

July 13, 2011

Secretary Kathleen Sebelius
U.S. Department of Health and Human Services
200 Independence Avenue, SW
Washington, DC 20201

Secretary Tom Vilsack
U.S. Department of Agriculture
1400 Independence Avenue, SW
Washington, DC 20250

Chairman Jon Leibowitz
Federal Trade Commission
600 Pennsylvania Avenue, NW
Washington, DC 20580

Dear Secretary Sebelius, Secretary Vilsack, and Chairman Leibowitz:

We share your commitment to ending childhood obesity and we are changing our recipes, labels and marketing to help Americans build healthy diets for their families. Unfortunately, the Preliminary Proposed Nutrition Principles for Food Marketed to Children by the Interagency Working Group (IWG) ignores the progress being made by our industries and should be withdrawn.

As you know, last-minute report language included in the FY 2009 Omnibus Appropriations Act asked the IWG to conduct a study and offer recommendations to guide food marketing to children and teens. The IWG was directed to examine nutritional standards and determine the scope of the media that should be included in its guidance.

However, the IWG did not complete a study as Congress directed and the nutritional standards developed by the IWG are far more restrictive than other federal nutrition standards, including standards for the WIC program and the school meals program. Moreover, the IWG proposal broadly defines “marketing” to include marketing to the general public, including point-of-sale displays, packaging and sponsorships.

Although the IWG proposal would require dramatic changes to food recipes and marketing, the IWG has produced no evidence that the proposed marketing restrictions would contribute to long-term changes in eating behavior nor has the IWG measured the costs to broadcasters, advertisers, food manufacturers, food retailers, restaurants, farmers, or the community organizations that rely on the support of our industries. Experts estimate that as many as 74,000 jobs are in jeopardy.¹ The IWG ignores significant changes in food recipes and marketing, including dramatic changes in the amount and composition of advertisements viewed by children on children’s television programming.

¹ IHS Global Insight. “Assessing the Economic Impact of Restricting Advertising for Products that Target Young Americans.” 2011:1.

While we all share the Administration's goal of ending childhood obesity within a generation, the Administration should carefully assess the progress made by our industries and provide peer-reviewed evidence that proposed marketing restrictions would contribute to long-term changes in diets. We urge you to withdraw the Preliminary Proposed Nutrition Principles for Food Marketed to Children.

Sincerely,

AIB International
Alabama Grocers Association
Alliance for American Advertising
American Advertising Federation
American Association of Advertising Agencies
American Bakers Association
American Beverage Association
American Frozen Food Institute
American Hotel & Lodging Association
Arizona Beverage Association
Arizona Food Marketing Alliance
Arkansas Beverage Association
Arkansas Grocers and Retail Merchants Association
Association of National Advertisers
Beverage Association of Mississippi
Beverage Association of Tennessee
California Grocers Association
California Independent Grocers Association
California League of Food Processors
Calorie Control Council
Can Manufacturers Institute
Colorado Beverage Association
Colorado Retail Association
Connecticut Food Association
Flavor and Extract Manufacturers Association
Florida Beverage Association
Florida Restaurant & Lodging Association
Food Industry Alliance of New York State
Food Marketing Institute
Food Processing Suppliers Association
Frozen Potato Product Institute
Georgia Beverage Association
Georgia Food Industry Association
Georgia Restaurant Association
Grain Foods Foundation

Grocery Manufacturers Association
Hawaii Restaurant Association
Hoosier Beverage Association
Idaho Lodging & Restaurant Association
Idaho Retailers Association
Illinois Food Retailers Association
Illinois Manufacturers Association
Illinois Retail Merchant Association
Indiana Restaurant Association
International Association of Amusement Parks and Attractions
International Association of Color Manufacturers
International Bottled Water Association
International Food Additives Council
International Franchise Association
Juice Products Association
Kansas Beverage Association
Kansas Food Dealers Association
Kansas Restaurant & Hospitality Association
Kentucky Association of Convenience Stores
Kentucky Beverage Association
Kentucky Grocers Association
Louisiana Restaurant Association
Louisiana Retailers Association
Maine Beverage Association
Maine Grocers Association
Maine Restaurant Association
Maryland Retailers Association
Maryland-Delaware-District of Columbia Beverage Association
Massachusetts Beverage Association
Massachusetts Food Association
Michigan Chamber of Commerce
Michigan Grocers Association
Michigan Restaurant Association
Michigan Soft Drink Association
Mid-America Grocers Association
Mid-States National Association of Theatre Owners
Midwest Food Processors Association
Minnesota Beverage Association
Minnesota Grocers Association
Minnesota Restaurant Association
Mississippi Hospitality & Restaurant Association
Missouri Beverage Association
Missouri Chamber of Commerce

Missouri Grocers Association
National Association of Convenience Stores
National Association of Manufacturers
National Association of Theatre Owners
National Confectioners Association
National Fisheries Institute
National Frozen Pizza Institute
National Grocers Association
National Pasta Association
National Restaurant Association
National Yogurt Association
Nebraska Beverage Association
Nebraska Food Industry Association
Nebraska Restaurant Association
Nevada Restaurant Association
New Hampshire Beverage Association
New Hampshire Grocers Association
New Jersey Food Council
New Jersey Restaurant Association
New Jersey Retail Merchants Association
New Mexico Grocers Association
North American Millers' Association
North Carolina Beverage Association
North Dakota Grocers Association
North Dakota Hospitality Association
Northwest Food Processors Association
Ohio Beverage Association
Ohio Grocers Association
Ohio Manufacturers Association
Ohio Restaurant Association
Oklahoma Beverage Association
Oklahoma Restaurant Association
Oregon Restaurant & Lodging Association
Pennsylvania Beverage Association
Pennsylvania Convenience Store Association
Pennsylvania Food Industry Association
Pennsylvania Restaurant Association
Promotion Marketing Association
Retail Association of Nevada
Retail Bakers of America
Retail Grocers Association
Retail Grocers Association Kansas City
Retailers Association of Massachusetts

Rhode Island Beverage Association
Rhode Island Food Dealers Association
Rhode Island Retail Federation
Salt Institute
Snack Food Association
South Carolina Beverage Association
South Carolina Hospitality Association
Southeast National Association of Theatre Owners
Tennessee Grocers and Convenience Store Association
Texas Restaurant Association
Texas Retailers Association
The Association for Dressings & Sauces
Theatre Owners of Indiana
U.S. Chamber of Commerce
USA Rice Federation
Utah Beverage Association
Utah Food Industry Association
Utah Restaurant Association
Utah Retail Merchants Association
Vermont Grocers Association
Virginia Beverage Association
Virginia Retail Federation
Washington Food Industry Association
West Virginia Beverage Association
West Virginia Hospitality & Travel Association
West Virginia Oil Marketers and Grocers Association
Wheat Foods Council
Wisconsin Bakers Association
Wisconsin Beverage Association
Wisconsin Grocers Association
Wisconsin Manufacturers and Commerce
Wisconsin Restaurant Association