



# Tom Harkin

## Iowa's Senator



March 16, 2005

## Harkin Calls On Food Industry To Limit Junk Food Advertising Aimed At Kids

### In the Absence of Corporate Responsibility, Harkin to announce Legislation to Limit Junk Food Marketing to Kids

Washington, D.C. – Senator Tom Harkin (D-IA) today challenged the food industry to clean up its act and limit the amount of junk food advertising aimed at America's kids. If the food industry is unwilling to meaningfully self-regulate this kind of advertising, Harkin announced that he would push legislation to impose federal regulation of junk food marketing to kids. In the midst of a major childhood obesity epidemic, he called for aggressive action from schools, communities, and the food industry to address poor nutrition among American children. "Parent's choices about their children's eating habits are undermined by junk food ads everyday," said Harkin. "Although parents may want their kids to eat healthy, they often lose out because Sponge Bob Square Pants, Shrek, and cartoon superheroes entice kids to eat fast food and sugary snacks. The childhood obesity epidemic is real, and the time to act is now."

In a letter to the food industry, broadcasters and others, Harkin called for a new meaningful, uniform, and system-wide set of age-appropriate guidelines for marketing junk food to kids. Self-regulation and corporate responsibility would improve child nutrition and health and level the playing field by not penalizing companies that choose to act responsibly when marketing to kids.

The food industry spent \$10 billion last year alone in direct marketing to children -- bombarding kids with ads on television and the internet, in movies and magazines, in schools, and through promotional materials such as kids clubs, toys and books. Food companies are increasingly aggressive in marketing unhealthy food to our children through a wide variety of innovative strategies -- cartoon tie-ins, "advergaming", and cross promotions -- with a goal of encouraging children to consume unhealthy products.

Harkin will announce legislation that would finally restore the FTC authority to regulate marketing directed at children. This long overdue measure would give the FTC the power to restrict the advertising of junk food to children under age 18. He will also announce a bill that would address the onslaught of junk food marketing to children in schools—giving the U.S Secretary of Agriculture the authority to prohibit all junk food advertising in schools where parents are not present.

"The current industry efforts are woefully inadequate," said Harkin. "I sincerely hope that the industry will develop tough and effective marketing guidelines, but when private interests

work against the public good like this, government is obliged to act.”

Harkin is the Senate leader in federal efforts to combat the obesity epidemic by promoting wellness and healthy habits among adults and children. In addition to his efforts on food marketing, Harkin is the author of the Harkin Fresh Fruit and Vegetable Program -- now operating in 8 states and on 3 Indian reservations -- which provides free, fresh fruits and vegetables to children in schools. He has also proposed legislation to give communities funding for more bike paths and sidewalks and tax credits for employers who implement wellness programs for their employees.

*A copy of the letter and a list of recipients are attached.*

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## **Parents vs. Junk Food Marketers**

### **Who should have the power to influence our kids?**

Over the past two decades, Obesity has doubled among children and tripled among adolescents. During this same period of time food marketing has expanded in both volume and variation into nearly all aspects of kids’ lives.

The food industry spent \$15 billion last year alone in direct marketing to children-- bombarding kids with ads on television and the internet, in movies and magazines, and even in schools, and through promotional materials such as kids clubs, toys and books. This largely un-checked system promotes junk food and indirectly promotes overeating by tying food sales with children’s favorite cartoon characters and superheroes. Last year, a landmark study conducted by the Institute of Medicine, Preventing Childhood Obesity, concluded that food marketing directed at children likely contributes to the rising rates of childhood obesity. The report recommended stricter industry standards and federal regulation of those standards.

Unfortunately, the Federal Trade Commission (FTC) has limited authority to regulate advertising to children. In fact, the FTC has more authority to regulate ads directed to adults than to children. This, despite mounting evidence that marketing to children has a detrimental effect. In fact, the American Psychological Association (APA) found last year that children under the age of nine cannot understand persuasive intent—making advertising to children inherently deceptive. The APA has called for an immediate ban on marketing to children.

Parents’ choices about their children’s eating habits are undermined by this deluge of advertising. Though parents may want their children to eat a healthy lunch, Sponge Bob Square Pants sits atop Burger King begging kids to eat fast food, Coke ads in schools entice children to purchase a soda instead of milk in the lunch line, and Oreo cookie counting books teach cookie brand loyalty at an early age. Parents and public health groups are calling out for limits to direct marketing to their children. Yet despite mounting pressure on the food industry to reduce junk food marketing directed at kids, most in the industry have done little to address it.

In the absence of corporate responsibility, Senator Tom Harkin (D-IA) is taking steps to limit the amount of junk food marketing to children through federal regulation.

- In 2004, Senator Harkin secured \$1 million in federal funding for a Centers for Disease Control (CDC) study on the impact of food marketing on children's health. The Institute of Medicine has been commissioned to complete the study, expected out later this year.
- Senator Harkin will announce two legislative measures to regulate and limit the amount of junk food marketing to children. The first would finally restore the FTC authority to regulate marketing directed at children. This long overdue measure would give the FTC the power to restrict the advertising of junk food to children under age 18. The second would address the onslaught of junk food marketing to children in schools—giving the US Secretary of Agriculture the authority to prohibit all junk food advertising in schools where parents are not present.
- Senator Harkin has been the Senate leader in federal efforts to combat the obesity epidemic by promoting wellness and healthy habits among adults and children. Harkin believes a comprehensive approach that involves parents, schools, communities and the food and advertising industry is needed to teach and encourage healthier habits and address the nation's obesity epidemic. In addition to his efforts on food marketing, Harkin is the author of the Harkin Fresh Fruit and Vegetable Program—now operating in 8 states and on 3 Indian reservations—which provides free, fresh fruits and vegetables to children in schools. He has also proposed legislation to give communities funding for more bike paths and sidewalks and tax credits for employers who implement wellness programs for their employees.

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March 16, 2005

Stephen W. Sanger  
 CEO  
 General Mills, Inc.  
 One General Mills Boulevard  
 Minneapolis, MN 55426

Dear Mr. Sanger

The diets of American children are a public health crisis of the first order. The U.S. Department of Agriculture has found that scarcely any school-age children or adolescents meet all scientific recommendations for a sound diet. One consequence is that the United States is facing a childhood obesity epidemic. The Centers for Disease Control reports that fully fifteen percent of U.S. children and teenagers are overweight – triple the rate of 35 years ago, and a higher percentage than in any other industrialized country.

Unfortunately, the food industry is complicit in this epidemic. The food industry spent \$10 billion on marketing to children last year alone; and there is mounting evidence that the deluge of advertising aimed at kids in schools, on television, and elsewhere likely contributes to skyrocketing rates of childhood obesity and related diseases. Food companies are increasingly aggressive in marketing unhealthy food to our children through a wide variety of innovative strategies – cartoon tie-ins, “advergaming”, and cross promotions--with a goal of encouraging children to

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consume unhealthy products. The American Psychological Association recently recommended restrictions on marketing to children under age eight because they found that young children are unable to discern the difference between persuasion and information. Parents' choices about their children's eating habits are undermined by this deluge of advertising, and parents and public health groups are calling out for limits to direct marketing to their children.

Given the magnitude of the current public health crisis, I write today to urge your swift action in promoting sound nutrition and fighting childhood obesity. Food marketing directed at American children has gone too far, and there is a need for higher standards by the food industry. You in the industry must assess your own child-focused marketing and food promotion practices and come to the table to develop substantive marketing guidelines that will be in the best interest of our children's health. It is imperative that the industry agree on a meaningful, uniform, and system-wide set of age-appropriate marketing guidelines. This action will level the playing field by not penalizing companies that choose to act responsibly with regard to marketing foods to children. Absent meaningful self-regulation and corporate responsibility, I feel strongly that we will need federal regulation. When private interests are working against the public interest, the government has an obligation to act.

Just last fall the Institute of Medicine of the National Academy of Sciences published a report, Preventing Childhood Obesity: Health in the Balance, which concluded that marketing directed at children likely contributes to their obesity. The report recommended a national strategy that places the prevention of childhood obesity as a national public health priority, calling on all sectors of society, including government, communities, schools, parents, and the food, advertisement, and entertainment industries.

Some industry stakeholders have recently taken steps to create healthier products for children and to limit their own marketing efforts directed at children. I applaud these efforts. However, there remain significant and concerted efforts to market unhealthy foods to our children. Clearly, the industry can do much more.

Today I am announcing two pieces of legislation to regulate the amount of food marketing directed at children. You can vitiate the need for this legislation by coming to the table with others in the industry to develop and implement more responsible guidelines for marketing that are in the best interest of our children's health. If the industry is willing to make a serious effort toward reform, I believe it would find willing and enthusiastic partners among child health, consumer, and nutrition advocates. I look forward to working with the industry to implement these guidelines without legislation. Please feel free to call me with additional questions or comments.

Sincerely,

**Tom Harkin**  
**United States Senate**

TH/arm

# Advertising and Kids

by Focus on the Family [www.focusonyourchild.com](http://www.focusonyourchild.com)

## Statistics

Advertising's influence on children begins sooner than you may realize.

- ❑ Children can begin to distinguish brands during their preschool years. Six-month-old babies can visualize corporate logos and mascots, according to the Center for a New American Dream. Brand loyalty begins as early as age 2. The average 3-year-old recognizes 100 different brand logos.
- ❑ Toddlers cannot distinguish a commercial from a television show. The same is true for stories and puzzles versus an advertisement.
- ❑ It isn't until age 8 that kids begin to realize advertising can be untruthful or misleading.
- ❑ As children take in multitudes of commercials, they learn to place worth in material possessions. As they grow, this materialism can contribute to discontentment, unhappy relationships and drug or alcohol abuse.
- ❑ Children ages 5 to 8 account for 41 percent of licensed character and entertainment merchandise sales in the United States and Canada.
- ❑ Kids have money to burn. In 1997 kids under 12 spent over \$24 billion.
- ❑ In 2001, children ages 12-19 spent an average of \$104 per week.
- ❑ Tweens spent \$2.4 billion during the 2000 holiday season.
- ❑ In 2000, kids under 12 spent close to \$30 billion of their own money.
- ❑ In 2000, \$2 billion was spent on advertising to children in America. Today, that figure has increased to \$15 billion.<sup>1</sup>
- ❑ One-third of young children have a television in their bedroom, as do two-thirds of pre-teens and teens.<sup>2</sup>
- ❑ In a study of more than 1,000 U.S. families, researchers found that 40 percent of 3-month-olds and 90 percent of kids aged 2 years old and younger regularly watch television, DVDs or videos.<sup>3</sup>
- ❑ Children greatly influence parental spending. In 2000, children 12 and under directly or indirectly influenced household spending of over \$600 billion. In 2008, households are likely to spend up to \$2 billion online for children's toys, and an average of \$172 per household.<sup>4</sup>
- ❑ According to advertisers, children under age 3 represent a \$20 billion market.<sup>5</sup>

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1 W. Greg Rybert, Sen. "Don't Hold Children Hostage to Ads," *Island Packet*, Opinion (March 2, 2008).  
*Campaign for a Commercial Free Childhood*, accessed March 20, 2008.

2 Todd Huffman, M.D., "Turning Kids' Minds Off Consumerism," *Op-Ed News.com* (February 26, 2006).  
*Campaign for a Commercial Free Childhood*, accessed March 27, 2008.

3 Sheyrl Ubelacker, "TV May Harm Toddlers' Brain Development," *Canadian Press* (May 8, 2007).  
*Campaign for a Commercial Free Childhood*, accessed March 27, 2008.

4 Adam Leech, "Smart Toys Teach Without Kids Knowing It," *Seacoast Online* (December 23, 2007).  
*Campaign for a Commercial Free Childhood*, accessed March 27, 2008.

5 Jason DeRusha, "How Many Brands Do Young Children Recognize?" *WCCO.com* (May 14, 2007).  
*Campaign for a Commercial Free Childhood*, accessed March 27, 2008.