



Children's Food and Beverage Advertising Initiative  
Children's Confection Advertising Initiative

# 2020 Annual Report

A REPORT ON  
COMPLIANCE AND  
PROGRESS DURING  
2020

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## CFBAI Participants



## CCAI Participants



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# Executive Summary

The Children's Food and Beverage Advertising Initiative (CFBAI) and CCAI were created to improve the landscape of food advertising to children under age 12. Under CFBAI, participants voluntarily commit that, in advertising primarily directed to children, they will either not advertise foods or beverages at all or advertise only foods that meet CFBAI's strict Uniform Nutrition Criteria. Under CCAI, participants commit to not engaging in advertising primarily directed to children under 12. Participants in both programs do not advertise to children in elementary schools. CFBAI's 14th Annual Report provides details on the significant events of 2020 and an evaluation of participants' 2020 compliance, which was excellent. The Report also discusses CFBAI's revised Core Principles, 5th ed. and modifications made to these Principles in 2021. The Annual Report also summarizes the nutrition improvements the participants made in foods they may advertise to children under the Revised Nutrition Criteria, implemented January 1, 2020, and the results of an assessment of food and beverage ads on children's television networks in 2021.

## Year in Review

**Participation.** Nineteen U.S. food and beverage and quick-serve restaurants participate in CFBAI. Participants of CFBAI for account for 70-80% of the advertising on children's television. Under the Children's Confection Advertising Initiative (CCAI), a program modeled on CFBAI for small-to-medium size confection companies, eight confectionery companies pledge to not advertise to children under age 12.

**Outreach.** CFBAI issues press releases or public statements, engages in presentations in a variety of settings, including briefings and outreach with federal agencies, advocacy organizations, industry members or groups, regulatory and legal conferences, international organizations, and in academic settings.

**Compliance Monitoring.** CFBAI provides strong and transparent self-regulation. To accomplish this, CFBAI monitors its participants' compliance with their individual pledges, including regular assessment of food advertising on children's TV networks, child-directed websites and other child-directed digital content, and other covered media. CFBAI participants are also required to submit annual self-assessments. These assessments document their compliance and report any instances of non-compliance, how these occurred, and steps taken to prevent reoccurrences. CFBAI also accepts complaints regarding non-compliance with its Core Principles, although these are rarely received.

**Compliance Findings.** CFBAI found excellent compliance by CFBAI and CCAI participants with their commitments in 2020. This finding is consistent with compliance reports since CFBAI began publishing annual reports in 2007. There were very few occasions when foods that did not meet CFBAI's Uniform Criteria were advertised to children in covered media. CFBAI found no egregious or significant problems.

**Product List Changes.** CFBAI regularly updates a public Product List on its website that identifies foods that meet the nutrition criteria and that may be advertised by participants to children under 12. This report assesses the foods on the List in 2020.

**Children's Food Advertising Snapshot.** CFBAI reviewed and analyzed food ads during January – October 2021 that aired on nine children's networks. Participants' ads comprised the majority of advertising on these networks, and featured nutrient-dense foods that positively contribute to children's diets.

- ◆ **Participants' Share of Food and Beverage Ads.** Ads from CFBAI participants represented about 74% of all the food and beverage ads in the Snapshot.
- ◆ **Foods Most Frequently Advertised by the Participants.** Cereals again were the most frequently advertised food. Other frequently advertised categories included Meals, Small Meals, Savory Snacks, and Exempt Beverages.
- ◆ **Nutrition Highlights of Participants Advertised Foods.** About three-quarters of participants' foods in the Snapshot were for foods that provide either a food group or a nutrient of public health concern.
- ◆ **Foods Most Frequently Advertised by Non-Participants.** The most frequently advertised category by non-participants was candy, followed by restaurant advertising, which generally featured foods that did not meet CFBAI's limits on calories, saturated fat, sodium or added sugars.

## Looking Ahead

During 2022, CFBAI participants will review the Uniform Nutrition Criteria to assess the impact of the 2020-2025 Dietary Guidelines for Americans to ensure that CFBAI's criteria reflect current scientific recommendations and government standards. CFBAI also will continue to provide transparency regarding the foods featured in participants child-directed advertising and support the positive impact of self-regulation on the children's food advertising landscape.

# I. Introduction and Report Overview

In 2006, the Institute of Medicine (IOM) recommended that food companies do their part to address childhood obesity by changing the mix of products in child-directed advertising to include healthier foods.<sup>1</sup> In response, CFBAI was launched in 2007 to encourage food and restaurant companies to advertise fewer energy-dense, nutrient-poor foods to children (foods high in calories, saturated fat, sodium, or sugar) and more that were nutrient-dense. Since then, CFBAI and its participants have worked to improve the children's food advertising landscape through strong and transparent self-regulation. CFBAI participants use CFBAI's Uniform Nutrition Criteria to determine which foods are eligible for advertising to children. These criteria set strict standards that require nutrition components to encourage such as whole grains or critical vitamins and minerals, and that set limits for calories, sodium, saturated fat, and added sugars in foods advertised to children.

The progress CFBAI is making in improving the children's food advertising landscape has been recognized by the Federal Trade Commission<sup>2</sup> and others.<sup>3</sup> There have been many improvements in advertised foods that are tied to the implementation of CFBAI's Uniform Nutrition Criteria. Foods commonly advertised to children (e.g., Yogurts, Meals, and Small Meals) generally contain fewer calories, less sugar or sodium, and more whole grains, fruit or vegetables or vitamins and minerals, like Vitamin D and calcium.

This Report assesses participants' compliance with their pledges and notes the nutritional contributions of foods added to CFBAI's Product List in 2020.<sup>4</sup> Table 1 lists the CFBAI participants assessed in this Report. Table 2 lists the CCAI participants assessed in the Report.

1 See, e.g., Institute of Medicine's 2006 report, "Food Marketing to Children and Youth: Threat or Opportunity?" available at <https://www.nap.edu/catalog/11514/food-marketing-to-children-and-youth-threat-or-opportunity>

2 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)." "A Review of Food Marketing to Children and Adolescents Follow-Up Report," FTC (Dec. 2012) at 30 ("FTC Report"). 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 . . ." FTC Report at ES-2, available at <http://www.ftc.gov/reports/review-food-marketing-children-adolescents-follow-report>.

3 Former First Lady Michelle Obama praised CFBAI participants for joining CFBAI and adopting uniform nutrition standards. Remarks 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>). The Interfaith Center on Corporate Responsibility led a coalition of institutional investors that urged more than 30 food, restaurant, retail, and media companies to join CFBAI "as an initial yet critical step companies can take in confronting the childhood obesity epidemic." (2014) (Letters available at [http://www.iccr.org/sites/default/files/resources\\_attachments/08.22.14CFBAI%20InvestorSign-onwsigs.pdf](http://www.iccr.org/sites/default/files/resources_attachments/08.22.14CFBAI%20InvestorSign-onwsigs.pdf)).

4 Progress made in other years is documented in prior annual reports for CFBAI and CCAI, and other program materials, available on CFBAI's website at <http://bbbprograms.org/programs/cfbai/> and at <http://bbbprograms.org/programs/ccai/>.

**Table 1. CFBAI Company Compliance Assessment List for 2020**

American Licorice Company	General Mills, Inc.	Mondelēz Global, LLC
Burger King Corporation	The Hershey Company	Nestlé USA
Campbell Soup Company	Kellogg Company	PepsiCo, Inc.
The Coca-Cola Company	Keurig Dr Pepper	Post Foods, LLC
Conagra Brands, Inc.	The Kraft Heinz Company	Unilever USA
Danone North America, PBC	Mars, Incorporated	
Ferrero USA, Inc.	McDonald’s USA, LLC	

**Table 2. CCAI Company Compliance Assessment List for 2020**

Brown & Haley	Impact Confections	Promotion in Motion <sup>5</sup>
Ferrara Candy Company	Jelly Belly Candy Company	R.M. Palmer Company
Ghirardelli Chocolate Company	Just Born Quality Confections	

The remainder of this Report consists of the following:

- ◆ Part II summarizes CFBAI’s history and the participants’ representation in food advertising to children;
- ◆ Part III describes CFBAI’s Revised Nutrition Criteria, the nutrition developments and improvements that occurred during 2020, and the results of CFBAI’s 2021 Children’s Food Advertising Snapshot;
- ◆ Part IV explains CFBAI’s pledge compliance assessment process and the finding that Participants’ compliance was excellent;
- ◆ Part V notes CFBAI’s plans for the next year.

<sup>5</sup> Promotion in Motion rebranded to PIM Brands Inc. in 2021.



## II. About CFBAI and Food Advertising to Children

### A. Background

CFBAI was created so that responsible food and restaurant companies could respond to calls to do more to address the childhood obesity epidemic by changing the children's food advertising landscape to encourage healthier dietary choices. BBB National Programs' predecessor organization, the Council of Better Business Bureaus, and 10 leading food and beverage and quick-serve restaurants launched CFBAI in 2007. The program now stands at 19 companies.

CFBAI and CCAI complement the work of another BBB National Programs initiative, the Children's Advertising Review Unit (CARU). In 2016, CFBAI and the National Confectioners Association created the Children's Confection Advertising Initiative, a program in which smaller confection companies commit to not engage in advertising primarily directed to children under age 12. The CARU Guidelines apply to all advertisers and set strong standards that help ensure that advertising to children for all products is not deceptive, unfair, or inappropriate. The Guidelines also address how to protect children's privacy in online environments. CFBAI applies to food companies that voluntarily join CFBAI and agree to adhere to its Core Principles<sup>6</sup> and its Uniform Nutrition Criteria,<sup>7</sup> which set strict nutrition standards for foods advertised by its participants to children under age 12. Both programs monitor children's media, enforce the standards of the respective programs, and can refer non-complying advertisers to the FTC.

CFBAI participants agree to advertise only foods or beverages that meet CFBAI's Uniform Nutrition Criteria or to not advertise foods at all in child-directed advertising across a wide variety of media, including TV, digital, mobile apps, print, radio, interactive games, licensed characters in advertising, product placement, or through influencer communications. CFBAI participants also commit to not advertise branded foods or beverages to children in elementary schools, even foods that meet CFBAI's nutrition criteria.

Each company develops an individual commitment (called a "pledge") that addresses how it will comply with CFBAI's Core Principles. The participants sign a contract and agree to CFBAI oversight and to be held accountable for failure to comply with their commitments. CFBAI monitors covered media for compliance and requires participants to submit self-assessments

<sup>6</sup> The Program and Core Principles Statement (5th Edition) is included as Appendix A. Participants' company-specific pledges are available on CFBAI's website.

<sup>7</sup> CFBAI's Category-Specific Uniform Nutrition Criteria, 2nd ed. is attached as Appendix B.

annually. CFBAI’s monitoring and the participants’ assessments reveal a strong commitment to compliance. The inadvertent and infrequent problems detected are quickly remedied.

In 2020, CFBAI participants announced revised Core Principles that were implemented in January 2021. The expanded Principles specifically cover advertising on open-access platforms with child-directed content or channels, such as YouTube, and require that, if participants engage in child-directed influencer communications, they will promote only foods that meet CFBAI’s Nutrition Criteria. Although CFBAI’s Core Principles always have applied to online advertising, this enhancement reflected ongoing changes in the children’s media environment and provides greater transparency regarding the application of participants’ commitments.

CFBAI further modified its Core Principles in 2021 to provide additional context regarding the larger regulatory and self-regulatory frameworks that address influencer marketing. Section II.E, the Influencers provision, now notes that

Under the FTC Act and as set out in the FTC’s Endorsement Guide and related FTC influencer guidance documents, endorsements, including influencer endorsements, must disclose material connections between the endorser/influencer and the brand. In addition, the CARU Guidelines and CARU cases recognize that children may have difficulty distinguishing between advertising and online content and therefore also require that ads be identifiable as advertising. CFBAI participants that work with influencers on child-directed influencer communications should request that influencers clearly and prominently disclose that the communication is advertising.<sup>8</sup>

For measured media like television, CFBAI defines “child-directed” by reviewing the percentage of children under age 12 in the audience. Under the revised Core Principles, the required threshold is now stricter, defining any program with an audience of 30% or more children as “child-directed.” Some participants apply a 25% threshold.<sup>9</sup> The 2021 Core Principles also incorporate CFBAI’s Category-Specific Uniform Nutrition Criteria, 2nd edition, which updated the program’s nutrition criteria in September 2018 and were implemented in January 2020.

CFBAI is committed to transparency and accountability regarding the program and foods advertised to children. For this reason, the program makes information public and accessible through its website, public comments, and presentations:

<sup>8</sup> The Core Principles note that compliance with this section will be assessed solely on whether the foods or beverages meet CFBAI’s Uniform Nutrition Criteria, and that, as explained in CARU’s Guidelines, content generated by a user who has no material connection to the product, service, character, or brand mentioned or depicted in the content is not advertising. However, as in the Guidelines, if a participant uses or incorporates such content in advertising primarily directed to children, then the use or incorporation of such content is covered by CFBAI’s Core Principles.

<sup>9</sup> Appendix C provides a chart that reflects the individual participants’ child-directed advertising commitments, including their current audience thresholds. In 2020, Keurig Dr Pepper, Mars and Nestlé used a 25% threshold and American Licorice, Burger King, Hershey, and McDonald’s used a 30% threshold. As of 2021 when CFBAI’s revised Core Principles came into force, there is a minimum 30% threshold. Companies that use a 25% threshold will continue to do so.

**Website.** CFBAI's website includes its Core Principles; the historical nutrition criteria and the Revised Nutrition Criteria; CFBAI's periodically updated Product List (a list of foods that meet CFBAI's nutrition criteria and that may be advertised to children<sup>10</sup>); statements and press releases regarding the program and issues related to food marketing to children; and fact sheets that highlight program features or improvements in foods or categories of foods.

**Public Comments.** CFBAI occasionally participates in the public proceedings of domestic and international governmental bodies or NGOs on matters relevant to CFBAI's program and expertise.

**Presentations and speaking engagements.** CFBAI presents at conferences and meetings on food advertising, nutrition, or childhood obesity.

### **B. CFBAI's Impact on Child-Directed Food Advertising**

CFBAI's standards apply to advertising primarily directed to children under age 12, a group that the advertising industry has long recognized needs special protections. CFBAI is not intended and was not designed to address all ads that children might be exposed to across the entire media landscape. Most ads are intended for other audiences (e.g., advertising on primetime shows or sporting events), where children typically represent a small percentage of the audience. On measured media like TV, CFBAI's commitments cover ads on children's TV networks, where children typically are at least 30% of the audience. CFBAI's analyses, as well as those of others, have found that the participants' commitments cover a substantial proportion (70 - 80%) of all child-directed food ads on the leading children's television networks.<sup>11</sup> CFBAI's commitments also apply to child-directed advertising in the digital environment, where children increasingly spend their time. CFBAI's Uniform Nutrition Criteria served as the basis for the recently updated nutrition criteria of Kids LiveWell 2.0, the National Restaurant Association children's menu program. CFBAI is pleased that its Nutrition Criteria Have helped expand healthier options for families.

<sup>10</sup> Not all of the participants' foods that meet CFBAI's nutrition criteria are included on this list.

<sup>11</sup> The FTC's 2012 Report noted that CFBAI-participant ad expenditures accounted for 89% of all the food advertising expenditures to children (based on 2009 data). FTC Report at 30. (The Report'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

## A. CFBAI Category-Specific Uniform Nutrition Criteria Overview

CFBAI's Uniform Nutrition Criteria, 2nd ed. (Revised Criteria) were implemented January 1, 2020, coinciding with FDA's implementation of the Nutrition Facts and Supplement Facts Label and Serving Size final rules.<sup>12</sup> The Revised Criteria set meaningful standards for foods advertised to children and reflect progressive improvements that build on the transparency and strength of the original Uniform Nutrition Criteria that were announced in 2011.

These improvements impacted every category, including: the use of added sugars rather than total sugars, aligning with FDA's updated Nutrition Facts Panel (NFP);<sup>13</sup> sodium threshold reductions in 13 of 17 categories; added sugars contributions reduced in key categories such as Milks, Savory Snacks and Sweet Snacks; an updated criteria for whole grains to ensure that foods qualifying based on whole grains content contribute a meaningful amount of whole grain; a requirement of more food groups in the Main Dishes and Meals categories, which typically make significant contributions to children's diets; more rigorous nutrient-based qualifiers that are limited to nutrients the 2015-2020 Dietary Guidelines for Americans identified as "under-consumed";<sup>14</sup> and use of more transparent and descriptive food categories.

The remainder of this section summarizes the nutrition improvements CFBAI participants made in 2020 to foods they may advertise to children, and the results of CFBAI's monitoring of child-directed advertising on children's networks.

## B. 2020 Highlights: Nutrition Developments and CFBAI's Product List

This section discusses foods that were added to CFBAI's Product Lists in 2020 by category.

**Milks.** McDonald's added a Reduced Sugar Low Fat Chocolate Milk to two of their qualifying Happy Meals in 2020. The milk has 25% less sugar than the fat free chocolate milk previously included in Happy Meals.<sup>15</sup>

<sup>12</sup> CFBAI's 2018 White Paper explains the rationale for the Revised Criteria and is available on CFBAI's website.

<sup>13</sup> NFPs now include the amount of "added sugars" in addition to the amount of "total sugars." FDA set a Daily Value (DV) for added sugars and NFPs now declare the amount of added sugars as a percentage of the DV.

<sup>14</sup> Savory Snacks may qualify if the food provides 10% DV of an essential nutrient.

<sup>15</sup> See McDonald's March 2020 press release.

**Yogurts.** Danone North America, PBC added eight yogurt products to CFBAI’s Product List (six yogurts and two smoothie dairy drinks). All are non-fat or low-fat options, provide one-half to one-third serving of dairy and a good or excellent source of calcium and Vitamin D.

**Cereals.** Cereals are a nutrient-dense breakfast option that contain modest amounts of calories, saturated fat, sodium, and sugar.<sup>16</sup> For most cereals on the list, whole grains were the first ingredient on the label. In addition, nearly all provided a good source of Vitamin D and half were a good source of calcium, both identified as nutrients of public health concern by the 2020-2025 Dietary Guidelines for Americans.<sup>17</sup> The 2021 Cereal Fact Sheet (Appendix E) provides additional information about the cereals on CFBAI’s August 2021 Product List.

General Mills added three new varieties of Cheerios™ to the Product List. Each variety lists whole grains as the first ingredient, provides more than one serving of whole grains, and is a good source of calcium, fiber, and Vitamin D, three nutrients of public health concern.

Kellogg added three cereals, all of which provide a good source of Vitamins A, C, and D, and an excellent source of iron. One of which, Rice Krispies, provides only four grams of added sugar. To encourage fruit consumption, Kellogg’s 2020 child-directed Rice Krispies ads depicted a child eating the cereal and milk with fruit on top.

Post added three varieties of Honey Bunches of Oats® and reformulated two cereals already on the list to meet the Revised Criteria. Honey Bunches of Oats® with Almonds, Honey Bunches of Oats® Honey Roasted, and Honey Bunches of Oats® Frosted all provide a good source of Vitamin D and an excellent source of two under-consumed nutrients (Vitamin A and iron). The Almond and Honey Roasted varieties also provide more than half a serving of whole grains.

**Snacks.** Campbell added two new Pepperidge Farm Goldfish® products and reduced the sodium in multiple varieties to meet the sodium level in the Revised Criteria. Kellogg added Pop-Tarts® Crisps, which feature whole grains as the first ingredient and provide a lower calorie and lower sugar alternative to traditional Pop-Tarts.

**Mixed Dishes.** Kraft Heinz reduced the sodium by four percent in its Macaroni & Cheese Shapes Microwavable Cups to meet the revised nutrition criteria.

**Small Meals.** Kraft Heinz reformulated two Lunchables with 100% Juice SKUs in 2020. The Lunchables Chicken and Cheese Kabobbles® with 100% Juice had a three percent sodium reduction to meet the revised nutrition criteria. The sodium and added sugars contents

<sup>16</sup> Due to changes to FDA’s labeling regulations, the weight and volume of the labeled serving size (LSS) for cereals generally increased, resulting in proportionate increases in labeled nutrients, including calories, saturated fat, sodium and added sugars. As a result, the nutrients to limit were adjusted under CFBAI’s revised Nutrition Criteria in the cereal category. Other Uniform Nutrition Criteria changes relevant to the category were the requirement that cereals provide at least a ½ serving of whole grain or 10% of an under-consumed nutrient and defining a half-serving of whole grains as providing at least 8 grams of whole grains and meet at least one of the following: 1) first ingredient a whole grain, or 2) ≥ 50% whole grains by weight of product, or 3) 50% whole grains by weight of grains. Under the 2011 Nutrition Criteria, a half-serving of whole grains was simply 8 grams.

<sup>17</sup> U.S. Department of Agriculture and U.S. Department of Health and Human Services. Dietary Guidelines for Americans, 2020-2025. 9th Edition. December 2020. Available at [DietaryGuidelines.gov](https://www.dietaryguidelines.gov).

of Lunchables Turkey and Cheddar Sub® with 100% Juice also were reduced to meet the revised nutrition criteria.

**Meals.**<sup>18</sup> 100% of Happy Meal ads shown to children in the U.S. featured water, milk, or juice as a beverage and fruit as a side. And, since 2018, over 2.5 billion Happy Meal items sold across the 20 major markets contained fruit, vegetable, low-fat dairy, water, lean protein and/or whole grains.<sup>19</sup>

**Exempt Beverages.** Kraft Heinz added Creative Roots Coconut Water Beverage to the Product List. It has 15 calories, 0 grams saturated fat, 35mg sodium, and no added sugars.

### C. 2021 Snapshot of Foods Advertised on Children’s TV

**Background.** CFBAI has conducted annual Snapshots of food and beverage TV ads since 2010.<sup>20</sup> CFBAI’s recent Snapshots have assessed airings on different weekday and weekend dayparts on Nickelodeon and Cartoon Network, the two most popular children’s television networks. In 2021 CFBAI expanded the scope of the Snapshot to reflect a broader timeframe (January - October 2021) and ads from multiple children’s networks, including Boomerang, Discovery Family, Disney XD, Nick Jr., Nicktoons, TeenNick, and Universal Kids as well as Nick and Cartoon Network.<sup>21</sup>

**Overall Snapshot Results.** Participants’ ads accounted for 74% of the food ads in the Snapshot, comparable to CFBAI’s 2020 Snapshot results. Seven participants were represented in the Snapshot and six of these companies were in the top ten food and beverage advertisers (ranked by airings of all food and beverage ads). Participants’ advertised foods complied with CFBAI’s Uniform Nutrition Criteria. The twenty-six non-participants represented in the 2021 Snapshot advertised more foods than CFBAI participants but accounted for fewer ads (26% of all ad airings), consistent with past CFBAI findings.

**Frequently Advertised Foods – CFBAI Participants.** Participants generally advertised foods from the same categories as in prior Snapshots. The Cereal category and the Meals category were the first and second most frequently advertised categories by participants, respectively. Other categories advertised by participants (in descending order) were Small Meals, Savory Snacks, Exempt Beverages, Mixed Dishes, Sweet Snacks, Juices, and Yogurts (Figure 1 describes the percentage that each of these categories contributes to the overall amount of participants’ ads.).

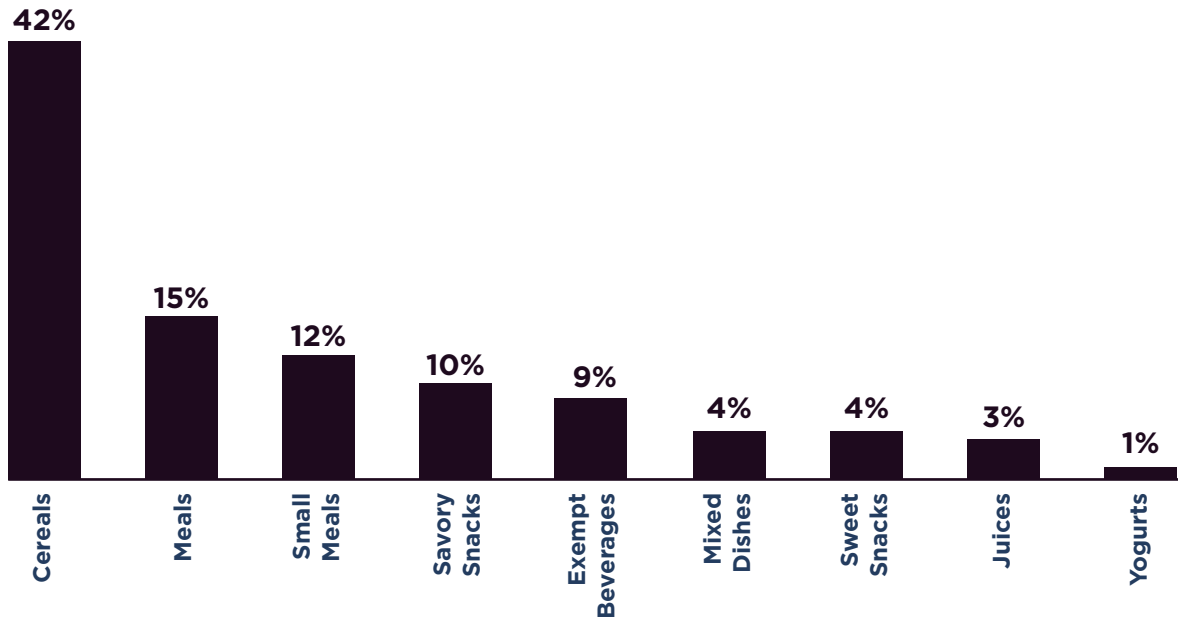
<sup>18</sup> Burger King Corporation and McDonald’s USA are the two CFBAI participants that include qualifying meals on their product lists. Burger King did not engage in child-directed advertising in 2020.

<sup>19</sup> McDonald’s Global Happy Meals Goals 2020 Progress Report, available on The Alliance for a Healthier Generation’s website.

<sup>20</sup> CFBAI uses the TV ad-tracking platform iSpot to create its snapshots. The platform uses audio and video fingerprinting technology to extract product advertisements, movie trailers, and other entertainment promotions. It identifies the industry, product category and brand, as well as information regarding where and when the ad aired. This database can be searched by various criteria and subscribers can view ads. The platform allows CFBAI to generate reports related to food ad categories that cover almost all of the categories regularly advertised to children under age 12, the ads themselves, and the networks on which the ads aired, thus making it a useful monitoring tool.

<sup>21</sup> The 2021 Snapshot results reflect ads aired from 6 AM – 9 PM. The results do not reflect products for which ads aired less than 25 times during the assessed nine-month timeframe.

**Figure 1. 2021 TV Snapshot: Frequently Advertised CFBAI Participant Food Categories**



**Calorie Highlights.** Table 3 shows the maximum number of calories for participants’ advertised foods by category for 2021. The calorie maximums over the years generally have been consistent with these findings. The calorie amounts are modest, with individual foods contributing under 200 calories and categories that would be expected to make greater contributions to children’s diets (i.e., Mixed Dishes, Small Meals, or Meals) contributing 395 calories or less.

**Table 3. 2021 TV Snapshot: Maximum Calories by Food Type**

Year	Exempt Beverage	Yogurt	Snack	Cereal	Mixed Dish	Small Meal	Meal
2021	0	50	140	170	280	350	395

**Nutrition Components to Encourage Highlights.** About 76% of participants’ foods ads were for foods that provide either a food group or a nutrient of public health concern. Notably, most cereals, the most advertised category, provided whole grains (a food group) or a nutrient of public health concern such as Vitamin D. Cereals also provided an excellent source of iron and contribute essential nutrients such as thiamin, niacin, folic acid, phosphorous, potassium, calcium and/or magnesium. Meals, the second most advertised category, provided two and a half food groups, an excellent source of calcium, Vitamin D, and potassium, and a good source of dietary fiber, four nutrients of public health concern.

**Frequently Advertised Foods – Non-Participants.** Candy was the most advertised category by non-participants in the Snapshot (51% of non-participant ads), followed by restaurant advertising (17% of non-participant advertising). Less than 1% of non-participant restaurant ads were for a children's meal, which generally means that featured foods did not meet CFBAI nutrient to limit or nutrition components to encourage criteria.

Non-participant ads also featured foods from other CFBAI food categories, although these categories contributed much smaller percentages than candy or restaurant ads. These categories included Milks (ads featured a variety of milks including skim milk and whole milk), Sweet Snacks, Cheeses, Meat/meat alternates, and Exempt Beverages. Most of the foods in these ads did not appear to meet CFBAI's nutrition criteria, generally because the advertised foods exceeded saturated fat, sodium, and/or added sugars limits and, in many cases, because the featured foods did not contribute positive nutrition components.



## IV. Pledge Compliance Evaluation

CFBAI found that CFBAI and CCAI participants delivered excellent compliance with their pledges in 2020, as determined through CFBAI monitoring and its review of participants' self-assessments submitted as part of the program's compliance procedures. In the case of the few issues that were identified, the companies looked into them, addressed the problems or concerns, and, when necessary, established or revised procedures to prevent the issue from reoccurring.

CFBAI's evaluation consists of two components. First, CFBAI conducts its own evaluations of advertising in covered media to determine whether CFBAI and CCAI participants have complied with their CFBAI commitments (i.e., that they have advertised only foods that meet CFBAI's nutrition criteria ("qualifying foods") in child-directed advertising<sup>22</sup> or have not engaged in child-directed advertising). Second, to comply with the program's self-assessment requirement, participants submit information regarding how they met their CFBAI pledge commitments. If complaints are received, CFBAI will investigate them.

CFBAI's finding of excellent compliance in 2020 is consistent with its assessments in past years and with the findings reported by others that study food marketing to children.<sup>23</sup> Participants voluntarily have created internal procedures that allow them consistently and accurately to provide ongoing compliance, including employee training, guidance for use internally and by external partners, and a systematic process for reviewing child-directed advertising and media buys.<sup>24</sup>

22 This report refers to a food that meets CFBAI's nutrition criteria as a "qualifying" or "qualified" food (i.e., by meeting the criteria it is "qualified" to appear in child-directed advertising). Participants are required to submit these foods to CFBAI for review and inclusion in CFBAI's Product List before they are advertised to children. A "non-qualifying" food thus refers to a food that is not "qualified" to appear in such advertising.

23 See, e.g., *Rudd Center, Food industry self-regulation after 10 years: Progress and opportunities to improve food advertising to children* at 86 (Nov. 2017) ("In compliance with their pledges, only CFBAI listed brands (i.e., brands with products included on CFBAI company lists of products that may be advertised to children) appeared to direct their advertising to children under 12, including in advertising on children's TV programming"), available at [http://www.uconnruddcenter.org/files/Pdfs/FACTS-2017\\_Final.pdf](http://www.uconnruddcenter.org/files/Pdfs/FACTS-2017_Final.pdf); at 2 ("Examination of compliance with industry self-regulation revealed complete conformity with company pledges."); Kunkel, D.L. et al, *Evaluating Industry Self-Regulation* (2015) at 3, available at [https://www.ajpmonline.org/article/S0749-3797\(15\)00095-1/fulltext](https://www.ajpmonline.org/article/S0749-3797(15)00095-1/fulltext).

24 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 and media buyers.

## A. Compliance Evaluation Overview

### 1. CFBAI Monitoring

CFBAI independently monitors advertising on various platforms. Covered media includes TV, print, radio, the internet (including company-owned websites, third-party websites, and child-directed YouTube channels), and mobile apps. For measured media such as TV, “child-directed advertising” in 2020 meant advertising for which children ages 2-11 constituted at least 35% of the expected audience (“audience threshold”) at the time of the media buy, with several companies using a 30% or 25% threshold.

### 2. Key Compliance Findings

Compliance was excellent. Very few issues associated with advertising on child-directed media were identified. Below we summarize our findings by media platform and CFBAI and CCAI requirements.

**Television.**<sup>25</sup> Most CFBAI participants that engaged in child-directed advertising aired ads on one or more children’s cable television networks.

CFBAI’s monitoring and participants’ self-assessments revealed few instances of advertising for non-qualifying products on children’s TV. Advertising for two products in Mars’ Ben’s Original™ Ready Rice™ brand line aired on two children’s cable TV networks during the first two quarters of 2020, as noted by CFBAI’s monitoring and Mars’ own internal auditing. The company created additional procedures related to the application of Mars’ exclusion lists and buying guidelines. CFBAI has not seen any further advertising by the brand or other Mars’ products on children’s programming. Unilever reported that Lipton ads ran on Nickelodeon and TeenNick in the first quarter of 2021. The company added procedures to prevent ad misallocation and ensure that its brands do not air on children’s networks.

**Spanish-language children’s TV programs.** There is little children’s programming on Spanish-language networks. There were no compliance issues observed.

**Video games that are rated “early Childhood” or “EC” or that are age-graded as primarily directed to children under 12 or G-rated DVDs.** Participants did not report advertising in these media and CFBAI did not have any information to the contrary.

**Digital and mobile, including company-owned websites primarily directed to children, in-app advertising, and child-directed YouTube channels.** CFBAI’s Core Principles cover advertising on child-directed digital media and the program monitors a sample of media identified from media reports, articles and studies, and participants’ self-assessments.

<sup>25</sup> Although still popular with children, their TV viewing has declined in recent years. In noting this decline, Commonsense Media (CSM) reported in 2019 that “the percent [of tweens 8-12] who say they enjoy watching TV ‘a lot’ has dropped from 61% to 50%,” with tweens viewing about a half-hour less TV than they did four years ago.” CSM Census Media Use by Tweens and Teens 2019 (CSM Census 2019) at 4, available at <https://www.common sense media.org/research/the-common-sense-census-media-use-by-tweens-and-teens-2019>.

Although children continue to spend considerable time viewing programming on traditional children’s cable television networks, they increasingly spend time with digital content.<sup>26</sup> In the complex digital environment, in which new content is uploaded and new URLs constantly are created, it is not possible for advertisers to avoid all content that might be child-directed all of the time. However, participants work with a variety of partners and use multiple tools and approaches to meet their commitments to advertise only qualifying foods to children or to not advertise to them at all, including age targeting tools, demographic and interest-based assessments, content identifiers and third-party content ratings, and “do not serve” lists of websites or other content in which ads should not be served.<sup>27</sup>

YouTube is a popular online destination for children. Recent significant changes in Google’s policies regarding advertising on YouTube and how those policies are enforced have impacted advertising on children’s content on the platform. First, Google’s September 2019 FTC settlement regarding alleged COPPA violations required that Google develop, implement, and maintain a system that requires its content creators (i.e., YouTube channel owners) to identify when content that they upload is intended for children under age 13, referred to by Google as “Made for Kids” content (“MFK content”). Data collection on MFK content is restricted and Google does not serve personalized ads on this content.<sup>28</sup> Google subsequently announced that it would restrict paid food and beverage advertising on this content.<sup>29</sup> Google implemented its MFK policies during 2020. YouTube policies continue to evolve and their application on previously uploaded content and the manner of enforcement or oversight is not clear.<sup>30</sup>

In 2020 CFBAI monitored child-directed third-party websites and YouTube channels. There was very good compliance with the Core Principles, although there were some instances of ads for non-qualifying foods or foods that were not on CFBAI’s product list being

26 “[T]he biggest change in young people’s media habits over the past four years ... [is] the amount of time they spend watching online videos like those found on YouTube. The percent of young people who say they watch online videos “every day” has more than doubled ... going from 24% to 56% among 8- to 12-year-olds ... the amount of time each age group spends watching online videos has gone from about a half hour a day to about an hour a day on average (from 25 to 56 minutes a day among tweens...” CSM Census at 3. Reports suggest that online time is taking the place of TV viewing (“legacy TV ... looks increasingly likely to not have a substantial standing in kids’ media diets.” Children Are Increasingly Growing Up With Mobile Devices, Not TV Screens (October 31, 2017) available at <https://www.marketingcharts.com/television-80890>. According to the 2019 report from the American Academy of Pediatrics, children aged 8-12 spent an average of 4.5 hours a day on screens, while teens aged 13-18 spent 6.5 hours a day. It has been widely reported that the pandemic – and its resulting closures of schools, sports, and most extracurricular activities – increased children’s use of digital media. See, e.g., Kids’ Screentime Up 50% During Pandemic, Axios January 17, 2021, available at <https://www.axios.com/kids-screen-time-pandemic-112650a6-743c-4c15-b84a-7d86103262bb.html>.

27 Under COPPA, advertisers must avoid collecting personal information from children under 13 without verifiable parental consent. This means that advertisers cannot engage in behavioral advertising to children under age 13. Thus, CFBAI participants that advertise qualifying foods to children do so only on a contextual basis.

28 See <https://blog.youtube/news-and-events/better-protecting-kids-privacy-on-YouTube/> (Jan. 6, 2020). Google’s announcement stated that a YouTube Kids app promotion appears on MFK content. The December 2019 announcement indicated that Google planned to extend its prohibition on food and beverage advertising on its YouTube Kids app to MFK content on YouTube. See <https://support.google.com/adspolicy/answer/9683742>. It is not clear the extent to which MFK content designation relies solely on creators’ designations, or whether it also is informed by manual or AI-assisted review by Google.

29 Google announced its policy in a letter to Senator Markey in December 2019, available at [https://www.markey.senate.gov/imo/media/doc/Response%20to%20Sen%20Markey\\_Dec13%202019.pdf](https://www.markey.senate.gov/imo/media/doc/Response%20to%20Sen%20Markey_Dec13%202019.pdf).

30 Google has announced that it is aligning its monetization policies with new “quality principles” for channels that primarily create kids and family content on YouTube. <https://blog.youtube/news-and-events/our-responsibility-approach-protecting-kids-and-families-youtube/>.

served on child-directed content, described below. Many of these instances appear to be related to errors in execution of the MFK system during its implementation. Other than these occasions, CFBAI did not observe instances of advertising of non-qualifying foods to children in digital media.

An ad for AHA™, a no calorie flavored sparkling water from Coca-Cola, was served on a video on a YouTube music video channel that has children’s videos as well as videos for a general audience. Although the beverage would qualify under CFBAI’s exempt beverage category, Coca-Cola’s CFBAI pledge commits to not engage in child-directed advertising. Coca-Cola reported that YouTube had erroneously served the ad on a video that should have been excluded by the platform. The company has taken additional steps to prevent this from re-occurring.

An ad for a Hershey sugar free gum was served on a children’s YouTube channel. Although the gum would qualify under CFBAI’s exempt foods category, Hershey’s CFBAI pledge commits to not engage in child-directed advertising. Hershey reported that YouTube had erroneously served the ad on a channel that should have been excluded by Google.

Two ads for one Just Born confection product were found on a child-directed website. The company added the site to its do-not-serve list.

A McDonald’s ad for a non-qualifying food appeared on a children’s YouTube video. The company found that YouTube had erroneously served the ad on a site that had not been designated as “Made for Kids” but that has since been designated as such.

An ad for a Mondelēz snack was erroneously served on a child-directed YouTube video.

Ads for the Nestlé Nespresso machine or Nespresso carafe, which incidentally featured a depiction of coffee, appeared on three child-directed sites. Nestlé found that the ads appeared in error and it has taken steps to retrain the brand regarding its CFBAI-related compliance procedures.

Two adult-directed PepsiCo ads (one for oatmeal packets and one for oatmeal cups) appeared on four children’s websites. PepsiCo did not intend to advertise these foods to children and the company added the sites to its “do-not-serve” site list. Three ads for non-qualifying beverages were served on two child-directed YouTube videos. PepsiCo found that the videos were not classified as MFK content at the time the ads ran, although they have since been designated as such. The company also added these channels to its do-not-serve list.

CFBAI’s Core Principles also cover advertising through child-directed influencer communications on open-access platforms that include child-directed content such as YouTube. Three participants reported advertising foods through child-directed influencer communications in 2020.<sup>31</sup> These promotions involved qualifying foods and thus complied

<sup>31</sup> The qualifying products that appeared in child-directed influencer communications were Danone’s Danimals® yogurt, Kraft Heinz’s Lunchables with 100% Juice, and Post Pebbles™ cereals.

with the Core Principles and participants’ pledges. The promotions also disclosed that the videos included advertising for the products.

**SVOD.** Advertising on child-directed streaming video content also is covered by CFBAI commitments, although many of the most popular SVOD services are subscription-based and ad-free. Participants did not report a significant amount of advertising directed to children in this media. For VOD programming that has a linear TV counterpart, participants follow the same restrictions as on linear TV and typically use the audience composition data available for the linear counterpart. They also instruct their media agencies and ad-buying partners to avoid child-directed programming for non-qualifying foods.

**Licensed characters, celebrities, or movie tie-ins.** The use of these techniques in covered media was observed only in conjunction with qualifying foods.

**Print and Radio.** There are few child-directed print or radio outlets. Only one participant reported using print publications to advertise to children under age 12, for a qualifying food. There were no compliance issues found or reported.

**Product Placement.** There were no compliance issues observed and no participant reported any issues.<sup>32</sup>

**Word-of-mouth (WOM) advertising.** CFBAI did not observe any WOM advertising, and none was reported by the participants.

**Advertising to children under age six.** CFBAI monitors and reports on compliance with participants’ policies to not direct advertising to children under age six. As of 2021, all participants have a policy to not advertise to this age group. Participants that advertise to children under age 12 assess the audience composition of children’s TV programming to ensure that the audience of children ages 2-5 does not exceed their thresholds. Although occasionally ads appeared on programs that exceeded the threshold at the time of airing, the audience composition was not expected at the time of purchase (i.e., when participants made ad placement decisions and purchased ad times). Ads appearing on such shows therefore do not violate participants’ commitments. Participants assess the relative frequency of such instances and may decide to eliminate a show or daypart from future ad buys.<sup>33</sup>

Compliance with the under six commitment was very good. Kellogg self-reported that a media vendor errantly ran child-directed ads for qualifying foods during programming for children under age six. The ads ran for only a few days. The vendor corrected its targeting

<sup>32</sup> 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. Participants cannot guarantee, however, that child-directed entertainment or editorial content will not include their foods or beverages because movies, TV shows, or other third-parties independently may decide to feature them.

<sup>33</sup> On the digital side, a 2018 study that assessed young children’s exposure to ads through 135 apps intended for children under age five found virtually no foods ads, although almost all apps contained at least one type of ad (100% of free apps and 88% of paid apps). Meyer, M. et al, Advertising in Young Children’s Apps, A Content Analysis, Journal of Developmental & Behavioral Pediatrics (Oct. 29, 2018), available at [https://journals.lww.com/jrnladb/Abstract/publishahead/Advertising\\_in\\_Young\\_Children\\_s\\_Apps\\_\\_\\_A\\_Content.99257.aspx](https://journals.lww.com/jrnladb/Abstract/publishahead/Advertising_in_Young_Children_s_Apps___A_Content.99257.aspx).

parameter errors, increased the frequency of audit checks, and took steps to minimize and detect human errors. Other than this occurrence, CFBAI did not observe instances of non-compliance.

### 3. Public Inquiries Relating to Compliance

CFBAI commits to review public inquiries relating to compliance with the Core Principles. No complaints relating to participants' compliance with their pledges were received.

Although not a complaint, a study published in the journal *Pediatrics* in 2020 identified five YouTube influencer channels that featured foods in their videos.<sup>34</sup> The study characterized the appearances of branded foods in the videos as “advertising,” “promotions” and “product placements,” terms that suggest that the appearances were paid for by the companies whose products were featured. The study (based on 2019 research) indicated that some videos featured CFBAI participants' brands, including foods that do not qualify under CFBAI's Uniform Nutrition Criteria.

CFBAI takes implications of non-compliance with the Core Principles seriously. Accordingly, CFBAI looked into whether videos on these channels included non-compliant product promotions that participants had paid for or otherwise incentivized. Although the study did not identify the video URLs, CFBAI reviewed videos on the influencer channels and requested that its participants report whether their brands engaged with the influencers. Based on this assessment, CFBAI concluded that few product appearances had been paid for by participants. The few instances in which videos featured paid-for endorsement of participants' foods involved foods that qualified under CFBAI's nutrition criteria. Also, the videos disclosed that the content was advertising. CFBAI's review of the influencer channels thus found no violation of CFBAI pledges.

### 4. Other Findings Related to TV and Online Advertising

Occasionally there are ads for non-qualifying foods on child-directed TV programs or in online content. Generally, these either did not constitute violations or were technical violations for the reasons described below.

**Differences between predicted audience composition for TV programs/dayparts when ads were purchased and when they aired.** Under CFBAI's Core Principles, advertising primarily directed to children under age 12 means advertising for which children ages 2-11 constitute 35% or more of the expected audience at the time of the media buy. (The participants' applicable audience thresholds are set out in Appendix C.) Under CFBAI's revised Core Principles, 5th ed., the minimum threshold as of January 2021 was tightened to 30% from 35%; several companies use an even stricter 25% threshold. CFBAI assesses compliance based on the past or predicted demographics of a program or daypart at the time ads are purchased, a standard way for advertisers to make their media-buying

<sup>34</sup> Alruwaily, A. et al, *Child Social Media Influencers and Unhealthy Food Product Placement*, *Pediatrics* (Nov. 2020), available at <https://pediatrics.aappublications.org/content/146/5/e20194057>.

decisions. Sometimes ads for non-qualifying products air in programs that unforeseeably exceed participants’ audience thresholds. Ads that appear in programs with unexpectedly higher audience thresholds at time of airing are not pledge violations. Companies monitor these occasions and may adjust their future ad buys to avoid even these few occasions. Those ads are not violations if they occur because of differences between the predicted program audience at the time the media was *purchased* and the actual audience when the ad *aired*.<sup>35</sup> The incidence rate for such problems is low (generally well under 1% of total ads for a particular company or brand). The participants typically monitor audience demographics to determine whether to adjust their media buys or put additional screening or programming restrictions in place.

**Digital advertising issues.** When there are instances of ads for non-qualifying foods found on child-directed websites or YouTube channels, sometimes it is because participants’ insertion orders are not properly implemented. For example, do-not-serve lists may not be fully observed on a platform. As noted above, categorization or identification of Made for Kids content on YouTube is intended to restrict food advertising from appearing on the content. The MFK policy started in 2020 and is on-going. CFBAI and its participants will continue to monitor the platform and work with all parties involved in the advertising system to prevent the serving of non-compliant ads in child-directed content.

**Failure to provide prior notice of foods to be advertised.** CFBAI requires that participants submit qualifying foods that they plan to advertise to children prior to airing or distribution such advertising. This way, the administrator can review nutrition information to ensure it meets CFBAI’s criteria and the product can be added to the CFBAI’s Product List on the program’s website. Ads for foods meeting the nutrition criteria occasionally air on TV or appear online prior to notification to CFBAI administrators that they would be advertised. This occurs infrequently and lack of prior notice to CFBAI is not considered a substantive violation. Participants correct these lapses by adding the food to the Product List upon notice.

<sup>35</sup> Instances of audience threshold discrepancies on TV may occur for a variety of reasons, including:

- shows with specialized content or one-time airings for which it may be difficult to obtain accurate audience composition predictions;
- shows or networks that generally had small audiences that unexpectedly skewed younger;
- shows on newer networks with demographics that differed from those predicted;
- networks that did not follow a participant’s “do not air” instructions;
- network program line-ups that changed without notice to the participant; or
- unreliable audience composition data.

Participants address these issues in a manner appropriate to the circumstances, including reminding networks about their ad placement requirements, or requesting that networks add programming to a “do not air” list to prevent future airings on the show or time period in question.

### C. Commitment to Not Advertise to Children in Elementary Schools

CFBAI and CCAI participants commit to not advertise even qualifying foods and beverages to children in elementary schools,<sup>36</sup> including through posters, pencils, book covers, or tray liners that advertise specific or product-branded foods or beverages.<sup>37</sup> The focus on elementary schools aligns with CFBAI's Core Principles' advertising commitment (children under age 12) and reflects the age of children in pre-K through sixth grade. There was very little to report regarding in-school activities in 2020 as so many schools did not conduct in-person learning during most of 2020.

USDA's final School Wellness Policy rule<sup>38</sup> and guidance<sup>39</sup> permit marketing in schools during the school day only for foods that meet USDA's Smart Snacks nutrition standards. CFBAI and CCAI participants do not advertise any foods in elementary schools, even foods that meet Smart Snacks nutrition standards.<sup>40</sup>

36 CFBAI's restriction on advertising applies to the entire elementary school and school grounds and facilities, including classrooms, cafeterias, libraries, hallways, auditoriums, gyms, playgrounds, and athletic fields. The commitment covers the entire school day while children are under the authority of the school or third parties on behalf of the school. 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.

37 CFBAI and CCAI's elementary school commitments bar direct food advertising to children in schools. Items provided to school administrators for their personal use, display materials that identify foods or beverages offered for sale in schools, charitable donations, support for fundraising efforts, public service messages, and curriculum-support materials are excluded from this prohibition.

38 See *Local School Wellness Policy Implementation under the Healthy, Hunger-Free Kids Act of 2010* (2016) is available at <https://www.federalregister.gov/documents/2016/07/29/2016-17230/local-school-wellness-policy-implementation-under-the-healthy-hunger-free-kids-act-of-2010>. USDA also allows districts to develop stronger standards and restrictions.

39 USDA, Food and Nutrition Service, *Local School Wellness Policy: Guidance and Q&As* (April 6, 2017), available at <https://www.fns.usda.gov/cn/local-school-wellness-policy-guidance-and-qas>.

40 USDA has stated that its marketing restrictions are not intended to prohibit label redemption programs, incentive programs, foods sold as part of fundraisers, and foods that are not intended to be consumed at school, if allowed by individual school districts. *Id.* These activities substantially align with activities permitted under CFBAI's Elementary School Commitment exemptions.



## V. About CCAI

### A. Background

CCAI is another of BBB National Programs' advertising self-regulation programs. CFBAI created the program with the National Confectioners Association in 2016 for smaller confection companies to take part in ongoing self-regulation efforts that respond to concerns about childhood obesity.<sup>41</sup> CCAI is modeled on CFBAI, in which five of the largest U.S. confection companies commit to CFBAI's oversight of their commitment to not advertise candy to children under age 12 and to not advertise in elementary schools. CCAI provides the important element of public commitment, transparency, and accountability. The program received positive feedback at its launch from key stakeholders such as the FTC and CSPI.

### B. CCAI Administrative and Compliance Procedures

By joining CCAI, participants agree, by contract, to CFBAI oversight and monitoring of their commitments and to be held accountable for failure to comply with these commitments. BBB National Programs has the discretion to expel from CCAI any participant that does not substantially comply with its pledge after giving the company notice and an opportunity to bring its conduct into compliance and may refer the matter to appropriate regulatory authorities.

The program recognizes that many confectionery companies have fewer administrative resources than those participating in CFBAI and that disparity can present a barrier to their participation in CFBAI. Accordingly, CCAI's administrative requirements are more streamlined than those of CFBAI. First, CCAI participants are not required to submit an individual pledge. Instead, their participation is noted on the CCAI website. Second, CCAI participants are not required to submit annual compliance reports. A CCAI participant is required, however, to submit an annual statement signed by a responsible company official that it has complied with its CCAI commitments. CFBAI independently monitors compliance with the commitments to not engage in child-directed advertising in measured and other covered media. Finally, CCAI participants agree to respond on a timely basis to reasonable requests for information from CFBAI. CCAI program information and the CCAI Core Principles are available on its website.

<sup>41</sup> See <https://candyusa.com/responsible-marketing/>.

## VI. Conclusion

CFBAI and CCAI continue to deliver excellent compliance with the Core Principles and CFBAI's Uniform Nutrition Criteria every year, through the dedication of significant time and resources. Their responsible advertising practices have helped improve the children's food advertising landscape and demonstrate their ongoing commitment to helping address childhood obesity. CFBAI has evolved by improving its nutrition criteria in response to changes in the regulatory landscape such as new Dietary Guidelines for Americans and revised food labeling regulations.

Children's media use habits are rapidly evolving as they spend more time in the digital environment. Reflecting the dynamic U.S. advertising and media environment, the program has updated its Core Principles multiple times, most recently adopting strengthened Core Principles in 2020 that tightened the definition of advertising primarily directed to children under age 12 and formally covered open-access platforms with child-directed content such as YouTube and the use of influencers. Media reports indicate that the 2020 pandemic has accelerated children's migration to digital media from TV, which historically has been their preferred media. CFBAI will continue to monitor child-directed media and work with its participants to ensure compliance with the program's Core Principles in children's media.

# Looking Ahead

Since the program launched in 2007, CFBAI and its participants have demonstrated their commitment to playing a part in society's efforts to address childhood obesity through strict nutrition criteria, media standards and accountability through strong oversight by the program administrator. To continue to deliver positive program improvements, CFBAI also will review its Uniform Nutrition Criteria in light of the most recent Dietary Guidelines for Americans. CFBAI and its participants also remain committed to delivering strong compliance with the Core Principles.

# Appendix A

## CFBAI Core Principles, 5th Ed.

# I. Introduction

**CFBAI is a voluntary self-regulation program created to improve the children's food and beverage advertising landscape. Food and beverage companies and quick-serve restaurants that participate in CFBAI have agreed to the CFBAI Core Principles to help address the challenge of childhood obesity.**

**Background.** The original “Core Principles Statement” (“Core Principles” or “Core Commitments”) was issued in November 2006 when the Council of Better Business Bureaus (CBBB)<sup>1</sup> 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 to include healthier dietary choices. Under the Core Principles, participants commit that, in advertising primarily directed to children under age 12 (“child-directed advertising”), they will either not advertise any foods or beverages to children in this age group or will advertise only foods that meet CFBAI's Category-Specific Uniform Nutrition Criteria.

CFBAI previously updated the Core Principles several times:

- ◆ Expanded the media scope to include new and emerging digital and mobile media in 2009 (2nd Edition, November 2009);
- ◆ Harmonized the audience definition threshold for child-directed advertising in measured media at a minimum 35% threshold (3rd Edition, September 2010);<sup>2</sup>
- ◆ Added compliance monitoring of participants' policies not to engage in advertising primarily directed to children under age 6 (3rd Edition, September 2010);
- ◆ Agreed in 2011 to adopt the CFBAI Category-Specific Uniform Nutrition Criteria as the foundation for food advertising to children, implemented by December 31, 2013 (4th Edition, January 2014).

**CFBAI Core Commitments, 5th ed.** This edition of the Core Principles reflects several revisions, including: (i) the adoption of the Category-Specific Uniform Nutrition Criteria, 2nd edition, in September 2018, implemented January 1, 2020; (ii) the adoption of a stricter minimum threshold for the definition of child-directed advertising in measured media, effective January 1, 2021; and (iii) updates to the “Covered Media” provisions, including modernizing the Digital Media section to reflect significant changes in children's media consumption habits and the media landscape.

1. CBBB restructured into three separate nonprofit organizations in 2019. CFBAI is part of one of these organizations, BBB National Programs. CFBAI's program functions remain the same.

2. At that time, 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.

In 2006, children's screen time consisted overwhelmingly of time spent watching TV, for which reliable age demographic data served as a useful tool for measuring audience demographics and defining child-directed advertising. At that time, children's digital content consisted mainly of child-directed websites. When CFBAI updated its media coverage in 2010 by adding apps and mobile media, video-viewing platforms were not prevalent. Now, although children continue to watch TV, they spend increasing amounts of time online in a still-evolving digital media environment that requires different approaches and tools to achieve and assess compliance with CFBAI commitments. Accordingly, to more accurately and realistically reflect digital advertising practices and achieve greater transparency regarding compliance with CFBAI's Core Principles, we have updated the Digital Media section.<sup>3</sup>

The changes reflected in the Core Principles go into effect no later than January 1, 2021.

Part II of this Statement sets out the Core Principles, 5th Edition. All participants agree to make individual company-specific 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

**Participation in CFBAI is entirely voluntary. Companies that participate in this program publicly commit to advertising policies that will further the goal of promoting balanced dietary choices to children under age 12. These commitments will be set forth in an individual "pledge" of each participant. All commitments will be consistent with the following Core Principles.**

### A. Advertising Primarily Directed to Children Under Age 12

Participants commit:

- ◆ That all advertising primarily directed to children under age 12 in covered media will be for foods that meet [CFBAI's Category-Specific Uniform Nutrition Criteria, 2nd ed.](#)<sup>4</sup> or
- ◆ That they will not engage in child-directed advertising in covered media or through other media addressed herein.

3. This edition also makes non-substantive organizational changes to the Core Commitments.

4. CFBAI's Category-Specific Uniform Nutrition Criteria, 2nd ed. were effective January 1, 2020. CFBAI's basis for the criteria are explained in the 2018 White Paper, available on CFBAI's website at <https://bbbprograms.org/programs/CFBAI/>. With CFBAI's consent, a participant may use company-specific criteria if such criteria are at least as strong as CFBAI's criteria. A participant also may use a bifurcated approach of using its own criteria, or portions thereof, when these are stronger than CFBAI's criteria. In no event will a participant be able to qualify a product for child-directed advertising that does not meet and/or exceed CFBAI's criteria.

## B. Covered Media

The advertising commitment applies to advertising primarily directed to children under age 12 in the following media (“covered media”):

- ◆ Television
- ◆ Radio
- ◆ Print
- ◆ Internet/Digital media, including but not necessarily limited to:
  - Company-owned websites
  - Third-party websites, including display, banner, pop-up, audio or video advertising
  - Mobile apps or mobile media, including advertising on phones, laptops, tablets, other personal digital devices, in whatever form, including email, text, IM or SMS messaging
- ◆ Platforms (e.g., YouTube) that may have content or channels that are primarily directed to children under age 12<sup>5</sup>
- ◆ Video and computer games that are primarily directed to children under age 12
- ◆ DVDs of movies that are rated “G” whose content that is primarily directed to children under age 12, and other DVDs whose content is primarily directed to children under age 12
- ◆ Word of mouth.<sup>6</sup>

## C. Product Placements

Participants will commit to not paying for or actively seeking to place their foods or beverages into third-party program or editorial content of any medium primarily directed to children under age 12 to promote the sale of those products.<sup>7</sup>

## D. Product Integrations

Participants will commit that the paid for or actively sought integration of their foods or beverages in any medium primarily directed to children under age 12, including in interactive

5. CFBAI refers to YouTube explicitly because it is the leading example of an open-access platform with content directed to children. CFBAI views media platforms that restrict access by children under age 13 differently. A platform's use of valid age verification to restrict access creates a presumption that an advertiser on such platforms is not intending to primarily direct its advertising to children under age 12.

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 discuss the company's branded foods or beverages.

7. As covered in these Core Principles, the term “product placement” contemplates the insertion of a product into entertainment/editorial programming in an incidental, prop-like manner. Although the product is visible, it is not incorporated into the script, story line, dialogue, or action of the scene in an integral way. The incidental nature of the product's incorporation in the entertainment content distinguishes product “placement” from product “integration.”

games or other digital content, will promote only foods or beverages that meet CFBAI's Uniform Nutrition Criteria.

#### E. Influencers

Participants will commit to use influencers to promote foods and beverages in communications primarily directed to children under 12 only if the foods or beverages meet CFBAI's Uniform Nutrition Criteria.<sup>8</sup>

#### F. 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 set forth in Sections II.A – II.E.<sup>9</sup>

#### G. Advertising in Elementary Schools<sup>10</sup>

Participants commit to not advertising branded foods or beverages to children in elementary schools, pre-K through 6th grade. This includes but is not limited to advertising on or through the following items:

- ◆ Posters
- ◆ Scoreboards
- ◆ School buses
- ◆ Pencils, book covers, and other school supplies offered for sale in school
- ◆ Textbooks
- ◆ Tray liners, cups, napkins, plates
- ◆ Coolers
- ◆ Food samples and taste tests<sup>11</sup>

#### Digital and online media.

In the complex and rapidly evolving digital environment, advertising is delivered to users through various channels using different methods to place an ad in front of a user. Advertisers use a variety of tools and approaches to direct their ads to the intended audience.

8. Under the FTC Act and as set out in the FTC's Endorsement Guide and related FTC influencer guidance documents, endorsements, including influencer endorsements, must disclose material connections between the endorser/influencer and the brand. In addition, the CARU Guidelines and CARU cases recognize that children may have difficulty distinguishing between advertising and online content and therefore also require that ads be identifiable as advertising. CFBAI participants that work with influencers on child-directed influencer communications should request that influencers clearly and prominently disclose that the communication is advertising. However, compliance with this section of CFBAI's Core Principles will be assessed solely on whether the foods or beverages meet CFBAI's Uniform Nutrition Criteria. Note: As explained in CARU's Guidelines, content generated by a user who has no material connection to the product, service, character, or brand mentioned or depicted in the content is not advertising. However, as in the Guidelines, if a participant uses or incorporates such content in advertising primarily directed to children, then the use or incorporation of such content is covered by CFBAI's Core Principles.

9. This commitment 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.

10. CFBAI will publish additional information and guidance regarding the Elementary School Commitment and the Core Principles generally on the CFBAI website, [www.bbbprograms.org/programs/cfbai](http://www.bbbprograms.org/programs/cfbai).

11. This commitment is not intended to interfere with the ability of schools to conduct food or beverage taste tests to assess what foods or beverages to offer for sale at school.



This commitment does not apply to displays of foods and beverages that identify foods that are for sale; fundraising support; public service messaging; curriculum materials; items given to school administrators for their personal use; charitable donations, or sponsorships.

## H. 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" ("child-directed advertising"). Compliance determinations will be made in accordance with these standards as set forth in the company's pledge. Below we summarize the approaches that participants are required to use and other approaches that they may use to define such advertising and to demonstrate compliance with the Core Commitments.

**Measured media, such as TV, radio, print and some digital.** "Advertising primarily directed to children under age 12" will mean advertising for which children ages 2-11 constitute at least 30% of the expected audience (the "audience threshold"). The audience demographics that determine compliance with this audience threshold will be measured in media impressions expected to be received by specific demographic groups at the time the advertising is purchased, based on reliable third-party information (e.g., Nielsen ratings for TV or comScore data for digital media).

Participants typically purchase most television advertising once annually, well in advance of when the advertising will air, on a daypart or timeblock basis. Advertising placed in purchased dayparts or timeblocks will be identified as compliant for purposes of CFBAI pledge commitments based on an analysis of the annualized audience composition data for the block of time purchased.

In some cases, digital advertising called "contextual advertising" may be served based on the content that is adjacent to the ad or in which the ad is placed. Determining whether such content is child-directed depends on the composition of the audience for that content (if known) or, where reliable audience composition data is not available, an assessment of multiple factors related to that content.

Where audience composition is known, such contextual advertising will be deemed primarily directed to children under age 12 if 30% or more of the audience for the site, app, or content in which the ad is placed are children under age 12. Where audience composition data is inadequate to make this determination, contextual advertising will be deemed primarily directed to children under age 12 if the ad is placed in content that appears to be child-directed based on an evaluation of multiple factors related to that content, including whatever age demographics for the site or digital content may be available, an assessment of the overall nature of the content, including but not limited to the subject matter of the site or video, the visual content, the language used, the kind of music or audio content, the difficulty of game play, the influencer or influencers featured in the content, and actions taken to

restrict children's access to the site or content. Platforms or content developers also may provide content identifier tools that indicate whether content is child-directed.<sup>12</sup>

In other cases, advertising called "targeted advertising" may be served based on the characteristics of the user rather than the content the user is viewing. Advertisers or their service providers within the digital advertising ecosystem obtain information about users from multiple sources, including information that users provide directly (e.g., through online registration), information from the device(s) they use, or information about their interests that can be inferred from their online behavior. In combination, age-targeting tools and interest-based or behavioral factors help an advertiser direct an ad to those individuals that fall within a targeted age range, that are in a certain location, or that have particular interests, regardless of the content they are viewing. Advertisers also can use these tools to avoid directing an ad to a particular audience (e.g., to avoid serving an ad to children under age 12).

When engaged in this type of advertising, a participant generally will need to rely on one or more of the following tools to avoid serving ads for foods that do not meet CFBAI's Uniform Nutrition Criteria to children under age 12:

1. Age-targeting (based on cookie data or other age indicia) to audiences other than children under 12;
2. Targeting based on interest-based or behavioral data to audiences other than children under age 12;
3. Blacklisting of specific sites, channels or other content that are directed to children under age 12; and
4. The use of relevant topic, keyword, or content classification or identification systems or filters provided by the platform owner or content developer (e.g., an app developer).

## III. Implementation

Implementation of this edition of the Core Commitments was on or before January 1, 2021.

12. This analysis also applies in determining whether influencer communications and product integrations are child-directed.

## V. Advertising to Children Under Six Years Old

Participants have policies on not engaging in advertising primarily directed to children under six that are reflected in their CFBAI pledges. CFBAI monitors and reports on compliance with these policies.

# Appendix B

## CFBAI Category-Specific Uniform Nutrition Criteria, 2nd ed.

CFBAI Category-Specific Uniform Nutrition Criteria, 2<sup>nd</sup> ed.\*

Product Category	Unit	Nutrients to Limit				Nutrition Components to Encourage	Notes
		Calories	Sat Fat	Sodium	Added Sugars		
1. Juices	LSS (max 8 oz)	—	0 g	≤ 105 mg	No added sugars	≤ 6 oz maximum 100% F/V juice	<ul style="list-style-type: none"> <li>- A serving must contain 100% F/V juice or F/V juice blends OR 100% F/V juice diluted with water only; with or without carbonation</li> <li>- A serving must contain no more than 6 fl oz 100% juice</li> <li>- Sugars limited to those naturally occurring in F/V</li> </ul>
2. Milks	8 fl oz	≤ 150	≤ 2 g	≤ 200 mg	≤ 10 g	1 c dairy <u>and</u> ≥ 10% DV calcium	<ul style="list-style-type: none"> <li>- For LSS &lt; 8 fl oz, NTL &amp; NCTE to be proportionately lower</li> </ul>
3. Yogurts and Yogurt-Type Products	6 oz	≤ 170	≤ 2 g	≤ 140 mg	≤ 18 g	≥ ½ c dairy <u>and</u> ≥ 10% DV calcium	<ul style="list-style-type: none"> <li>- For LSS &lt; 6 oz, NTL &amp; NCTE to be proportionately lower</li> </ul>
4. Cheese and Cheese Products	LSS	≤ 80	≤ 3 g	≤ 240 mg	≤ 2 g	≥ ½ c dairy equivalent <u>and</u> ≥ 10% DV calcium	<ul style="list-style-type: none"> <li>- For LSS &lt; 1 oz, NCTE to be scaled to ≥ ½ c dairy equivalent and ≥ 10% DV calcium</li> </ul>
5. Cereals	LSS	≤ 200	≤ 1.5 g	≤ 290 mg	≤ 12 g	≥ ½ serving of WG <u>or</u> ≥ 10% DV of an under-consumed nutrient	<ul style="list-style-type: none"> <li>- LSS based on increased RACC (40 g)</li> <li>- RTE cereals with 60 g RACC may contain ≤ 220 calories and must meet the NTL criteria (≤ 1.5 g sat fat, 0 g labeled <i>trans</i> fat, ≤ 290 mg sodium and ≤ 12 g added sugars) and qualify based on WG content or contain ≥ 10% DV of an under-consumed nutrient</li> </ul>
6a. Savory Snacks	LSS	≤ 150	≤ 1.5 g	≤ 260 mg	≤ 4 g	≥ ½ serving or first ingredient a F/V/D/M/WG <u>or</u> ≥ 10% of an essential nutrient	<ul style="list-style-type: none"> <li>- If the first ingredient is a nut, the item may contain ≤ 200 calories and ≤ 2.5 g sat fat</li> <li>- If the first ingredient is dairy (milk, yogurt, cheese), the item may contain ≤ 200 calories and ≤ 2 g sat fat</li> </ul>
6b. Sweet Snacks	LSS	≤ 150	≤ 1.5 g	≤ 200 mg	≤ 9 g	≥ ½ serving or first ingredient a F/V/D/M/WG <u>or</u> ≥ 10% DV of an under-consumed nutrient	<ul style="list-style-type: none"> <li>- If the first ingredient is a nut, the item may contain ≤ 200 calories and ≤ 2.5 g sat fat</li> <li>- If the first ingredient is dairy (milk, yogurt, cheese), the item may contain ≤ 200 calories and ≤ 2 g sat fat</li> </ul>
7. Waffles and Pancakes	LSS	≤ 200	≤ 2 g	≤ 360 mg	≤ 10 g	≥ ½ serving WG <u>or</u> ≥ 10% DV of an under-consumed nutrient	
8. Breads	LSS	≤ 150	≤ 1.5 g	≤ 250 mg	≤ 4 g	≥ ½ serving WG <u>or</u> ≥ 10% DV of an under-consumed nutrient	

\*Announced: September 20, 2018. Implementation date: January 1, 2020

Product Category	Unit	Nutrients to Limit				Nutrition Components to Encourage	Notes
		Calories	Sat Fat	Sodium	Added Sugars		
9. Pastas (plain)	LSS (max 8 oz)	≤ 200	0 g	0 mg	No added sugars	≥ ½ serving WG <u>or</u> ≥ 10% DV of an under-consumed nutrient	
10. Fruits and Vegetables	LSS (max 8 oz)	—	No added fats	Very low sodium	No added sugars	≥ ½ serving of F/V	
11. Seeds, Nuts, and Nut Butters and Spreads	1 oz or 2 Tbsp	≤ 220	≤ 3.5 g	≤ 230 mg	≤ 4 g	≥ 1 oz meat equivalent	– For LSS < 1 oz or 2 Tbsp, NTL & NCTE to be scaled proportionately
12. Meat, Fish, and Poultry Products	LSS	≤ 120	≤ 2 g	≤ 280 mg	≤ 2 g	≥ 1 oz meat equivalent	– For LSS ≤ 1 oz, NTL to be proportionately lower
13. Soups and Meal Sauces	LSS	≤ 200	≤ 2 g	≤ 470 mg	≤ 4 g	≥ ½ serving a F/V/D/M/WG <u>or</u> ≥ 10% DV of an under-consumed nutrient	– Tomato-based products allowed to have 7 g added sugars to balance pH
14. Mixed Dishes	LSS	≤ 280	≤ 2.5 g	≤ 515 mg	≤ 7 g	≥ ½ serving or first ingredient a F/V/D/M/WG and ≥ 10% DV of one under-consumed nutrient <u>or</u> ≥ 10% DV of two under-consumed nutrients	– Products include pasta mixes, casseroles, burritos, pizzas, & sandwiches that do not meet FDA/USDA definition for main dishes
15. Main Dishes and Entrées	LSS	≤ 350	≤ 10% kcal	≤ 570 mg	≤ 9 g	≥ 1 serving of F/V/D/M/WG <u>and</u> ≥ 10% DV of one under-consumed nutrient	– Items must meet FDA/USDA definition for main dishes – If the first ingredient is a nut, nut butter, or dairy (milk, yogurt, cheese) product, the item may contain up to 15% kcal sat fat of these ingredients reflecting their higher intrinsic sat fat levels
16. Small Meals	LSS	≤ 450	≤ 10% kcal	≤ 570 mg	≤ 14 g	≥ 1½ servings of F/V/D/M/WG <u>and</u> ≥ 10% DV of one under-consumed nutrient <u>or</u> ≥ 1 serving of F/V/D/M/WG <u>and</u> ≥ 10% DV of two under-consumed nutrients	– Small meals contain multiple items but do not meet FDA/USDA definition for meals – If the first ingredient is a nut, nut butter, or dairy (milk, yogurt, cheese) product, the item may contain up to 15% kcal sat fat of these ingredients reflecting their higher intrinsic sat fat levels
17. Meals (entrée and other items including a beverage)	Meal	≤ 600	≤ 10% kcal	≤ 700 mg	≤ 15 g	≥ 2 servings of F/V/D/M/WG <u>and</u> ≥ 10% DV of one under-consumed nutrient	– Meals must meet FDA/USDA definition for meals

## Definitions and Notes

**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.

**Exemptions:**

- Sugar-free mints, gum and gelatin.
- Beverages, including bottled waters that meet FDA regulations for “low calorie,” “very low sodium,” and contain ≤ 5 g added sugars per LSS (does not include diet sodas).

**Food with NFP dual-labeling:**

1) For products that are packaged and sold as a single serving, contain more than 150% but less than 200% of the RACC, and provide dual columns on the NFP, the NTL and NCTE criteria may be based on the common household measure that most closely approximates the RACC. See, 21 C.F.R. § 101.9 (b)(6).

2) For products that are packaged as an individual unit in a multi-serve pack, weigh 50% or less of the reference amount, and provide dual columns on the NFP (per serving and per individually wrapped unit), the NTL and NCTE criteria may be based on the nutritional information per individually wrapped unit. See, 21 C.F.R. § 101.9 (b)(2)(i)(A) and 21 C.F.R. § 101.9 (b)(10)(ii).

**F/V/D/M/WG:** Any combination of fruits, vegetables, non/low-fat dairy, meat or meat alternate, and/or whole grains. USDA Food Group Serving Equivalents for F/V/D/M are noted in the Table below. To provide a ½ serving of whole-grain (WG), a food must provide ≥ 8 grams of whole grains and meet at least one of the following: 1) First ingredient a whole grain, or 2) ≥ 50% whole grains by weight of product; or 3) 50% whole grains by weight of grains.

**LSS:** Labeled serving size.

**NCTE:** Nutrient components to encourage required under CFBAI’s nutrition criteria are F/V/D/M/WG, under-consumed nutrients, or essential nutrients. Foods that have F/V/D/M/WG as the first ingredient after water also qualify.

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

**RACC:** Reference amount customarily consumed.

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

**Trans fat:** The criteria for *trans* fat is 0 g. For foods in the meat and dairy categories served as individual foods or as part of composite dishes or meals, naturally occurring *trans* fats are excluded.

**Under-consumed nutrients:** The 2015 DGA recognize certain nutrients as “under-consumed” because they are widely consumed in amounts below the Estimated Average Requirement or Adequate Intake levels (2015 DGA, Chapter 2, Page 60). Under-consumed nutrients identified in the 2015 DGA are calcium, choline, fiber, iron, magnesium, potassium, and Vitamins A, C, D and E.

**USDA Food Group Serving Equivalents:** (See Table below). Meat/meat alternate aligns with the USDA Food Group Serving Equivalents that CFBAI currently uses to measure food groups and the USDA meal planning requirements for the federal school lunch and breakfast programs. Meat/meat alternate includes meat, poultry, seafood, eggs, legumes (beans and peas), soy products, and nuts and seeds. One oz-eq is 1 ounce of meat, poultry, or seafood; 1 egg; ¼-cup of cooked beans or tofu; 2 Tbsp peanut butter; or 1 ounce of nuts or seeds.

**Yogurt-type products:** Includes products that contain cultured dairy-based yogurt in liquid form, such as yogurt-based smoothies.

**Whole grains:** Grains and grain products made from the entire grain seed, usually called the kernel, which consists of the bran, germ, and endosperm. If the kernel has been cracked, crushed, or flaked, it must retain the same relative proportions of bran, germ, and endosperm as the original grain in order to be called whole grain. Many, but not all, whole grains are also sources of dietary fiber (2015 DGA, Page 96).

## USDA Food Group Serving Equivalents Table

Food Group Component	1 Serving	One-half Serving
Fruits and vegetables	½ cup	¼ cup
Fruit and vegetable juices	½ cup (4 fl oz)	¼ cup (2 fl oz)
Dried fruit	¼ cup	⅛ cup
Milks	1 cup (8 fl oz)	½ cup (4 fl oz)
Yogurt	8 oz	4 oz
Cheese, natural	1.5 oz	0.75 oz
Cheese, processed	2.0 oz	1.0 oz
Meat/meat alternate	1 oz-eq	½ oz eq
Whole grains	See Definitions and Notes	

# Appendix C

## CFBAI Participants' Child-Directed Advertising Commitments (January 2021)



Appendix C. CFBAI Participants’ Child-directed Advertising Commitments			
Company	Children Under Age 6 Commitment	Children Under Age 12 Commitment	Audience Threshold
Keurig Dr Pepper	No advertising	Qualifying foods only	25%
Mars, Incorporated	No advertising primarily directed to children under age 12		
Nestlé USA	No advertising primarily directed to children under age 12		
American Licorice Company	No advertising primarily directed to children under age 12		30%
Burger King Corporation	No advertising	Qualifying foods only	
Campbell Soup Company	No advertising	Qualifying foods only	
The Coca-Cola Company	No advertising primarily directed to children under age 12		
Conagra Brands, Inc.	No advertising	Qualifying foods only	
Danone North America, PBC	No advertising	Qualifying foods only	
Ferrero USA, Inc.	No advertising primarily directed to children under age 12		
General Mills Inc.	No advertising	Qualifying foods only	
The Hershey Company	No advertising primarily directed to children under age 12		
Kellogg Company	No advertising	Qualifying foods only	
The Kraft Heinz Company	No advertising	Qualifying foods only	
McDonald’s USA	No advertising	Qualifying foods only	
Mondelēz Global, LLC	No advertising primarily directed to children under age 12		
PepsiCo, Inc.	No advertising	Qualifying foods only	
Post Foods, LLC	No advertising	Qualifying foods only	
Unilever United States	No advertising	Qualifying foods only	

# Appendix D

## CCAI Program and Core Principles Statement

# CCAI Program and Core Principles Statement

## The NCA and CFBAI Children's Confection Advertising Initiative: A Voluntary Self-Regulation Program for Confectioners

### Introduction

The Children's Food and Beverage Advertising Initiative (CFBAI), a voluntary advertising self-regulation program of the Council of Better Business Bureaus (BBB), and NCA, a trade association representing the chocolate, candy, gum and mint industry, have established the Children's Confection Advertising Initiative (CCAI) for NCA-member confectionery companies that comprise no more than 5 percent of confectionery market sales and are not already participating in CFBAI.<sup>1</sup> The CCAI is a new, voluntary, opt-in, self-regulatory program designed for NCA-member confectioners that wish to adopt CFBAI's Core Principles but are unable to participate in the program independently. Currently, Hershey, Mars Incorporated, Mondelēz, Nestlé, Ferrero, and American Licorice Company, which represent approximately 60% of confectionery sales in the U.S., participate in CFBAI.<sup>2</sup> The CCAI will bring the benefit of participation in the CFBAI within reach for other NCA members in a program tailored to their unique needs and more limited resources.

A company that voluntarily elects to participate in the CCAI publicly commits to not engage in advertising primarily directed to children under age 12 ("child-directed advertising"), as defined below, and to not advertise to children in elementary schools. This program recognizes that many confectionery companies have fewer administrative resources than those already participating in CFBAI and that disparity can present a barrier to their participation in the full CFBAI. Accordingly, the administrative requirements in the CCAI will be more streamlined than those of CFBAI. First, a CCAI participant will not be required to submit an individual pledge.<sup>3</sup> Instead, its participation will be noted on BBB-CFBAI's webpage for the CCAI program. Second, a CCAI participant will not be required to submit comprehensive annual compliance reports. A CCAI participant will be required, however, to submit an annual statement that it has complied with its CCAI commitments. CFBAI also independently will monitor compliance with the commitments to not engage in child-directed advertising in measured and other covered media. CCAI participants agree to respond on a timely basis to reasonable requests for information from CFBAI.

## CCAI Core Principles

A CCAI participant publicly commits to not engage in child-directed advertising and to not advertise to children in elementary schools, as described below.

### 1. No Child-Directed Advertising

A CCAI participant publicly commits to not engage in child-directed advertising as specified below.

**A. Advertising on Measured Media.** This means advertising on television, radio, print, and Internet (third-party sites) that is primarily directed to children under age 12.

**B. Child-Directed Content in Other Media.** This means advertising that is primarily directed to children on:

- ◆ Company-owned websites or micro-sites primarily directed to children under age 12.
- ◆ 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.

**Mobile Media and Word of Mouth.** This means advertising that is primarily directed to children under age 12 on cell phones, tablets and through word-of-mouth.<sup>4</sup>

**Product Placement.** This means participants will not pay for or actively seek to place their confections 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.

### 2. Advertising to Children in Elementary Schools

A CCAI participant publicly commits to not advertise to students in elementary schools (defined for purposes of the CCAI program as schools from pre-kindergarten through 6th grade). This commitment does not apply to displays of foods, 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.<sup>5</sup>

### 3. Definitions of Child-Directed Advertising

For certain media, such as television, 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. CFBAI and CCAI participants also may consider a company-owned or third-party website child-directed even if less than 35% 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, CFBAI will make determinations based on an analysis of factors that include 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, the CFBAI administrator and a CCAI participant may consider the percentage of children under age 12 viewing incinema 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.

#### **4. Monitoring and Enforcement**

Each CCAI participant will submit an annual compliance statement, signed by a responsible company official, that it did not engage in child-directed advertising in measured and other covered media and did not advertise to children in elementary schools, as specified in the CCAI core principles. CFBAI also will monitor a CCAI participant's compliance with the above commitments in measured and other covered media. Monitoring will include a review of advertising materials, compliance statements and other information. Each CCAI participant agrees to cooperate and respond to reasonable requests for information from the program administrator to assess participant compliance.

Both CFBAI and NCA will post information on their websites to allow the public to submit inquiries or complaints regarding the CCAI. NCA will forward all such inquiries and complaints it receives to CFBAI and CFBAI will endeavor to respond to all complaints.

The program provides, by contract, for the expulsion of a company that does not comply with its CCAI commitments, 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.<sup>6</sup>

#### **5. Public Reports**

The program will publicly issue reports detailing its activities and monitoring on a periodic basis.

#### **6. Periodic Program Reviews**

CFBAI and NCA will conduct periodic reviews to assess the effectiveness of the program and determine whether it should be continued or changed.

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## NOTES

- 1 Participation in CCAI is entirely voluntary and there are no sanctions for companies that choose not to participate. NCA continues to urge all of its members who may choose to advertise to children to abide by the Children's Advertising Review Unit's (CARU) Self Regulatory Program for Children's Advertising, which provides guidelines on how to advertise products responsibly to children (available at <https://bbbnp-bbbp-stf-use1-01.s3.amazonaws.com/docs/default-source/caru/self-regulatory-program-for-childrens-advertising-revised-2014-.pdf>). NCA continues to be a member of CARU's Supporter Council.
- 2 This percentage is based on 2014 data, Euromonitor International.
- 3 NCA and each CCAI participant will enter into a contract with BBB that defines each party's rights and responsibilities.
- 4 The commitment regarding word-of-mouth advertising refers to advertising where a participant provides incentives (financial or otherwise), product samples or other support to individuals or groups who are not employees to promote consumption of confections or to promote discussion of such products and the advertising is primarily directed to children under 12.
- 5 Additional information about how CFBAI interprets the elementary school commitment can be found in CFBAI's Fact Sheet on the Elementary School Principles (2009), available at <http://www.bbb.org/us/storage/0/Shared%20Documents/ESFactSheetFinalWord.pdf>.
- 6 Under the contract with a CCAI participant, BBB will give the participant at least 30 days prior written notice before termination for cause and 60 days prior written notice for termination without cause. (A participant also has the right to terminate its 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.

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# Appendix E

## 2021 CFBAI Cereal Fact Sheet



2021

# Cereal Fact Sheet

Children's Food & Beverage Advertising Initiative

**Ready-to-eat (RTE) cereals on CFBAI's Product List are a nutrient-dense breakfast option that provide nutrients of public health concern like Vitamin D and other key vitamins, minerals, and food groups. As children usually eat cereal with milk, cereal consumption also boosts dairy intake and thus calcium, Vitamin D, and protein consumption.**

This Fact Sheet summarizes the nutritional content of the 40 RTE cereals on CFBAI's August 2021 Product List. Cereal products are the largest single category on CFBAI's Product List and are often advertised to children. These cereals meet the nutrition requirements set in CFBAI's Uniform Nutrition Criteria,<sup>1</sup> provide key nutrients in the diets of children, and contribute to children's dairy intake.

**Whole grains.** Eating grains, especially whole grains, provides health benefits.<sup>2</sup> According to the Dietary Guidelines for Americans, breakfast cereals and bars, including ready-to-eat and cooked varieties, are the top contributor to whole grains intake for children ages 2-18.<sup>3</sup> Seventy-three percent of the cereals on the August 2021 Product List indicate whole grains as the first ingredient on the label and provide at least a half-

serving of whole grains; half provide a full serving. The whole grains content of cereals on CFBAI's Product List has increased steadily and significantly since CFBAI's launch.<sup>4</sup>

**Positive nutrients.** Calcium, potassium, dietary fiber, and Vitamin D are considered nutrients of public health concern in the U.S. because Americans do not consume sufficient amounts of them. Ninety-five percent of the cereals on CFBAI's Product List are a good source of one or more of these nutrients, with 78% providing a good source of Vitamin D.

**Calories.** On average, cereals on the Product List with a 40-gram RACC (Reference Amount Customarily Consumed) have 148 calories per serving. Those with a 60-gram RACC have average 202 calories per serving.<sup>5</sup>



**Saturated fat.** All cereals contain no more than one gram of saturated fat and on average contain 0.2 grams per serving.

**Sodium.** While all of the cereals meet the 290 mg criteria, the majority are 200 mg or less.

**Added sugars.** Cereals on the list contain no more than 12 grams of added sugars. The average amount of added sugars is 11 grams per serving.<sup>6</sup>

## Cereals on CFBAI's Product List contribute to a healthy diet.

**RTE cereals help improve children's overall diet quality, especially their consumption of milk.**

The cereals on CFBAI's Product List are nutrient-

dense breakfast choices,<sup>7</sup> while containing modest amounts of calories, saturated fat, sodium, and sugar. Consuming cereals with milk, as children almost always do, adds significantly to their dairy consumption and its associated positive nutritional contributions. For example, children who consumed RTE cereals had significantly higher total daily dairy intake than those that did not eat RTE cereals (29% higher).<sup>8</sup>

**Research shows children who eat RTE cereals have a lower risk of being overweight.** RTE cereal consumption has been associated with healthier body weights in children (lower rates of obesity) in global and U.S. studies, compared to children who skip breakfast or eat a different breakfast.<sup>9</sup>

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1 CFBAI Category-Specific Uniform Nutrition Criteria, 2nd ed. Due to changes to FDA's labeling regulations implemented in 2020, the weight and volume of the labeled serving size (LSS) for cereals generally increased, resulting in proportionate increases in labeled nutrients, including calories, saturated fat, sodium and added sugars. As a result, the nutrients to limit were adjusted under CFBAI's revised Nutrition Criteria in the cereal category. Other Uniform Nutrition Criteria changes relevant to the category were the requirement that cereals provide at least a ½ serving of whole grain or 10% of an under-consumed nutrient and defining a half-serving of whole grains as providing at least 8 grams of whole grains and at least one of the following: 1) First ingredient a whole grain, or 2) ≥ 50% whole grains by weight of product, or 3) 50% whole grains by weight of grains. Under the 2011 Nutrition Criteria, a half-serving of whole grains was simply 8 grams.

2 See <https://www.myplate.gov/eat-healthy/grains>.

3 U.S. Department of Agriculture and U.S. Department of Health and Human Services. Dietary Guidelines for Americans, 2020-2025. 9th Edition, December 2020 at 76. Available at [DietaryGuidelines.gov](https://www.dietaryguidelines.gov).

4 For example, CFBAI's first Cereal Fact Sheet (2012) indicated that one-third of cereals listed whole grains as the first ingredient.

5 The calorie limit is 200 calories per LSS for 40-gram RACC cereals, and 220 calories per LSS for 60-gram RACC cereals.

6 Breakfast cereals and bars were not among the sources cited in the 2020 DGA as major contributors of added sugars to U.S. diets. 2020 DGA at 42. The DGA indicated that cereals and cereal bars contributed 7% of added sugars intake. 2020 DGA at 43.

7 Fortified cereals such as those on CFBAI's Product List contribute essential nutrients such as Vitamin A, several B vitamins (e.g., thiamin, niacin, and folate), and minerals such as calcium, phosphorous, magnesium, and potassium. Most cereals also provide Vitamin D. Calcium, fiber, potassium, iron, magnesium, choline, Vitamins A, C, D, E, and K are under-consumed among all Americans. 2020 Dietary Guidelines Advisory Committee Report at 68, available at <https://www.dietaryguidelines.gov/2020-advisory-committee-report>. See also Smith J et al., Association between Ready-to-Eat Cereal Consumption and Nutrient Intake, Nutritional Adequacy, and Diet Quality among Infants, Toddlers, and Children in the National Health and Nutrition Examination Survey 2015-2016, available at <https://pubmed.ncbi.nlm.nih.gov/31443588/> (children who were RTE cereal eaters had higher intakes of total carbohydrates, total sugar, fiber, calcium, iron, magnesium, potassium, zinc, Vitamin A, thiamin, riboflavin, niacin, Vitamin B6, folate, Vitamin B12, and Vitamin D).

8 *Id* at 11.

9 AM Albertson et al., The association between ready-to-eat cereal consumption, nutrient intakes of the Canadian population 12 years and older and body weight measures: results from nationally representative Canadian population. *J Food Research* (2013); 2(3):11-21; De la Hunty A., et al., Does regular breakfast cereal consumption help children and adolescents stay slimmer? A systematic review and meta-analysis, *Obesity Facts* (2013); 6:70-85. Williams PG, The benefits of breakfast cereal consumption: a systematic review of the evidence base. *Advances in Nutrition* (2014); 5: 636S-673S; Michels N et al., European adolescent ready-to-eat cereal (RTEC) consumers have a healthier dietary intake and body composition compared with non-RTEC consumers. *Eur J Nutr* (2015); 54: 653-664; Priebe MG, McMonagle JR. Effects of ready-to-eat cereals on key nutritional and health outcomes: a systematic review. *PLOS One* (2016); 11(10): e164931. See also Y Zhu et al., Association between Ready-to-Eat Cereal Consumption and Nutrient Intake, Nutritional Adequacy, and Diet Quality in Adults in the National Health and Nutrition Examination Survey 2015-2016. *Nutrients* (2019);11(12):2952 (significantly higher intake of important nutrients among adult RTE cereal eaters).

## The Children's Food and Beverage Advertising Initiative:

Since 2007, CFBAI has been changing the children's food advertising landscape to include healthier products. CFBAI's participants commit to use CFBAI's science-based Uniform Nutrition Criteria to govern what foods they advertise directly to children under 12 or to not engage in such advertising. CFBAI's 19 participants, representing a substantial majority of child-directed food advertising on TV, are: American Licorice Company; Burger King Corp.; Campbell Soup Company; The Coca-Cola Company; Conagra Brands, Inc.; Danone North America, PBC; Ferrero USA, Inc.; General Mills, Inc.; The Hershey Company; Kellogg Company; Keurig Dr Pepper, Inc., The Kraft Heinz Company; Mars, Incorporated; McDonald's USA, LLC; Mondelez Global, LLC; Nestlé USA; PepsiCo, Inc.; Post Foods, LLC; and Unilever USA. For more information about the CFBAI, visit <https://bbbprograms.org/programs/all-programs/cfbai>.

## The Children's Confection Advertising Initiative:

Since 2016, when BBB National Programs' predecessor organization created CCAI in partnership with the National Confectioners Association, participants have agreed to not advertise their confections to children under age 12. CCAI's eight participants are: Brown & Haley; Ferrara Candy Company; Ghirardelli Chocolate Company; Impact Confections; Jelly Belly Candy Company; Just Born Quality Confections; PIM Brands Inc; and R.M. Palmer Company. For more information about CCAI, visit <https://bbbprograms.org/programs/all-programs/ccai>.

## BBB National Programs:

BBB National Programs is where businesses turn to enhance consumer trust and consumers are heard. The non-profit organization creates a fairer playing field for businesses and a better experience for consumers through the development and delivery of effective third-party accountability and dispute resolution programs. Embracing its role as an independent organization since the restructuring of the Council of Better Business Bureaus in June 2019, BBB National Programs today oversees more than a dozen leading national industry self-regulation programs and continues to evolve its work and grow its impact by providing business guidance and fostering best practices in arenas such as advertising, child-directed marketing, and privacy. To learn more, visit [bbbprograms.org](https://bbbprograms.org).

### BBB National Programs

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