



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

2021 Annual Report

A REPORT ON
COMPLIANCE AND
PROGRESS DURING
2021

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Executive Summary

The Children's Food and Beverage Advertising Initiative (CFBAI) was launched in 2007 to improve the landscape of food advertising to children under age 12 (and, as of 2023, under age 13). Under CFBAI's Core Principles, 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. Participants also commit to not advertise to children in elementary schools. CFBAI's 15th Annual Report provides details on the significant events of 2021 and an evaluation of participants' 2021 compliance, which was excellent. The Report also discusses modifications to CFBAI's Core Principles made in 2022, summarizes the nutrition improvements the participants made in foods on CFBAI's Product List in 2021, and provides the results of an assessment of food and beverage ads on children's TV networks in 2022.

Year in Review

Participation. Twenty U.S. food, beverage and quick-serve restaurants participate in CFBAI. Hostess Brands joined CFBAI in 2022. These companies have voluntarily committed to advertise only foods that meet strict nutrition criteria in advertising directed to children under age 12, or to not advertise to this age group. CFBAI participants account for 70% 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.

Compliance Monitoring. CFBAI provides strong program oversight. To accomplish this, CFBAI monitors its participants' compliance with their individual pledges, including regular assessment of food advertising on children's TV networks, monitoring of samples of child-directed websites and other digital content, and other covered media. CFBAI participants also submit annual self-assessments that document their compliance, foods advertised to children, and report 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. Although quantifying a precise level of compliance is difficult, CFBAI found excellent compliance by CFBAI and CCAI participants in 2021, consistent with annual reports since CFBAI began publishing annual reports in 2008. CFBAI found few occasions when foods that did not meet CFBAI's Uniform Nutrition Criteria were advertised to children in covered media. CFBAI found no egregious or significant problems and observed issues were addressed.

Product List Changes. CFBAI maintains and regularly updates a Product List on its website that identifies foods that meet CFBAI's Nutrition Criteria and that may be advertised by participants to children under age 12. This Annual Report assesses the foods added to the Product List in 2021.

Children's Food Advertising Snapshot. CFBAI conducts annual snapshots of food advertising on children's TV networks. For the 2022 Annual Report, CFBAI reviewed and analyzed food ads that aired between January - July 2022 on eleven children's networks. Participants' ads comprised 70% of the advertising observed on these networks and featured qualifying foods that positively contribute to children's diets.

- ◆ **Foods Most Frequently Advertised by the Participants.** Cereals were the most frequently advertised food. The other advertised categories were Small Meals, Meals, and Waffles and Pancakes. CFBAI found that fewer categories were advertised to children in the 2022 Snapshot over the previous year.
- ◆ **Nutrition Highlights.** All participants' ads featured foods that provide either a food group or a nutrient of public health concern.
- ◆ **Foods Most Frequently Advertised by Non-participants.** Candy was the most frequently advertised food by non-participants, followed by restaurant advertising.

Outreach. CFBAI issues press releases, 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.

Looking Ahead

CFBAI and its participants plan to review the Uniform Nutrition Criteria in 2023 to assess the impact of the 2020-2025 Dietary Guidelines for Americans. CFBAI participants remain committed to their pledges to advertise only foods that meet CFBAI's Uniform Nutrition Criteria or to not advertise to children. CFBAI will also continue to provide transparency regarding the foods featured in participants' child-directed advertising and maintain its positive impact 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.¹ CFBAI was launched in 2007 to encourage food, beverage, and restaurant companies to advertise fewer energy-dense, nutrient-poor foods to children (foods that are high calorie, saturated fat, sodium, or sugar) and more foods 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 that foods advertised to children by participants provide nutrition components to encourage such as whole grains or critical vitamins and minerals and meet limits for calories, sodium, saturated fat, and added sugars.

This Report assesses participants' compliance with their pledges and notes the nutritional contributions of foods added to CFBAI's Product List in 2021.² Table 1 lists the CFBAI participants assessed in this Report.³ 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 <http://https://nap.nationalacademies.org/catalog/11514/food-marketing-to-children-and-youth-threat-or-opportunity>.

2 Progress made in other years is documented in prior annual reports for CFBAI and CCAI, and other program materials, available on the CFBAI webpage of the BBB National Programs website at <http://bbbprograms.org/programs/cfbai/> and at <http://bbbprograms.org/programs/ccai/>.

3 Hostess Brands joined CFBAI in 2022 and its compliance will be assessed in the 2022 Annual Report.

Table 1. CFBAI Participant Compliance Assessment List for 2021

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 Participant Compliance Assessment List for 2021

Brown & Haley	Impact Confections	PIM Brands, Inc. ⁴
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 recent program developments and its impact on child-directed food advertising;
- ◆ Part III describes CFBAI’s Category-Specific Uniform Nutrition Criteria, the nutrition developments of foods on CFBAI’s Product List during 2021, and the results of CFBAI’s 2022 Snapshot of Foods Advertised on Children’s TV;
- ◆ 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.

⁴ 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 their child-directed advertising and engaging in a formal self-regulation program to oversee their commitments. BBB National Programs’ predecessor organization, the Council of Better Business Bureaus, and ten leading food and beverage and quick-serve restaurants launched CFBAI in 2007. The program now has twenty participating companies. CFBAI complements the work of another BBB National Programs initiative, the Children’s Advertising Review Unit (CARU). The CARU Advertising 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.⁵ CFBAI applies only to food companies that *opt-in* to join CFBAI and agree to adhere to its Core Principles⁶ and its Uniform Nutrition Criteria (“UNC”).⁷ Both programs monitor children’s media, enforce the standards of the respective programs, and can refer non-complying advertisers to the Federal Trade Commission (FTC).

CFBAI participants agree to advertise only foods or beverages that meet CFBAI’s UNC or to not advertise foods at all in child-directed advertising across a wide variety of media. CFBAI’s covered media includes TV, digital, mobile apps, print, radio, interactive games, licensed characters in advertising, product placement, influencer communications, and word-of-mouth. 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 participants submit self-assessments annually. CFBAI’s monitoring and the participants’ assessments reveal a strong commitment to compliance. The inadvertent and infrequent problems detected are quickly remedied.

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

⁵ CARU’s Privacy Guidelines address how to protect children’s privacy in online environments.

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

⁷ CFBAI’s Category-Specific Uniform Nutrition Criteria, 2nd ed. is included as Appendix B.

Website. CFBAI’s website provides access to its Core Principles, its UNC, the periodically updated Product List (a list of foods that meet CFBAI’s Nutrition Criteria and that participants may choose to advertise to children), statements and press releases regarding the program and issues related to food marketing to children, and occasional fact sheets that highlight program features or foods advertised to children. In 2022, CFBAI added a “Frequently Asked Questions” section to provide information on common queries about CFBAI and CCAI.

Speaking engagements, presentations, and public comments. CFBAI presents at conferences and meetings on children’s advertising, food advertising, nutrition, or childhood obesity. CFBAI occasionally participates in the public proceedings of domestic and international governmental bodies or NGOs on matters relevant to CFBAI’s program and expertise.

B. Recent CFBAI Developments

In January 2021, CFBAI implemented revised Core Principles that expanded to 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 and digital 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 framework that addresses influencer marketing.⁸

In May 2022, CFBAI again revised its Core Principles to address “advertising primarily directed to children under age 13.” Previous editions of the Core Principles covered advertising primarily directed to children under age 12. The change aligned with the updated CARU Advertising Guidelines, which CARU revised to apply to advertising to children under age 13 as of January 2022. Under CFBAI’s Core Principles, 6th Edition, for measured media like television for which there is reliable audience demographic data to measure the age of audience members, “advertising primarily directed to children” means advertising in media in which 30% or more of the audience is children under age 13.⁹ Keurig Dr Pepper, Mars, and Nestlé apply a 25% audience threshold. CFBAI’s Core Principles, 6th edition, take effect January 1, 2023.

8 See Section II.E, “[u]nder 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.” 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.

9 Because audience measurement data for children is more readily available in the U.S. for children under age 12, CFBAI participants may apply a 27% audience threshold for children under 12 as an approximation (proxy) for a 30% audience threshold for children under age 13.

C. CFBAI's Impact on Child-Directed Food Advertising

For measured media like TV, CFBAI's Core Principles define advertising primarily directed to children as advertising where children are at least 30% of the audience, a definition that covers most programming on children's TV networks.¹⁰ CFBAI's analyses, as well as those of others, have found that the participants' commitments cover a substantial proportion of all child-directed food ads on leading children's television networks. CFBAI's commitments also apply to child-directed advertising in the digital environment. Because reliable audience composition data may not always be available for online content, CFBAI assesses whether an ad is primarily directed to children based on an evaluation of multiple factors, including age demographics for the site or digital content, an assessment of the overall nature of the content (e.g., the subject matter of the site or video, the visual content, the language used, the kind of music or audio content, and the age of influencer or influencers in the content), and actions to restrict children's access to the site or content. Participants also may rely on content identifier tools of platforms or content developers that indicate whether content is primarily child-directed. Advertisers also can use age-targeting tools, interest-based or behavior facts, and "do not serve" or "acceptable" lists to avoid serving an ad to children under age 13.

CFBAI's standards apply to advertising primarily directed to children, 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 audiences other than children and in media or content where children typically represent a small percentage of the audience, for example advertising on primetime shows or sporting events. CFBAI focuses on the children's advertising landscape to ensure that foods advertised by participants in that space meet CFBAI's strict nutrition standards.

¹⁰ For example, the FTC's 2012 Food Marketing 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 participants use CFBAI’s Uniform Nutrition Criteria, 2nd ed. to determine foods that may be included in advertising primarily directed to children on covered media.¹¹ The UNC set meaningful standards for foods advertised to children that limit the amount of calories, saturated fat, sodium, and added sugars and that set minimum requirements for positive nutritional contributions like dairy, whole grains, calcium, and Vitamin D. The most recent UNC reflect incremental improvements that built on the transparency and strength of the previous UNC.¹²

The remainder of this section summarizes the foods added to CFBAI’s Product List in 2021 and the results of CFBAI’s 2022 Snapshot of Foods Advertised on Children’s TV (“2022 Snapshot”).

B. 2021 Highlights: CFBAI’s Product List Nutrition Developments

CFBAI’s Product List, typically published two times a year, identifies foods that participants have indicated may be the subject of child-directed advertising. A participant may choose not to advertise a food or foods during the year, however, and thus not all foods on the Product List necessarily appear in child-directed advertising during a given timeframe. This section discusses foods that were added to the Product List in 2021 by category. Advertised foods are discussed in the next section.

Milks. Danone North America, PBC added two varieties of Horizon Organic milks, one low-fat and the other fat-free, each providing zero grams of added sugars, one serving of dairy, good sources of Vitamins A and D, and excellent sources of calcium.

Yogurts. Danone added two yogurt products to CFBAI’s Product List in 2021 (one yogurt and one smoothie dairy drink). Both are non-fat, provide one-half to one-third serving of dairy, and are a good or excellent source of calcium and Vitamin D.

¹¹ CFBAI’s UNC were implemented January 1, 2020, coinciding with the implementation date for FDA’s Nutrition Facts and Supplement Facts Label and Serving Size final rules.

¹² These improvements impacted every category, including: the use of added sugars rather than total sugars, aligning with FDA’s updated Nutrition Facts Panel (NFP); 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 grain content contribute a meaningful amount of whole grain; a requirement of more food groups in the Main Dish and Meal categories, which typically make significant contributions to children’s diets; more rigorous nutrient-based qualifiers that are limited to “under-consumed” nutrients; and use of more transparent and descriptive food categories. CFBAI’s 2018 White Paper provides the full rationale for the Revised Criteria and is available on CFBAI’s website.

Cereals. Whole grains were the first ingredient on the label for most cereals on the 2021 Product List. Additionally, almost all cereals 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.

General Mills added several cereals to the Product List in 2021, including products that were featured in short-term promotions. Each cereal listed a whole grain as the first ingredient, provided one-half to one serving of whole grains, and was a good source of calcium and Vitamin D. Kellogg added four cereals to CFBAI's Product List all of which were a good source of calcium and Vitamin D. Two of the cereals provided one and a half or more servings of whole grains, were an excellent source of fiber and listed a whole grain as the first ingredient.

Snacks. Kellogg added a Pop-Tarts® Crisps SKU and Scooby Doo! Graham Cracker Sticks Honey. Both listed a whole grain as the first ingredient.

Waffles and Pancakes. Kellogg added three Eggo products to the List in 2021, two of which were waffles and bite-sized pancakes. These products are an excellent source of calcium.

C. 2022 Snapshot of Foods Advertised on Children's TV

Background. CFBAI has conducted annual snapshots of food and beverage TV ads since its 2009 Annual Report.¹³ CFBAI's 2022 Snapshot assessed advertising airings from January to July 2022, on multiple children's networks including Boomerang, Cartoon Network, Discovery Family, Disney Channel, Disney Jr., Disney XD, Nick, Nick Jr., Nicktoons, TeenNick, and Universal Kids.¹⁴

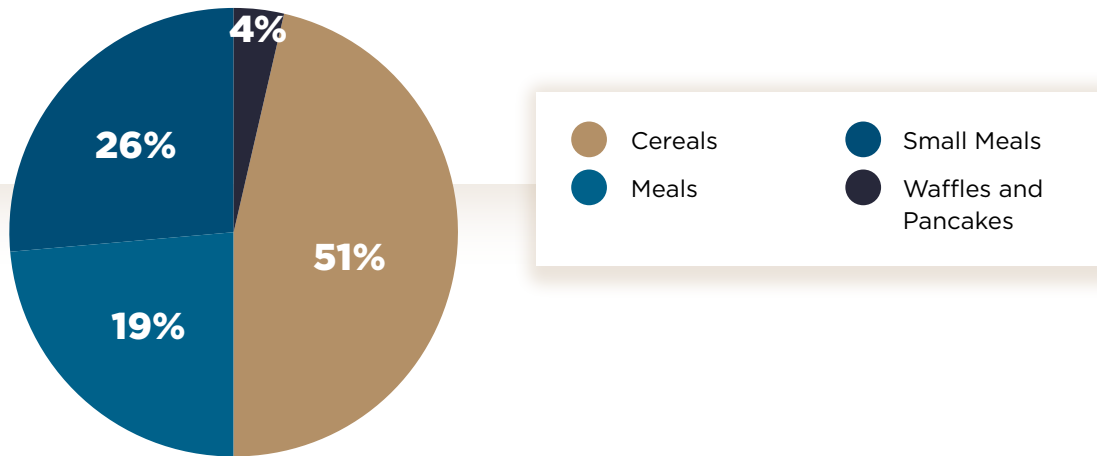
Overall Snapshot Results. Comparable to previous Snapshot results, participants' ads accounted for the majority (71%) of food ads. Five CFBAI participants were represented in the Snapshot. The 18 non-participant advertisers accounted for 29% of all airings.

Frequently Advertised Foods - CFBAI Participants. CFBAI found that participants advertised foods from fewer food categories in 2022 than in 2021. The Cereal category continued to be the most frequently advertised category by participants, followed by the Small Meals, Meals, and Waffles and Pancakes categories. In 2021, CFBAI found participant ads from nine food categories. Figure 1 describes the percentage that each of these categories contributed to the overall amount of participant ads in 2022. Figure 1 does not reflect the small number of participant ads for other categories, which accounted for about 0.2% of all participant ads.

¹³ 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. Although CFBAI does not have access to all food categories, CFBAI can generate reports related to food ads in the categories that typically have been advertised to children under age 12 on children's programming by participants and other companies.

¹⁴ The 2022 Snapshot results reflect ads which aired from 6 AM - 9 PM.

Figure 1. 2022 TV Snapshot: Frequently Advertised CFBAI Participant Food Categories by Percentage of all Participant Ads



Calorie Highlights. Calorie contributions of foods advertised by participants were again modest in 2022: Cereals (170 calories), Waffles and Pancakes (180 calories), Small Meals (350 calories), and Meals (395 calories).

Nutrition Components to Encourage Highlights. All participants' food ads were for foods that provided either a food group or a nutrient of public health concern. Cereals provided whole grains (a food group) or a nutrient of public health concern such as Vitamin D, as well as iron and essential nutrients such as thiamin, niacin, folic acid, phosphorous, potassium, calcium, and/or magnesium. Small Meals provided one and a half food groups and were good sources of one or two under-consumed nutrients. Meals provided two food groups and an under-consumed nutrient. Waffles provided a good source of calcium.

Frequently Advertised Foods - Non-Participants. Candy was the most advertised food by non-participants in the Snapshot (46% of non-participant ads). Restaurant advertising was the second-most advertised category by non-participants (32% of non-participant advertising). Less than 1% of non-participants' restaurant ads were for a children's meal. Candy and many restaurant ads featured foods that generally did not appear to meet CFBAI's UNC limits on saturated fat, sodium, and/or added sugars limits and, in some cases, did not meet CFBAI's positive nutrition requirements.

Non-participants' ads also featured foods from the Breads, Cheeses, Exempt Foods, Fruits, Juices, Meat/meat alternatives, Milks (including plant-based beverages), and Sweet Snacks categories, although ads for these foods represented a much smaller percentage of non-participants' ads than the candy and restaurant categories.

Reduction in Ads. Comparing the 2022 Snapshot and the 2021 Snapshot data for the same seven months, CFBAI found a 19% reduction in the overall number of ads (i.e., participants' and non-participants' ads), primarily driven by reductions in ad airings for the categories of Juices, Milks, Mixed Dishes, Savory Snacks, Exempt Beverages, and Candy.

IV. Pledge Compliance Evaluation

CFBAI found that CFBAI and CCAI participants delivered excellent compliance with their pledges in 2021, 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 investigated them, addressed the problems or concerns, and, when necessary, established or revised procedures to prevent the issue from reoccurring.

This evaluation consists of two components. First, CFBAI monitors advertising in covered media to determine whether CFBAI and CCAI participants have complied with their CFBAI pledges (i.e., that they have advertised only foods that meet CFBAI’s Nutrition Criteria (“qualifying foods”) in child-directed advertising¹⁵ or have not engaged in child-directed advertising). Second, participants submit information regarding how they met their CFBAI pledge commitments.¹⁶ If complaints are received, CFBAI will investigate them. CFBAI rarely receives complaints regarding participants’ compliance with their pledges and received none in 2021.

CFBAI’s finding of excellent compliance in 2021 is consistent with its assessments in past years and with the findings reported by others that study food marketing to children.¹⁷ 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 and executing child-directed advertising and media buys.¹⁸

15 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.

16 Mondelez did not submit a self-assessment at the time of the production of the Annual Report. Its compliance assessment therefore is based on CFBAI monitoring.

17 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 https://uconnruddcenter.org/wp-content/uploads/sites/2909/2020/09/FACTS-2017_Final.pdf; at 2 (“Examination of compliance with industry self-regulation revealed complete conformity with company pledges.”).

18 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

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 2021 meant advertising for which children ages 2-11 constituted at least 30% of the expected audience (“audience threshold”) at the time of the media buy. Four companies used a 25% threshold. CFBAI independently monitors advertising on various platforms.

2. Key Compliance Findings

Compliance was excellent. 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.¹⁹ Most CFBAI participants that engaged in child-directed advertising aired ads on one or more children’s cable TV networks in 2021.

CFBAI’s monitoring and participants’ self-reporting found a few instances of advertising for non-qualifying products on children’s TV. CFBAI found that not all ads for Kraft Heinz Lunchables with 100% Juice and its Macaroni & Cheese Shapes sufficiently identified the qualifying product. The company is taking steps to appropriately identify the qualifying SKU in future advertising. Unilever reported that a small number of ads for three of the company’s ice cream products ran on several children’s networks in the third quarter of 2021. The company added procedures to prevent ad misallocation by networks to prevent ads for these brands from airing 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.

¹⁹ 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 time viewing programming on traditional children’s cable television networks, they increasingly spend time with digital content.²⁰ The digital environment is evolving rapidly, as new platforms emerge and new content becomes available. 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 in the digital environment. These tools include age targeting tools that allow them to target only those in specific age groups that are above age 12 (e.g., adults 18-35), or interest-based assessments (e.g., vegetarians, night life lovers). Some platforms provide content identifiers or labels (e.g., home and garden, autos and vehicles), and third parties also may categorize content ratings. Participants also may create company-specific “do not serve” lists of content in which ads should not be served.²¹

Online videos are a popular source of entertainment for children and others, particularly on YouTube, and CFBAI’s Core Principles address advertising on child-directed videos and child-directed influencer communications. Google’s YouTube advertising policies now require YouTube content creators (i.e., YouTube channel owners) to identify when content that they upload is intended for children under age 13, which Google refers to as “Made for Kids” (“MFK”) content.²² Google restricts data collection on MFK content, does not serve personalized ads on this content, and does not serve paid food and beverage advertising on MFK content.²³ The TikTok for Younger Users “experience” for Younger Users, designed for users under age 13 that reside in the U.S., does not serve advertising and limits the experience of children’s experiences in other ways, including presenting content only from a curated library of age-appropriate videos, not permitting sharing of personal information, and limiting users’ ability to interact.

In 2021, CFBAI monitored child-directed third-party websites and YouTube channels. There was very good compliance with the Core Principles, although in a few instances ads for non-qualifying foods or foods that were not on CFBAI’s Product List appeared in child-directed content, as described below. Other than these occasions, CFBAI did not observe instances of advertising of non-qualifying foods to children in digital media.

In a review of brand websites, CFBAI found branded coloring pages on a few CFBAI and CCAI confection companies’ websites. The companies were notified and took steps to remove

20 According to a 2022 Commonsense Media survey, total entertainment screen use among 8- to 12-year-olds reported five and a half hours of screen media per day (5:33) in 2021, up from 4:44 in 2018. The Common Sense Census: Media Use by Tweens and Teens, 2021 (2022) at 3. This was a faster increase between 2019 and 2021 than between 2015 and 2019. Id. Tweens reported watching television and online videos every day at the same rate (65% vs. 64%), although 61% of 8-12-year-olds reported enjoying online videos “a lot” vs. 48% enjoying television “a lot.” Id. at 4. It is widely reported that the pandemic – and its resulting closures of schools, sports, most extracurricular activities and other in-person social activities – were the cause of children’s increased use of digital media. See, e.g., *Kids’ Screen Time Up 50% During Pandemic*, Axios January 17, 2021, available at <https://www.axios.com/kids-screen-time-pandemic-112650a6-743c-4c15-b84a-7d86103262bb.html>.

21 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.

22 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. <https://support.google.com/adspolicy/answer/9683742#>. See 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

23 See <https://support.google.com/adspolicy/answer/9683742#>.

them. As of 2021, Unilever revised its CFBAI pledge to reflect a commitment to not engage in advertising primarily directed to children. As it operationalized this commitment, the Popsicle website for a short time included a product promotion feature as the company completed the site redesign. After CFBAI noted that Kraft Heinz’s Kids’ Lunchables with 100% Juice website did not include the full qualifying product name, the company modified the website.

In late 2021, Kraft Heinz promoted two Lunchables with 100% Juice SKUs in a Roblox Lunchables game. One SKU was a product that the company planned to add to the Product List. The products and game also were promoted through influencer videos on YouTube, some of which did not sufficiently identify the product as Lunchables with 100% Juice. However, unanticipated supply chain issues delayed the introduction of one of the SKUs and its placement on the Product List. The company deactivated the game when it became aware of these issues and will take greater care in the future to identify the product as Lunchables with 100% Juice. Kraft Heinz added the additional Lunchables with 100% Juice product to the Product List in 2022.

SVOD. CFBAI commitments cover advertising on child-directed streaming video content, although many of the most popular SVOD services are subscription-based and ad-free. For ad-supported 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. Some ad-supported streaming networks have child-directed programming and typically sell advertising on this content separate from advertising on other content. Participants instruct their media agencies and ad-buying partners to advertise only qualifying foods and to avoid child-directed programming for non-qualifying foods on these services.

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. No participants reported using print publications to advertise to children under age 12 for a qualifying food.

Product placement. There were no compliance issues observed and no participant reported any issues.²⁴

Word-of-mouth (WOM) advertising and influencer communications. CFBAI’s Core Principles cover WOM advertising and advertising through child-directed influencer communications on open-access platforms that include child-directed content such as YouTube. CFBAI did not observe any WOM advertising, and none was reported by the participants. As noted above in the discussion of digital advertising, Kraft Heinz promoted its Roblox Lunchables with 100% Juice game through YouTube influencer

²⁴ 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.

videos. CFBAI did not observe, and other participants did not report, other covered influencer promotions in 2021.

Advertising to children under age six. As of 2021, all participants have a policy to not engage in advertising primarily directed to this age group, defined as advertising in which 30% or more of the audience is children under age 6. 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. CFBAI did not observe advertising on programming that exceeded the threshold. 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) and ads appearing on such shows therefore do not violate participants' commitments.²⁵

3. Public Inquiries Relating to Compliance

CFBAI commits to review public inquiries relating to compliance with the Core Principles. CFBAI did not receive complaints relating to participants' compliance with their pledges in 2021.

4. Other Findings Related to TV and Digital 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 13 means advertising for which children ages 2-12 constitute 30% or more of the expected audience at the time of the media buy. CFBAI assesses compliance based on the historical or predicted age demographics of a program or daypart at the time ads are purchased, a standard way for advertisers to make their media-buying decisions. The minimum threshold as of January 2021 was tightened to 30% from 35%. The participants' applicable audience thresholds as of January 2023 are set out in Appendix C.

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 the time of airing are not pledge violations. Those ads are not violations if they occur because of differences between the predicted program audience

²⁵ 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 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/jrnldb/Abstract/publishahead/Advertising_in_Young_Children_s_Apps___A_Content.99257.aspx.

at the time the media was purchased and the actual audience when the ad aired.²⁶ 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 to avoid even these few occasions.

Digital advertising issues. When there are instances of ads for non-qualifying foods found on child-directed websites or other digital content, sometimes it is because participants’ insertion orders are not properly implemented. For example, do-not-serve lists or ad serving orders may not be executed fully on a platform. Some platforms have policies that restrict food and beverage advertising to children including, as noted above, on content identified as Made for Kids on YouTube, on the YouTube Kids App, and on TikTok for Younger Users.

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 distributing 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.

B. 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,²⁷ including through posters, pencils, book covers, or tray liners that advertise specific or product-branded foods or beverages. Companies reported few in-school activities in 2021, and those that were reported were limited to activities that are exempt from the commitment.²⁸

26 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 that 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.

27 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.

28 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.

USDA’s final School Wellness Policy rule²⁹ and guidance³⁰ 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.

²⁹ See *Local School Wellness Policy Implementation under the Healthy, Hunger-Free Kids Act of 2010* (2016), 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>.

³⁰ USDA, Food and Nutrition Service, *Local School Wellness Policy: Guidance and Q&As* (April 6, 2017), available at www.fns-rod.azureedge.net/sites/default/files/cn/SP24-2017os.pdf

V. About CCAI

A. Background

CCAI is a BBB National Programs' advertising self-regulation program created in 2016 for smaller confection companies to take part in self-regulation efforts to respond to concerns about advertising in light of childhood obesity.³¹ Modeled on CFBAI and established in partnership with the National Confectioners Association, CCAI participants commit to CFBAI's oversight of their commitment to not advertise candy to children under age 12 and to not advertise in elementary schools. BBB National Programs provides the important elements of public commitment, transparency, and accountability.

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 remove 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 the larger confection companies that participate in CFBAI, which 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 do not submit annual self-assessments. 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. Third, CCAI participants also agree to respond on a timely basis to reasonable requests for information from CFBAI. CFBAI independently monitors compliance with the commitments to not engage in child-directed advertising in measured and other covered media.

³¹ The CCAI Core Principles are available on the CCAI website.

VI. Conclusion

CFBAI and CCAI participants continue to deliver excellent compliance with the Core Principles and CFBAI's UNC, 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 also has evolved by improving its Uniform Nutrition Criteria in response to changes in the Dietary Guidelines for Americans and changes in the regulatory landscape such as revised food labeling regulations.

Children's media use habits and the digital environment continue to evolve. Reflecting the dynamic U.S. advertising and media environment, the program has updated its Core Principles multiple times, including expanding its age coverage to children under age 13 in 2022, implementing strengthened Core Principles in 2021 that tightened the audience threshold definition, and formally covering open-access platforms with child-directed content such as YouTube and the use of influencers. CFBAI will continue to monitor child-directed media and work with its participants to ensure compliance with the program's Core Principles.

Looking Ahead

CFBAI and its participants have demonstrated their commitment to playing a part in society's efforts to address childhood obesity through ongoing progress in setting strict nutrition criteria and media standards and ensuring compliance with companies' commitments. CFBAI also provides accountability through strong oversight by the program administrator. CFBAI will review its Uniform Nutrition Criteria in light of the 2020-2025 Dietary Guidelines for Americans in 2023. As they have since the program launched in 2007, CFBAI and its participants remain committed to delivering strong compliance with the Core Principles and ongoing program improvement.

Appendix A

CFBAI Program and Core Principles Statement (6th Edition)

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)¹ 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 this revised Core Principles, 6th Edition, participants commit that, in advertising primarily directed to children under age 13 (“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);²
- ◆ 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).
- ◆ Agreed in 2020 to update the Core Principles (i) to reflect the adoption in 2018 of the CFBAI Category-Specific Uniform Nutrition Criteria, 2nd ed., implemented January 2020; (ii) to adopt a stricter minimum threshold for the definition of child-directed advertising in measured media, and (iii) to update the “Covered Media” provisions, including modernizing the Digital Media section to reflect significant changes in children's media consumption habits and the media landscape (5th edition, January 2021).

CFBAI Core Commitments, 6th ed. This edition of the Core Principles revises the advertising coverage of the program from “advertising primarily directed to children under age 12” to “advertising primarily directed to children under age 13.”³ Implementation of this change will be on or before January 1, 2023.

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.

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

Part II of this Statement sets out the Core Principles, 6th 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.

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 13. 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 13

Participants commit:

- ◆ That all advertising primarily directed to children under age 13 in covered media will be for foods that meet [CFBAI's Category-Specific Uniform Nutrition Criteria, 2nd ed.](#)⁴ or
- ◆ That they will not engage in child-directed advertising in covered media or through other media addressed herein.

B. Covered Media

The advertising commitment applies to advertising primarily directed to children under age 13 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

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.

- ◆ Platforms (e.g., YouTube) that may have content or channels that are primarily directed to children under age 13⁵
- ◆ Video and computer games that are primarily directed to children under age 13
- ◆ DVDs of movies that are rated “G” whose content that is primarily directed to children under age 13, and other DVDs whose content is primarily directed to children under age 13
- ◆ Word of mouth.⁶

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 13 to promote the sale of those products.⁷

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 13, including in interactive 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 13 only if the foods or beverages meet CFBAI's Uniform Nutrition Criteria.⁸

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 13.

6. The commitment regarding word of mouth advertising refers to advertising primarily directed to children under age 13 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.”

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.

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 13 will be consistent with their advertising commitments set forth in Sections II.A – II.E.⁹

G. Advertising in Elementary Schools¹⁰

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 tests¹¹

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. Advertising to Children Under Age Six

Participants commit to not engaging in advertising primarily directed to children under age six.

I. 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 13” (“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.

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.

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 13). This commitment also does not apply to the use of company-owned characters.

10. CFBAI has published FAQs regarding the Core Principles generally and the Elementary School Commitment on the CFBAI website at <https://bbbprograms.org/programs/all-programs/cfbai/cfbai-faqs>.

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.

Measured media, such as TV, radio, print and some digital. “Advertising primarily directed to children under age 13” will mean advertising for which children ages 2-12 constitute at least 30% of the expected audience (the “audience threshold”).¹² 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 13 if 30% or more of the audience for the site, app, or content in which the ad is placed are children under age 13. Where audience composition data is inadequate to make this determination, contextual advertising will be deemed primarily directed to children under age 13 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.¹³

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

12. Because audience measurement data for children is more readily available in the U.S. for children under age 12, CFBAI participants may apply a 27% audience threshold for children under 12 as a proxy for a 30% audience threshold for children under 13.

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

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 13).

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 13:

1. Age-targeting (based on cookie data or other age indicia) to audiences other than children under 13;
2. Targeting based on interest-based or behavioral data to audiences other than children under age 13;
3. Exclusion of specific sites, channels or other content that are directed to children under age 13; 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. Administration and Oversight

Company pledges are established in consultation with the BBB National Programs-administered CFBAI program.¹⁴

1. Monitoring and Enforcement

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

The program provides, by contract, for the expulsion of a company that does not comply with its pledge after being given notice and an opportunity to bring its conduct into compliance and notice of any expulsion to regulatory authorities such as the Federal Trade Commission under appropriate circumstances.¹⁵

14. CFBAI's website includes each participant's pledge.

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

2. Public Reports

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

3. Periodic Program Reviews

This, the Core Principles, 6th Edition, revises the advertising coverage from “advertising primarily directed to children under age 12” to “advertising primarily directed to children under age 13.” We believe that the Core Principles have broadly and properly defined “advertising primarily directed to children under age 13” and the media covered by these commitments. These definitions afford the program significant flexibility to address further media evolution. CFBAI also recognizes that individual participants have chosen or may choose to adopt company-specific policies or commitments that go beyond the Core Principles, and that they may reflect these additional policies in their individual CFBAI pledges.

The program will continue to conduct periodic reviews but recognizes the need for a reasonable interval between reviews to allow participants to implement and assess the operation of any program enhancements.

Appendix B

CFBAI Category Specific Uniform Nutrition Criteria, 2nd ed.

CFBAI Category-Specific Uniform Nutrition Criteria, 2nd 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"> - 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 - A serving must contain no more than 6 fl oz 100% juice - Sugars limited to those naturally occurring in F/V
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"> - For LSS < 8 fl oz, NTL & NCTE to be proportionately lower
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"> - For LSS < 6 oz, NTL & NCTE to be proportionately lower
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"> - For LSS < 1 oz, NCTE to be scaled to ≥ ½ c dairy equivalent and ≥ 10% DV calcium
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"> - LSS based on increased RACC (40 g) - 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
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"> - If the first ingredient is a nut, the item may contain ≤ 200 calories and ≤ 2.5 g sat fat - If the first ingredient is dairy (milk, yogurt, cheese), the item may contain ≤ 200 calories and ≤ 2 g sat fat
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"> - If the first ingredient is a nut, the item may contain ≤ 200 calories and ≤ 2.5 g sat fat - If the first ingredient is dairy (milk, yogurt, cheese), the item may contain ≤ 200 calories and ≤ 2 g sat fat
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 (through December 2022)

Appendix C. CFBAI Participants’ Child-directed Advertising Commitments			
Company	Children Under Age 6 Commitment	Children Under Age 13 Commitment	Audience Threshold
Keurig Dr Pepper	No advertising	Qualifying foods only	25%
Mars, Incorporated	No advertising primarily directed to children under age 13		
Nestlé USA	No advertising primarily directed to children under age 13		
Unilever United States	No advertising primarily directed to children under age 16		
American Licorice Company	No advertising primarily directed to children under age 13		30%
Burger King Corporation	No advertising	Qualifying foods only	
The Coca-Cola Company	No advertising primarily directed to children under age 13		
Campbell Soup Company	No advertising	Qualifying foods only	
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 13		
General Mills Inc.	No advertising	Qualifying foods only	
The Hershey Company	No advertising primarily directed to children under age 13		
Hostess Brands, Inc.	No advertising	Qualifying foods only	
Kellogg Company	No advertising	Qualifying foods only	
The Kraft Heinz Company	No advertising primarily directed to children under age 13		
McDonald’s USA	No advertising	Qualifying foods only	
Mondelēz Global, LLC	No advertising primarily directed to children under age 13		
PepsiCo, Inc.	No advertising	Qualifying foods only	
Post Foods, LLC	No advertising	Qualifying foods only	

The Children's Food and Beverage Advertising Initiative:

Since 2007, CFBAI has been improving the children's food advertising landscape. CFBAI's participants commit to use CFBAI's strict Uniform Nutrition Criteria to determine what foods they advertise directly to children under 12 or to not engage in such advertising. CFBAI's 20 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; Hostess Brands, Inc.; Kellogg Company; Keurig Dr Pepper, Inc.; The Kraft Heinz Company; Mars, Incorporated; McDonald's USA, LLC; Mondelēz Global, LLC; Nestlé USA; PepsiCo, Inc.; Post Foods, LLC; and Unilever USA. For more information about the CFBAI, visit bbbprograms.org/programs/all-programs/cfbai.

The Children's Confection Advertising Initiative:

Since 2016, CCAI 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 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.

BBB National Programs

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