



IAAPA

International Association
of Amusement Parks and
Attractions
www.IAAPA.org

HEADQUARTERS:
1448 Duke Street
Alexandria, VA 22314
Tel. +1/703-836-4800
Fax +1/703-836-1192
iaapa@IAAPA.org

ASIA PACIFIC:
Level 16 Man Yee Building |
60-68 Des Veoux Road
Central | Hong Kong SAR,
China
Phone: +852 3796 2568
Fax: +852 3796 2600
asiapacific@IAAPA.org

EUROPE:
Square de Meeus 38/40
B-1000 Brussels
Belgium
Tel. +32/2401-6161
Fax +32/2401-6868
europe@IAAPA.org

LATIN AMERICA:
Ave. Presidente Masaryk 111,
Piso 1
Col. Chapultepec Morales
México, D.F. 11560
Tel. +52/55 3300-5915
Fax +52/55 3300-5999
latinoamerica@IAAPA.org

July 14, 2011

Filed electronically via:

<https://ftcpublic.commentworks.com/ftc/foodmarketedtochildreniwg>

Federal Trade Commission
Office of the Secretary, Room H-113 (Annex W)
600 Pennsylvania Avenue, N.W.
Washington, D.C. 20580

Re: Interagency Working Group on Food Marketed to Children: General
Comments and Proposed Marketing Definitions: FTC Project No. P094513.

The International Association of Amusement Parks and Attractions (IAAPA) is the largest trade association for permanently situated amusement facilities and attractions. IAAPA represents nearly 3,000 facility, supplier, and individual members in the U.S. Member facilities include amusement/theme parks, waterparks, entertainment/resort complexes, attractions, family entertainment centers, arcades, zoos, aquariums, museums, science centers, and casinos (collectively "entertainment facilities"). Members are very large, multi-location facilities as well as small, single-site, family-owned operations.

IAAPA understands the seriousness of childhood obesity and the importance of exercise and child nutrition standards. In light of this, many of our members have for years been at the forefront of innovative campaigns to highlight healthy foods, nutrition and exercise; including the First Lady's "Let's Move!" campaign (see attachments). IAAPA members have also increased the variety of foods available at their facilities so parents have a wider variety of choices for their children.

The IWG was directed, by last minute language added to the 2009 Omnibus Appropriations Act, to "conduct a study and develop recommendations for standards for the marketing of food when such marketing targets children who are 17 years old or younger or when such food represents a significant component of the diets of children." The Interagency Working Group (IWG) has not demonstrated how the proposed guidelines would achieve the goal of decreasing childhood obesity. The IWG needs to conduct a thorough, fact-based, peer-reviewed and thoughtful study on this issue prior to proposing a solution. IAAPA joins the Grocery Manufacturers Association and many other associations, representing a wide range of industries, in this view.

Congress also tasked the IWG with developing recommendations for Congress on the marketing of food when such marketing targets are children. It appears that the IWG has disregarded this request as well. In developing "Principles to Guide Industry Self-Regulatory Efforts" rather than a report to Congress, the IWG went well beyond the scope of Congress' direction.

The proposed voluntary marketing guidelines are overly broad and the working group has not given appropriate consideration to how they would be applied to entertainment facilities. Additionally, the IWG has shown no evidence that the approaches they have suggested would reduce childhood obesity.

While our membership is diverse our members' target audience tends to be families who occasionally visit an IAAPA member facility for the primary purpose of entertainment. They may eat while enjoying the experience, but eating is a peripheral activity. Even with the most avid guest, it would be virtually impossible to see a situation where the food from an entertainment facility represented a *significant component* of their children's diet.

We therefore recommend that if the IWG decides to move forward with their proposal and it is found to be statutorily sound, an exemption to the voluntary food marketing guidelines be made for entertainment facilities and their retail channels which do not and cannot possibly be the source of a significant part of a child's diet and for which eating is not their primary focus. This approach would be consistent with the approach the Food and Drug Administration included in its proposed rule implementing the menu labeling provisions of the Patient Protection and Affordable Care Act of 2010¹.

In general IAAPA recommends that:

- (a) the federal government should not try to regulate covertly the content of food under the auspices of voluntary guidelines for marketing, which these proposed voluntary guidelines appear to do;
- (b) prior to developing voluntary marketing guidelines, the IWG should, as directed by Congress, conduct a study to determine the best way to address the problem of obesity in children;
- (c) to the extent that the IWG does propose this approach it should focus on the foods that represent a significant component of the everyday diet of children;
- (d) the marketing guidelines should be very narrowly tailored to not overly restrict constitutionally protected commercial speech, and
- (e) the IWG should look at when, where and how children are eating, exempting application of the voluntary food marketing guidelines at facilities in which eating is a peripheral activity that occurs on an occasional basis such as, but not limited to entertainment facilities, movie theaters, trains, airplanes and their retail channels.

Listed below are IAAPA's specific comments, questions, and concerns with regard to the request for comments on the Interagency Working Group on Food Marketed to Children: General Comments and Proposed Marketing Definitions: FTC Project No. P094513.

Section III. Proposed Definition of Marketing Targeted to Children and Adolescents.

IAAPA members generally market to families. For some of our members, characters are often on packaging, signage, and in advertisements but that is a result of the fact that characters are integral to the "theme" and the themed experience of their facilities. For example, many entertainment facilities create a themed experience that allows guests to be immersed with beloved characters from books, movies or television. It is very unclear how we would be able to distinguish between

¹ Food and Drug Administration Docket No. FDA-2011-F-0172, RIN 0910-AG57, Food Labeling; Nutrition Labeling of Standard Menu Items in Restaurants and Similar Retail Food Establishments.

food marketing in entertainment facilities that is “targeted” toward children versus adults. For example if a themed character were pointing to a store that sold cookies or snacks, or if a character or story theme appears on the packaging or signage for cookies or snacks sold in a theme park, would that be considered marketing directed to children or adolescents and would the food products then be subject to the voluntary guidelines if adopted? Would the food served at a breakfast where guests meet their favorite themed characters be subject to the guidelines? If these guidelines are intended to apply to the themes presented in packaging for snacks and other food items, it could also prevent the manufacture or sale of products that are reminiscent of, or draw upon, themes or elements of stories marketed to children such as character shapes, swords, crowns or other story elements. Part of the unique experience that an entertainment facility offers involves integrating the many cherished characters into all aspects of the experience for children and adults of all ages.

Entertainment facilities should not be put in the untenable position of having to limit or change the way they conduct their entertainment business theming in order to meet nutritional guidelines for the food they sell through their retail channels regardless of whether the guidelines are voluntary or mandatory.

Similarly, adult and child models often appear on advertisements and packaging, but that is because children attend entertainment facilities with their families. Would packaging with child models prominently featured be subject to the guidelines? If the IWG follows the FTC’s set of subjective indicators, promotions, point-of-sale displays, and packaging used by entertainment facilities and intended for a broader audience could easily be characterized as “targeting children or teens.”

Attending an entertainment facility is a special, unique and occasional event. The “theme” and “entertainment” are intertwined with all aspects of the experience, and the food consumed from entertainment facilities could never be considered a substantial portion of a child’s diet. Thus, exempting entertainment facilities is in keeping with the directive which asks the agencies to prioritize marketing of foods that constitute a significant component of a child’s diet.

We appreciate the opportunity to comment on the Interagency Working Group Food Marketed to Children: General Comments and Proposed Marketing Definitions. We look forward to working with you and answering any questions you may have.

Sincerely,



Randy Davis
Senior Vice President, Government Relations & Safety Services

Attachments: *Healthy Kids, Healthy Families!*
Champions of Change: Steven Jayson



Contacts: Michelle Bergman
Michelle.Bergman@disney.com
818-560-8231

Lily Bedrossian
Lily.Bedrossian@disney.com
818-567-5384

HEALTHY KIDS, HEALTHY FAMILIES! DISNEY LAUNCHES *MAGIC OF HEALTHY LIVING*

Innovative campaign expands on Disney's partnership with parents

BURBANK, Calif., September 30, 2010 – The Walt Disney Company today launched *Disney Magic of Healthy Living* – a national multimedia initiative designed to partner with parents in their quest to raise healthy, happy kids. The initiative, which includes public service announcements featuring First Lady Michelle Obama and young Disney stars, builds on the Company's commitment to a healthier generation of kids begun in 2006 with the announcement of landmark nutritional guidelines associating Disney brands and characters with a more nutritionally balanced range of foods.

Disney Magic of Healthy Living takes that commitment to the next level, enlisting many of the Company's assets and platforms to inspire kids and help reinforce the work of parents. New content showcases fun, easy ways that healthy living practices can be woven into the fabric of everyday life.

"We are very proud to take the next step in our long-term commitment to helping families achieve healthier lifestyles, and are especially gratified to work with the First Lady on the *Let's Move!* campaign," said Disney President and CEO Bob Iger. "The health of our kids is critically important and we are pleased to be doing our part to encourage smart eating and exercise."

"I am thrilled to join Disney's *Magic of Healthy Living* effort and support the work these young people are doing to reach out to their peers and communicate this powerful message," said First Lady Michelle Obama. "Earlier this year, I launched *Let's Move!* with the goal of reducing childhood obesity rates in a generation, and through this Disney program, we are able to carry that goal directly to kids – the key stakeholders in this effort. I hope through programs like the *Magic of Healthy Living*, young people are inspired to take control of their own health, fitness and nutrition and engage their families, schools and communities to do the same."

Highlights of *Disney Magic of Healthy Living* include:

- A year-long series of inspiring television public service announcements featuring Mrs. Obama and Disney Channel stars including Nick Jonas ("JONAS L.A." and "Camp Rock 2: The Final Jam") and

Brenda Song (“The Suite Life On Deck” and “Pass the Plate”), among others. The PSAs will be presented daily on Disney Channel, Disney XD, Radio Disney and Disney.com. They will also be featured on ABC in addition to being distributed through the Ad Council’s network of 1,700 broadcast, network, and local cable stations for use in donated media.*

- Two new websites from Disney: one to engage and activate kids about healthy living (Disney.com/healthyfun) and another to provide ideas and resources for parents (Family.com/healthymagic).
- A national essay contest calling on kids to write about ideas for living a healthy life at home, at school or in their communities. The contest will open for entries next month and will culminate in a special *Disney Magic of Healthy Living – The Weekend* event at Walt Disney World Resort for 50 winners from across the U.S. For more information, visit Disney.com/healthyfun.
- A \$1 million grant from Disney will help to build play spaces and gardens in 10 underserved communities nationwide. Disney will be working closely with *KaBOOM!*, a renowned non-profit organization whose vision it is to have a great place to play within walking distance of every child.

“The *Magic of Healthy Living* is a great example of putting behavioral research into action to inspire children and families to make small, incremental lifestyle changes to improve their health and well-being,” said Dr. James O. Hill, Professor of Pediatrics and Medicine and Director of the Center for Human Nutrition at the University of Colorado. “With this initiative, Disney has shown commitment to the health of our children. And best of all, who better than Disney to make it fun!”

“Through the *Magic of Healthy Living*, Disney continues building on the leadership of its landmark nutrition guidelines by illustrating how national health goals can be translated into simple and fun activities that can be embraced for a lifetime,” said Dr. Keith Ayoob, Associate Clinical Professor of Pediatrics at the Albert Einstein College of Medicine. “The program celebrates Disney’s ongoing commitment to helping parents and children truly enjoy healthy living by offering them a wide variety of activities and tools, empowering them to find those that work best for their family. That’s the best way to make a healthy lifestyle last forever.”

Since 2006, Disney’s nutritional guidelines have been implemented across all Disney-branded businesses. Company progress to date includes:

- A growing portfolio of “better for you” Disney-branded foods at grocery retailers including more than 1.3 billion servings of fruits and vegetables sold in the United States alone.
- Embedded healthy lifestyle themes in Disney Channel and Disney XD programming (available in 99 million and 77 million homes respectively across the U.S. and to millions of viewers on Disney Channels around the world).
- Healthier food options to choose from in Disney parks, including fruits for snacking, the elimination of added trans fats** and healthier default sides and beverages that families opt for in nearly 60% of kids’ meals.

In addition to working with First Lady Michelle Obama in support of her *Let’s Move!* initiative, Disney consulted with leaders in the fields of nutrition, health care and fitness to help develop *Disney Magic of Healthy Living*. These include: The Advertising Council, The Institute of Medicine and Produce for Better Health Foundation. Dr. Keith Ayoob and Dr. James O. Hill, top child health and wellness specialists that helped develop Disney’s 2006 Food Guidelines, were also consulted.

* The Ad Council's portion of the TV PSAs are co-sponsored by the U.S. Department of Agriculture and direct audiences to visit LetsMove.gov to learn more.

** Where comparable products exist in the marketplace and pre-existing contracts notwithstanding.

Note to Editors: for press materials, please visit www.disneymohlmedia.com.

About The Walt Disney Company

The Walt Disney Company (NYSE:DIS), together with its subsidiaries and affiliates, is a leading diversified international family entertainment and media enterprise with five business segments: media networks, parks and resorts, studio entertainment, consumer products and interactive media. Disney is a Dow 30 company and had annual revenues of about \$36 billion in its most recent fiscal year.

Deeply rooted in The Walt Disney Company's long history of corporate citizenship is support for the well being of kids and families. That legacy is evident today in every facet of Disney's corporate responsibility approach ranging from community support and care for the planet to product integrity and quality workplaces.

###



Steven Jayson

In February of 2011 a call was put out to the culinary community in Central Florida about a worthwhile initiative from Michelle Obama's "Let's Move" campaign called, "Chefs Move to Schools." When the Executive Chef and Vice President of Universal Orlando Resort, Steve Jayson, heard the call he answered with a resounding, "What can we do?" Steve Jayson and several of the other chefs at the resort partnered with local schools in Central Florida, the tenth largest school district in the nation, to create more nutritionally balanced food options for school-age children to enjoy in their cafeterias.

Steve Jayson began his culinary career in high school and has been the Executive Chef at Universal Orlando for more than 21 years. Steve has worked hard to promote the prestige and positive public image of the foodservice industry. As a member and past president of the American Culinary Federation (ACF), Jayson has won several awards and helped gain national recognition for the foodservice industry.

Steve Jayson is dedicated to displaying culinary integrity and character at its highest level. He works hard to motivate himself and others to continue to learn and to meet the challenges of new industry ideas and trends, to appreciate, honor and respect the past and the industry's founders and to continue to project the culinary profession as one of the most respected and leading occupations in America.

Steve is married to his wife Anna and together they have a 13 year old son, Christopher.

ABOUT CHEFS & LET'S MOVE!

Let's Move! is a comprehensive initiative, launched by the First Lady, dedicated to solving the challenge of childhood obesity within a generation, so that children born today will grow up healthier and able to pursue their dreams.

One of *Let's Move!* initiatives is The Chefs Move to Schools program, which helps chefs partner with interested schools in their communities so together they can create healthy meals that meet the schools' dietary guidelines and budgets, while teaching young people about nutrition and making balanced and healthy choices.

Chefs can have a tremendous impact on the health and well-being of children by adopting a school and working with teachers, parents, school nutrition professionals and administrators to help educate kids about food and nutrition. By creating healthy dishes that are also delicious, chefs have a unique ability to make good nutrition fun and appealing.

[Learn how you can get involved in the effort to keep our kids healthy at LetsMove.gov.](http://www.letsmove.gov/) (<http://www.letsmove.gov/>)

[Chefs who are interested in contributing their expertise to their community can get involved in the Chefs Move to Schools initiative.](http://www.letsmove.gov/chefs-move-schools) (<http://www.letsmove.gov/chefs-move-schools>)