



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

2019

Annual Report

A REPORT ON
COMPLIANCE AND
PROGRESS DURING
2019

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Executive Summary

The Children's Food and Beverage Advertising Initiative (CFBAI) and Children's Confection Advertising Initiative's (CCAI) Annual Report provides details on the significant events of 2019 and an evaluation of participants' compliance, which was excellent. The Report also discusses CFBAI's revised Core Principles, 5th ed, which participants will implement by January 1, 2021. The Annual Report also summarizes the nutrition improvements CFBAI participants made in foods they may advertise to children under the Revised Nutrition Criteria, implemented January 1, 2020, and the results of an evaluation of food and beverage ads on Nickelodeon and Cartoon Network.

Year in Review

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

Outreach. CFBAI issues press releases or public statements and 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 seeks to provide strong and transparent self-regulation. To accomplish this, CFBAI monitors its participants' compliance with their individual pledges, including regular assessments of food advertising on children's TV networks, child-directed websites and other digital content, and other covered media. CFBAI participants also are required to submit annual self-assessment reports. These reports 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 is pleased to report excellent compliance by all participants with their commitments in 2019. 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 appeared in covered media. CFBAI found no egregious or significant problems.

Product List Changes. CFBAI regularly updates a public Product List on the BBB National Programs website that identifies foods that meet the nutrition criteria and that may be advertised by participants to children under age 12. This report assesses the foods on the Product Lists in 2019 and 2020.

Nickelodeon and Cartoon Network Snapshot Findings. CFBAI reviewed and analyzed food ads that aired in 70-hour samples of Nickelodeon and Cartoon Network programming during 2020. Participants' ads comprised the majority of advertising on both networks, and featured nutrient-dense foods that positively contribute to children's diets. Most advertising by non-participants featured restaurant foods and candy, foods that did not meet CFBAI's limits on nutrients such as saturated fat, sodium or added sugars.

- ◆ **Participants' Share of Food and Beverage Ads.** Ads from CFBAI participants represented about 70% of all food and beverage ads in the Nick Snapshot and 60% of food ads on Cartoon Network.
- ◆ **Foods Most Frequently Advertised by the Participants.** Again, Cereals were the most frequently advertised food category on both networks. The other advertised categories were Exempt Beverages, Meals, Mixed Dishes, Small Meals, Snacks, and Yogurts.
- ◆ **Nutrition Highlights.** Most participants' ads in the Snapshot samples were for foods that provided at least a half serving of fruit, vegetables, whole grains, dairy or a nutrient of public health concern.

Looking Ahead

The program looks forward to the continued partnership with participant companies and their commitment to responsible advertising through their CFBAI commitments. During the coming year, participants will implement the CFBAI's Core Principles, 5th edition, which set a stricter audience threshold and drive further improvement in the children's food advertising landscape.

Introduction and Report Overview

In 2006, the Institute of Medicine (IOM) recommended that food companies do their part to help address childhood obesity by changing the mix of products in child-directed advertising to include foods that are lower in calories, fats, salt and added sugars, and higher in nutrient content.¹ CFBAI was launched in 2007 to respond to these recommendations. Since then, CFBAI and its participants have worked to improve the children’s food advertising landscape through strong and transparent self-regulation. Since January 2014, CFBAI participants have used 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 and set limits for calories, sodium, saturated fat, *trans* fat and total 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 (FTC)² and others.³ 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 the CFBAI Product List in 2019.⁴ Table 1 lists the participants assessed in this Report.⁵

Table 1. CFBAI Participant Compliance Assessment List for 2019

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

The remainder of this Report consists of the following:

- ◆ Part II, which summarizes CFBAI's history and the participants' representation in food advertising to children
- ◆ Part III, which describes CFBAI's Uniform Nutrition Criteria, CFBAI's Revised Nutrition Criteria, the nutrition developments and improvements that occurred during 2019, and the results of our 2020 Nickelodeon and Cartoon Network Snapshots
- ◆ Part IV, which explains CFBAI's pledge compliance assessment process and our conclusion that compliance was excellent
- ◆ Part V, which describes the Children's Confection Advertising Initiative
- ◆ Part VI, which concludes the Report

NOTES

- 1 See, Institute of Medicine's 2006 report, "Food Marketing to Children and Youth: Threat or Opportunity?" at 11, available at <https://www.nap.edu/catalog/11514/food-marketing-to-children-and-youth-threat-or-opportunity.aspx>.
- 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)." FTC, "A Review of Food Marketing to Children and Adolescents Follow-Up Report," (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 also 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 https://www.iccr.org/sites/default/files/resources_attachments/08.22.14CFBAI%20InvestorSign-onwsigs.pdf. The Interfaith Center on Corporate Responsibility led a coalition of institutional investors in sending letters to more than 30 food, restaurant, retail, and media companies urging them 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).
- 4 Progress and compliance in other years is documented in CFBAI's prior annual reports and other program materials that are available on CFBAI's website at <http://bbbprograms.org/programs/cfbai/>.
- 5 Keurig Dr Pepper (KDP) joined CFBAI and finalized its pledge in late 2019. Its first year of compliance assessment is 2020. CFBAI did not observe advertising by KDP in child-directed media in 2019.

About CFBAI and Food Advertising to Children

A. Background

CFBAI was created so that responsible food and restaurant companies could respond to calls from government agencies and the IOM to do more to address the childhood obesity epidemic by changing the children's food advertising landscape to encourage healthier dietary choices. The former Council of Better Business Bureaus (CBBB) and 10 leading food and beverage and quick-serve restaurants launched CFBAI in 2007. Since then the program has grown to 19 companies.⁶ CFBAI complements the work of another BBB National Programs initiative, the Children's Advertising Review Unit (CARU). CARU's Guidelines set standards to assure that *all* advertising directed to children is not deceptive, unfair or inappropriate for its intended audience. The Guidelines also provide guidance to address concerns about online data collection practices.

Under CFBAI's Core Principles, which set forth the program requirements, participating companies 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. The Principles cover a wide variety of platforms including TV, digital, mobile apps, print, radio, interactive games, licensed characters in advertising, and product placement.⁷ 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 ("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 detailed self-assessments annually. CFBAI's monitoring and the participants' reports reveal a high commitment to compliance. The inadvertent and infrequent problems detected are quickly remedied.

In 2020, CFBAI participants agreed to adopt revised Core Principles (Core Principles, 5th ed.), which will be implemented in January 2021. The Principles have been expanded to specifically cover advertising on open-access platforms with child-directed content or channels, such as YouTube, and require that if child-directed influencer communications are used, they will promote only foods that meet CFBAI's Nutrition Criteria. Although CFBAI's Core Principles already applied to such communications through the online

advertising commitment, this enhancement reflects ongoing changes in the children's media environment and provides greater transparency regarding the application of participants' commitments.

For measured media like TV, 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 CFBAI participants already apply a 30% or even 25% threshold.)

The Core Principles, 5th Edition 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 2020.⁸

Participants commit that their child-directed advertising will depict only foods that meet CFBAI's Uniform Nutrition Criteria or commit to not advertise to this age group at all. One of CFBAI's key attributes is its commitment to transparency and accountability. For this reason, the program makes information public and accessible through the BBB National Programs website, public comments, and presentations.

Website. The CFBAI section on the BBB National Programs website includes its Core Principles, the historical nutrition criteria and the Revised Nutrition Criteria which came into force January 2020; CFBAI's periodically updated Product List (a list of foods that meet CFBAI's nutrition criteria and that may be advertised to children⁹); CFBAI's comments to various governmental bodies and non-governmental organizations (NGOs); 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 see across the entire food marketing landscape. Most ads are intended for other audiences (e.g., advertising on primetime shows or sporting events, where the audience is predominantly adults and children typically represent a small percentage of the audience). On TV, CFBAI's commitments cover ads on programming in which children typically are at least 35% of the audience. This standard effectively addresses ads on children's TV networks. 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 leading children's television networks. CFBAI's commitments also apply to online child-directed advertising, where children increasingly spend their time.

In samples of food ads on children's TV networks during 2020, CFBAI found that 70% and 60% of food ads on Nickelodeon and Cartoon Network, respectively, were for participants' qualifying foods.¹⁰

NOTES

- 6 CBBB was restructured in 2019 resulting in the creation of BBB National Programs, an independent non-profit organization that administers CFBAI.
- 7 The Program and Core Principles Statement (5th Edition) is attached as Appendix A. Participants' company-specific pledges are available on CFBAI's website.
- 8 CFBAI's Category-Specific Uniform Nutrition Criteria, 2nd ed. (2018) are attached as Appendix B.
- 9 Not all of participants' foods within their portfolios that meet CFBAI's nutrition criteria are included on this list.
- 10 In 2012, the FTC reported that CFBAI-participant ad expenditures accounted for 89% of all the food advertising expenditures to children (based on 2009 data). FTC Report, footnote 2 above. 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.

Nutrition Developments and Improvements

A. CFBAI Category-Specific Uniform Nutrition Criteria

CFBAI's Uniform Nutrition Criteria (2011) remained in effect through the end of 2019. These criteria have set meaningful standards for foods advertised to children, including category-specific nutrients to limit (NTLs) and nutrition components to encourage (NCTE). The NTLs restrict the amount of calories, saturated fat, *trans* fat, sodium and total sugars in these foods, while the NCTE criteria require that advertised foods provide food groups and nutrients, including (i) at least a one-half serving of fruit, vegetables, non/low-fat dairy, or whole grains, (ii) at least one "essential nutrient" at the 10% Daily Value (DV) level, or (iii) a combination of food groups and nutrients.

Participants also had the option of using CFBAI's Uniform Nutrition Criteria, 2nd ed. (Revised Criteria) in 2019, prior to formal implementation on January 1, 2020. The Revised Criteria (attached as Appendix B) reflect progressive improvements that build on the transparency and rigor of the 2011 criteria.¹¹ Notably, the Criteria adopted added sugars criteria to replace total sugars to align with FDA's updated Nutrition Facts Panel (NFP);¹² reduced the sodium threshold in 13 of 17 categories and set added sugar limits that reduced added sugars in key categories such as Milks, Savory Snacks, and Sweet Snacks; established stricter criteria for whole grain foods that ensures foods contribute a meaningful amount of whole grains; required more food groups in the Main Dish and Meal categories, which typically make significant contributions to children's diets; set more rigorous nutrient-based qualifiers that are limited to nutrients the 2015-2020 Dietary Guidelines for Americans identify as "under-consumed"¹³; and put in place more transparent and descriptive food categories.

The remainder of this section summarizes the product additions and nutrition improvements CFBAI participants made in 2019 and 2020 to foods they may advertise to children, and the results of CFBAI's annual Snapshots of child-directed advertising on Nickelodeon and Cartoon Network.

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

At the time the Revised Criteria were announced in September 2018, CFBAI estimated that 40% of the foods on the Product List would need to be reformulated to continue to qualify for child-directed advertising after implementation of the Revised Criteria.¹⁴ Comparison of the most recent Product List (Aug. 2020) and the pre-Revised Criteria Product List indicates that the predicted impact was fairly accurate. Since the earlier product list, many foods have been removed from the list,¹⁵ about 20% of the products on the earlier list were reformulated to continue to qualify, and participants added new foods that meet CFBAI's Revised Criteria.

This section discusses nutrition highlights by category.

Juices. The 2011 Criteria required that juices provide at least a half cup (at least four fluid ounces) of 100% fruit or vegetable juice. CFBAI's revised Juices category allow participants to advertise 100% fruit and vegetable juices diluted with water as long as the beverages provide no more than six ounces of 100% juice. The Revised Criteria thus allow advertising of diluted juices that provide less than a half cup of 100% juice and therefore fewer calories.¹⁶

In 2019 and 2020, McDonald's continued to offer Honest Kids® Appley Ever After® Organic Juice Drink with several of their qualifying Meals. This apple juice drink contains less calories and half the total sugar than its prior 100% apple juice. CFBAI's Product List also included Kraft Heinz's Capri Sun® 100% Juice, which also is part of a qualifying King Jr. Meal from Burger King and Lunchables with 100% Juice.

Waters. Nestlé added Nestlé® Pure Life® water and PepsiCo added LIFEWTR®, bubbly™ and Aquafina® to CFBAI's Product List in 2019 and 2020. These are zero calorie waters with no added sugars or sweeteners.

Milks. Danone North America, PBC added several Horizon® Organic Lowfat Milks. All provide good sources of Vitamins A and D and/or potassium, and excellent sources of calcium. One of McDonald's qualifying Happy Meals now includes a Reduced Sugar Low Fat Chocolate Milk, which has 25% less sugar than the fat free chocolate milk previously included in Happy Meals.¹⁷

Yogurts. Danone North America, PBC added four yogurt products (one yogurt and three smoothie dairy drinks). All are non-fat or low-fat options, provide one-third to one-half serving of dairy, and are 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. In 2019, most cereals on CFBAI's Product List contained no more than 130 calories, 170 milligrams of sodium, and fewer than 10 grams of sugar per serving. For most cereals on the 2019 Product List, whole grains were the

first ingredient on the label, nearly all provided a good source of Vitamin D, and half were a good source of calcium, both identified as under-consumed nutrients of public health concern by the 2020 Dietary Guidelines Advisory Committee (DGAC)'s Scientific Report.¹⁸

General Mills added new varieties of Cheerios™, Lucky Charms™ and Cinnamon Toast Crunch™ to the CFBAI Product List in 2019 and 2020. All General Mills cereals on CFBAI's Product List have whole grain as the first ingredient and provide a half-serving or more of whole grains per serving. They also are good sources of calcium, Vitamin D, and iron, which were identified by the 2020 DGAC Scientific Report as under-consumed nutrients.

Kellogg added five cereals to CFBAI's Product List in 2019 and 2020, all of which provide a good source of Vitamins A, C, and D and an excellent source of iron.

Post added three varieties of Honey Bunches of Oats® to the Product List in 2020, and reformulated two cereals already on the Product List to meet the Revised Criteria. Post's cereals provide a good or excellent source of at least two under-consumed nutrients per serving.

Nut Butters. Conagra Brands reformulated its Creamy, Crunchy, and Whipped Peter Pan® Peanut Butters by reducing the sodium content of each between 7-10%. These peanut butters provide a serving of protein.

Snacks. Campbell reduced the sodium in multiple Pepperidge Farm Goldfish® varieties to meet the sodium level in the Revised Criteria. Kellogg added Pop-Tarts® Crisps, which feature whole grains as the first ingredient. Unilever added additional flavors to its Popsicle® Real Fruit Pops, which list fruit as the first ingredient after water.¹⁹

Mixed Dishes. Kraft Heinz reduced the sodium in its Macaroni & Cheese Shapes, Microwavable Cups.

Meals. 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 2019. In 2019, half of all beverages in McDonald's Happy Meals® sold were water, milk or juice across their 20 major markets. 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.²⁰

C. 2020 Snapshots of Foods Advertised on Children’s TV

Background. CFBAI has conducted snapshots of food and beverage ads airing on children’s TV networks for over a decade.²¹ As in previous years, CFBAI’s 2020 Snapshot assessed ads over several months:²² 70 hours of children’s programming on Nickelodeon and Cartoon Network (Table 2). All participants’ foods observed in the Snapshots complied with CFBAI’s Revised Criteria.

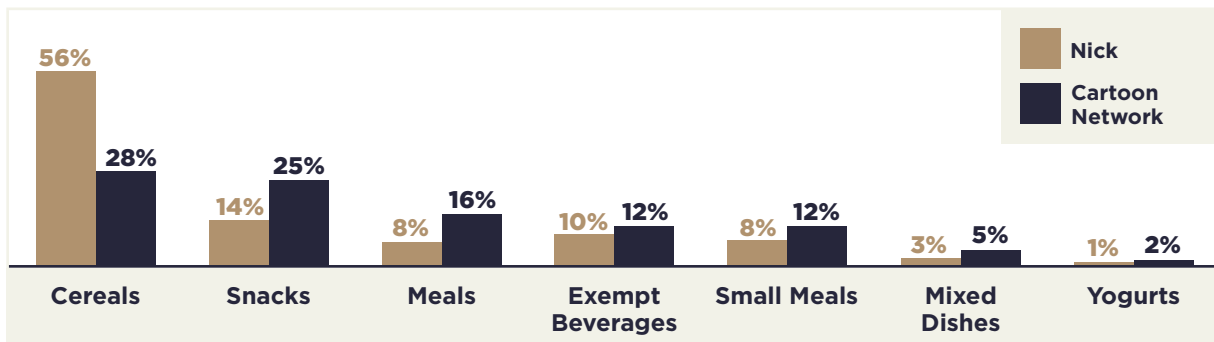
Overall Snapshot Results. Participants’ ads again accounted for the vast majority of food ads in the Snapshots.²³ Their collective share was comparable to CFBAI’s 2018 and 2019 findings (about 70% on Nickelodeon and 60% on Cartoon Network) (Table 2). Both Snapshots included ads from the same seven CFBAI participants, and the foods that they advertised on both networks were the same. Eight non-CFBAI companies advertised on both networks, although there was some variation in the non-participant companies identified in the respective Snapshots.

Table 2. Nickelodeon and Cartoon Network Food & Beverage Advertising Snapshots

	2018		2019		2020	
	Nick	CN	Nick	CN	Nick	CN
Total Number of Hours	30		70		70	
Total Number of Ads	595	788	1582	1830	1614	1931
% Participant Food Ads of All Food Ads	67%	59%	67%	75%	72%	57%

Frequently Advertised Foods—CFBAI Participants. Participants generally advertised foods from the same categories as in prior recent Snapshots. The distribution of ad categories across the two networks was generally similar (Figure 1). As in the previous CFBAI Snapshots, cereals were the most advertised participant food category in the 2020 Snapshots.²⁴

Figure 1. 2020 TV Snapshot: Frequently Advertised CFBAI Participant Food Categories by Percentage of All Ads



Calorie Highlights. Table 3 shows the maximum number of calories for participants’ advertised foods by food category for 2019 and 2020. The calorie maximums over the years are consistent. 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 400 calories or less.

Table 3. 2019–2020 TV Snapshots: Maximum Calories by Food Type

Year	Exempt Beverage	Yogurt	Snack	Cereal	Mixed Dish	Small Meal	Meal
2019	30	60	140	130	280	360	410
2020	0	60	140	170	280	350	395

Nutrition Components to Encourage Highlights. Most of the foods advertised by participants (almost 90%) and most of their ads (about 70% on Nickelodeon and 60% on Cartoon Network) were for foods that provide either a food group or a nutrient of public health concern (about 70% of Nickelodeon and 55% on Cartoon Network). Notably, almost all the cereals, the most advertised category, provide a good source of Vitamin D and an excellent source of iron. Many also contain whole grain as the first ingredient and contribute essential nutrients such as thiamin, niacin, folic acid, phosphorous, potassium, calcium, and/or magnesium.

Frequently Advertised Foods—Non-Participants. CFBAI observed advertising by 14 non-participants in the 2020 Snapshots. Although non-participants advertised a greater number of *foods* than CFBAI participants,²⁵ CFBAI participants accounted for significantly more *ads*. Non-participants accounted for 30% of advertising on Nickelodeon and 40% on Cartoon Network.

Restaurant advertising was the most advertised category by non-participants in 2020, replacing candy, which had been the most advertised non-participant category in past Snapshots. On Cartoon Network, over half (55%) of non-participant ads were from restaurant companies. Candy was the second most advertised non-participant food on both networks.

Although several distinct categories were represented in non-participant ads, including some advertising for fruits and dairy, few ads featured foods that appeared to meet CFBAI’s nutrition criteria, generally because the advertised foods exceeded saturated fat, sodium, and/or sugar limits. Many foods advertised by non-participants also did not appear to contribute positive nutrition components.

NOTES

- 11 CFBAI published a White Paper in 2018 that explains the rationale for the Revised Criteria and is available on CFBAI's website.
- 12 NFPs now declare the quantitative amount of "added sugars" and must declare the amount of added sugars as a percentage of the Daily Value (DV).
- 13 Savory Snacks may qualify if the food provides 10% DV of an essential nutrient.
- 14 To assess the impact of the Revised Criteria, CFBAI created a list based on foods on the July 2017 and February 2018 CFBAI Product Lists and compared that list to foods on the August 2020 Product List.
- 15 Foods may be removed from the Product List for many reasons. A food may have been discontinued, may no longer qualify, or may be removed while undergoing reformulation. Also, a company may have changed its marketing plans or changed its CFBAI pledge to reflect a commitment not to engage in advertising primarily directed to children.
- 16 The 2015–2020 DGA and the 2020 DGAC Report recognize 100% juice as an appropriate source of fruit when consumed in moderation. Many leading public health groups recommend that children consume less 100% juice and more water. Beverages comprised of 100% juice diluted with water have fewer calories than 100% juice alone, and thus align with these recommendations.
- 17 See McDonald's March 2020 press release accessible at <https://corporate.mcdonalds.com/corpmcd/en-us/our-stories/article/ourstories.6-reasons-choco-milk.html>.
- 18 Dietary Guidelines Advisory Committee. 2020. Scientific Report of the 2020 Dietary Guidelines Advisory Committee: Advisory Report to the Secretary of Agriculture and the Secretary of Health and Human Services. U.S. Department of Agriculture, Agricultural Research Service, Washington, DC. Many cereals underwent changes in 2019 and 2020 to meet FDA's new labeling requirements, including a significantly larger serving size for the cereal category, and CFBAI's Revised Criteria. Although the reference unit for CFBAI's Cereal category has not changed (labeled serving size or "LSS"), FDA's Reference Amount Customarily Consumed (RACC) that is the basis for the LSS has increased by 33%. This means that, for most cereals, there is a proportionate increase in LSS and many labeled nutrients, including added sugars and sodium, unless the food's formulation changes. The added sugars limit under CFBAI's Revised Nutrition Criteria is 12 grams per LSS, which represents a 10% reduction from the 2011 Criteria on a per ounce basis. The sodium limit under the Revised Criteria, however, remains the same (290 milligrams per LSS) despite the now larger serving size, which represents a 25% reduction (per ounce) from the 2011 Criteria.
- 19 As of January 1, 2021, per its 2020 pledge to CFBAI, Unilever will not direct any marketing communications to children under age 12.
- 20 McDonald's Global Happy Meals Goals 2020 Progress Report, available on The Alliance for a Healthier Generation's website <https://www.healthiergeneration.org/sites/default/files/documents/20201020/057f1bf3/McDonalds%20Global%20Happy%20Meal%20Goals%202020%20Progress%20Report.pdf>.
- 21 CFBAI has created Nickelodeon advertising snapshots since 2009, and Cartoon Network snapshots since 2016. Since 2017, CFBAI has used 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 categories, ads, networks, or brands, thus making it a useful monitoring tool.
- 22 The 2020 Snapshot appraised ads that aired on different weekday and weekend dayparts between January and mid-March. Past years have included ads from April–June, but to avoid the possible impact of advertising shifts caused by the pandemic and provide comparability with past years, the 2020 Snapshots focused on the pre-pandemic timeframe.
- 23 The Snapshots do not capture the percentage of food ads compared to all ads because the data set includes many more food categories than non-food categories, thus the results do not reflect the prevalence of food ads relative to all ads. The dataset does include a few non-food categories that are relevant to children (e.g., toys, games, digital and electronic products and entertainment promotions).
- 24 Children's exposure to cereal ads, and food ads generally, however, have declined significantly over the last 10 years. Rudd Center, Trends in Television Food Advertising to Young People: 2017 Update (May 2018); Rudd Center for Food Policy and Obesity, Progress and opportunities to improve food advertising to children: Food Industry Self-Regulation after 10 years at 24 (Nov. 2017) (noting declines of 45% in food-related TV ads viewed on children's programming from 2007 to 2016, as well as declines in children's overall exposure to food advertising in all types of programming, not just child-directed programming).
- 25 CFBAI participants accounted for 37% and 27% of all foods advertised on Nickelodeon and Cartoon Network, respectively.

Pledge Compliance Evaluation

As in prior years, CFBAI found that CFBAI and CCAI participants delivered excellent compliance during 2019, as determined through CFBAI monitoring and its review of CFBAI participants' self-assessments submitted as part of the program's compliance procedures. There were very few issues identified. When issues arise, the companies address the problems or concerns and establish or revise procedures where necessary to prevent the issue from reoccurring. This section of the Report summarizes CFBAI's evaluation process.

A. Compliance Evaluation Overview

CFBAI's evaluation consists of two components. First, CFBAI conducts its own assessments of advertising in covered media to determine whether CFBAI and CCAI participants have complied with their commitments (i.e., that they have advertised only foods that meet CFBAI's nutrition criteria in child-directed advertising²⁶ or have not engaged in child-directed advertising). Second, to comply with the program's self-assessment requirement, CFBAI participants submit information regarding how they met their CFBAI pledge commitments. CFBAI also investigates any complaints received, although none were received in 2019.

CFBAI's finding of excellent compliance in 2019 is consistent with its assessments in past years and with the findings reported by other groups. Participants voluntarily have created internal procedures that allow them to consistently deliver ongoing compliance, including employee training, procedures for use internally and by external partners, and a systematic process for reviewing child-directed advertising and media buys.²⁷

B. Media Compliance Assessment

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 generally means advertising for which children ages 2-11 constitute at least 35% of the expected audience (“audience threshold”) at the time of the media buy. Some participants use an even more rigorous lower audience threshold.²⁸

Table 4 summarizes CFBAI’s 2019 monitoring activities.

Table 4. CFBAI 2019 Monitoring²⁹

Media	Monitoring	Comments
Television	Reviewed advertising on children’s programs on Boomerang, Cartoon Network, Discovery Family Channel, Disney XD, Nickelodeon, Nicktoons and Universal Kids	Frequently used medium
Radio	Periodically monitored Radio Disney and child-directed channels on Pandora, ad-supported internet-radio outlets	Infrequently used medium
Print	Reviewed issues of children’s print titles (e.g., <i>Sports Illustrated for Kids</i> , <i>National Geographic for Kids</i>)	Infrequently used medium
Digital/Internet	CFBAI monitors child-directed company-owned sites, child-directed third-party sites, and child-directed YouTube channels	Company-owned child-directed sites are an infrequently used medium Third-party child-directed sites are a frequently used medium Where visitor age composition or site visitor data not available, CFBAI considers additional factors, including an analysis of content, language, graphics, pictures, games, age limits and media plan ³⁰
Mobile Advertising and Apps	Periodically monitored popular child-directed third-party apps and participants’ child-directed apps	Third-party apps are a frequently used medium Company-owned child-directed apps are an infrequently used medium

2. Key Compliance Findings

Compliance in 2019 was excellent. Very few issues associated with advertising on child-directed media were identified. Below we summarize our findings by covered media.

Television. Most of the CFBAI participants that engaged in child-directed advertising placed ads on one or more children's TV networks, including Boomerang, Cartoon Network, Discovery Family, Disney XD, Nickelodeon, Nicktoons, and Universal Kids. Although still popular with children, TV viewing on children's cable TV networks has declined in recent years.³¹ CFBAI regularly monitors advertising on children's TV networks through the iSpot platform to "spot check" product advertising on children's networks. Participants also provide self-assessments regarding their TV advertising. In addition, as described in the 2020 Snapshots section, CFBAI conducted Snapshots of 70 hours of advertising on Nickelodeon and Cartoon Network. Other than the circumstances described below, CFBAI's review found no other instances of non-qualifying foods advertised by CFBAI participants on children's television programming.

Ferrero self-reported that, as part of a large buy across dozens of networks, adult-directed advertising for its TicTac brand mistakenly aired on one children's network. Of the three TicTac ads that ran, two were for sugar-free gum products that are exempt from the CFBAI nutrition criteria. The third, was for a low-sugar mint that was not on CFBAI's Product List. Ferrero has adjusted its procedures and worked with its new agency so that such placements do not occur in the future. CFBAI's monitoring found advertising for a Kellogg's Pop-Tarts SKU that does not qualify under CFBAI's Nutrition Criteria on child-directed programming for a few weeks during early 2019. Kellogg investigated the issue and implemented additional ad trafficking safeguards to address the problem.

Spanish-Language Children's TV Programs. There is little children's programming on Spanish-language networks. There were no compliance issues observed. The percentage of children viewing adult-directed Spanish-language programs occasionally exceeds a participant's threshold, although at the time the media is purchased the predicted audience of children under age 12 buy is not expected to exceed this threshold. Unexpectedly higher audience thresholds at time of airing are not a pledge violation. Companies monitor these occasions and may adjust their ad buys to avoid even these few occasions.

Child-Directed Video Games or DVDs. Participants did not report advertising in these media and CFBAI did not have any information to the contrary.

Digital and Mobile, Including Child-Directed YouTube Channels. Although children continue to spend considerable time viewing programming on traditional TV networks, they increasingly engage with digital content.³² In the complex digital environment, 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 children at all, including age targets, demographic and interest-based assessments, content filters, and “do not serve” lists of websites or other content where ads should not be placed. Under the Children’s Online Privacy Protection Act (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. Advertising primarily directed to children thus generally is served only on a contextual basis.

As noted in Table 4, CFBAI monitors advertising on child-directed third-party websites, apps, and child-directed YouTube channels identified from media reports, articles and studies, and participants’ self-assessments. Participants also identify their child-directed digital advertising in their self-assessment reports. A few participants that advertised to children had one or more one child-directed company-owned websites with games, although there has been a significant decline in the number of company-owned child-directed websites in recent years. Participants also advertised their foods on child-directed third-party websites or on child-directed YouTube channels. Other than the circumstances described below, CFBAI did not observe and companies did not report any instances of advertising of non-qualifying foods to children under age 12.

Kellogg self-reported that, following a website update, the kids’ Froot Loops landing page (the webpage to which child-targeted advertisements are linked) featured a non-qualifying SKU in addition to the qualifying SKU for about a month in 2019. Upon detecting the issue, caused by a technical error that temporarily duplicated the header from the main adult page on the kids’ landing page, the company worked to restore the bifurcation between the adult and kids’ webpage and maintain it in subsequent website updates.

In revising its Core Principles in 2020, CFBAI’s media coverage added open-access platforms like YouTube that have child-directed content, although CFBAI had been monitoring and reporting on advertising on such content as part of the general digital advertising commitment. In 2019, some participants advertised qualifying foods through pre-roll video ads on child-directed content³³ and a few participants reported advertising on child-directed YouTube videos through influencer communications. CFBAI’s review of these videos indicated that the videos featured qualifying foods.

VOD. Advertising on child-directed VOD content also is covered by CFBAI commitments, although many of the most popular VOD services are subscription-based and ad-free and participants did not report a significant amount of advertising in this media. For VOD programming that has a linear TV counterpart, participants follow the same restrictions as on linear TV. CFBAI’s review of ad supported child-directed programming on Hulu did not find any issues.

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 outlets and few participants used these media to advertise to children under age 12. There were no compliance issues found or reported.

Product Placement. There were no compliance issues observed and no participant reported any issues.³⁴

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, although this is not a program requirement. 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 some ads appeared on programs where at least 35% of the audience were children ages 2-5 at the time of airing, that audience composition was not expected at the time of purchase when participants made ad placement decisions and purchased ad times. For this reason, ads appearing on such shows do not violate participants' commitments. Participants assess the relative frequency of such instances and may decide to eliminate a show from future ad buys.³⁵ Compliance with the commitment regarding advertising to children under age six was very good.

3. Public Inquiries Relating to Compliance

CFBAI has committed to review public inquiries relating to compliance. No complaints relating to participants' compliance with their pledges were received. Academics and groups interested in CFBAI's work have reported in past years that their independent reviews show CFBAI participants are complying with their commitments.³⁶

4. Other Information Related to Pledge Compliance

Occasionally there were 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. Under CFBAI's revised Core Principles, 5th ed., the minimum threshold as of January 2021 has been tightened to 30%, and 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 decisions. When ads for non-qualifying products air in programs that exceed participants' audience thresholds, 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.³⁷ The incidence rate for such problems is low (generally less than 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.

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 running such advertising so that the nutrition information can be reviewed to ensure it meets CFBAI's criteria and so that the food can be added to the Product List. Ads for foods meeting the nutrition criteria occasionally air on TV or appear online prior to notification to CFBAI that they would be advertised. This is an infrequent occurrence and lack of prior notice to CFBAI is not considered a substantive violation. Participants correct these lapses, usually by adding the food to the Product List upon notice.

C. Commitment to Not Advertise to Children in Elementary Schools

CFBAI and CCAI participants commit to not advertise even qualifying branded foods or beverages to children in elementary schools,³⁸ including through posters, pencils, book covers, or tray liners.³⁹ 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. The restriction also recognizes that elementary schools are a special environment. The participants reported excellent compliance in 2019.

USDA's final School Wellness Policy rule⁴⁰ and guidance⁴¹ permit marketing in schools during the school day only for foods that meet USDA's Smart Snacks nutrition standards. CFBAI and CCAI participants have continued to comply with their commitments not to advertise foods in elementary schools, even foods that meet Smart Snacks nutrition standards.⁴²

NOTES

- 26 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.
- 27 The participants' procedures include regular, periodic training of employees across multiple divisions, which might include nutrition, legal, marketing, policy and planning, product development, product distribution, brand management, regulatory affairs, sales, and other departments, as well as third-parties involved in advertising development and placement, such as advertising agencies, media buyers, and television and digital ad networks.
- 28 Participants' child-directed advertising commitments, including audience thresholds, are described in Appendix C. Keurig Dr Pepper, Mars and Nestlé used a 25% threshold in 2019 and American Licorice, Hershey, Burger King and McDonald's used a 30% threshold. As of 2021 when CFBAI's Core Principles, 5th ed. come into force, there will be a minimum 30% threshold. Companies that use a 25% threshold will continue to do so.
- 29 CFBAI uses the Labeled Serving Size (LSS) as the basis for its calorie and nutrient criteria. Because FDA's Reference Amount Customarily Consumed (RACC), which is the basis for the LSS, increased for cereals by 33% under the new labeling regulations, the LSS also significantly increased, which resulted in an increase in calories and other labeled nutrients. The larger LSS accounts for the calorie increase in the cereal category between 2019 and 2020.
- 30 Animation, cartoon or licensed characters, fantasy and games are often used in sites directed to older teens and adults and thus do not necessarily make a site child-directed.
- 31 Common Sense Media (CSM) has reported in 2019 that "TV seems to be losing favor among young people: Among tweens [ages 8-12], the percent who say they enjoy watching TV "a lot" dropped from 61% to 50% [...] both tweens and teens watch about a half hour less of TV on a TV set today than they did four years ago (25 minutes less per day among tweens, and 24 minutes less among teens)." CSM Census Media Use by Tweens and Teens 2019 (CSM Census 2019), available at <https://www.common sense media.org/research/the-common-sense-census-media-use-by-tweens-and-teens-2019>.
- 32 CSM reported that "TV seems to be losing favor among young people: Among tweens [ages 8-12], the percent who say they enjoy watching TV "a lot" has dropped from 61% to 50% [...] both tweens and teens watch about a half hour less of TV on a TV set today than they did four years ago (25 minutes less per day among tweens, and 24 minutes less among teens)." 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>. According to CSM, "the 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>. See also, the SmartyPants 2019 "Brand Love" survey (for the first time, U.S. children ranked YouTube as their number one brand), available at <https://www.prnewswire.com/news-releases/smarty-pants-study-finds-youtube-is-1-brand-among-us-kids-300894505.html>.
- 33 As part of Google's settlement regarding FTC allegations that YouTube collected personal information from children without their parents' consent in violation of COPPA, Google was required to develop, implement and maintain a system that requires channel owners (i.e., content creators) to identify whether their content is child-directed (which Google calls "Made for Kids" or "MFK" content). Following this settlement, Google prohibited food and beverage advertising on MFK content as of January 2020.
- 34 Participants cannot guarantee, that child-directed entertainment or editorial content will not include their foods or beverages because movies, TV shows, and other third-party content creators and providers independently may decide to feature them.
- 35 On the digital side, a 2018 study that assessed young children's exposure to ads through 135 apps intended for children under age 5 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, Marisa; Adkins, Victoria, MSW; Yuan, Nalingna, MS; Weeks, Heidi M., PhD; Chang, Yung-Ju, PhD; Radesky, Jenny, MD, Advertising in Young Children's Apps, A Content Analysis, Journal of Developmental & Behavioral Pediatrics (Oct. 29, 2018), available at https://journals.lww.com/jrnlbdp/Abstract/publishahead/Advertising_in_Young_Children_s_Apps___A_Content.99257.aspx.
- 36 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; CSPI, Evaluating Industry Self-Regulation at 2 ("Examination of compliance with industry self-regulation revealed complete conformity with company pledges."); Harris, J.L., et al., Sweet promises: Candy advertising to children and implications for industry self-regulation at 6, Appetite (2015) ("there is no indication that CFBAI companies did not comply with their pledges). Available at www.ncbi.nlm.nih.gov/pubmed/26232330.
- 37 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 than expected; 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.
- 38 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.
- 39 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.
- 40 See Local School Wellness Policy Implementation under the Healthy, Hunger-Free Kids Act of 2010 (2016) is available at <https://www.federalregister.gov/documents/2014/02/26/2014-04100/local-school-wellness-policy-implementation-under-the-healthy-hunger-free-kids-act-of-2010>. USDA also allows districts to develop stronger standards and restrictions.
- 41 USDA, Food and Nutrition Service, Local School Wellness Policy: Guidance and Q&As (April 6, 2017), available at <https://fns-prod.azureedge.net/sites/default/files/cn/SP24-2017os.pdf>.
- 42 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.

About CCAI and Food Advertising to Children

A. Background

CCAI is another children's advertising self-regulation program administered by BBB National Programs. CFBAI created CCAI with the National Confectioners Association in 2016 for smaller confection companies to take part in self-regulation efforts that respond to concerns about childhood obesity.⁴³ CCAI is modeled after 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 the CCAI Core Principles 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, a disparity that can present a barrier to 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 BBB National Programs 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 (attached as Appendix D) are available on the BBB National Programs website.

NOTES

⁴³ See <https://candyusa.com/responsible-marketing/>.

Conclusion

CFBAI and CCAI participants continue to deliver excellent compliance with the programs' Core Principles. Their responsible advertising practices and CFBAI's oversight have helped drive improvements in the children's food advertising landscape, including the January 2020 implementation of CFBAI's revised Uniform Nutrition Criteria, which set stricter nutrient standards in 13 of 17 food categories. Reflecting children's evolving media use habits and the digital environment, CFBAI also revised its Core Principles in 2020. As of 2021, the Core Principles will use a stricter minimum audience threshold to define advertising primarily directed to children under age 12 and will specifically cover open-access platforms with child-directed content such as YouTube and child-directed influencer communications. As part of its ongoing commitment to helping address childhood obesity, CFBAI will continue to assess the children's food advertising landscape and to hold CFBAI and CCAI participants accountable for their strong advertising commitments.

Appendix A. Program and Core Principles Statement (5th 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 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);²
- ◆ Added compliance monitoring of participants' policies not to engage in advertising primarily directed to children under age six (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.

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.³

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.](#)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 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 advertising⁵
 - ◆ 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 12⁶
- ◆ 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 mouth⁷

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.⁸

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 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.

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.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. 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.

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.

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.

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 Commitment will be on or before January 1, 2021.

IV. Administration and Oversight

Company pledges are established in consultation with the BBB National Programs-administered CFBAI program.¹²

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.¹³

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, 5th Edition, incorporates by reference the Uniform Nutrition Criteria, 2nd Ed., the strengthened minimum audience threshold level of 30%, as well as revisions that update the Principles. We believe that the Core Principles have broadly and properly defined “advertising primarily directed to children under age 12” 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.

V. Advertising to Children Under Six Years Old

Most participants have policies on not engaging in advertising primarily directed to children under six that are reflected in their CFBAI pledges. Although such policies are not required, the CFBAI has agreed to monitor and report on compliance with these policies when they are incorporated into a participant's Pledge.

NOTES

- 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 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.
- 5 User-generated content that is not under the control of a company are not covered by the Core Commitments.
- 6 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.
- 7 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.
- 8 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."
- 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.
- 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.
- 12 CFBAI's website includes each participant's pledge.
- 13 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.

Appendix B. CFBAI Category-Specific Uniform Nutrition Criteria, 2nd ed.* (Implemented January 2020)

*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		
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 trans 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	
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	<ul style="list-style-type: none"> - 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	<ul style="list-style-type: none"> - 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	<ul style="list-style-type: none"> - 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 <u>and</u> ≥ 10% DV of one under-consumed nutrient <u>or</u> ≥ 10% DV of two under-consumed nutrients	<ul style="list-style-type: none"> - 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	<ul style="list-style-type: none"> - 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	<ul style="list-style-type: none"> - 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	<ul style="list-style-type: none"> - 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)

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	
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	
Kellogg 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	
The Coca-Cola Company	No advertising primarily directed to children under age 12		
The Hershey Company	No advertising primarily directed to children under age 12		
The Kraft Heinz Company	No advertising	Qualifying foods only	
Unilever United States	No advertising primarily directed to children under age 12		

Appendix D. 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.¹ 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.² 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.³ 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.⁴

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.⁵

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.⁶

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.

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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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 bbbprograms.org/programs/cfbai/.

The Children's Confection Advertising Initiative

Since 2016, CCAI participants 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; Promotion In Motion Companies; and R.M. Palmer Company. For more information about CCAI, visit bbbprograms.org/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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