

## FERRERO U.S.A. CFBAI Commitments

(January 2023)

### ENTITY COVERED

**Ferrero U.S.A.**, 7 Sylvan Way, Parsippany, New Jersey 07054

### KEY CONTACT

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### PRODUCTS COVERED BY PLEDGE COMMITMENTS

All products sold by Ferrero U.S.A. under the following brand groups: Ferrero Premium Chocolates (Ferrero Rocher, Kinder, Nutella, Tic Tac), Ferrero Mainstream Chocolates (Butterfinger, BabyRuth, Crunch, 100 Grand), Cookies, Cones & Crusts (Keebler, Famous Amos, Mothers).

### IMPLEMENTATION

To demonstrate its continued commitment to the program, Ferrero is re-stating its September 2013 pledge to reflect the program advancements reflected in the CFBAI Core Principles, 6<sup>th</sup> ed. This pledge will be implemented by January 1, 2023.

### PLEDGE

As a privately-held, family company specializing in food and confections, Ferrero U.S.A. fully understands it has a responsibility to help parents in the management of their families' daily nutritional needs. As one component of this support, we provide consumers with high-quality products in small, portion-controllable sizes.

In addition, we believe that responsible commercial communications can assist consumers in making appropriate choices about food and beverage products, and in understanding the role that nutrition, diet and physical activity can play in achieving a healthy and active lifestyle. To that end, Ferrero U.S.A. commits to providing educational and transparent nutritional labeling as well as avoiding the marketing of its products to children under 13, who are most vulnerable to commercial messages.

Ferrero U.S.A. is pleased to be a member of the CFBAI and agrees to uphold the group's Core Principles through the following commitments:

**1) Ferrero U.S.A. does not advertise branded products in covered media primarily directed to children under 13. "Covered media" is defined as:**

- Television
- Radio
- Print
- Internet/Digital media, including but not necessarily limited to:
  - Company-owned websites
  - Third-party websites, including display, banner, pop-up, audio or video

advertising<sup>1</sup>

- 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<sup>22</sup>
- Video and computer games that are primarily directed to children under age 13
- DVDs of movies that are rated “G” whose content is primarily directed to children under age 13, and other DVDs whose content is primarily directed to children under age 13
- Word of mouth or influencer marketing

Ferrero has always believed in the crucial role played by parents in educating their children about proper nutrition and healthy lifestyles. Ferrero U.S.A. believes that it is preferable to avoid advertising to children when they are most likely exposed to commercial communications without parental supervision.

As such, Ferrero U.S.A. will use the following criteria to determine whether content is “primarily directed” to children:

- *In measured media*, where the composition of the under 13 audience is estimated to be at least 30% of the total audience; The audience composition information that determines compliance with this audience threshold will be measured in media impressions for specific demographic groups at the time the advertising is purchased, based on reliable third-party ratings information.
- *In media difficult to measure*, where reliable audience composition data is not available; Ferrero U.S.A will determine whether such content is child-directed based on an assessment of multiple factors related to that content, including but not limited to the subject matter, 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, actions taken to restrict children’s access to the site or content.

## **2) Ferrero U.S.A. applies responsible parameters to digital communications**

Ferrero does not direct digital product communications to children under 13 and implements this policy through use of appropriate measures, including but not limited to appropriate age-screening techniques aimed at restricting children under 13 from submitting personal information, viewing advertising and downloading branded materials without parental consent and other tools and approaches discussed in the CFBAI Core Principles, 6<sup>th</sup> ed.

In an effort to ensure that product communication included in its websites does not appeal to children under 13, Ferrero U.S.A. carefully assesses the elements that would normally attract the attention of children under 13, namely: licensed characters, tie-ins, games, celebrity or athlete appearances, animation and sound effects, toys, graphics, colors, language and site navigation.<sup>3</sup>

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<sup>1</sup> User-generated content that is not under the control of Ferrero U.S.A. is not covered by the Core Commitments.

<sup>2</sup> As provided in CFBAI’s Core Principles, advertising on a platform that uses valid age verification to restrict access presumptively is not primarily directed to children under age 13.

<sup>3</sup> 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).

**3) Ferrero U.S.A. does not advertise branded products to children in elementary schools, pre-K through 6th grade. This includes but is not limited to advertising on or through the following items:**

- Food samples and taste tests
- Posters
- Pencils, book covers, and other school supplies offered for sale in school
- Textbooks
- Tray liners, cups, napkins, plates
- Coolers

This commitment does not apply to displays of foods and beverages that identify foods that are for sale; fundraising support; charitable donations, or sponsorships.

**4) Ferrero U.S.A. does not engage in advertising primarily directed to children under six.**

**5) Ferrero U.S.A. does not pay for or actively seek to place or integrate its foods or beverages in the program/editorial content of any medium primarily directed to children under age 13 for the purpose of promoting the sale of those products.**