previously individual companies’ sodium limits for “main dishes” such as pastas were set at 750 mg per serving, or were based on a comparison food rather than a specific limit. Under the uniform nutrition criteria, however, main dishes cannot exceed 600 mg sodium per serving, the FDA “healthy” limit, and many on the current CFBAI product list contain even less sodium.

This section describes improvements in child-advertised foods during 2013, including improvements flowing from the uniform nutrition criteria and on food production

more generally, as well as companies’ other nutrition and wellness initiatives.²⁰ It also includes highlights of some changes that have occurred during 2014.

A. CFBAI’s Category-Specific Uniform Nutrition Criteria Overview

CFBAI’s [White Paper](#), issued in July 2011, explains how the new criteria were designed to reflect meaningful, but realistic, goals for each of the 10 categories and the basis for the specific categories and nutrient requirements.²¹ The bases for the criteria also are described in a paper, [Food Advertising to Children: The Children’s Food and Beverage Advertising Initiative Breaks New Ground with Uniform Nutrition Criteria for Child-Directed Advertising](#), published by CFBAI’s director in the March/April 2014 issue of the peer-reviewed journal, *Nutrition Today*.²²

The new criteria were based on a comprehensive review of government and other dietary recommendations, including the [2010 Dietary Guidelines for Americans](#) (“*2010 DGA*”);²³ regulatory standards for nutrition labeling and nutrient content claims for foods and beverages; recommendations for nutritional criteria for foods marketed directly to children, foods sold in competition with school meals, and school breakfast and school lunch programs; standards of identity for foods; the Interagency Working Group’s (IWG) December 2009 proposed tentative nutrition standards for marketing to children; and the IWG’s subsequent April 2011 proposed voluntary nutrition principles. CFBAI’s criteria also took into account food technology issues and challenges regarding consumer acceptance of changes to popular or newly-developed foods. Finally, CFBAI was sensitive to competitive issues and the criteria are purposefully flexible to encourage competition and even greater participation in self-regulation.²⁴ The differences between the new criteria and the previously used criteria and the benefits of the new criteria are summarized in a [Fact Sheet](#) that is attached as Appendix C.

The new uniform nutrition criteria set meaningful limits on calories, saturated fat, *trans* fat, sodium and sugars (“nutrients to limit”) that collectively are more stringent than the prior company-specific criteria. Moreover, to be consistent with and to promote the *2010 DGA*, CFBAI set

requirements for “nutrition components to encourage” (NCTE) for all categories, filling gaps that existed in some company-specific criteria. The NCTE requirements include (i) at least a 1/2 serving of fruit, vegetables, whole grains or non/low-fat dairy²⁵ (“food groups/ingredients to encourage”²⁶), (ii) at least one “essential nutrient” at the 10% Daily Value (DV) level,²⁷ or (iii) a combination of both. These requirements increase as calories increase and as the role of the food in the overall diet takes on greater importance (e.g., entrées). In lower-calorie foods, it may not always be feasible to include a meaningful amount of a food group/ingredient to encourage. Yet lower-calorie foods, through their essential nutrient content, may contribute meaningfully to a healthy diet. Seven categories, however, specify that foods must meet minimum food groups to encourage requirements (in two instances including protein). These categories are comprised of foods that are a larger contributor to caloric intake (main dishes and entrees; small meals; seeds, nuts, and nut butters and spreads; and meals) as well as foods in certain other categories (juices; dairy products; and meat, fish and poultry products).

At the time the criteria were announced in July 2011, CFBAI estimated that about one-third of the 223 foods (not counting each flavor of qualifying foods) then on CFBAI’s Product List did not meet the newly-announced CFBAI uniform nutrition criteria. In order to advertise these foods, companies would have to change the recipes for foods.

The list published in January 2014, after the uniform nutrition criteria implementation date, contained 171 foods (again not counting each flavor of qualifying foods, or exempt sugar-free gums that were not on the list in 2011).²⁸ CFBAI’s analysis of the changes indicated that the January 2014 and July 2011 lists differed for several reasons. First, in December 2013 some participants removed foods from the list that did not meet the new criteria, and some companies added new qualifying foods. Second, the January 2014 list reflected the participants’ addition and removal of foods since July 2011 that had been noted in previous updates to the list. Finally, many foods on that list were changed to meet the new criteria ahead of the December 2013 deadline.²⁹

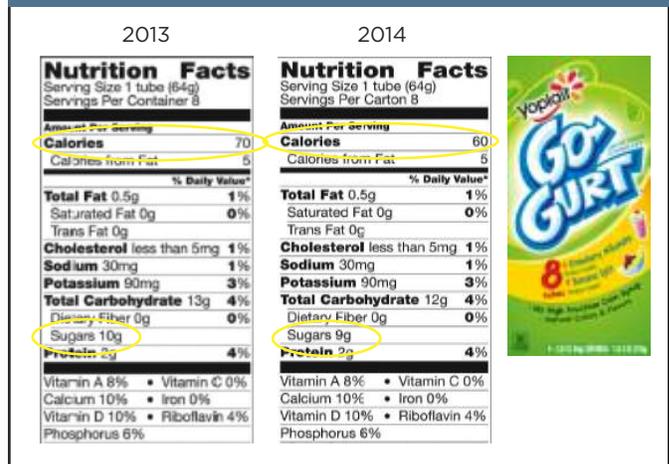
B. 2013 Highlights

During 2013, participants implemented many recipe changes, leading to reductions in calories, sugar or sodium and increases in fruit, dairy, whole grains or nutrients of concern. New foods also were created or components in multi-item dishes were changed.³⁰ Below we illustrate improvements by company, by nutrition components to encourage and nutrients to limit, and for foods in the two categories that are most frequently advertised to children, cereals and quick serve restaurant kids’ meals.

Company Highlights. Improvements to foods actively advertised to children or generally enjoyed by children, include the following:

- *Campbell Soup Company* increased the whole grain content of *Pepperidge Farm Goldfish Grahams* to the 8 grams per serving level.
- *ConAgra Foods* created six *Chef Boyardee* canned pastas that meet the new criteria.
- *Dannon* reduced the sugar in *Danimals Smoothie*, a yogurt drink, by 25%.
- *General Mills* reduced the sugar in *Cinnamon Toast Crunch* to 9 grams and introduced *Peanut Butter Toast Crunch*, with only 8 grams of sugar and with 11 grams of whole grains per serving. It also reduced the sugar and calories in *Yoplait Go-Gurt* yogurts, to 9 from 10 grams of sugar and to 60 from 70 calories, as illustrated in Figure 1 below.

Figure 1. General Mills: Calorie and Sugar Reductions in Yoplait Go-Gurt Yogurt



- *Kellogg Company* reduced the sugar in *Frosted Flakes* by 9% (to 10 from 11 grams per serving) to meet the new criteria.

- *Kraft* reduced both the saturated fat and sodium in *Mac & Cheese Shapes* by 17%, to 2.5 from 3 grams and to 490 from 590 mg, respectively.
- *Mondelēz International* introduced 10 new *Honey Maid* SKUs meeting the 8 grams of whole grains per serving criteria.

Nutrition Components to Encourage and Nutrients to Limit Highlights. This part includes illustration of increases in, for example, fruit and whole grain content, and reductions in sugar.

Fruits and Vegetables.

- *ConAgra Foods* added six new varieties of *Chef Boyardee* pastas to CFBAI's Product List in 2013. All provide at least 1/2 serving of vegetables, and five provide 1 or 1 1/2 servings of vegetables.
- *McDonald's* reported that in 2013 more than 500 million packages of apple slices were served to kids in children's meals.³¹ In 2012 *McDonald's* began automatically including apple slices (1/2 serving of fruit) and a smaller kids' size portion of French fries (1.1 ounces ~ 100 calories) as side dishes in its *Happy Meals*. Since 2012, it has served more than 1.2 billion apple slice bags in kids' meals!

Dairy.

- *Dannon* reformulated its *Danimals Smoothies* to lower the sugar content to 10 from 14 grams. *Danimals Smoothies* are a good source of calcium and vitamin D.
- *General Mills* added *Yoplait Go-Gurt Protein* and *Yoplait Go-Gurt Twisted* to its approved product list, which provide 15% and 10% respectively of the daily value of calcium.
- *McDonald's* reported that 21% of the *Happy Meals* it sold between August 1, 2012 and July 31, 2013 included low-fat white milk or fat-free chocolate milk. *McDonald's* began advertising *Go-Gurt* yogurt in several of its *Happy Meal* ads in 2014.

Whole Grains.

- *Campbell Soup Company* increased the amount of whole grains in its *Pepperidge Farm Goldfish Grahams* to 8 grams to meet the nutrition criteria.
- *General Mills* added a new cereal to its children's cereal line-up, *Peanut Butter Toast Crunch*, which contains 11 grams of whole grains.

- *Mondelēz International* reformulated three of its *Teddy Grahams Graham Snacks* varieties to provide 8 grams of whole grains per serving (in addition to the 10 new *Honey Maid* SKUs with 8 grams of whole grains per serving).

Sugar Reductions.

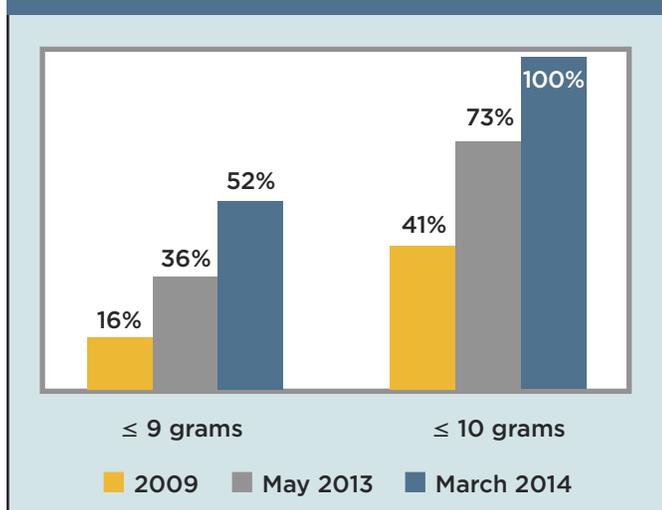
- *Dannon* introduced its reformulated *Danimals Smoothie* yogurt drink in 2013, with 25% less sugar than the previous version.
- *General Mills* reduced the sugar in its *Cinnamon Toast Crunch* cereal to 9 grams and the sugar in *Yoplait Go-Gurt* by 10%. It also reduced the sugar content of its "Monsters" cereals (*Count Chocula*, *Franken Berry*, and *Boo Berry*). Now all contain 9 grams of sugar per serving, down from the 12-14 grams they contained in 2007.
- *Kellogg* reduced the sugar in its *Frosted Flakes* cereal in 2013.

Cereal Category Highlights. In 2013, *General Mills*, *Kellogg*, and *Post Foods*³² advertised to children cereals that have undergone improvements because of standard-setting under self-regulation.³³ Participants have increased the whole grain, fiber, or vitamin or mineral content, reduced sugar, fats or sodium in existing cereals,³⁴ introduced new cereals to meet nutrition standards and discontinued advertising or selling others.

Before CFBAI started, some cereals advertised to children had 14-15 grams of sugars per serving. As shown in Figure 2, in 2013, 73% of cereals (compared to 41% in 2009) had no more than 10 grams of total sugars. In 2014, all the cereals advertised to children contain no more than 10 grams per serving.³⁵ The percentage of cereals containing no more than 9 grams per serving has gone from 16% in 2009, to 36% in 2013 and to 52% in 2014.

The cereal category also has continued to show nutrient density increases, particularly with regard to whole grain content. CFBAI's March 2014 Cereals Snapshot, an analysis of all the cereals then on CFBAI's Product List, showed one-half of the cereals listed whole grains as the first ingredient in the ingredient statement, more than twice the percentage compared to fall 2012. Most (71%) contained at least 8 grams of whole grains, 50% contained at least 12 grams (a 44% increase from May 2013), and nearly 30% contained more than 12 grams.

Figure 2. Sugar Content of Cereals on CFBAI's Product List, 2009 to 2014



Quick Serve Restaurant Category Highlights.

Two leading quick serve restaurants, *McDonald's USA* and *Burger King Corporation*, are CFBAI participants. In 2013, only *McDonald's* advertised to children on television.

- *McDonald's*. Its decision in 2012 to include a bag of apple slices and a 100-calorie kids' serving of fries has had a significant effect on *Happy Meals*. A Cornell University study found the new *Happy Meals* that were purchased had an average of 18.8% (104) fewer calories, and that the purchasers did not appear to compensate by choosing higher calorie entrees within the meal.³⁶ The study also found more milk was purchased.³⁷ In addition, as part of its commitment to the Alliance for a Healthier Generation and the Clinton Global Initiative, *McDonald's* now only promotes milk, juice or water as a beverage choice with *Happy Meals* on menu boards and in-restaurant advertising. It phased out soda listings on the *Happy Meal* section of menu boards in July 2014. *McDonald's* also committed to including nutrition or well-being messaging on *Happy Meal* packaging.

- *Burger King Corporation*. It continued to offer its qualifying kids' meals, including its oatmeal breakfast which includes a serving of apple slices.

C. Nutrition Analysis of Participant-Advertised Foods on Children's TV

In 2013 we analyzed 27.5 hours of programming that aired on Nickelodeon during July and August. This was a repeat of analyses that we conducted in 2009, 2010 and 2012. We took another snapshot in 2014, looking at ads on 33 hours of Nick programs that aired in April.

Food Ads on Children's Programming. Our analyses consistently show food ads are a small portion of the ads on children's programming and that CFBAI participants continue to represent a majority of the foods and ads that appear on such programming. See Table 3.

Food Category and Calorie Highlights. As seen in Figure 3, the types of foods advertised most frequently varied somewhat between 2013 and 2014. While cereals dominated in both years, in 2013 snacks were the second most frequently advertised food, and in 2014, meals took second place.

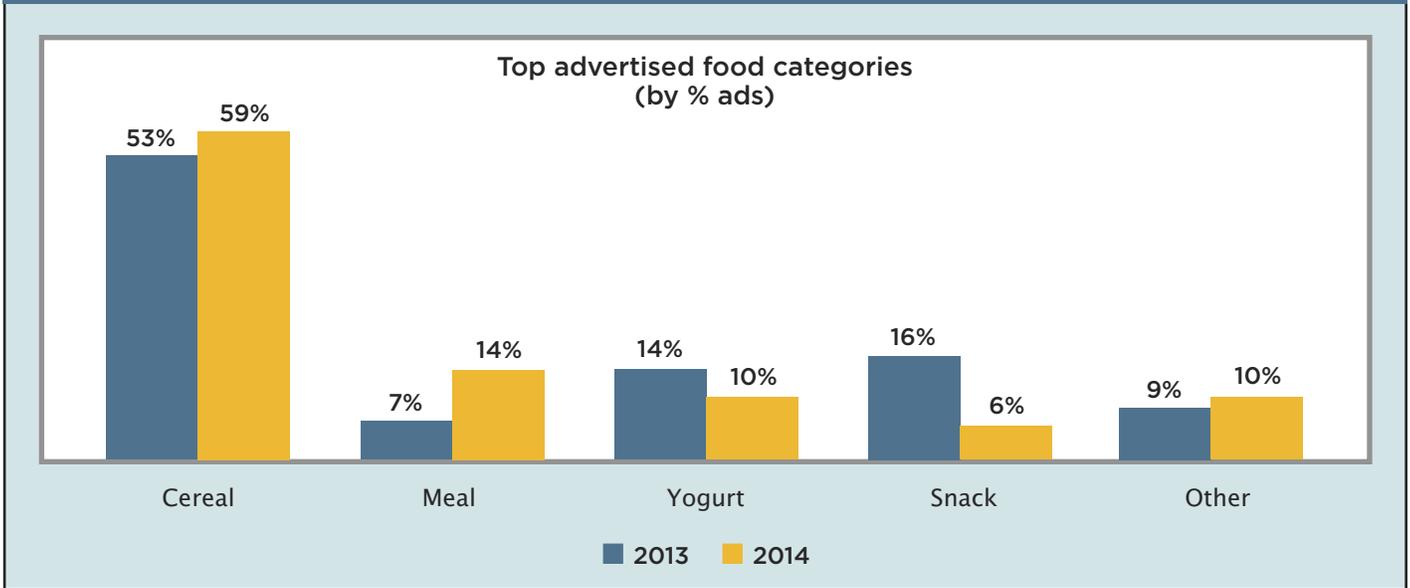
We also found that the maximum amount of calories in the advertised foods in some categories decreased in 2014 as seen in Table 4.

Nutrition Components to Encourage Highlights. In 2013, our analysis found that 75% of the participant foods contained a food group/ingredient to encourage: non/low-fat dairy,³⁸ or at least a half-serving of fruit, vegetables or whole grains. In 2013, our review also found that 79% of the participant-advertised foods had had at least one recipe improvement (sometimes multiple changes), or that the food was new and had been

Table 3. Summary of 2013–2014 Nickelodeon Food & Beverage Ads

	2014	2013
Total Number of Hours	33	27.5
Total Number of Ads	1,274	966
% Food Ads of Total Ads	23%	24%
% Participant Food Ads of All Food Ads	72%	81%
% Participant Foods of All Foods	58%	69%
Number of Participant Foods of All Foods	22/38	24/35

Figure 3. Analysis of Nickelodeon Food Advertising: Frequently Advertised CFBAI Participant Foods



developed to meet nutrition criteria since the company had joined CFBAI. We did not conduct this analysis in 2014.

In 2014, as shown in Table 3, slightly fewer participant foods were advertised than in 2013. This sample included fewer foods that contained a food group to encourage. But, those foods were advertised more times than other foods in the sample so the percentage of ads containing a food group to encourage was the same, 82%, in both 2013 and 2014. We also found that the percentage of ads for foods containing fruits, vegetables, whole grains or dairy or a “good” source of what the 2010 DGA describe as “nutrients of concern”³⁹ because they are not consumed in sufficient amounts was slightly higher in 2014 than in 2013, as seen in Figure 4.

D. Ongoing Improvements

Product improvements and changes continue to take place. For example, for 2014, *Kraft* added to CFBAI’s Product List three new *Lunchables with Smoothies*, each of which provide a serving of fruit, and most of which provide a half-serving of whole grains as well. These small meals also are a

good source of calcium and dietary fiber, and excellent sources of vitamin C. *Mondelēz International* increased the calcium in its *Honey Maid Grahamfuls Filled Crackers Banana Vanilla Creme* and *Peanut Butter & Chocolate* to the “excellent” source level (to 20 from 10% in 2014). In 2014, *ConAgra Foods* again reduced sodium in a key *Chef*

Figure 4. Percent of CFBAI Participant Ads for Foods Containing a Food Group to Encourage or a “Good” Source of a Nutrient of Concern

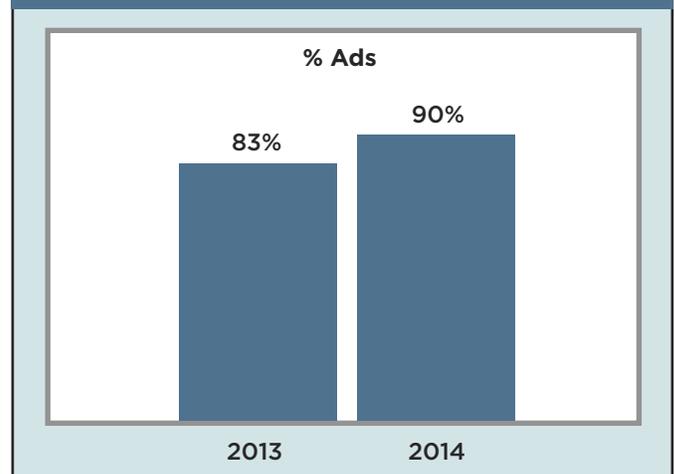


Table 4. Maximum Calories by Food Type

	Beverage (Exempt)	Beverage (Juice)	Snack	Yogurt	Cereal	Waffle	Main Dish	Small Meal	Meal
2014	30	-	90	100	130	180	-	370	440
2013	-	70	140	100	130	-	160	410	440

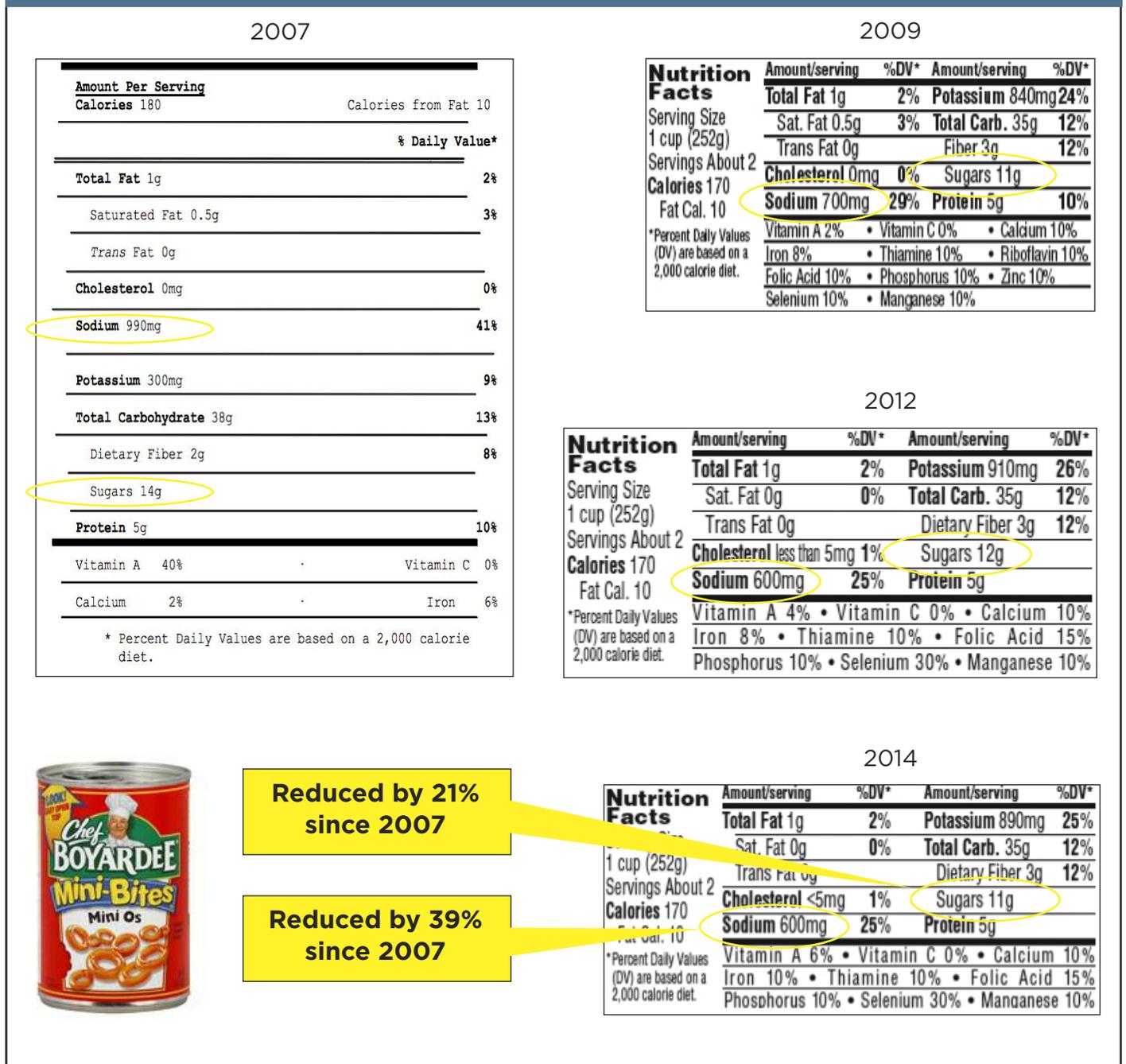
Boyardee canned pasta SKU. Now at 600 mg per serving, this food meets the “Main Dish” category sodium criterion. Figure 5 below depicts the sodium reduction journey in another Chef Boyardee SKU since 2007, and a 2014 reduction in its sugar content.

E. CFBAI’s Uniform Nutrition Criteria Effect Goes Beyond CFBAI Participants

CFBAI always has viewed its efforts to change the landscape of food advertising to children as part of what

would have to be a multi-faceted framework with many players. While CFBAI expected that its uniform nutrition criteria would drive further improvements in foods advertised to kids by its participants, the use of CFBAI’s criteria has spread beyond its participants. We were pleased when Cartoon Network decided in September 2013 to align its nutrition standards for use with its licensed characters with CFBAI’s criteria as of January 1, 2014. This change means that its licensees now must meet tougher nutrition standards.⁴⁰ In addition, non-

Figure 5. ConAgra Foods: Sodium and Sugar Reductions in Chef Boyardee Mini O’s Canned Pasta, 2007–2014



Reduced by 21% since 2007

Reduced by 39% since 2007

participating food companies that do not directly market to children have used CFBAI's criteria to develop more nutritious foods. For example, in 2013 *Cargill* [announced](#) that it had developed kid-friendly foods such as its Horizon Milling whole wheat bread sticks and whole grain

chocolate chip cookies to meet CFBAI's criteria and USDA's Smart Snacks in Schools criteria.⁴¹ The impact of the criteria also may grow as other companies adopt CFBAI's criteria.⁴²

Endnotes

¹⁶ The uniform nutrition criteria are included as Appendix B.

¹⁷ Prepared Statement of the Federal Trade Commission on the Interagency Working Group on Food Marketed to Children Before the Energy and Commerce Committee, Subcommittee on Commerce, Manufacturing, and Trade and the Subcommittee on Health, U.S. House of Representatives (Oct. 12, 2011), at p. 9. Available at <http://www.ftc.gov/os/testimony/111012foodmarketing.pdf>.

¹⁸ Statement of Dr. Robert Post, Before the Energy and Commerce Committee, Subcommittee on Commerce, Manufacturing, and Trade and the Subcommittee on Health, U.S. House of Representatives (Oct. 12, 2011). Available at http://archives.republicans.energycommerce.house.gov/Media/file/Hearings/Joint/101211_CMT_Health/Post.pdf.

¹⁹ See note 3.

²⁰ The participants generally are engaged in initiatives to improve their product portfolios, such as by reducing calories, fats, sugar and sodium. For example, 13 CFBAI participants are also members of the HWCF and participated in an initiative that took 6.4 trillion calories out of the marketplace. See note 2. See also the Grocery Manufacturers Association's (GMA) recent [2014 update](#) to its health and wellness surveys stating that more than 30,000 healthier product choices have been made available to consumers between 2002 and 2013; available at <http://www.gmaonline.org/news-events/newsroom/consumers-see-thousands-more-product-choices-with-reduced-calories-fats-sug/>. (Most CFBAI participants also are GMA members.) Some specific examples of portfolio-wide changes or commitments include the following:

- *ConAgra Foods* has achieved its 2009 announced [goal](#) of reducing salt across its portfolio by 20%, two years ahead of its 2015 goal. These reductions included *Chef Boyardee* and *Kid Cuisine* foods.
- *General Mills* has [reported](#) that 73% of its retail sales volume had improved nutritionally since 2005, including 20% in fiscal 2013. *General Mills'* Global Responsibility Report is available at <http://www.generalmills.com/Responsibility.aspx>.
- *Kellogg* has reduced sodium in its ready-to-eat cereals in the U.S. by 18% between 2007 and 2012.
- *Mars* has reduced saturated fat content and committed to no more than 250 calories per portion for its confectionary brands.
- Since 2012, *McDonald's USA* has voluntarily posted calories for all national menu items on in-restaurant and drive-thru menu boards.
- *Mondelēz International* announced its *Call for Well-being* strategy and commitments to improving its portfolio by reducing saturated fat and sodium by 10% and increasing whole grains by 25% by 2020. See the [2013 Progress Report](#) at http://www.mondelezinternational.com/-/media/MondelezCorporate/uploads/downloads/2013_Progress_Report.pdf.
- *Nestlé* reduced the amount of sodium, sugar, *trans* fats, total fat, calories and artificial colors in more than 4,000 products by the end of 2013, as part of its *Nestlé* Nutritional Foundation pledges. It has reduced sugar and salt in 96% of its children's products and plans to reduce the ingredients by 10% more by 2016 in products that do not meet Foundation criteria. See *Nestlé's Corporate Social Responsibility report* at http://www.nestle.com/asset-library/documents/library/documents/corporate_social_responsibility/nestle-csv-summary-report-2013-en.pdf.

• *PepsiCo* already has met its 2020 goal of a 15% reduction in saturated fat in key global brands in the U.S. Its [2013 Sustainability Report](#) is available at www.pepsico.com/Assets/Download/PEP_2013_Sustainability_Report.pdf.

• *Unilever* continued to reduce sugar in many ready-to-drink *Lipton* iced teas, reporting a 21.3% sugar reduction between 2010 and 2013. *Unilever's Sustainable Living Report* is available at <http://www.unileverusa.com/sustainable-living-2014/improving-nutrition/>.

²¹ The White Paper is available on CFBAI's website.

²² The abstract is available at http://journals.lww.com/nutritiontodayonline/Abstract/2014/03000/Food_Advertising_to_Children_The_Childrens_Food.7.aspx.

²³ *The Dietary Guidelines for Americans* provide authoritative advice about consuming fewer calories, making informed choices, and being physically active to attain and maintain a healthy weight, reduce risk of chronic disease, and promote overall health. The *Guidelines* are available at <http://www.cnpp.usda.gov/DietaryGuidelines>.

²⁴ The criteria provide flexibility on how foods may meet the requirements and thus do not unfairly favor one participant over another. Promoting rather than stifling competition among participants encourages the broadest array of nutritious and quality food choices at the lowest cost. Participating companies also may elect to adhere, in whole or in part, to even stricter nutrition criteria than CFBAI's criteria.

²⁵ The dairy requirement is adjusted proportionately for yogurts with labeled serving sizes (LSS) less than 6 fl oz, cheese with LSS less than 1 oz, and dairy-based desserts with LSS less than ½ cup.

²⁶ The *2010 DGA* advise Americans to eat more fruits, vegetables, low-fat dairy and lean protein. See *2010 DGA* at p. 34. The *DGA* also recommend that half of all grains consumed be whole grains and the minimum amount recommended for many people is about 3 ounce-equivalents (48 grams) per day. See *2010 DGA* at p. 36. According to the *DGA*, "[w]hole grains are a source of nutrients, such as iron, magnesium, selenium, B vitamins, and dietary fiber. Whole grains vary in their dietary fiber content. . . . Consuming enough whole grains helps meet nutrient needs. Choosing whole grains that are higher in dietary fiber has additional health benefits." *Id.*

²⁷ Essential nutrients include protein, fiber, and vitamins and minerals for which a DV has been established, including those added to meet standards of identity that have an enrichment requirement or to restore naturally occurring nutrients that are lost in processing. If the essential nutrient requirement is met through fortification, it must be a nutrient of public health concern as specified in the *2010 DGA* (i.e., fiber, potassium, calcium, and vitamin D) or a nutrient required to be listed on the Nutrition Facts Panel (NFP) (i.e., iron, vitamin A, and vitamin C in addition to dietary fiber and calcium). In 1993, in final regulations implementing the Nutrition Labeling and Education Act, the Food and Drug Administration (FDA) identified calcium, iron, vitamin C, and vitamin A as nutrients of public health concern and required the amount of these nutrients to be declared in the NFP. These same nutrients also are included in FDA's definition of "healthy."

²⁸ CFBAI also updated the CFBAI Product List in April and September 2014. The product lists are available on CFBAI's website.

continued

Endnotes, continued

- ²⁹ For example, in advance of the December 31, 2013 effective date, seven participants had adopted the uniform nutrition criteria in whole or in part, leading to new product development and recipe changes.
- ³⁰ Such changes also occurred during 2014. For example, *McDonald's* added a low-fat yogurt option to two of its advertised *Happy Meals*. Now customers have the option of choosing a 25% less sugar (as compared to the leading kids' yogurt), low-fat *Go-Gurt* yogurt in lieu of the apple slices or kids' size French fry that otherwise come with *Happy Meals*. In December, *McDonald's* introduced *Cuties*, a mandarin clementine, as a seasonal fresh fruit option in *Happy Meals* (from December to March). This will be an additional option as customers will be able to select a *Cutie*, *Go-Gurt* yogurt or apple slices in the *Happy Meal*. *Cuties* also will be sold a la carte.
- ³¹ Information regarding the evolution of *McDonald's Happy Meals* is available at http://www.aboutmcdonalds.com/content/dam/AboutMcDonalds/2.0/pdfs/2012_2013_csr_report.pdf.
- ³² In 2012–2013 *PepsiCo* did not include any of its *Quaker* brand ready-to-eat cereals in its advertising to children under age 12, although it did have three varieties of cooked cereal (oatmeal) on the CFBAI Product List. *Burger King Corporation's* oatmeal breakfast also is a hot cereal option for kids.
- ³³ Empirical data consistently show that frequent cereal eaters tend to have healthier body weights than those who don't eat cereal. See [A.M. Albertson et al.](#), "Weight indicators and nutrient intake in children and adolescents do not vary by sugar content in ready-to-eat cereal: Results from National Health and Nutrition Examination Survey 2001–2006," *Nutr. Research*, 31:229–236 (March 2011). The study is available at <http://www.ncbi.nlm.nih.gov/pubmed/21481717>.
- ³⁴ A [2013 USDA study](#) noted positive changes due to reformulations in the overall category of ready-to-eat cereals. According to the study, fiber in breakfast cereals from *General Mills* and *Kellogg* increased 32%, while sugar and sodium decreased 10% and 14%, respectively, between 2005 and 2011. *Recent trends in ready-to-eat breakfast cereals in the U.S.*, Thomas, Pehrsson et al., *Procedia Food Science* 2 (2013) 20–26. The study is available at http://www.ars.usda.gov/SP2UserFiles/Place/12354500/Articles/ProcediaFS2_20-26.pdf.
- ³⁵ Under the CFBAI's uniform nutrition criteria, 10 grams is the maximum amount of sugar allowed for cereals with one-ounce (~30 grams) labeled serving sizes. Heavier, denser cereals are allowed no more than 12 grams per serving. One cereal on CFBAI's product list has a 54-gram serving size and contains 11 grams of sugar per serving.
- ³⁶ [Wansink, B. and Hanks, A. S.](#) (2014), Calorie reductions and within-meal calorie compensation in children's meal combos. *Obesity*, 22: 630–632. doi: 10.1002/oby.20668, available at <http://onlinelibrary.wiley.com/doi/10.1002/oby.20668.pdf>. It concluded that 94% of the calorie decrease was due to the smaller kids' size French fry.
- ³⁷ *Id.*
- ³⁸ We did not use a half-serving minimum for dairy products because some products, such as yogurts, are individually packaged in less than 4-ounce serving sizes.
- ³⁹ These nutrients are calcium, fiber, potassium and vitamin D.
- ⁴⁰ See note 6.
- ⁴¹ See the Sept. 23, 2013 *Cargill* press release, available at www.cargillfoods.com/ap/en/news/2013/NA3078260.jsp.
- ⁴² For example, ICCR and the Center for Science in the Public Interest have urged a number of companies to join CFBAI and use its nutrition standards. See, e.g., Letters to *Sanrio*, *Sunny D*, *Topps*, *Pizza Hut*, and *CEC Entertainment*, available at <http://www.foodmarketing.org/take-action/> and <https://www.cspinet.org/takeaction/#>.



IV. Pledge Compliance Evaluation

CFBAI’s comprehensive compliance review of the participants’ commitments with their pledges has found that compliance in 2013 was excellent, as it was in past years.⁴³ The number of compliance issues was small, and few were substantive. In response to self-reported or CFBAI-identified issues, the participants generally acted quickly to correct problems or address concerns, and to establish procedures to prevent the issues from reoccurring.

This year, CFBAI expanded its monitoring and reviewed advertising on Spanish-language programming and on the online video service Hulu.com. We share the results of that monitoring below, after sections that provide an overview of the evaluation process and the results of CFBAI’s assessment of the participants’ compliance with their pledges.

A. Compliance Evaluation Overview

On an ongoing basis CFBAI assesses, through independent monitoring, whether the participants are abiding by their commitment to advertise only foods that meet meaningful

nutrition criteria in advertising primarily directed to children under age 12 (“child-directed advertising”) or to not engage in child-directed advertising. Table 5 summarizes these commitments. For purposes of this report we call foods that meet the relevant nutrition criteria “qualifying” or “qualified” foods (i.e., by meeting nutrition criteria they are “qualified” to appear in child-directed advertising). “Non-qualifying” food thus refers to a food that is not “qualified” to appear in such advertising. We also look into any complaints we may receive. In addition, CFBAI carefully reviews detailed self-assessments and reports on compliance that participants submit annually.

The consistent excellent level of compliance achieved by CFBAI participants since the outset derives from the strong internal systems that each company has created and implemented and from their overall commitment to voluntary self-regulation. For example, to comply with the self-assessment requirement participants must collect, evaluate and submit detailed information regarding each pledge commitment.⁴⁴ The participants report that CFBAI’s self-assessment requirement, while resource intensive, is useful for maintaining high levels of

Table 5. CFBAI Participants’ Child-Directed Advertising Commitments

Company	Children Under Age 6 Commitment	Children Under Age 12 Commitment	Audience Threshold
Campbell Soup Company	No advertising	Qualifying foods only	35%
The Coca-Cola Company	No advertising primarily directed to children under age 12		
ConAgra Foods, Inc.	No advertising	Qualifying foods only	
The Dannon Company, Inc.	No advertising ⁴⁵	Qualifying foods only	
Ferrero USA, Inc.	No advertising primarily directed to children under age 12		
General Mills Inc.	No advertising	Qualifying foods only	
Kellogg Company	No advertising	Qualifying foods only	
Kraft Foods Group, Inc.	No advertising	Qualifying foods only	
Mondelēz Global LLC	No advertising	Qualifying foods only	
Nestlé USA	No advertising primarily directed to children under age 12 ⁴⁶		
PepsiCo, Inc.	No advertising ⁴⁷	Qualifying foods only ⁴⁷	
Post Foods, LLC	No advertising	Qualifying foods only	
Unilever United States	No advertising ⁴⁸	Qualifying foods only ⁴⁸	
Burger King Corporation	No advertising	Qualifying foods only	30%
The Hershey Company	No advertising primarily directed to children under age 12		
McDonald’s USA	No commitment	Qualifying foods only	
Mars, Incorporated	No advertising primarily directed to children under age 12		25%

compliance. Achieving and maintaining compliance also requires training⁴⁹ and legal review, which involves the participants' attorneys and/or special committees reviewing their child-directed advertising and media buys.

B. Media Compliance Assessment

This section describes how CFBAI monitors compliance with covered media and our findings.

1. CFBAI Monitoring

To assess the participants' compliance with their pledges, on an ongoing basis CFBAI independently monitors advertising on measured media (TV, print, radio and the Internet, including company-owned and third-party websites) and advertising on new and emerging media, such as tablets and smart phones. For measured media

such as TV, child-directed advertising generally means advertising for which children ages 2–11 constitute at least 35% of the expected audience (“audience threshold”) at the time of the media buy. Some use a lower audience threshold. See Table 5 above.

Television, still the medium children favor most, continues to be the predominant means that the participants use to advertise to children.⁵⁰ In 2013, 12 participants advertised to children on TV. The vast majority of this advertising took place on three children's cable television networks – Nickelodeon, Cartoon Network, and Disney XD. Most participants that advertise to children under age 12 also had at least one child-directed website with games and many advertised their foods on child-directed third-party websites, which also may have included games. Table 6 summarizes CFBAI's 2013 monitoring efforts.

Table 6. CFBAI Monitoring

Media	Amount/Frequency	Comments	Participant Use
Television	~ 1500 F&B ads	CFBAI reviewed CARU's F&B monitoring results and ads in CFBAI's 27.5 hour sample of children's programming that aired in summer 2013	Most frequently used medium
Radio	Periodically listen to Radio Disney	Radio Disney primary station that is child-directed	Infrequently used
Print	Reviewed issues of six child-directed print titles at Library of Congress	Also reviewed F&B ads that CARU clipped from its children's magazine subscriptions	Infrequently used; generally <i>Sports Illustrated for Kids</i> and <i>National Geographic for Kids</i>
Internet	Regularly monitored child-directed company-owned and approximately 65 third-party sites	Child-directed definition goes beyond % of child visitors Not all sites require registration or are tracked Sites with < 35% child visitors may be deemed child-directed based on net impression (analysis of content, language, graphics, pictures, games, age limits) ⁵¹ and/or where other ads for the foods or websites are placed	Frequently used
Mobile Media	Periodic monitoring of mobile-optimized sites; selections on Apple's App Store and participants' child-directed apps		Growing use

2. Key Compliance Findings

Overall compliance was excellent. We did not identify any compliance issues in print and radio venues. While we found that many, but not all, of the participants used licensed characters, celebrities or movie tie-ins in their child-directed advertising, such use was done only in conjunction with qualified foods. No participant reported any product placement compliance issues, nor are we aware of any.⁵² We found that mobile advertising generally complied with the participants' commitments⁵³ as the foods featured in the child-directed ads and apps⁵⁴ met the relevant nutrition criteria. Little word-of-mouth advertising was reported or observed by CFBAI. Finally, no participant reported placing child-directed advertising in child-directed video games or DVDs and we do not have any information to the contrary.

A few companies had issues on television programming or in digital media that required more in-depth attention. Table 7 summarizes those issues and how they were resolved.

3. Additional Compliance Findings

In addition to the problems described above, on a small number of occasions there were ads for non-qualifying foods on TV and the Internet that either did not constitute violations or were not serious violations.

Most instances of ads for non-qualifying products airing in children's TV programming were not violations because they occurred due to differences between the predicted audience at the time the media was purchased and the actual audience when the programming aired.⁵⁵ CFBAI bases its compliance assessment on the historical or predicted demographics of a program or daypart at the time ads are *purchased*, a standard way for advertisers to make their media-buying decisions. Some participants also monitor audience demographics at the time their ads air, and report when an ad appears in a program with a child audience that is unexpectedly higher than predicted (i.e., at the time they purchased media for ads for non-qualifying foods, the percentage of children under age 12 in the audience was predicted to be below their thresholds as set out in Table 5 above). The incidence rate is low (generally less than 1% of total ads for a particular company or brand). The participants nevertheless adjust their media buys or put additional screening or programming restrictions in place to avoid reoccurrences.

On both television and on the Internet, ads for qualified foods occasionally aired prior to notification to CFBAI that they would be advertised. We do not consider the lack of prior notice to CFBAI (so the food could be reviewed and added to the product list of qualified foods) to be a substantive violation. Because the foods met the participants' nutrition criteria, we consider these "technical" rather than "substantive" compliance issues. These oversights are remedied upon notice.

C. Commitment to Not Advertise to Children in Elementary Schools

Our review of the participants' compliance reports indicated excellent compliance with their commitment to not advertise branded foods and beverages (even foods that meet their nutrition standards) to children in elementary schools (pre-K through sixth grade).⁵⁶ This restriction is based on the age of the child (the grades mirroring CFBAI's focus on children under age 12) and our recognition that because elementary schools are a special environment, commercialism should be avoided.⁵⁷

In creating our Elementary School Principles, CFBAI determined that certain pro-social activities should be outside the scope of the restriction on advertising. To reach this conclusion, CFBAI balanced barring direct advertising activities while permitting participant-supported programs that provide significant benefits to schools and students with at most incidental marketing effects.⁵⁸ Accordingly, CFBAI does not prohibit participants from supporting schools and school-based organizations with fundraising, grants and donations, public service messaging, and curriculum materials.⁵⁹ The restriction also does not apply to adult-directed marketing activities, items provided to school administrators for their personal use⁶⁰ and materials that identify products offered for sale in schools. Table 8 lists examples from 2013 of participant-sponsored pro-social school-based undertakings.

D. Participants' Policies to Not Direct Advertising to Children Under Age Six

CFBAI monitors and reports on compliance with the participants' policies to not direct advertising to children under age six.⁶⁶ Although not a CFBAI requirement, many participants codified in their CFBAI pledges their long-standing policies regarding such advertising prior to joining CFBAI, or adopted such a policy after joining CFBAI.

Table 7. Summary of Compliance Issues

Brand/Product	Medium	Issue	Comments/Resolution
ConAgra Foods			
Chef Boyardee	Banner ads	Brand banner ad did not include a qualifying product	Banner ad appeared adjacent to a video ad that included qualifying product Company revised banner ad to include a qualifying product
Kellogg Company			
Pop-Tarts	TV ads on Nickelodeon	Agency mistakenly entered Pop-Tarts ad into system for purchased times, rather than a qualifying food Error occurred a small number of times during a 3-week time frame	Self-detected Ad review and placement step added to procedures to prevent reoccurrence
Kraft			
Uploaded	Company-owned website	“Uploaded” brand briefly appeared on Lunchables.com portal page, which is both parent and child-directed	Self-detected Image removed in a timely manner Brand not otherwise advertised to children under age 12
Mars, Incorporated			
M&M’s®	App	App placed in error in “Kids Games” by iTunes	iTunes removed app from kids’ section
TWIX®, MY M&M’s®	Banner ad	Agency mistakenly “tagged” ad to appear on child-directed site	Site added to “do not advertise” list to prevent ads from appearing in the future
Nestlé			
Nesquik	App	“Bunny-Fier” app identified qualifying product only on final screen	Company featured qualifying product on final screen which represented the majority of viewing time
	Banner ad	Banner ad allowed users to generate branded email without qualifying product	Email feature disabled Banner ad itself included qualifying Nesquik beverage
Unilever			
Breyer’s Vanilla Ice Cream	Nick and NickToons Nick.com	Ad buy on kids’ media incorrectly shifted from qualifying brand to non-qualifying food < 1% of <i>Unilever’s</i> total foods/refreshments ad spend and < 13% of Breyer’s ad spend	Self-detected Retraining internal media and marketing teams and media agencies; adjusting frequency of reporting systems

Table 8. Participants' Exempt Pro-Social Activities in Elementary Schools

Exempt activity or program	Comments	Impact
Campbell Soup Company		
<i>Labels for Education</i>	Fundraiser. Labels from foods and items such as tissues and paper towels are collected in unbranded receptacles and redeemed for merchandise a school needs	Over \$114 million in merchandise distributed since 1973
<i>Who Grew My Soup?</i>	Book encourages vegetable consumption; related lesson plans developed with NY State ⁶¹	
<i>Campbell Healthy Communities</i> , Camden, NJ	\$10 million commitment over 10 years to reduce childhood hunger, combat obesity and improve children's health in <i>Campbell's</i> headquarters city; ⁶² <i>Campbell</i> identified as sponsor in non-promotional nutrition education materials	2013 Food Trust report found that the program has helped kids achieve 175,000 hours of physical activity, provided 193,000 hours of nutrition education, increased access to healthier foods, and demonstrated BMI reductions
<i>Project L.E.A.N.</i> , Norwalk, CT	Similar obesity initiative piloted in two Norwalk elementary schools	
Dannon		
<i>Rally for Recess</i>	Contest to win school playground funds. Advertised on TV and online; ⁶³ no advertising in schools	Five winning schools received \$30,000 each for playground upgrades ⁶⁴
General Mills		
<i>Box Tops for Education</i>	Fundraiser. Label collection (in unbranded receptacles) program earns cash for schools. Redeemable labels are on foods and items such as tissues, paper towels and food storage bags	90,000 K-8 schools participate. Since 1996 schools have earned over \$558 million
<i>Bell Institute "Go With Whole Grains for Kids" curriculum</i>	Nonbranded whole grains and fitness curriculum available online	
Hershey		
<i>Hershey Track and Field Games</i>	Track and field instructions and events Not school-based, although adult volunteers can organize a school-based team	Since the 1970s, has provided lesson plans, free equipment, and help in organizing meets
McDonald's		
<i>McTeacher Nights</i> <i>Academic or performance certificates</i> <i>Ronald programs</i>	Fundraiser Incentive certificates for qualifying foods are teacher-selected and parent-directed Positive social messaging	
Nestlé		
<i>Healthy Steps for Healthy Lives</i>	Nutritional/physical activity resources created with National Education Association; non-promotional identification of <i>Nestlé</i> and NEA sponsorship	
PepsiCo		
<i>Quaker Make Your Move video contest</i>	Contest created in partnership with NFL's <i>Fuel Up to Play 60</i> program to support school wellness goals No product or branded messages included ⁶⁵	\$125,000 awarded to schools for wellness goals

We determined that compliance with the policies was excellent. Several participants reported that ads for foods on CFBAI’s product list aired on television shows in which the percentage of viewers under age six exceeded their threshold on a very small number of occasions. These instances were attributable to audience variability. Typically the percentage of children under age six during a show had been predicted to be under the participant’s threshold but exceeded that threshold at the time of airing. In addition, one company reported that ads for a food that met the company’s nutrition criteria ran during pre-school programming on a children’s network, despite restrictions the company and its ad agency had put in place to prevent advertising to children under age six.

With regard to online advertising, it is difficult to determine audience numbers because of the lack of demographic data that distinguishes children ages 2–5 from the general audience of children. Indeed, determining visitor data for children under age 12 is challenging and often such data are not available. However, the participants with under-age-six policies do not maintain child-directed websites that target children under age six, and try to avoid advertising on third-party websites that may be particularly attractive to this age group.

E. Child-Directed Spanish-Language and Hulu Advertising Primarily Directed to Children Under Age 12

CFBAI’s advertising requirements include limiting advertising to qualified foods on child-directed Spanish-language television programming and on programming and other content on increasingly popular video on demand services. In 2014 CARU and CFBAI monitored a modest sample of programming on these two media. This section of the report addresses the results of this monitoring project.

1. Spanish-Language Ad Monitoring

In the past we have not observed child-directed Spanish-language food advertising nor have participants reported that they have conducted such advertising. In our 2014 monitoring sample of Spanish-language programs we found very little food advertising and very few participant ads in programming where children under age 12 were at least 35% of the audience, or on pre-school programming.

We contacted the few participants that had ads on pre-school programming. The companies looked into the circumstances of these ads, and found that they ran due to network error or changes in programming schedules that took place without notice to the participant. As with television advertising errors, participants and their media partners generally reminded the network of the company’s ad placement requirements, or requested that networks add programming to a “do not air” list to prevent future airings on the show in question.

2. Hulu Ad Monitoring

More and more TV (and other) programming is viewed through multiple platforms, including video on demand (VOD). This platform allows users to select and watch video content whenever they want and provides content in different ways.⁶⁷ Children’s use of VOD is likely to grow as the entire population increases its use, as the variety of VOD services increase, and as these services increase their child-directed content.⁶⁸ With this in mind, CFBAI and CARU monitored advertising on children’s programming on Hulu in 2014.⁶⁹

Children’s programming is found in several areas of Hulu, including its “Kids” section and in the “TV-Networks” section, which includes content from networks such as Nickelodeon, PBS Kids, and 4KidsTV. We found that kids’ programming on Hulu, like other programming on Hulu, features advertising.⁷⁰ The available audience demographic data for Hulu reflected a very small percentage of children under age 12 site visitors.⁷¹ However, the small under age 12 audience composition reported for Hulu *overall* probably does not reflect the under age 12 viewing audience for individual Hulu *programs*. Identifying children’s programming thus requires additional, non-age related filters, such as TV or movie ratings (e.g., “TV-Y” or “TV-Y7”) or genre filters (such as “Kids” or “Saturday Morning Cartoons”), and show-specific “do not advertise” lists.

VOD is a rapidly evolving medium and there are technological challenges in identifying children’s content on these services and avoiding serving ads intended for adults to children under age 12. Nevertheless, CFBAI and its participants recognize the importance of ensuring compliance with their CFBAI commitments in the VOD environment. CFBAI will continue to monitor this medium.

Endnotes

- ⁴³ The 2013 review included *Hillshire Brands Company*, which discontinued its CFBAI participation in 2014.
- ⁴⁴ All of these activities represent significant company expenditures that are voluntarily assumed in a highly competitive marketplace to ensure, monitor and report on CFBAI compliance. These compliance systems have been created for the sole purpose of ensuring compliance with participants' respective CFBAI pledges. No federal or state authority imposes an ongoing monitoring or reporting requirement related to food marketing to children under age 12. In 2007 and 2010, the FTC collected marketing expenditure information regarding marketing expenditures that targeted children and adolescents, as well as nutrition information regarding foods and beverages marketed to these age groups. The FTC obtained this information through compulsory process orders, or subpoenas, issued to the major food and beverage marketers, as well as to manufacturers, distributors, and quick serve restaurant companies. These orders did not impose ongoing reporting requirements.
- ⁴⁵ Effective January 1, 2015, *Dannon* is changing its audience threshold to 35% from 50%.
- ⁴⁶ As of March 31, 2014, *Nestlé USA* committed to not engage in advertising primarily directed to children under age 12.
- ⁴⁷ *PepsiCo* uses a multifactorial analysis, including a 35% audience threshold.
- ⁴⁸ *Unilever* uses a multifactorial analysis, including a 35% audience threshold.
- ⁴⁹ The participants' procedures include regular, periodic training of employees across multiple divisions, which might include nutrition, legal, marketing, policy and planning, product development, product distribution, brand management, regulatory affairs, sales and other departments, as well as third-parties involved in advertising development and placement, such as advertising agencies, media buyers, and television and digital ad networks. Participants' training and monitoring obligations represent ongoing, multi-year obligations that require continuing oversight. In addition, each CFBAI program enhancement noted above in Table 2 has necessitated additional training, media and advertising reviews, and compliance assessment.
- ⁵⁰ Marketing analysts continue to find that children use TV more than any other media and spend more time with this medium than others. See, e.g., Common Sense Media, *Zero to Eight: Children's Media Use in America 2013* at 10 (Oct. 28, 2013), available at <http://www.commonsensemedia.org/sites/default/files/research/zero-to-eight-2013.pdf> (reporting that 60% of young children watch TV at least once a day, with half of their screen time spent watching TV; compared to 17% using mobile devices and spending 13% of their screen time on these devices).
- ⁵¹ 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.
- ⁵² CFBAI participants 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 age 12 for the purpose of promoting the sale of those products. Our participants' commitments cannot guarantee, however, that child-directed entertainment or editorial content will not include their foods or beverages because movie production teams independently may decide to use them in their films, such as for stage dressing.
- ⁵³ In 2013 most participants reported advertising on mobile versions of child-directed third-party websites (e.g., participants that advertise on www.nick.com may place mobile-optimized versions of their ads on the mobile version of the website). Mobile ads and websites generally are the same as their "regular" desktop counterparts, although some content may be restricted (e.g., fewer interactive features may be available due to software limitations). Several participants also reported creating and distributing mobile apps that featured qualifying foods.
- ⁵⁴ *Campbell Soup Company's* PlayPicker app does not include foods. It encourages kids to play active games by suggesting games based on the number of players entered and the type of play area/equipment available. It also has a function that allows games to be randomly selected.
- ⁵⁵ Some instances occurred on shows with specialized content for which it may be difficult to obtain accurate audience composition predictions; on shows or networks that generally had small audiences that unexpectedly skewed younger than expected; on newer networks with demographics that differed from those predicted; when networks did not follow a participant's "do not air" instructions; or when network program line-ups changed without notice to the participant. For example, one participant reported that a network that did not historically air children's movies added several to its programming, resulting in a higher under-age-12 audience than expected. The company has now placed restrictions regarding airing its advertising during such programming. Another participant reported that it monitors networks that appear to be undergoing demographic changes.
- ⁵⁶ CFBAI's restriction on advertising to children in elementary schools applies to the entire elementary school and school grounds and facilities, including classrooms, cafeterias, libraries, hallways, auditoriums, gyms, playgrounds and athletic fields. The restriction also covers school buses used to transport children to and from elementary school or to any official, school-sponsored event at an elementary school. For more information, see the *Fact Sheet on the Elementary School Advertising Principles* (2009), available on CFBAI's website.
- ⁵⁷ CFBAI's restriction on advertising to children in elementary schools does not apply to school-sponsored or school-related activities that take place off of school grounds (e.g., on a field trip children may visit commercial entities, such as a sports arena or an amusement park, where advertising for food and beverage products may be present). It also does not apply to events that are not sponsored by a school but that take place on school grounds/facilities because they have been leased or loaned to an outside group, and where unaccompanied children under age 12 are not expected to be the primary audience. Similarly, the use of school buses for non-school events is not covered. For more information, see the *Fact Sheet on the Elementary School Advertising Principles* (2009), available on CFBAI's website.
- ⁵⁸ A more detailed discussion regarding the exemptions to CFBAI's Elementary School Principles can be found in CFBAI's [comment](#) to USDA on the proposed rule on *Local School Wellness Policy Implementation under the Healthy, Hunger-Free Kids Act of 2010* (April 2014), also available on CFBAI's website.
- ⁵⁹ Participants may provide schools with public service messages and curriculum materials that identify the sponsor so long as the sponsor identification is not the focal point of such materials.
- ⁶⁰ Several participants reported providing items to school food service staff or administrators, including *ConAgra Foods* (tee shirts and gift cards hand-delivered or mailed to staff); *Campbell* (nonbranded incentives including calendars, aprons, coffee mugs and other items); and *McDonald's* (food coupons for teachers).
- ⁶¹ See <http://www.agclassroom.org/ny/programs/literacy.htm>. Related curriculum materials, also developed in collaboration with the state agency, prominently feature USDA MyPlate nutrition guidance.
- ⁶² *Campbell Soup Company* partners with local schools, merchants, community leaders, and non-profit organizations to create sustainable programming, new behavior patterns, and BMI reductions in Camden's youth.
- ⁶³ *Dannon's* advertising for *Danonino* that referred to the Rally for Recess contest was adult-directed.
- ⁶⁴ In 2013, the contest also awarded each of three families \$1,000 "Playtime at Home" awards to encourage healthy lifestyles at home as a family.
- ⁶⁵ *Quaker* was identified as a corporate sponsor in posters made available to school administrators to publicize the contest. The National Dairy Council and the National Football League launched *Fuel Up to Play 60* in 2011. The program is guided by a Memorandum of Understanding signed by leaders in child health, physical activity and education including the Secretaries of Agriculture, Education, and Health and Human Services.
- ⁶⁶ The participants with these policies do not advertise even qualifying foods if a program/daypart contains a certain percentage of viewers under age six. See Table 5.

continued

Endnotes, continued

⁶⁷ For example, Hulu provides free, ad-supported content with or without registration, as well as a fee-based subscription through “Hulu Plus.” Some VOD services provide content only to paying subscribers (e.g., Netflix, HBOGo, and Amazon Prime). Some subscriber-based services are not ad-supported (e.g., Netflix), while some services feature advertising (e.g., Amazon Prime).

⁶⁸ For example, Sesame Street announced a VOD service for its content in April 2014 (the ad-free, subscription-based Sesame GO is available at www.sesamego.com); Netflix plans on increasing its original content for kids (See <http://variety.com/2014/digital/news/netflix-taps-ex-nickelodeon-exec-brian-wright-to-lead-kids-content-deals-1201258683/>); and Amazon Prime’s Instant Video recently announced it is increasing its investment in children’s content (See www.dailyfinance.com/2014/05/24/amazon-prime-pulls-out-more-exclusive-content-to-fight-netflix/).

⁶⁹ We note that CARU recently [administratively closed](#) an investigation related to an ad inadvertently placed on Hulu.com for Living Essential’s

5-Hour Energy Drink, a beverage that contains caffeine. The ad appeared at the beginning of Pokémon, a show aimed at children under age 12. Packaging for the product warned that the drink should not be consumed by children under age 12. Available at <http://www.asrcreviews.org/2014/07/living-essentials-says-ad-for-energy-drink-was-inadvertently-placed-in-childrens-programming-on-hulu-com/>.

⁷⁰ The subscription-based Hulu Plus service, while also ad-supported, offers ad-free children’s programming to paying subscribers in “HuluKids.” However, Hulu Plus includes other kid-friendly program areas that include advertising (e.g., the “Saturday Morning Cartoons” section).

⁷¹ This low number is not surprising. Hulu does not allow children under age 13 to register and children can view Hulu’s free content without registering.



V. Looking Ahead

Now that CFBAI's uniform nutrition criteria have been successfully implemented, we are focusing on CFBAI in the future. In 2014 we began a strategic assessment of CFBAI that we hope to complete in 2015 with a multi-year strategic plan. In 2015, we also will lay the foundation for CFBAI's planned review of the uniform nutrition criteria following the government's issuance of the *2015 Dietary Guidelines for Americans*. During this time we also will continue our efforts to improve the children's food advertising landscape and on engaging with others working to be a part of the solution to childhood obesity.





Appendix A. CFBAI Program and Core Principles Statement (4th Edition)

I. Introduction

Companies engaged in advertising and marketing foods and beverages have developed this self-regulatory initiative for advertising such products to children under age 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.

This Statement was first issued in November 2006 when the Council of Better Business Bureaus (BBB) and 10 companies launched the Children’s Food and Beverage Advertising Initiative (CFBAI) to shift the mix of foods in advertising primarily directed to children under age 12 (“child-directed” advertising) to include healthy dietary choices or better-for-you foods. In 2009, the CFBAI and its participants expanded the scope of the original advertising commitments to include, for example, new and emerging social and digital media. The expanded commitments went into effect on January 1, 2010.¹ In 2010, a number of participants strengthened their definitions of child-directed advertising.² In July 2011, the participants agreed that new [CFBAI category-specific uniform nutrition criteria](#) would be the foundation for participants’ pledge commitments as of December 31, 2013. This, the Fourth Edition of the CFBAI Program and Core Principles Statement, incorporates use of the CFBAI’s uniform criteria as a program requirement.

Below, Part II describes the Core Principles. All participants agree to make commitments that are consistent with these principles. Part III describes the administrative elements of the program. Part IV describes an additional commitment regarding not engaging in advertising primarily directed to children under age six that some participants have made and that the CFBAI has agreed to monitor and oversee.

II. 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 age 12.³ These commitments will be set

forth in an individual “pledge” for each participant. Because companies and their product lines vary, company commitments also will vary. All commitments, however, will be consistent with the following Core Principles:

A. Advertising, Interactive Games, Licensed Character, Product Placement and Elementary School Requirements

1. Advertising Primarily Directed to Children

Under 12. Participants will commit that all “advertising primarily directed to children under age 12” will be for healthy dietary choices or better-for-you foods.⁴ As of December 31, 2013, these foods must meet the [CFBAI’s category-specific uniform nutrition criteria](#) (attached as Appendix A), which have replaced company-specific criteria as the basis for identifying healthier dietary choices or better-for-you foods for child-directed advertising. The CFBAI’s bases for these criteria are explained in the [“White Paper on CFBAI’s Uniform Nutrition Criteria.”](#) With the CFBAI’s consent, the participants may continue to use company-specific criteria if such criteria are at least as strong as the CFBAI’s criteria.⁵ Alternatively, participants may commit to not engage in child-directed advertising as defined in this Statement.

– **Measured Media.** This principle applies to advertising in measured media:

- Television
- Radio
- Print
- Internet (third-party websites).

– **Child-Directed Content in Other Media.** This principle also applies to advertising that is primarily directed to children on:

- Company-owned websites that are primarily directed to children under age 12 (traffic to such websites may or may not be measured)
- Video and computer games that are rated “Early Childhood” or “EC,” which are inherently primarily directed to children under age 12, and other games that are age-graded on the label or packaging as being primarily directed to children under age 12

- DVDs of movies that are rated “G” whose content is primarily directed to children under age 12, and other DVDs whose content is primarily directed to children under age 12.

– **Mobile Media and Word of Mouth.** This principle also applies to advertising that is primarily directed to children under age 12 on cell phones, smart phones, tablets, other personal digital devices, and through word of mouth.⁶

2. Use of Foods in Interactive Games. Participants will commit that in any interactive game that is primarily directed to children under age 12, which is provided free or at nominal charge (in any format), where the company’s foods or beverages are incorporated into the game, the interactive game will incorporate or be accompanied only by healthy dietary choices or better-for-you foods.

3. Use of Licensed Characters, Celebrities and Movie Tie-Ins. Participants will commit that the use of third-party licensed characters, celebrities (including athletes) and movie tie-ins in advertising primarily directed to children under age 12 will be consistent with their advertising commitments.⁷

4. Product Placement. Participants will commit to not paying for or actively seeking to place their foods or beverages in the program/editorial content of any medium primarily directed to children under age 12 for the purpose of promoting the sale of those products.

5. Advertising in Elementary Schools. Participants will commit to not advertising branded foods or beverages to children in elementary schools, pre-K through 6th grade.⁸

B. Definitions of Child-Directed Advertising

Participants are permitted, within reasonable limits and subject to the CFBAI’s review and approval, to define “advertising primarily directed to children under age 12.” Below we summarize the approaches that participants use to define such advertising.

For certain media, such as TV, radio, print, and third-party websites, “advertising primarily directed to children under age 12” generally means advertising for which children ages 2-11 constitute at least 35% of the expected audience (viewers, listeners, readers or visitors) at the time of the media buy, depending upon the participant.⁹ The CFBAI and participants also may consider a company-owned or

third-party website child-directed even if less than a specific percentage or an unknown percentage of visitors are children based on a multi-faceted analysis, including factors such as an assessment of the target audience according to the media plan, actions taken to restrict child access, such as age-screening, and the overall impression of the site’s content.

For advertising in other covered media, determinations will be made in accordance with standards established by the company and set forth in its pledge. Participants may use an analysis of factors, including the overall impression of the advertising, the target demographic based on the company’s media plan, and the audience definition for measured media. For example, participants may consider the percentage of children under age 12 viewing in-cinema G-rated movies that are now on DVDs, the content developer’s designation and description of the expected target of mobile or PDA content, or the percentage of children viewing TV content that has been adapted for mobile media.

C. Implementation

Each pledge will include an implementation schedule for each commitment made by the participant, unless an implementation date is specified by this Statement.

III. Administration and Oversight

1. Pledge Development. Company pledges are established in consultation with the BBB-administered CFBAI program.

2. Monitoring and Enforcement. The program is responsible for monitoring company commitments. Monitoring includes the review of advertising materials, product information, and other information as reasonably requested by the program administrator (submitted on a confidential basis) to confirm participant compliance. The program also responds to public inquiries relating to compliance.

The program provides, by contract, 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.¹⁰

3. Public Reports. The program publicly issues reports detailing its activities, including any expulsions or notices of such to regulatory authorities.

4. Periodic Program Reviews. The program originally planned to review its procedures and the overall impact of this initiative after the new program had been operational for at least three years. The expanded Core Principles reflected in the Second Edition of this Statement were the result of an extensive review that occurred ahead of the planned 2010 review. The Third Edition reflected changes that individual participants made during 2010. This, the Fourth Edition, reflects the adoption of category-specific uniform nutrition criteria based on a more than year-long nutrition science review conducted by the CFBAI and its participants.

The program will continue to conduct periodic reviews, but recognizes the need for a reasonable interval between reviews to allow participants to implement and assess the operation of any program enhancements. Accordingly, the program, in consultation with the participants, will conduct reviews at least once every five years.

IV. Advertising to Children Under Six Years Old

The CFBAI does not require that participants adopt policies regarding not engaging in advertising primarily directed to children under age six. Prior to the creation of the CFBAI, however, a number of participants had corporate policies that prohibited advertising directed to children under six years old (of even their healthier choices), and they maintained these policies after becoming participants in the CFBAI. During 2010, other participants individually and voluntarily adopted such policies. Now the majority of participants have policies on not engaging in advertising primarily directed to children under six that are reflected in their CFBAI pledges. Although such policies are not required, the CFBAI has agreed to monitor and report on compliance with these policies when they are incorporated into a participant's Pledge.

1st Edition, November 2006; 2nd Edition, November 2009; 3rd Edition, September 2010; 4th Edition, January 2014.
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Endnotes

¹ These changes were memorialized in the Second Edition of the CFBAI Program and Core Principles Statement.

² Participants defining child-directed advertising as advertising on media where the audience was composed of at least 50% children ages 2-11 changed to a definition of at least 35% children ages 2-11, harmonizing with other participants already using a 35% or lower threshold. These changes were memorialized in the Third Edition of the CFBAI Program and Core Principles Statement.

³ Participation in the CFBAI is entirely voluntary and there are no sanctions for companies that choose not to participate.

⁴ Participants also are encouraged to disseminate healthy lifestyle messaging, such as messaging encouraging:

- Physical activity, or
- Good dietary habits, consistent with established scientific and/or government standards, such as USDA Dietary Guidelines and MyPlate.

⁵ If a participant has made additional commitments restricting child-directed advertising based on nutrition criteria that are more restrictive than the CFBAI's criteria, the participant may follow the more restrictive criteria to meet its obligations. A participant also may use a bifurcated approach of using its own criteria, or portions thereof, when these are stronger or the CFBAI's criteria, when they are stronger. In no event will a participant be able to qualify a product for child-directed advertising that does not meet and/or exceed the CFBAI's criteria.

⁶ The commitment regarding word of mouth advertising refers to advertising primarily directed to children under age 12 where a participant provides incentives (financial or otherwise), product samples or other support to individuals or groups who are not employees to encourage such individuals or groups to influence others to discuss or consume the company's branded foods or beverages.

⁷ This commitment applies to the advertising discussed in the advertising principle above. It does not apply to other marketing channels, such as point-of-sale materials or packaging (provided that the packaging does not appear in advertising primarily directed to children under age 12). This commitment also does not apply to the use of company-owned characters.

⁸ This commitment does not apply to displays of foods and beverages, including materials that identify the products that are being offered for sale, charitable fundraising activities, public service messaging, items provided to school administrators for their personal use, and charitable donations to schools.

⁹ Some participants choose to use a lower percentage and some also include supplemental measures to identify "advertising primarily directed to children under age 12." The company pledges specify the audience percentage, and other factors, where applicable, that the company uses to determine whether advertising is "primarily directed to children under age 12." Visit the CFBAI's website at www.bbb.org/kids_food to view company pledges or a summary of each participant's current definition. Audience demographics will be based on reliable third-party information on media impressions or other relevant metrics at the time the advertising is purchased.

¹⁰ Under the contracts, BBB will give participants at least 30 days prior written notice before termination for cause and 60 days prior written notice for termination without cause. (The participants also have the right to terminate their participation upon prior written notice.) Specifically, when appropriate, BBB will notify a participant in writing of substantial noncompliance and give the participant a reasonable opportunity to bring its conduct into compliance. Upon termination BBB may refer the matter to appropriate regulatory authorities. BBB will give a participant notice prior to making the termination and referral public.

Appendix B. CFBAI Category-Specific Uniform Nutrition Criteria (July 2011)

Product Category	Unit	Nutrients to Limit (NTL)			Nutrition Components to Encourage (NCTE)	Notes
		Calories	Sat Fat	Sodium		
1. Juices	LSS	≤ 160	0 g	≤ 140 mg	≥ ½ c F/V juices	<ul style="list-style-type: none"> A serving must contain ≥ 4 fl oz of 100% F/V juice Sugars limited to those naturally occurring in F/V
2. Dairy products						
– Milks and milk substitutes	8 fl oz	≤ 150	≤ 2 g	≤ 200 mg	1 c dairy	<ul style="list-style-type: none"> For LSS < 8 fl oz, NTL & NCTE to be scaled proportionately Powder/syrup flavorings mixed with 8 fl oz non-fat milk are allowed ≤ 25 g total sugars as prepared
– Yogurts and yogurt-type products	6 oz	≤ 170	≤ 2 g	≤ 140 mg	≥ ½ c dairy and ≥ 10% DV calcium	<ul style="list-style-type: none"> 6 oz (170 g) is most common single serving size For LSS < 6 oz, NTL & NCTE to be proportionately lower
– Dairy-based desserts	½ c	≤ 120	≤ 2 g	≤ 110 mg	≥ ¼ c dairy and ≥ 10% DV calcium	<ul style="list-style-type: none"> Serving sizes limited to ½ c For LSS < ½ c, NTL & NCTE to be scaled proportionately
– Cheese and cheese products	LSS	≤ 80	≤ 3 g	≤ 290 mg	≥ ½ c dairy equivalent (provides ≥ 10% DV calcium)	<ul style="list-style-type: none"> For LSS < 1 oz, NCTE to be scaled to ≥ ½ c dairy equivalent and ≥ 10% DV calcium
3. Grain, fruit and vegetable products, and items not in other categories	LSS	≤ 150	≤ 1.5 g	≤ 290 mg	≥ ½ serving of F/V/D/WG or ≥ 10% DV of any essential nutrient	<ul style="list-style-type: none"> Subcategories differentiate, on a calorie basis, among products that have a small RACC (i.e., ≤ 30 g or ≤ 2 tbsp) and/or are lighter in density (e.g., g/cup) from those with a larger RACC and/or higher density Examples of ≤ 150 calorie products: most children's breakfast cereals, crackers, & pretzels Examples of > 150-200 calorie products: denser breakfast cereals (e.g., shredded wheat), waffles, & vegetable products with sauces
	LSS	> 150-200	≤ 2 g	≤ 360 mg	≤ 12 g	
4. Soups and meal sauces	LSS	≤ 200	≤ 2 g	≤ 480 mg	≥ ½ serving of F/V/D/WG or ≥ 10% DV of any essential nutrient	<ul style="list-style-type: none"> Tomato-based products allowed ≤ 12 g of total sugars/LSS to include sugars naturally occurring in tomatoes & those added to balance product pH
5. Seeds, nuts, and nut butters and spreads	1 oz or 2 tbsp	≤ 220	≤ 3.5 g	≤ 240 mg	≥ 1 oz protein equivalent	<ul style="list-style-type: none"> For LSS < 1 oz or 2 tbsp, NTL & NCTE to be scaled proportionately
6. Meat, fish, and poultry products	LSS	≤ 120	≤ 2 g	≤ 480 mg	≥ 1 oz equivalent of meat, fish, or poultry, and ≥ 10% DV of any essential nutrient	<ul style="list-style-type: none"> For LSS ≤ 1 oz, NTL reduced to ≤ 60 kcal, ≤ 1 g sat fat, ≤ 240 mg sodium and ≤ 1 g total sugars
7. Mixed dishes	LSS	≤ 280	≤ 2.5 g	≤ 540 mg	≥ ½ serving of F/V/D/WG or ≥ 10% DV of two essential nutrients	<ul style="list-style-type: none"> Products include casseroles, burritos, pizzas, & sandwiches that do not meet FDA/USDA definition for <i>main dishes</i> Items that contain ≤ 200 kcal and meet NTL criteria may qualify if they contain ≥ ½ serving of F/V/D/WG or ≥ 10% DV of any essential nutrient

Appendix B. CFBAI Category-Specific Uniform Nutrition Criteria (July 2011) continued

Product Category	Unit	Nutrients to Limit (NTL)			Nutrition Components to Encourage (NCTE)	Notes
		Calories	Sat Fat	Sodium		
8. Main dishes and entrées	LSS	≤ 350	≤ 10% kcal	≤ 600 mg	<ul style="list-style-type: none"> ≥ 1 serving of F/V/D/WG or ≥ ½ serving of F/V/D/WG and ≥ 10% DV of two essential nutrients 	<ul style="list-style-type: none"> – Items must meet FDA/USDA definition for <i>main dishes</i>
9. Small meals	LSS	≤ 450	≤ 10% kcal	≤ 600 mg	<ul style="list-style-type: none"> ≤ 17/12 g or ≥ 1½ servings of F/V/D/WG and ≥ 10% DV of three essential nutrients 	<ul style="list-style-type: none"> – Small meals contain multiple items but do not meet FDA/USDA definition for <i>meals</i> – Meals must meet FDA/USDA definition for <i>meals</i> – Sugars from <u>one</u> qualifying milk/milk substitute, or qualifying yogurt/yogurt-type product, <u>or</u> qualifying fruit (i.e., without added sugars) <u>or</u> qualifying F/V juice are not counted in the 17 g or 20 g total sugars limits – When <u>two</u> qualifying items are present, the sugars from both items are not counted in the total sugars limit, but the limits (to account for all other items) are reduced to 12 g (small meals) and 15 g (meals) – All other NTL criteria for small meals and meals (calorie, sat fat, and sodium limits) must be met
10. Meals (entrée and other items including a beverage)	Meal	≤ 600	≤ 10% kcal	≤ 740 mg	<ul style="list-style-type: none"> ≤ 20/15 g or ≥ 1½ servings of F/V/D/WG and ≥ 10% DV of three essential nutrients 	

Trans fat. The criteria for *trans* fat is 0 g labeled for all categories. For foods in the meat and dairy categories served as individual foods or as part of composite dishes or meals (e.g., soups, mixed dishes, entrées, meal-type products), naturally occurring *trans* fats are excluded.

Exemptions

- Sugar-free mints and gum.
- The following products also are exempt from the nutrient criteria specified above, except as indicated in notes to Categories 9 & 10:
 - Fruit products without added sugars;
 - Vegetable products without added fats and which meet FDA regulations for “very low sodium;”
 - Beverages, including bottled waters, that meet FDA regulations for “low calorie” and “very low sodium” (diet sodas are excluded from this exemption).

ABBREVIATIONS AND GLOSSARY

DV: Daily Value.

Essential Nutrients: Those occurring naturally in foods (or that are added to foods to meet standards of identity or to restore nutrients lost in processing), and for which a DV has been established. If fortification is used to meet the criteria, the nutrient must be a DGA 2010 nutrient of concern (calcium, fiber, potassium, vitamin D) or a nutrient that is required to be listed on the Nutrition Facts Panel (iron, vitamins A & C).

F/V/D/WG: Any combination of fruits, vegetables, non/low-fat dairy, and/or whole grains.

LSS: Labeled serving size.

NA: Not applicable.

NCTE: Nutrient components to encourage are F/V/D/WG or Essential Nutrients.

NTL: Nutrients to limit are calories, saturated (sat) fat, *trans* fat, sodium and total sugars.

Qualifying F/V Juice: Any fruit or vegetable juice or blend that contains no added sugars and meets the requirements of Category 1.

Qualifying Flavored Milk/Milk Substitute/Yogurt/Yogurt-type Product: These are products that meet the Category 2 criteria for milk/milk substitutes, or yogurt/yogurt-type products.

RACC: Reference amount customarily consumed.

Serving(s): See USDA Food Group Serving Equivalents.

Total Sugars: Include naturally occurring and added sugars.

Appendix C. CFBAI's Category-Specific Uniform Nutrition Criteria Fact Sheet (June 2013)

Introduction. This fact sheet summarizes the Children's Food and Beverage Advertising Initiative's (CFBAI) goals, the reasons why the CFBAI adopted uniform nutrition criteria that go into effect on December 31, 2013, the differences between the new criteria and nutrition criteria currently used, and the advantages of the new criteria.

About the CFBAI. Since 2006 the CFBAI has worked with leading consumer packaged goods companies and quick serve restaurants to use advertising primarily directed to children under 12 years old ("child-directed" advertising) to help promote healthier dietary choices and healthy lifestyles among American children.¹ All of the participants use meaningful, science-based nutrition criteria to govern their child-directed advertising or agree not to engage in child-directed advertising. Currently, the CFBAI's 17 participants represent the majority of child-directed food advertising on television. More information about CFBAI is available at www.bbb.org/kids_food.

About the CFBAI's category-specific uniform nutrition criteria. The CFBAI issued [uniform nutrition criteria](#) in July 2011 that go into effect on December 31, 2013. These criteria essentially will replace currently used company-specific nutrition criteria for child-directed advertising.² The new criteria also will be reviewed periodically, such as when the 2015 Dietary Guidelines for Americans are issued. If necessary and appropriate, they will be updated during those reviews.

Why did the CFBAI adopt uniform nutrition criteria? Although the participants' existing criteria were working well to improve foods in child-directed advertising, the participants recognized that uniform nutrition criteria would have additional advantages. For example, these uniform nutrition criteria are responsive to recommendations from the First Lady and the White House Task Force on Childhood Obesity, the Federal Trade Commission, and others that CFBAI use uniform criteria. Accordingly, after a CFBAI task force of nutrition professionals conducted a more than year-long comprehensive review of nutrition science and government and third-party dietary recommendations, the CFBAI participants adopted category-specific uniform nutrition criteria.

Why are the criteria category-specific? The CFBAI's criteria are organized around 10 categories. This approach reflects the inherent nutritional differences among various food types (e.g., dairy and grain products) and amounts of foods (e.g., individual items, main dishes, and meals) and their role in the diet.

How do the new nutrition criteria differ from those currently used by the CFBAI's participants? They differ in two key ways. One set of changes provides comprehensive nutrition criteria for all 10 categories. The other set of changes eliminates ways that foods may qualify for child-directed advertising. These are explained below.

First, for all categories the new criteria include the following:

- Calorie limits;
- Nutrients to limit (NTL) criteria for saturated fat, *trans* fat, sodium, and total sugars; and
- Nutrition components to encourage (NCTE) (food groups and/or nutrients) requirements.

Currently, not every participant has a standard for calories, NTL and NCTE, so the new criteria fill those gaps.

Second, under the new criteria, participants will not be able to qualify a food based solely on:

- A "reduced" claim (e.g., 25% less sodium); or
- Portion controlled, 100 calorie packaging.

What advantages do the new criteria have over the current, company-specific criteria?

There are three primary advantages.

First, the criteria are uniform. Now the same types of foods, regardless of the manufacturer, will have to meet the same criteria. For example, all cereals will have to meet the criteria for grain products, regardless of which company makes the cereal. Additionally, there is greater consistency in how the requirements are set and applied. For example, a limit on the number of grams of total sugars replaces eight different ways sugars limits are expressed now.

Second, the new criteria are stronger than the current standards. For example, in 2011, when the new uniform

criteria were announced, many of the kids' yogurts that already were meeting meaningful nutrition standards under participants' current commitments did not meet the new criteria because they were "too sugary." The same was true of some cereals. Similarly, in 2011 many canned pastas and other lunch/dinner items, already meeting meaningful standards, did not meet the new criteria because they were "too salty." To continue advertising these foods to children in 2014, the companies will have to change the recipes so they contain less sugar or salt to meet the new uniform nutrition criteria. The recipes for other foods also will need to be changed to meet the new criteria if the participants wish to advertise them to children in 2014.

Third, the criteria are even more transparent and easier to understand and apply than the current standards. Although the criteria are primarily intended to be used by the participants to determine whether a product may qualify for child-directed advertising and operate in the background, the CFBAI wanted the criteria to be as transparent and user-friendly as possible. Because these

criteria are tied to the labeled serving size and other information that is generally found on a Nutrition Facts Panel and label, they simplify compliance monitoring for the CFBAI and others. Their user-friendly nature also may help other companies in the U.S. improve the foods they advertise to children.

When will the new criteria be implemented?

Because the new criteria represent challenging-yet-realistic goals, the CFBAI participants agreed to implement them on a rigorous timeline — December 31, 2013.

Will the new CFBAI nutrition criteria change what is advertised to children?

Yes! In 2011 some foods already met the new criteria, but many did not. Overall, the new criteria impose significant challenges on the participants, and require recipe changes if the participants wish to continue advertising certain foods to children after these criteria go into effect. As a result, the new criteria will bring about even more improvements in foods advertised to children.

Endnotes

¹ The CFBAI's focus is on child-directed advertising in children's programming that is designed to be appealing to and persuasive to children, and not on all ads children may see, such as ads on prime time dramas or reality shows where children are a small percentage of the audience.

² After the implementation date participants will be able to use their own criteria only if they are at least as rigorous as the CFBAI's criteria.

About the Children's Food and Beverage Advertising Initiative

BBB launched the Children's Food and Beverage Advertising Initiative in November 2006 to shift the mix of advertising messaging directed at children to encourage healthier dietary choices and healthier lifestyles. The 17 participants of CFBAI are Burger King Corporation; Campbell Soup Company; The Coca-Cola Company; ConAgra Foods, Inc.; The Dannon Company, Inc.; Ferrero USA, Inc.; General Mills Inc.; The Hershey Company; Kellogg Company; Kraft Foods Group, Inc.; Mars, Incorporated; McDonald's USA, LLC; Mondelez Global LLC; Nestlé USA; PepsiCo, Inc.; Post Foods, LLC and Unilever United States. For more information about CFBAI, visit www.bbb.org/kids_food.

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