

**Comment of the Children’s Food & Beverage Advertising Initiative
of the Council of Better Business Bureaus to the Food and Agriculture Organization
of the United Nations Global Forum on Food Security and Nutrition:
“Are there any successful policies or programs to fight overweight and obesity?”
July 5, 2016**

I. Introduction

The Children’s Food & Beverage Advertising Initiative (CFBAI), an advertising self-regulation program administered by the Council of Better Business Bureaus (BBB) in the United States, wishes to express our appreciation to the Food and Agriculture Organization (FAO) of the United Nations for the opportunity to provide comments to its Global Forum on Food Security and Nutrition on the question of whether there are successful programs to fight overweight and obesity. FAO and the Catholic University of Chile, in consultation with WHO, are conducting a study to gather information about the major and most effective existing policies and programs addressing obesity and overweight, and to make the outcomes of these programs and policies available to decision-makers. As part of this study, FAO is conducting an online forum to solicit additional information regarding certain categories, including marketing restrictions.

CFBAI is keenly aware of the burdens that overweight and obesity place on individuals and societies and shares with WHO and FAO a commitment to tackling childhood obesity in particular. Childhood obesity is a complex problem of enormous proportions, influenced by macro-environmental as well as individual factors. No one sector alone can effectively address this issue. The private sector, including self-regulation bodies, has an important role to play in addressing these challenges. Since 2006 CFBAI and its participants, the leading consumer packaged goods companies and quick serve restaurants, have contributed to being a part of the solution.¹

CFBAI was created to respond to U.S. government requests that the food industry do more to improve the landscape of food marketing to children in the United States. Our comment describes how CFBAI has been transforming the children’s food advertising landscape. Under CFBAI, participants may advertise to children only foods that meet meaningful nutrition criteria. This has led to significant reductions in calories, sugars, sodium and fat and increases in the nutritional density in foods they advertise to children. Also, some participants no longer engage in advertising directed to children under age 12. CFBAI has been the model for similar programs around the globe.

II. Background

In 2006, BBB and leading U.S. food and beverage advertisers created CFBAI to respond to calls to action from the U.S. Federal Trade Commission (FTC), the U.S. Department of Health & Human Services (HHS)² and the Institute of Medicine (IOM)³ for industry self-regulation and food companies to do more to address food advertising to children because of the rise in childhood obesity. IOM had recommended that food and beverage companies shift their child-directed advertising emphasis to foods and beverages that are lower in calories, fats, salt and added sugars, and higher in nutrient content.⁴

CFBAI was created to change the children's food advertising landscape by using the power of a coalition and nutrition standards to limit *what* foods would be advertised to children. CFBAI complements another BBB program, the Children's Advertising Review Unit (CARU), which addresses *how* foods and other products are advertised to kids.⁵ Together the CFBAI and CARU self-regulation programs provide active, thoughtful and rigorous oversight of child-directed food marketing that has reduced the impact of the marketing of unhealthy foods to children.

A. About BBB

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

B. About CFBAI

CFBAI's goal is to be part of a multi-faceted solution to the complex problem of childhood obesity by using advertising to help promote healthier dietary choices and lifestyles among children under age 12. Under CFBAI's [Core Principles](#),⁶ participants commit that in advertising primarily directed to children under age 12 ("child-directed advertising") they will depict only healthier or better-for-you foods. The participants agree to CFBAI oversight and to be held accountable for failure to comply with their commitments. CFBAI extensively monitors covered media for compliance and requires participants to submit detailed self-assessments annually. Each year CFBAI publishes a compliance and progress report.⁷ We have found outstanding compliance every year. The problems that CFBAI has detected or that participants have self-reported have been quickly remedied.

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

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

Since 2007, when CFBAI participant commitments began to launch, there has been steady improvement in the types of foods advertised to children and in the nutritional composition of foods that are advertised. Below we summarize the significant nutritional improvements that have occurred under self-regulation. How child-directed advertising is defined also is a key issue and we therefore also explain how CFBAI defines child-directed advertising and why this approach is appropriate.

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

As explained above, CFBAI was created in 2006 in part to respond to calls from the IOM for companies to shift their child-directed advertising to foods that are lower in calories, fats, salt and added sugars, and that are higher in nutrient content. At the outset, CFBAI permitted participants to use company-specific nutrition criteria if they were meaningful and science-based. These standards led to CFBAI participants developing new, healthier foods and making hundreds of recipe improvements in foods they advertised to children. The impact during the first three years alone has been recognized by the FTC. In its press release accompanying the December 2012 [Review of Food Marketing to Children and Adolescents](#), (comparing foods advertised in 2006, pre-CFBAI, and in 2009) the FTC recognized the progress under CFBAI:

The encouraging news is that we're seeing promising signs that food companies are reformulating their products and marketing more nutritious foods to kids, *especially among companies participating in industry self-regulatory efforts*.⁸ (Emphasis added)

The FTC Report also stated that CFBAI's "New Uniform criteria . . . will likely lead to further improvements in the nutritional quality of foods advertised to children. . . ."⁹

In July 2011, CFBAI announced it was adopting category-specific uniform nutrition criteria, which became effective December 31, 2013.¹⁰ These uniform criteria, stronger than the previously-used company-specific criteria, are leading to further improvements.¹¹ Now participants may advertise to children only foods that meet CFBAI's category-specific calorie requirements and "nutrients to limit" criteria for saturated fat, *trans* fat, sodium and total

sugars. In addition, to be consistent with the *2010 Dietary Guidelines for Americans* the criteria included requirements for “nutrition components to encourage” for all categories.

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

I was so pleased that 17 major American companies came together on their own as part of the Children’s Food and Beverage Advertising Initiative to adopt new standards for marketing to kids. And I know this wasn’t easy. Forging consensus among fierce competitors is a challenge to say the least. But these new standards are beginning to have an impact, and I commend all of these companies for taking action.¹²

Government officials also were positive about the development of CFBAI’s new criteria, recognizing that CFBAI had struck a balance to achieve standards that were rigorous and realistic. The FTC described the new criteria as “substantial progress” and as being “considerably stronger than the status quo.”¹³

Although CFBAI keeps track of food improvements in various ways, our analyses of foods advertised during a random sample of programs on the most popular children’s television network (Nickelodeon) provide a useful way to assess the landscape. CFBAI’s Nickelodeon snapshots consistently have found that food ads represent less than one-quarter of the ads in the sample. Ads for sedentary entertainment, such as show promos, movies or video games, were more prevalent. Of the food ads, we have found that from 75-80% were for CFBAI participants’ foods. Below we highlight CFBAI participants’ progress in reducing calories, sugars, sodium, and fat and increasing the fruit, vegetable, non- or low-fat dairy, and whole grains content (and other positive nutrients) of the foods they advertise to children.¹⁴

1. Reductions in Calories and Nutrients to Limit

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

Calories. While foods advertised to children are often criticized for being high in calories, that is not the case for participant-advertised foods. CFBAI’s criteria set reasonable limits for calories that vary by category. Individual foods contain 140 calories or less per labeled serving size, while meals and small meals contain no more than 450 calories each. Table 1 shows the highest calorie level by category from our review of ads that aired on a random sample of programs on Nickelodeon in 2015.

Table 1: Maximum Calories by Food Type

Beverage	Yogurt	Cereal	Snack	Small Meal	Meal
					
40	100	130	140	430	450

Quick serve restaurant calorie highlights. CFBAI’s participants include two of the largest quick serve restaurants, Burger King Corp. and McDonald’s. While CFBAI’s nutrition criteria allows up to 600 calories for meal, Table 1 shows that advertised meals contain less than that amount. Both companies, through their CFBAI commitments, promote fruit and 100% juice, non- or low-fat white milk or non-fat chocolate milk as part of their children’s meal bundles. Both also have adopted in-restaurant practices that may reduce calories in the meals consumers purchase.¹⁵

Sodium. Our participants have reduced the sodium content in many foods they advertise to children, and often have general portfolio-wide sodium reduction goals. Reductions have occurred in foods popular with children such as pastas,¹⁶ cereals,¹⁷ crackers,¹⁸ meals,¹⁹ and waffles.²⁰

Sugars. Significant sugar reductions have occurred in a variety of foods CFBAI participants advertise to children, including yogurts,²¹ meals²² and most notably, cereals, which rank among the most frequently advertised foods to children. Before CFBAI started, some cereals advertised to children had 14-15 grams of sugar per serving. Now all cereals with a standard one-ounce serving size that are advertised to children contain no more than 10 grams per serving.²³ Many contain less and the percentage of cereals with 9 or fewer grams per serving has been steadily growing.

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

Many foods CFBAI participants advertise to children contain fruits, vegetables, non- or low-fat dairy, and whole grains, and all meet minimum requirements for NCTE, which may be fruits, vegetables, dairy, whole grains or essential vitamins and minerals. Over the years, the nutrient density of foods CFBAI participants have advertised to children has steadily increased. Now about 80% of the ads are for foods that contain, either as a component or an ingredient, whole grains²⁴, fruits, vegetables, or dairy.

Whole grains. The cereal category, in particular, is notable for increases in whole grain content,²⁵ but the whole grain content of other foods also has increased.²⁶

Fruits and vegetables. Many foods advertised to children contain fruits or vegetables.²⁷ Both Burger King Corp. and McDonald's advertise fruit or feature 100% fruit juice with their children's meals.

Dairy. Non- or low-fat white or non-fat chocolate milk typically are advertised to children as part of CFBAI quick serve restaurant participants' meals (100% juices also are sometimes advertised). Yogurt and yogurt-drinks are often advertised and in CFBAI's review of ads that aired on a sample of Nickelodeon programming, yogurts were the second most frequently advertised food in 2015 and the third most frequently advertised food in 2014 and 2013.

B. CFBAI Robustly Defines "Child-Directed" Advertising

CFBAI's goal is to be a part of the solution to childhood obesity by transforming advertising that is designed to be appealing and persuasive to children under age 12.²⁸ CFBAI is not designed to address all ads in venues children might visit or might see in media, such as ads on prime time programs. Even when family or adult-directed programs in primetime are popular with children, they tend to be a very small portion of the audience. In primetime, ad buys are costly so advertising is targeted towards the relevant demographic groups that are a significant portion of the audience, which are not children.²⁹ Thus, CFBAI has taken a measured and responsible approach that is responsive to concerns about the impact of advertising to kids on food preferences and short term consumption patterns,³⁰ but does not unduly affect advertising that is directed at adults and teens.

CFBAI's definition of "child-directed advertising" serves well to address advertising on the medium most popular with children. Although the children's media environment is evolving with the growing popularity of mobile devices, analysts continue to find that U.S. children use TV far more than any other medium and spend more time with this medium than with others.³¹ For television (and other measured media), CFBAI considers food advertising to be child-directed if it is on programs where at least 35% of the audience are children under age 12. This 35% threshold means that CFBAI's nutrition standards apply virtually always to its participants' advertising on cable TV children's networks devoted to children's programming (i.e., Nickelodeon, Cartoon Network and Disney XD). CFBAI participants' advertising is generally regarded as representing a substantial majority (from ~70 to 80%) of child-directed food advertising on this key medium.³² CFBAI's standard therefore has a broad impact where children spend most of their screen time.³³

While television indisputably remains the medium of choice for kids, CFBAI also comprehensively covers digital media, which children consume in growing quantities, including child-directed company-owned sites,³⁴ third-party sites, and interactive games the participants may provide. CFBAI requirements also apply to child-directed ads on cell phones, smart phones, tablets and word-of-mouth advertising. In determining whether online venues are child-directed our analysis goes beyond a simple consideration of site demographics. We recognize that, in the evolving online world, a 35% visitor threshold by itself, may not necessarily fully address whether a site is primarily child-directed.³⁵

Accordingly, CFBAI considers multiple factors, including:

- The target audience based on the participant's media plan;
- Whether there are child-directed ads in other CFBAI-covered media (e.g., ads in child-directed TV) for the participants' foods that would drive children to the site;
- Actions taken to restrict children's access, such as age screening;
- The overall net impression of the site's content, which involves evaluating the overall effect of the content, language, graphics, pictures, games and age limitations on activities. (We note that animation, cartoon or licensed characters, fantasy and games are often used in sites directed to older teens and adults³⁶ and thus do not necessarily make a site child-directed.)

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

IV. Conclusion

CFBAI is a dynamic program and a driving force in creating positive changes in the children's food advertising landscape in the United States. CFBAI has developed uniform nutrition criteria that set rigorous standards. The use of nutrition criteria is transforming the children's food advertising arena. Over the past seven years, CFBAI's participants have developed new, healthier foods and have made hundreds of recipe improvements, initially because of their implementation of company-specific nutrition criteria and later the implementation of CFBAI's category-specific uniform nutrition criteria. Progress also has included enhancement of CFBAI's media platform coverage.³⁷ Children's food marketing has experienced steady progress and BBB's self-regulation programs are models for strong, transparent and responsive self-regulation globally.

We hope our remarks inform the FAO Forum about the positive impact that CFBAI is having in reducing unhealthy food and beverage advertising to children.

Respectfully submitted,



Maureen Enright, JD, Deputy Director, CFBAI



Brittany Oberdorff, RD, Program Manager, CFBAI

¹ CFBAI has 18 participants, some of the largest food and beverage companies in the United States and the world. They are the American Licorice Company, Burger King Corporation, Campbell Soup Company, The Coca-Cola Company, ConAgra Foods, Inc., The Dannon Company, Inc., Ferrero USA, Inc., The Hershey Company, General Mills Inc., Kellogg Company, The Kraft Heinz Company, Mars, Incorporated, McDonald's USA, Mondelēz Global LLC, Nestlé USA, PepsiCo, Inc., Post Foods, LLC and Unilever United States.

² See [Perspectives on Marketing, Self-Regulation, & Childhood Obesity](#) (2006), a report on a joint FTC/HHS workshop.

³ See [Food Marketing to Children and Youth: Threat or Opportunity?](#) (2006) ("IOM Report"). The IOM is an American NGO founded in 1970, under the congressional charter of the National Academy of Sciences (NAS). IOM is part of the U.S. National Academies, which includes NAS.

⁴ IOM Report at 11.

⁵ CFBAI primarily addresses *what* foods are advertised to children by participating companies, and CARU focuses on *how* all products, including foods, are advertised to children. CARU Guidelines, established in 1974, were strengthened in 2006 to ensure that food advertising to children encourages healthy dietary choices and lifestyles. CARU's operational policies are set by the Advertising Self-Regulatory Council (ASRC), which is a strategic alliance of the advertising industry and BBB.

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

⁷ See, e.g., A REPORT ON COMPLIANCE AND PROGRESS DURING 2014 (Dec. 2015) ("2014 CFBAI Annual Report"), available at <https://www.bbb.org/globalassets/shared/media/cfbai/cfbai-annualreport-2015.pdf>.

⁸ *FTC Releases Follow-Up Study Detailing Promotional Activities, Expenditures, and Nutritional Profiles of Food Marketed to Children and Adolescents* (press release), available at <http://www.ftc.gov/news-events/press-releases/2012/12/ftc-releases-follow-study-detailing-promotional-activities>. The 2012 Report also noted an improvement in the overall nutritional profile of foods advertised to children: "Calories and the food components to reduce (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)." FTC Report at 30.

⁹ FTC Report at ES-2.

¹⁰ CFBAI's [White Paper on CFBAI's Uniform Nutrition Criteria comprehensively describes the bases for the criteria. In developing these criteria, CFBAI was mindful of the food science challenges posed by attempts at increasing healthier nutrients \(e.g., whole grains\) while simultaneously reducing nutrients to limit \(e.g., sodium or sugars\). Such attempts can pose difficulties from a taste standpoint as well as from a functional and product performance standpoint.](#)

¹¹ The benefits and strengths of the new criteria compared to company-specific criteria are outlined in a [Fact Sheet](#) CFBAI issued in 2013. CFBAI issued a [press release](#) in January 2014 describing some of these improvements.

¹² Remarks of Mrs. Obama, available at <http://www.whitehouse.gov/the-press-office/2013/09/18/remarks-first-lady-during-white-house-convening-food-marketing-children>. In addition to commending food companies and self-

regulation for the improvements already achieved, Mrs. Obama exhorted food companies to do more to market healthy foods to kids, and CFBAI continues to discuss additional ways to enhance the program.

¹³ Prepared Statement of the FTC 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), available at <http://www.ftc.gov/os/testimony/111012foodmarketing.pdf>. See also Statement of Dr. Robert Post, then Deputy Director, Center for Nutrition Policy and Promotion, U.S. Department of Agriculture, at the same hearing, available at http://archives.republicans.energycommerce.house.gov/Media/file/Hearings/Joint/101211_CMT_Health/Post.pdf.

¹⁴ Many CFBAI participants also engage in ongoing portfolio-wide nutrition improvement efforts, discussed in greater detail in CFBAI's 2014 annual report. See [2014 CFBAI Annual Report](#) at 20-21, n.23.

¹⁵ In 2011, Burger King Corp. changed its point-of-purchase practices. Now, customers who order *BK Kids Meals* are asked what drink and side item they want, instead of automatically being served French fries and soda. In 2012, McDonald's *Happy Meal* customers automatically began receiving *both* a smaller kid-size fry *and* apple slices instead of having to choose *either* a small size fry *or* apple dippers with caramel dip. The kid-size fries are about a 1.1 ounce or ~100 calorie portion, down from the 230 calories in the prior "small" portion (the apple slice portion also was changed to ¼-cup from a ½-cup serving). Now McDonald's also offers clementine oranges and low-fat yogurt as side options.

¹⁶ For example, in 2013-2014 ConAgra Foods lowered sodium by 8% in five *Chef Boyardee* canned pastas. Kraft (now The Kraft Heinz Company) reduced the sodium in its boxed Macaroni & Cheese Shapes by 17%.

¹⁷ For example, General Mills has reduced the sodium in its *Cinnamon Toast Crunch* by 18% (to 180 from 220 mg per serving) since 2011, and Post has reduced the sodium in its *Fruity Pebbles* by 18% (to 140 from 170 mg).

¹⁸ For example, Campbell Soup has reduced sodium in its *Flavor Blasted Goldfish* baked snack crackers to 250-280 from 300-320 mg.

¹⁹ For example, McDonald's has reduced sodium in the Chicken Nuggets included in its 4-piece *Chicken McNuggets Happy Meal* by 20% (to 360 from 450 mg). ConAgra Foods also has reduced the average sodium content by more than 10% in the *Kid Cuisine* meals that it may advertise to children.

²⁰ Kellogg reduced the sodium in its *Eggo Waffles* over the years by more than 16% (to 360 from 430 mg).

²¹ For example, General Mills reduced the amount of sugar in its *Yoplait Go-Gurt* yogurts by 10% in 2013 and since 2007 has reduced the sugar content in its *Trix* yogurts (to 10 from 13 grams). In April 2013, the Dannon Company cut sugar by 25% (to 10 from 14 grams) in its *Danimals Smoothie* yogurt drink.

²² Both Burger King Corp. and McDonald's stopped offering caramel dipping sauces for apple slices (consisting largely of added sugars) in their kids' meals in 2012.

²³ For example, since 2007 General Mills has reduced the sugar content in *Trix* to 10 from 13 grams per serving; Kellogg reduced the sugar in *Frosted Flakes* to 10 from 11 grams per serving in December 2013; and Post has reduced the sugar content of *Fruity Pebbles* to 9 from 11 grams per serving since 2011.

²⁴ The *2015 Dietary Guidelines for Americans* recommend that half of all grains consumed be whole grains. The Guidelines recognize foods with at least 8 grams of whole grains per ounce-equivalent as "half whole grains" and say information such as product labels showing the whole grains health claim or the grams of whole grain in a product "may help people identify food choices that have a substantial amount of whole grains." See [2015 DGA](#) at 22.

²⁵ As of November 2015, two-thirds of CFBAI participant (General Mills, Kellogg, PepsiCo, and Post) ready-to-eat cereals that may be advertised to children list whole grains as the first ingredient, more than twice as many compared to 2012. Most (77%) contain at least 8 grams of whole grains, and one-third contain even more. See CFBAI's [2015 Cereal Snapshot](#).

²⁶ For example, significant whole grain content (at least 8 grams per serving) also is present in Campbell Soup Company graham crackers. In addition, components in certain entrées or meals contain at least 8 grams of whole grains (e.g., certain ConAgra Foods *Chef Boyardee* canned pastas, and sub rolls and pizza crust in Kraft *Lunchables with 100% Juice*).

²⁷ For example, ConAgra Foods' canned pastas provide between ½ and 1½ servings of vegetables. In addition, eight (of nine) ConAgra Foods' *Kid Cuisine* meals that may be advertised to children contain at least one serving of vegetables.

²⁸ Self-regulation and U.S. government regulation of advertising directed to children historically have focused on children under age 12 (see, e.g., Trade Regulation Rule Pursuant to the Telephone Disclosure and Dispute Resolution Act of 1992, 16 C.F.R. Part 308). By age 12, the literature shows that most children understand the

persuasive intent of advertising (see, e.g., IOM Report, n. 6 above). Thus, CFBAI also focuses on children under age 12.

²⁹ For example, published reports indicate that children ages 2-11 represent a very small percentage of the overall audience (~4-6%) even in family or adult-targeted shows popular with kids such as *The Voice* and *America's Got Talent*. See, e.g., <http://www.adweek.com/news/television/kids-are-watching-weirdest-stuff-tv-and-its-not-always-kids-networks-159934>, <http://www.latimes.com/entertainment/envelope/cotown/la-et-ct-ratings-fall-tv-returns-americas-got-talent-big-brother-20140917-story.html>, <http://www.thewrap.com/ratings-the-voice-finale-falls-but-still-dominates-wednesday-demo/>.

³⁰ See IOM Report at n. 3, above.

³¹ Nielsen, "[Kids' Audience Behavior Across Platforms](http://www.nielsen.com/us/en/insights/reports/2015/kids-audience-behavior-across-platforms.html)" (Aug. 2015) at 8, available at <http://www.nielsen.com/us/en/insights/reports/2015/kids-audience-behavior-across-platforms.html>. According to this report, in Q4 2013, children aged 2 to 11 spent over 24 hours a week watching TV (a slight increase since 2011). Children also have increased the amount of time spent watching time-shifted TV between 2011 and 2013 (from 1:57 to 2:21 (hour:minute)), an increase Nielsen suggested may relate to increased use of on-demand services. *Id.* Common Sense Media also recently reported that "tweens" (children ages 8-12) ranked TV as their favorite media source and spent the most time on it. *The Common Sense Census, Media Use by Tweens and Teens* (Nov. 2015), available at <https://www.common Sense Media.org/research/the-common-sense-census-media-use-by-tweens-and-teens>.

³² The FTC's 2012 Food Marketing Report found that CFBAI participants accounted for 89% of the children's ad spend in 2009. "A Review of Food Marketing to Children and Adolescents Follow-Up Report," Federal Trade Commission (Dec. 2012) at 56 ("FTC Report"), available at <http://www.ftc.gov/reports/review-food-marketing-children-adolescents-follow-report>. CFBAI's own annual analyses of advertising in children's programming generally have found that CFBAI participants represent ~80% of the advertising. Our analyses also have shown that food ads are less than 25% of all the ads on children's programming. See [CFBAI presentation at the White House Convening on Food Marketing to Children](#) (Sept. 18, 2013).

³³ Using a different definition of "advertising to children" that sweeps in food ads that are not intended for children can lead to misleading conclusions regarding the impact of advertising self-regulation. If the foods in those ads are part of a data set used to evaluate the nutritional makeup of foods purportedly "advertised to children," the resulting conclusions do not accurately describe self-regulatory efforts that actually focus on advertising directed to children. See, e.g., Dembek CR, Harris JL, Schwartz MB, [Trends in Television Food Advertising to Young People: 2013 Update Yale Rudd Center \(May 2014\) \(study used a broader definition of "advertising directed to children" that swept in ads for indulgent foods that are not advertised in children's programming\)](#). Even research looking at all ads kids see find that CFBAI's definition captures a substantial amount of the ads children see. At the same time, it is important to recognize that ads on programs not directed to kids could be for non-child-appealing foods, such as coffee or mayonnaise, or use themes designed to appeal to the adult viewers.

³⁴ CFBAI annual reports specifically have noted our coverage of company websites. See, e.g., *A Report on Compliance and Progress During 2012* (Appendix E) (Dec. 2013), available at <http://www.bbb.org/globalassets/local-bbbs/council-113/media/cfbai/cfbai-report-on-compliance-and-progress-during-2012.pdf>.

³⁵ Some sites do not receive enough traffic to be tracked by third-party services and, if the sites do not require visitors to register and give their ages, the site owners will not know how many visitors are children.

³⁶ For example, the presence of games is not determinative that a site is child-directed. Online gaming demographics indicate that the percentage of children under 12 visiting online gaming sites is much lower than older age brackets. According to 2016 demographic and sales data, the average computer and video game player is 35 years, with more female gamers over 18 (31%) than males under 18 or younger (17%). [2016 Essential Facts about the Computer and Video Game Industry](#) at 3, available at <http://essentialfacts.theesa.com/>.

³⁷ In addition, in 2016 BBB and the National Confectioners Association launched the Children's Confection Advertising Initiative (CCAI), which is modeled on CFBAI and intended for small-to-medium size confection companies. The CCAI participants are Brown & Haley; Ferrara Candy Company; Ghirardelli Chocolate Company; Jelly Belly Candy Company; Just Born Quality Confections; The Promotion in Motion Companies, Inc.; R.M. Palmer Company; and Wolfgang Candy Company. CCAI participants join the six CFBAI confectionery companies that do not engage in advertising primarily directed to children under age 12.