



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

2022 Annual Report

**A REPORT ON
COMPLIANCE
AND PROGRESS
DURING 2022**

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Executive Summary

The Children's Food and Beverage Advertising Initiative (CFBAI) was launched in 2007 to improve the landscape of food advertising to children. Under CFBAI's Core Principles, participants voluntarily commit that, in advertising primarily directed to children under age 13, they will either not advertise foods or beverages at all or advertise only foods or beverages that meet CFBAI's strict Uniform Nutrition Criteria. Participants also commit to not advertise to children in elementary schools. The Annual Report Regarding Compliance and Developments in 2022, CFBAI's 16th Annual Report, provides information regarding foods advertised to children by participants in 2022, including an evaluation of participants' 2022 compliance, which was excellent. The Report also discusses modifications to CFBAI's Core Principles made in 2022 and the results of an assessment of food and beverage ads on children's TV networks in 2022.

Year in Review

Participation, Program Growth, and Program Impact. Twenty U.S. food, beverage, and quick-serve restaurants participated in CFBAI in 2022, including Hostess Brands, which joined CFBAI in April 2022. Lindt & Sprüngli and Ferrara Candy Company joined CFBAI in 2023, bringing the total number of participants to 22. Under the Children's Confection Advertising Initiative (CCAI), a program modeled on CFBAI for small-to-medium size confection companies, six confectionery companies pledge to not advertise to children.

Most participants did not engage in child-directed food or beverage advertising in 2022, and CFBAI's 2022 Snapshot of Foods Advertised on Children's TV found a reduction in the number of ads overall and the number of food categories advertised in 2022 compared to 2021. However, CFBAI participants continued to account for most advertising (70%) on children's television.

Excellent Compliance. CFBAI provides strong program oversight through regular assessment of food advertising on children's TV networks and monitoring of samples of child-directed websites and other digital content. CFBAI participants also submit annual self-assessments that document their compliance, provide copies of ads, and report instances of non-compliance, how these occurred, and steps taken to prevent recurrences. CFBAI also works with participants to stay informed regarding the evolving media landscape and how changes in that environment may impact CFBAI compliance. Although complaints may be submitted to CFBAI, the program did not receive any complaints regarding non-compliance in 2022.

CFBAI found excellent compliance by CFBAI and CCAI participants in 2022, consistent with compliance reports since CFBAI began publishing annual reports in 2007. The overall compliance rate for participants' television advertising was 99.5%. This means that 99.5% of CFBAI and CCAI participants' TV advertising spots to audiences with 30% or more children under age 12 were for qualifying foods. Thus "non-compliant" airings represented a very small percentage of companies' overall TV ad placements. CFBAI monitoring of a sample of child-directed digital media found no instances of non-compliant advertising.

Fewer Foods on the Product List. CFBAI maintains a Product List on its website that identifies foods that meet CFBAI's Nutrition Criteria and that may be advertised by participants to children. CFBAI updates this list twice annually. The number of products on the list has declined significantly in recent years, a trend that continued in 2022 and 2023. This Annual Report provides information on the foods added to the Product List in 2022.

Fewer Categories and Participants' Foods Advertised on Children's TV. CFBAI conducts annual snapshots of food advertising on children's TV networks. CFBAI reviewed and analyzed food ads that aired between January – July 2022 on 11 children's networks. Participants' ads comprised 70% of the advertising in the assessed categories on these networks. The ads featured qualifying foods that positively contribute to children's diets.

- ◆ **Few Categories Advertised by the Participants.** Only four CFBAI food categories were observed in the 2022 TV Snapshot. In order of prevalence these were Cereals, Small Meals, Meals, and Waffles and Pancakes. Although not advertised on TV in 2022, yogurts were advertised on other covered media. No beverage advertising was observed (other than reduced fat milk in Meal advertising). There were fewer categories advertised to children in the 2022 Snapshot compared to the previous year.
- ◆ **Nutrition Highlights.** All participants' ads featured foods that provide either a food group or an under-consumed nutrient of public health concern such as calcium or Vitamin D.
- ◆ **Foods Most Frequently Advertised by Non-participants.** Candy was the food most frequently advertised by non-participants, followed by restaurant advertising.

Outreach. CFBAI issues press releases 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.

2023 and Beyond

CFBAI and others have noted that candy advertising in children's media by non-participants continues to comprise a sizable proportion of child-directed advertising. CFBAI was pleased that, in 2023, Lindt and Ferrara Candy Co. joined other leading confection companies that already participate in the program, signing a CFBAI pledge to not market their confections to children. CFBAI will continue to seek additional participants in the confectionery and other food sectors that want to strengthen the advertising landscape through independent self-regulation.

CFBAI participants remain committed to complying with CFBAI's Core Principles and the goal of having a positive impact on the advertising landscape through advertising only foods that meet CFBAI's Uniform Nutrition Criteria or through not advertising foods or beverages to children under age 13.

I. Introduction & Report Overview

This Report addresses the ongoing work and impact of CFBAI, including an assessment of participants’ compliance with their pledges and foods added to CFBAI’s Product List and advertised to children in 2022.¹

Table 1. CFBAI Participant Compliance Assessment List for 2022

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

Table 2. CCAI Participant Compliance Assessment List for 2022

Brown & Haley	Impact Confections	PIM Brands
Ferrara Candy Company	Jelly Belly Candy Company	R.M. Palmer Company
Ghirardelli Chocolate Company	Just Born Quality Confections	

The Report consists of the following sections:

- ◆ Part II provides historical information and recent developments regarding CFBAI and its impact on the advertising landscape;
- ◆ Part III describes 2022 nutrition developments, including CFBAI’s Category-Specific Uniform Nutrition Criteria and the results of CFBAI’s 2022 Snapshot of Foods Advertised on Children’s TV;
- ◆ Part IV discusses CFBAI’s pledge compliance monitoring for 2022, including an assessment of compliance on children’s TV programming based on Nielsen data that found a 99.5% compliance rate; and notes revisions to CCAI’s Core Principles;
- ◆ Part V describes the Children’s Confection Advertising Initiative (CCAI);
- ◆ Part VI is the Report Conclusion.

¹ Progress made in other years is documented in prior annual reports for CFBAI and CCAI. Reports and other program materials are available on the CFBAI webpage of the BBB National Programs website at <http://bbbprograms.org/programs/cfbai/> and at <http://bbbprograms.org/programs/ccai/>.

II. About CFBAI and Food Advertising to Children

A. Background

Amidst concerns regarding rates of childhood obesity in the U.S., the Institute of Medicine (IOM) in 2006 recommended that all sectors of the food advertising environment do their part to help address this problem. IOM urged food companies to change the mix of products in child-directed advertising to include healthier foods and to strengthen self-regulation efforts.² In response, CFBAI was launched in 2007 by BBB National Programs' predecessor organization, the Council of Better Business Bureaus, and ten leading food and beverage and quick-serve restaurants. CFBAI's Core Principles created a framework to ensure that participants' food advertising to children featured only foods that meet nutrition standards. Under the Core Principles, these standards apply to advertising in child-directed media (e.g., TV, digital, mobile, print, interactive games, product placement, influencer communications). CFBAI participants also commit to not advertise branded foods or beverages to children in elementary schools.

Since 2007, CFBAI has worked to improve the children's food advertising landscape through strong and transparent self-regulation. CFBAI participants have reformulated foods, developed new products that meet CFBAI's nutrition criteria, and changed their advertising practices. The program now has 22 participating companies. Each participant signs a contract and agrees to oversight by BBB National Programs and to be held accountable for failure to comply with their commitments. Each company develops an individual commitment (called a pledge) that addresses how it will comply with CFBAI's Core Principles. CFBAI monitors covered media for compliance and participants also submit self-assessments annually. There are few instances of non-compliance and inadvertent and infrequent problems detected are quickly remedied.

CFBAI is committed to transparency and accountability regarding the program and foods advertised to children. CFBAI maintains a website that identifies the participants and provides links to the CFBAI's Core Principles, the Uniform Nutrition Criteria, participants' individual pledges, the Product List, a contact link, statements and press releases regarding the program, and, in 2022, an FAQ section. CFBAI presents at conferences and meetings on children's advertising, food advertising, and nutrition, and occasionally participates in the public proceedings of domestic and international governmental bodies or NGOs on matters relevant to CFBAI's program and expertise.

CFBAI complements the work of another BBB National Programs children's advertising program, the Children's Advertising Review Unit (CARU). CARU's Advertising Guidelines apply to all advertisers and set strong standards that help ensure that advertising to children for all products is not deceptive, unfair, or inappropriate.³ CFBAI applies only to food

2 See, e.g., Institute of Medicine's 2006 report, "Food Marketing to Children and Youth: Threat or Opportunity?" available at <http://www.iom.edu/Reports/2005/Food-Marketing-to-Children-and-Youth-Threat-or-Opportunity.aspx>.

3 CARU's Privacy Guidelines address how to protect children's privacy in online environments.

companies that opt in to CFBAI and agree to adhere to its Core Principles⁴ and its Uniform Nutrition Criteria (“UNC”). Both programs monitor children’s media, enforce the standards of the respective programs, and can refer non-complying companies to the Federal Trade Commission (FTC).

As with CARU’s Guidelines, CFBAI’s Core Principles apply to advertising primarily directed to children, a group that the advertising industry has long recognized needs special protections. CFBAI is not intended and was not designed to address all ads that children might be exposed to. Most ads are intended for and directed to audiences other than children. These ads are shown or displayed in media or content where children typically represent a small percentage of the audience, for example advertising on primetime shows or sporting events.

B. Recent CFBAI Developments

CFBAI added three new participants since 2022, bringing the total number of CFBAI participants to 22 companies. Hostess Brands joined CFBAI in April 2022. Lindt & Sprüngli, the parent company of Lindt, Ghirardelli Chocolates and Russell Stover, joined in January 2023. Ferrara Candy Company, which owns popular confectionery brands such as SweetTarts, Laffy Taffy, Trolli, and Nerds, joined CFBAI in October 2023. Both Ghirardelli and Ferrara Candy Company had been participants in the Children’s Confection Advertising Initiative since its launch in 2016.

In May 2022, CFBAI revised its Core Principles to address “advertising primarily directed to children under age 13.” Previous editions of the Core Principles covered advertising primarily directed to children under age 12. The change aligned with the CARU Advertising Guidelines, which CARU revised to apply to advertising to children under age 13 as of January 2022. CFBAI’s Core Principles, 6th edition, took effect January 1, 2023.

C. CFBAI’s Impact on the Advertising Landscape

Before CFBAI, there was no requirement that foods advertised to children meet nutrition standards. There was no independent oversight of what foods were advertised to this age group. Since CFBAI’s launch in 2007, however, the landscape has changed. Under the CFBAI framework, participants commit either to not advertise to children at all or, if they advertise to children, to use CFBAI’s Uniform Nutrition Criteria to determine the foods that they advertise. Because CFBAI participants’ commitments cover a substantial proportion of all child-directed food ads, most foods in ads directed to children meet nutrition standards.⁵ CFBAI’s criteria set strict limits for nutrients to limit and requirements for positive nutrients and food groups. Over time, there have been improvements in many foods advertised by participants. The strong, independent oversight provided by the CFBAI administrator, BBB National Programs, has helped ensure excellent compliance and guided the program to regular program enhancements.

Increasingly, however, there is evidence that there has also been a reduction in food advertising to children. First, data regarding children’s exposure to food ads on children’s TV programs shows a significant decline in food advertising to children in that medium. A recent study found that children ages 6-11 viewed a total of 202 food ads by CFBAI participants

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

5 CFBAI and others have regularly found that CFBAI participants’ advertising covers 70-80% of advertising on children’s television programming. See, e.g., Jensen, M.L., Fleming-Milici, F. & Harris, J.L. Are U.S. food and beverage companies now advertising healthy products to children on television? An evaluation of improvements in industry self-regulation, 2017-2021. *Int J Behav Nutr Phys Act* 20 (2023) (“An evaluation of improvements in industry self-regulation”) (CFBAI participants accounted for 79% of advertising on children’s television). <https://doi.org/10.1186/s12966-023-01517-y>. The FTC’s 2012 Report noted that CFBAI-participant 2009 ad expenditures accounted for 89% of all the food advertising expenditures to children, although the FTC’s definition of advertising included marketing not covered by CFBAI, such as shelf placement allowances, in-store ad displays, and product packaging. Federal Trade Commission, Review of Food Advertising to Children and Adolescents Follow-Up Report, 30 (2012).

on children's television in 2021,⁶ representing a 72% decline in children's exposure to CFBAI participants' food ads on children's TV compared to 2016 exposure data.⁷ The decline in exposure since 2007, when CFBAI launched, is even greater.⁸

There has also been a significant decline in the number of participants listing foods on CFBAI Product Lists, which means that they do not advertise to children in any covered media, and a decline in the number of foods listed. In addition, CFBAI's annual Snapshots of Foods Advertised on Children's Television have found a decline in overall food advertising and participants' advertising, as discussed in the next section of this Report.

Although assessing the digital environment presents unique challenges, the widespread use of targeted advertising in the online environment creates the opportunity to avoid advertising to children under 13. In addition, as noted below, platforms have adopted policies that restrict advertising to children, and even to teens, which likely further reduces advertising seen by younger users.

6 Jensen, M.L.,I at 118.

7 The Rudd Center, FACTS 2017 report indicated that children viewed 770 ads by CFBAI participants in 2016. FACTS 2017 at 37. "An evaluation of industry self-regulation" (2023) did not include QSR restaurant ad viewings in the findings. For that reason, CFBAI excluded the ad viewings attributed to McDonald's in FACTS 2017 in deriving the 72% reduction.

8 See, Harris, Jennifer and Kalnova, Svetlana, "Food and beverage TV advertising to young children: Measuring exposure and potential impact," *Appetite*, at 52 (children 6-11 viewed an average of 1,134 CFBAI participants' ads on children's TV in 2007).

III. Nutrition Developments

A. CFBAI Category-Specific Uniform Nutrition Criteria Overview

CFBAI's Uniform Nutrition Criteria (UNC), 2nd ed. apply to participants' advertising primarily directed to children on covered media. These criteria set limits on nutrients to limit (calories, saturated fat, sodium, and added sugar) and minimum requirements for positive nutritional contributions (e.g., dairy, whole grains, calcium, or Vitamin D). CFBAI first adopted uniform nutrition criteria in 2011 and implemented these in 2014. CFBAI enhanced and improved these criteria in 2018 and implemented the revised criteria in 2020.⁹

B. 2022 Product List Developments

CFBAI's Product List identifies foods that participants have indicated may be the subject of child-directed advertising in covered media (typically on TV or in digital media). The Product List appears on CFBAI's website and is updated bi-annually. Notably, many foods were removed from the Product List in 2022 and 2023.

Several **yogurts** were added to CFBAI's Product List in 2022. All yogurts were non-fat or low-fat, provided one-half to one-third serving of dairy, and provided a good or excellent source of calcium. Although not advertised on television in 2022, yogurts were advertised to children online. **Cereals** continued to be advertised to children, although many cereals were removed from the Product List in 2022 and 2023. Cereals on the Product List are a good source of Vitamin D and many also are a good source of calcium, both of which the 2020-2025 Dietary Guidelines for Americans identify as under-consumed nutrients of public health concern. Several **waffles** were added to the List in 2022 and advertised to children. All the waffles provided an excellent source of iron and calcium. A new **Small Meal** on the Product List provides 1.5 servings of food groups and a good source of calcium. Small Meals were also advertised in 2022.

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

CFBAI has conducted annual snapshots of food and beverage TV ads since 2010.¹⁰ The 2022 Snapshot assessed advertising airings in categories historically advertised to children from

9 The criteria were implemented January 1, 2020, coinciding with the implementation date for FDA's Nutrition Facts and Supplement Facts Label and Serving Size final rules. The 2018 UNC included improvements that impacted every category, including: the use of added sugars rather than total sugars, aligning with FDA's updated Nutrition Facts Panel (NFP); sodium threshold reductions in 13 of 17 categories; added sugars contributions reduced in key categories such as Milks, Savory Snacks and Sweet Snacks; an updated criteria for whole grains to ensure that foods qualifying based on whole grain content contribute a meaningful amount of whole grain; a requirement of more food groups in the Main Dish and Meal categories, which typically make significant contributions to children's diets; more rigorous nutrient-based qualifiers that are limited to "under-consumed" nutrients; and use of more transparent and descriptive food categories. CFBAI's 2018 White Paper provides the full rationale for the Revised Criteria and is available on CFBAI's website.

10 CFBAI uses the TV ad-tracking platform iSpot to create its snapshots. The platform uses audio and video fingerprinting technology to extract product advertisements, movie trailers, and other entertainment promotions. It identifies the industry, product category and brand, as well as information regarding where and when the ad aired. This database can be searched by various criteria and subscribers can view ads..

January to July 2022, on 11 children's networks.¹¹ Participants' ads accounted for the majority (71%) of food ads, comparable to previous Snapshot results and consistent with other reports. The Snapshot found advertising by five CFBAI participants and 18 non-participants. This section notes several Snapshot findings.

1. Fewer food categories and foods were advertised in 2022.

The Snapshot found that CFBAI participants advertised foods from four categories in 2022: Cereals, Small Meals, Meals, and Waffles and Pancakes. This represented far fewer food categories to children than identified in the 2021 Snapshot, which found participants' ads featured foods from nine food categories. There was a 19% reduction in the overall number of ads between the 2021 and 2022 Snapshots.

2. Foods featured in participants' ads provided food groups and/or nutrients of public health concern; calorie contributions were modest.

Advertised cereals provided whole grains and/or nutrients of public health concern such as calcium or Vitamin D. Advertised waffles provided calcium. Small Meals and Meals provided food groups and under-consumed nutrients. The average calorie contributions of these foods were modest: Cereals (170 calories), Waffles (180 calories), Small Meals (350 calories), and Meals (395 calories). The Snapshot did not find any advertising by CCAI participants, demonstrating compliance with the CCAI Core Principles.

3. Non-participant ads promoted mostly candy and restaurant offerings.

The most frequently advertised category by non-participants was candy, as in previous CFBAI TV Snapshots. Candy was the fourth most advertised category overall and accounted for 46% of non-participant ads. Restaurant advertising, the second most frequently advertised non-participant category, accounted for 32% of non-participant ads.

Foods from the candy and restaurant categories generally exceed CFBAI limits on saturated fat, sodium, and/or added sugars. Most non-participant restaurant ads did not feature a children's meal. Although some non-participants' ads featured foods from other categories (e.g., Breads, Cheeses, exempt products), these categories represented a much smaller percentage of non-participants' ads than the candy and restaurant categories.

¹¹ The networks were Boomerang, Cartoon Network, Discovery Family, Disney Channel, Disney Jr., Disney XD, Nick, Nick Jr., Nicktoons, TeenNick, and Universal Kids. The 2022 Snapshot results reflect ads which aired from 6 AM - 9 PM and aired more than 25 times.

IV. Pledge Compliance Evaluation

CFBAI and CCAI participants delivered excellent compliance with their pledges in 2022, as observed through the administrator's analysis of a robust sample of Nielsen TV advertising data, monitoring of a sample of digital child-directed content, and review of participants' self-assessments submitted as part of the program's compliance procedures. CFBAI's finding of excellent compliance is consistent with its past assessments and with the findings reported by others that study food marketing to children.¹²

Participants voluntarily have created internal procedures that allow them to consistently and accurately provide ongoing compliance, including employee training, guidance for use internally and by external partners, and a systematic process for reviewing and executing advertising and media buys.¹³

CFBAI assesses pledge compliance in several ways. First, CFBAI monitors advertising in covered media to determine whether CFBAI and CCAI participants have complied with their commitments not to engage in child-directed advertising or to advertise only foods that meet CFBAI's Nutrition Criteria ("qualifying foods") in child-directed advertising.¹⁴ Second, participants submit self-assessments regarding how they met their CFBAI pledge commitments. Finally, if complaints are received, CFBAI will investigate them. CFBAI received no complaints regarding CFBAI participants or CCAI participants' compliance in 2022. In the case of the few issues that were identified by the administrator or by participants themselves, the companies investigated them, addressed the problems or concerns, and, when necessary, established, or revised procedures to prevent the issue from reoccurring.

A. Key Compliance Findings

1. Overview

CCAI and CFBAI's Core Principles address advertising primarily directed to children in TV, print, radio, and digital media (including company-owned websites, third-party websites, and child-directed YouTube channels, and mobile apps).

For measured media such as TV, "child-directed advertising" in 2022 meant advertising for which children ages 2-11 constituted at least 30% of the expected audience at the time

12 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; at 2 ("Examination of compliance with industry self-regulation revealed complete conformity with company pledges.")

13 The participants' procedures include regular, periodic training of employees across multiple divisions, which might include nutrition, legal, marketing, policy and planning, product development, product distribution, brand management, regulatory affairs, sales, and other departments, as well as third parties involved in advertising development and placement, such as advertising agencies and media buyers.

14 This report refers to a food that meets CFBAI's nutrition criteria as a "qualifying" or "qualified" food. Participants are required to submit these foods to CFBAI for review before they are advertised to children. A "non-qualifying" food thus refers to a food that does not meet the nutrition criteria.

a participant buys its media, typically the year before advertising airs. CFBAI refers to the expected percentage of children in the audience as the “audience threshold.” Keurig Dr Pepper, Mars, Nestlé, and Unilever go beyond the 30% minimum and use a 25% threshold to define child-directed advertising in their respective pledges.¹⁵

For online content, where reliable audience composition data may not always be available, CFBAI assesses whether an ad is primarily directed to children based on an evaluation of multiple factors, including age demographics for the site or digital content, an assessment of the overall nature of the content (e.g., the subject matter of the site or video, the visual content, the language used, the kind of music or audio content), whether the ad is part of a larger child-directed campaign, and actions by an advertiser or a platform to restrict children’s access to a site or content. The online environment also provides tools and settings that allow advertisers to avoid serving ads to children under age 13. For example, some platforms or content developers provide content identifier tools that indicate whether content is primarily child-directed, which allows participants that do not want to reach children to avoid children’s content and participants that advertise qualifying foods to place ads contextually. Advertisers can also create “do not serve” lists of child-directed content to avoid serving ads on this content. Age-targeting and interest-based or behavioral indicators allow advertisers to target an older or adult audience and avoid serving an ad to children under 13.

2. TV advertising

For 2022 compliance monitoring, CFBAI licensed second and third quarter 2022 national TV audience data from Nielsen to independently assess the instances of CFBAI and CCAI participants’ ad airings placed on programs that exceeded CFBAI’s minimum 30% audience threshold, meaning children under age 12 were at least 30% of the audience. Nielsen obtains audience composition data from panels of television-owning homes that are representative of the viewing behavior of households nationwide. The Nielsen data provides detailed statistics about advertising spots: the advertiser, product, network, program, date and time of airing, the estimated audience and the demographic breakdown for ages 2-11, and an additional breakdown of ages 2-5.

CFBAI’s overall TV advertising compliance rate for 2022 was 99.5%



This means that 99.5% of CFBAI and CCAI participants’ TV advertising spots were compliant with CFBAI commitments. The individual participants’ compliance rates ranged from 96% to 100%, including participants that use a 25% audience threshold. Thus “non-compliant” airings represented a small percentage of brands’ and companies’ overall TV ad placements. Most airings for non-qualifying foods that exceeded companies’ thresholds occurred outside of children’s programming.

For purposes of simplicity and to err on the side of transparency, what the Annual Report refers to as a “compliance” assessment is based on the measured audience composition for the ad at the time of airing. Actual compliance is based on the projected audience composition at the time of purchase, i.e., the percentage of children in the audience expected at the time that participants purchased the ad time. The audience for a program at the time of airing may unexpectedly exceed the audience composition projected at the time of purchase.

15 The participants’ applicable audience thresholds for 2022 are set out in Appendix B, CFBAI Participants’ Child-Directed Advertising Commitments.

For example, an occasional episode of a program on an adult network may have an audience that unexpectedly exceeds 30% children. Or an ad may air during a program with a very small and thus unreliable audience sample, for example a show at 2 AM with an audience of 50% children under 13. Although such statistical anomalies make the data less reliable, even results with small audiences are reflected in the results reported here.

To summarize, although instances of ads for non-qualifying foods that exceed the audience threshold at the time of airing generally are not violations of a participant’s pledge or evidence of non-compliance, this report incorporates all instances of ad placements for non-qualifying foods that exceed CFBAI’s minimum 30% threshold as “non-compliant,” regardless of unexpected or otherwise anomalous audience demographics.

CFBAI’s Core Principles include a commitment to not advertise to children under age 6, defined as when the audience exceeds 30% children under 6 at the time of purchase of the media. The overall compliance rate for such placements was 99.6%. This means that only 0.4% of advertising spots were aired to audiences with 30% or more children under age 6.

The participants were provided with company-specific data regarding ad airings that exceeded their company-specific audience thresholds. Participants can use that information to review media plans to ensure continued excellent compliance and assess the need for any modification.

Digital, including company-owned websites primarily directed to children, in-app advertising, and child-directed YouTube channels. CFBAI’s Core Principles cover participants’ advertising on child-directed digital media, including child-directed websites, apps, and streaming content. Participants’ self-assessments identify the foods advertised in children’s digital media and provide samples of these ads, which generally are the same foods that are advertised on children’s TV programming, and often the same ads.

Children’s time spent engaging with digital content has grown significantly in recent years, although children continue to report enjoying and spending time watching television.¹⁶ Monitoring the constantly changing digital space is challenging. Although there is no single source that comprehensively identifies online child-directed content or audience composition data, CFBAI monitors a sample of digital media identified as popular with children based on media reports, articles, and studies. In their self-assessments, participants also provide information regarding the approaches they employ in the digital ecosystem to help them meet their commitments to not advertise foods to children or to advertise only qualifying foods. In 2022, CFBAI monitored child-directed third-party websites, apps, and YouTube channels, and participants’ brand websites. There was very good compliance with the Core Principles and CFBAI did not observe instances of non-qualifying foods advertised in this media.

Under the Children’s Online Privacy and Protection Act (COPPA), websites, apps, and other online operators must avoid collecting personal information from children under 13 without verifiable parental consent.¹⁷ Because of COPPA, participants do not engage in behavioral advertising, often called “targeted advertising,” to children under age 13. CFBAI participants that advertise qualifying foods to children online do so only on a contextual basis, working with third parties with expertise in identifying children’s online content and the placement of ads contextually in that content.

¹⁶ According to a 2022 Commonsense Media survey, total entertainment screen use among 8- to 12-year-olds was five and a half hours of screen media per day (5:33) in 2021, up from 4:44 in 2018. The Common Sense Census: Media Use by Tweens and Teens, 2021 (2022) at 3. Tweens (8-to-12-year olds) reported watching television and online videos every day at the same rate (65% vs. 64%), with 61% reported enjoying online videos “a lot” vs. 48% enjoying television “a lot.” Id. at 4.

¹⁷ Under COPPA, website and online services directed at children must avoid collecting personal information from children under 13 without verifiable parental consent. This means that advertisers do not engage in behavioral advertising to children under age 13. Thus, if CFBAI participants advertise qualifying foods to children online, they do so only on a contextual basis.

Most online platforms use neutral age screening mechanisms to exclude children under age 13 from using the platform. There are additional mechanisms, however, that advertisers use to avoid serving ads to children. The digital ecosystem’s widespread use of “targeted” advertising allows advertisers to use demographic information about audiences (e.g., who they are, where they are, what their interests are, what they have purchased) to reach their target audience, such as targeting users who are well above CFBAI’s age range (e.g., targeting only adults ages 18+) and those with adult interests or behaviors unlikely to be exhibited by children (e.g., primary shopper, cooking enthusiast, yoga lover, car buyer). Some platforms provide content identifiers, another tool that advertisers can use to target ads to content unlikely to appeal primarily to children (e.g., home décor, holiday meals, autos). Advertisers also can “negatively target” child-appealing content to help avoid serving ads on that content. Advertisers also create “do not serve” site lists to further avoid serving ads on child-directed content.

Popular platforms also have adopted policies that further reduce the amount and type of advertising that children are likely to see. In the case of YouTube, a top destination for children, the YouTube Kids App does not serve any advertising to users. On the “regular” YouTube platform, following a consent decree with the FTC in 2020 to address alleged COPPA violations, Google prohibits personalized ads (i.e., targeted ads) on what it calls “Made for Kids” content. In addition, YouTube prohibits even contextual food and beverage advertising on that content.¹⁸

Roblox, the popular platform that allows users to play and create games, in June 2023 began implementing a policy that requires that advertising content be “hidden” from viewing by users under the age of 13,¹⁹ a policy that is likely to restrict advertisers’ ability to reach children on the platform.

The TikTok “experience” for Younger Users, designed for U.S. users under age 13, does not serve ads. This form of TikTok limits children’s experiences in other ways also, including presenting content only from a curated library of age-appropriate videos, not permitting sharing of personal information, and limiting users’ ability to interact. “Regular” TikTok’s Terms of Service limit users to those age 13 and older.

Most major social media platforms require that users be at least 13 years old and restrict under-age users’ access through age-screening procedures.²⁰ In addition to age gating, the largest social media platforms recently have adopted other policies that limit the ability of advertisers to reach teens on their platforms.²¹ Reducing the ability and adding to the complexity of advertising to teenagers is likely to also limit the number of ads, including food ads, seen by children under age 13 that gain access to these platforms by misrepresenting their ages.

Ad-supported streaming platforms. CFBAI’s Core Principles cover advertising on child-directed streaming video content as part of the digital advertising commitment. Free ad-supported TV (FAST) services for entertainment content are increasingly popular, although many of the most accessed SVOD (Streaming Video on Demand) services have been

18 See <https://support.google.com/adspolicy/answer/9683742#>. Although there have been reports that YouTube’s Made For Kids policy has not always been properly implemented, the platform vigorously contests these findings. See, Google Ads & Commerce Blog, Our strict privacy standards around made for kids content, downloaded October 30, 2023.

19 See <https://en.help.roblox.com/hc/en-us/articles/13722260778260-Advertising-Standards>.

20 Advertisers on platforms that use valid age verification mechanisms are not intending to advertise to children under age 13 and CFBAI does not treat participant advertising on these platforms as primarily directed to children.

21 Meta (Facebook, Instagram, Messenger) no longer allows targeted ads to teens based on gender or in-app activity. Google does not allow ad targeting based on age, gender or interests for users under the age of 18.

subscription-based and ad-free.²² One participant reported that, for a two-week period in 2022, a non-qualifying food was served on an ad-supported connected TV provider due to vendor error. The company immediately undertook a review and implemented process changes to prevent re-occurrence.

There are several aspects of the ad-supported streaming environment that support CFBAI compliance. In many cases, ad-supported streaming networks with child-directed content allow only contextual advertising on children's content, selling advertising on that content separately from advertising on other content. CFBAI participants also can instruct their media agencies and ad-buying partners to avoid child-directed programming for non-qualifying food ads on these services.

CFBAI will continue to work with its participants to ensure that advertising on this growing medium is aligned with CFBAI's Core Principles and participants' CFBAI pledges.

Video games that are rated "early Childhood" or "EC" or that are age-graded as primarily directed to children under 13 or G-rated DVDs. Participants did not report advertising in these media and CFBAI did not have any information to the contrary.

Licensed characters, celebrities, or movie tie-ins. The use of these techniques in covered media was observed only in conjunction with qualifying foods.

Print and radio. There are few child-directed print or radio outlets. No participants reported using print publications to advertise to children under age 13 for a qualifying food.

Product placement. There were no compliance issues observed and no participant reported any issues.²³

Word-of-mouth (WOM) and influencers. CFBAI's Core Principles cover WOM advertising and advertising through child-directed influencer communications on open-access platforms that include child-directed content such as YouTube. CFBAI did not observe any WOM advertising, and none was reported by the participants.

Only a few companies reported advertising qualifying foods through YouTube influencer communications directed to children in 2022. These ads were for qualifying foods. CFBAI did not observe, and did not have reports of, other child-directed influencer promotions.

Advertising to children under age six. "Advertising primarily directed to children under age 6" under the Core Principles is defined as advertising in which 30% or more of the audience is children under age 6. As noted above, Nielsen Q2 and Q3 data found that participants achieved a 99.6% compliance rate for this commitment — only 0.4% of airings exceeded the 30% audience threshold. Companies' individual compliance was also excellent. In addition, CFBAI monitored some pre-school apps and did not observe advertising by participants.

22 For example, Disney+ was not an ad-supported platform in 2022. It began offering an ad-supported subscription in 2023. According to one report, one in three U.S. users subscribes to FAST services such as Freevee, Pluto TV, Tubi, the Roku Channel or Crackle, while subscription no ad services like Netflix and Peacock saw declines. See Free, Ad-Supported TV are booming, Techcrunch, Aug. 9, 2023.

23 CFBAI's Core Principles do not allow participants to pay for or actively seek to place their food or beverage products in the program/editorial content of any medium primarily directed to children under age 12 for the purpose of promoting the sale of those products. Participants cannot guarantee, however, that child-directed entertainment or editorial content will not include their foods or beverages because movies, TV shows, or other third parties independently may decide to feature them.

3. Public Inquiries Relating to Compliance

CFBAI did not receive complaints or inquiries relating to participants' compliance with their pledges in 2022.

B. Commitment to Not Advertise to Children in Elementary Schools

CFBAI and CCAI participants commit to not advertise foods and beverages to children in elementary schools,²⁴ including through posters, pencils, book covers, or tray liners that advertise specific or product-branded foods or beverages. In 2022, reported in-school activities by participants were limited to activities that are exempt from the commitment, such as signage that identifies foods for sale or donations.²⁵

USDA's final School Wellness Policy rule²⁶ and guidance²⁷ permit marketing in schools during the school day only for foods that meet USDA's Smart Snacks nutrition standards. CFBAI and CCAI participants do not advertise any foods in elementary schools, even foods that meet Smart Snacks nutrition standards.²⁸

24 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.

25 The CFBAI and CCAI elementary school commitment bars direct food advertising to children in schools. Display materials that identify foods or beverages offered for sale in schools, items provided to school administrators for their personal use, charitable donations, support for fundraising efforts, public service messages, curriculum-support materials, and sponsorships are exempt from this prohibition.

26 See Local School Wellness Policy Implementation under the Healthy, Hunger-Free Kids Act of 2010 (2016) is available at <https://www.federalregister.gov/documents/2016/07/29/2016-17230/local-school-wellness-policy-implementation-under-the-healthy-hunger-free-kids-act-of-2010>. USDA also allows districts to develop stronger standards and restrictions.

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

28 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 USDA-allowed activities substantially align with activities permitted under CFBAI's Elementary School Commitment exemptions.

V. About the Children’s Confection Advertising Initiative

A. Background

CCAI is a BBB National Programs’ advertising self-regulation program created in 2016 for smaller confection companies to take part in self-regulation efforts to respond to concerns about advertising in light of childhood obesity.²⁹ Modeled on CFBAI and established in partnership with the National Confectioners Association, CCAI participants commit to CFBAI’s oversight of their commitment to not advertise candy to children under age 12 and to not advertise in elementary schools. BBB National Programs provides the essential elements of public commitment, transparency, and accountability.

In 2022, the following companies participated in CCAI: Brown & Haley, Ferrara Candy Company, Impact Confections, Jelly Belly, Just Born Quality Confections, Pim Brands, and RM Palmer. Ghirardelli’s parent company Lindt & Sprüngli joined CFBAI in 2023 and therefore Ghirardelli now is part of Lindt’s CFBAI pledge. Ferrara Candy Company also joined CFBAI in 2023 and thus now is part of CFBAI. The 99.5% compliance rate for TV ad airings discussed in Section III of this report includes CCAI participants.

In 2023 the CCAI Core Principles were revised to align with the most recent iteration of CFBAI’s Core Principles. The CCAI Core Principles, 2nd ed. revised the advertising coverage of the program from “advertising primarily directed to children under age 12” to “advertising primarily directed to children under age 13,” adopted a stricter minimum threshold for the definition of child-directed advertising in measured media (children 2-12 constitute at least 30% of the expected audience); and updated the “Covered Media” provision, including modernizing the Digital Media section to reflect changes in children’s media consumption habits and the media landscape. Implementation of these updated Core Principles will be on or before January 1, 2024.

B. CCAI Administrative and Compliance Procedures

By joining CCAI, participants agree, by contract, to CFBAI oversight and monitoring of their commitments and to be held accountable for failure to comply with these commitments. BBB National Programs has the discretion to remove from CCAI any participant that does not substantially comply with its pledge after giving the company notice and an opportunity to bring its conduct into compliance and may refer the matter to appropriate regulatory authorities.

The program recognizes that many confectionery companies have fewer administrative resources than the larger confectionery companies that participate in CFBAI, which can present a barrier to their participation in CFBAI. Accordingly, CCAI’s administrative requirements are more streamlined than those of CFBAI. First, CCAI participants are not required to submit an individual pledge. Instead, their participation is noted on the CCAI website. Second, CCAI participants do not submit annual self-assessments. A CCAI

²⁹ See <https://candyusa.com/responsible-marketing/>.

participant is required, however, to submit an annual statement signed by a responsible company official that it has complied with its CCAI commitments. Third, CCAI participants also agree to respond promptly to reasonable requests for information from CFBAI. CFBAI independently monitors compliance with the commitments to not engage in child-directed advertising in measured and other covered media.

VI. Conclusion

CFBAI and its participants continue to demonstrate their commitment to improving the children's food advertising landscape. BBB National Program's strong oversight, and the participants' dedication of time and resources, have ensured compliance with strict nutrition standards for foods advertised to children. Notably, participants delivered a 99+% compliance rate in television advertising primarily directed to children in 2022. In online children's content, CFBAI monitoring observed advertising only for qualifying foods. The program has continually evolved through updates to the Core Principles that address the changing media and advertising environment and improvements to CFBAI's nutrition criteria.

Self-regulation's impact is not limited to compliance with the Core Principles and CFBAI's Uniform Nutrition Criteria. There is growing evidence that, since 2007 when CFBAI launched, there is less food advertising to children by participants. In addition, the targeted advertising ecosystem helps limit children's exposure to participants' online ads. Although there are many factors that contribute to the changing food and beverage advertising landscape, the presence of independent self-regulatory oversight by BBB National Programs and participants' public and ongoing commitment to responsible marketing have played a critical role.

Appendix A.

CFBAI Program and Core Principles Statement (6th Edition)



**National
Programs**
Children's Food &
Beverage Advertising
Initiative

CFBAI Core Principles, 6th Edition

The Children's Food and Beverage Advertising Initiative

I. Introduction

CFBAI is a voluntary self-regulation program created to improve the children's food and beverage advertising landscape. Food and beverage companies and quick-serve restaurants that participate in CFBAI have agreed to the CFBAI Core Principles to help address the challenge of childhood obesity.

Background. The original “Core Principles Statement” (“Core Principles” or “Core Commitments”) was issued in November 2006 when the Council of Better Business Bureaus (CBBB)¹ and 10 companies launched the Children's Food and Beverage Advertising Initiative (CFBAI) to shift the mix of foods in advertising primarily directed to children under age 12 to include healthier dietary choices. Under this revised Core Principles, 6th Edition, participants commit that, in advertising primarily directed to children under age 13 (“child-directed advertising”), they will either not advertise any foods or beverages to children in this age group or will advertise only foods that meet CFBAI's Category-Specific Uniform Nutrition Criteria.

CFBAI previously updated the Core Principles several times:

- ◆ Expanded the media scope to include new and emerging digital and mobile media in 2009 (2nd Edition, November 2009);
- ◆ Harmonized the audience definition threshold for child-directed advertising in measured media at a minimum 35% threshold (3rd Edition, September 2010);²
- ◆ Added compliance monitoring of participants' policies not to engage in advertising primarily directed to children under age 6 (3rd Edition, September 2010);
- ◆ Agreed in 2011 to adopt the CFBAI Category-Specific Uniform Nutrition Criteria as the foundation for food advertising to children, implemented by December 31, 2013 (4th Edition, January 2014).
- ◆ Agreed in 2020 to update the Core Principles (i) to reflect the adoption in 2018 of the CFBAI Category-Specific Uniform Nutrition Criteria, 2nd ed., implemented January 2020; (ii) to adopt a stricter minimum threshold for the definition of child-directed advertising in measured media, and (iii) to update the “Covered Media” provisions, including modernizing the Digital Media section to reflect significant changes in children's media consumption habits and the media landscape (5th edition, January 2021).

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

1. CBBB restructured into three separate nonprofit organizations in 2019. CFBAI is part of one of these organizations, BBB National Programs. CFBAI's program functions remain the same.

2. At that time, participants defining child-directed advertising as advertising on media where the audience was composed of at least 50% children ages 2-11 changed to a definition of at least 35% children ages 2-11, harmonizing with other participants already using a 35% or lower threshold.

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

Part II of this Statement sets out the Core Principles, 6th Edition. All participants agree to make individual company-specific commitments that are consistent with these principles. Part III describes the administrative elements of the program.

II. Core Principles

Participation in CFBAI is entirely voluntary. Companies that participate in this program publicly commit to advertising policies that will further the goal of promoting balanced dietary choices to children under age 13. These commitments will be set forth in an individual “pledge” of each participant. All commitments will be consistent with the following Core Principles.

A. Advertising Primarily Directed to Children Under Age 13

Participants commit:

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

B. Covered Media

The advertising commitment applies to advertising primarily directed to children under age 13 in the following media (“covered media”):

- ◆ Television
- ◆ Radio
- ◆ Print
- ◆ Internet/Digital media, including but not necessarily limited to:
 - Company-owned websites
 - Third-party websites, including display, banner, pop-up, audio or video advertising
 - Mobile apps or mobile media, including advertising on phones, laptops, tablets, other personal digital devices, in whatever form, including email, text, IM or SMS messaging

4. CFBAI's Category-Specific Uniform Nutrition Criteria, 2nd ed. were effective January 1, 2020. CFBAI's basis for the criteria are explained in the 2018 White Paper, available on CFBAI's website at <https://bbbprograms.org/programs/CFBAI/>. With CFBAI's consent, a participant may use company-specific criteria if such criteria are at least as strong as CFBAI's criteria. A participant also may use a bifurcated approach of using its own criteria, or portions thereof, when these are stronger than CFBAI's criteria. In no event will a participant be able to qualify a product for child-directed advertising that does not meet and/or exceed CFBAI's criteria.

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

C. Product Placements

Participants will commit to not paying for or actively seeking to place their foods or beverages into third-party program or editorial content of any medium primarily directed to children under age 13 to promote the sale of those products.⁷

D. Product Integrations

Participants will commit that the paid for or actively sought integration of their foods or beverages in any medium primarily directed to children under age 13, including in interactive games or other digital content, will promote only foods or beverages that meet CFBAI's Uniform Nutrition Criteria.

E. Influencers

Participants will commit to use influencers to promote foods and beverages in communications primarily directed to children under 13 only if the foods or beverages meet CFBAI's Uniform Nutrition Criteria.⁸

5. CFBAI refers to YouTube explicitly because it is the leading example of an open-access platform with content directed to children. CFBAI views media platforms that restrict access by children under age 13 differently. A platforms' use of valid age verification to restrict access creates a presumption that an advertiser on such platforms is not intending to primarily direct its advertising to children under age 13.

6. The commitment regarding word of mouth advertising refers to advertising primarily directed to children under age 13 where a participant provides incentives (financial or otherwise), product samples or other support to individuals or groups who are not employees to encourage such individuals or groups to discuss the company's branded foods or beverages.

7. As covered in these Core Principles, the term “product placement” contemplates the insertion of a product into entertainment/editorial programming in an incidental, prop-like manner. Although the product is visible, it is not incorporated into the script, story line, dialogue, or action of the scene in an integral way. The incidental nature of the product's incorporation in the entertainment content distinguishes product “placement” from product “integration.”

8. Under the FTC Act and as set out in the FTC's Endorsement Guide and related FTC influencer guidance documents, endorsements, including influencer endorsements, must disclose material connections between the endorser/influencer and the brand. In addition, the CARU Guidelines and CARU cases recognize that children may have difficulty distinguishing between advertising and online content and therefore also require that ads be identifiable as advertising. CFBAI participants that work with influencers on child-directed influencer communications should request that influencers clearly and prominently disclose that the communication is advertising. However, compliance with this section of CFBAI's Core Principles will be assessed solely on whether the foods or beverages meet CFBAI's Uniform Nutrition Criteria. Note: As explained in CARU's Guidelines, content generated by a user who has no material connection to the product, service, character, or brand mentioned or depicted in the content is not advertising. However, as in the Guidelines, if a participant uses or incorporates such content in advertising primarily directed to children, then the use or incorporation of such content is covered by CFBAI's Core Principles.

F. Licensed Characters, Celebrities and Movie Tie-Ins

Participants will commit that the use of third-party licensed characters, celebrities (including athletes) and movie tie-ins in advertising primarily directed to children under age 13 will be consistent with their advertising commitments set forth in Sections II.A – II.E.⁹

G. Advertising in Elementary Schools¹⁰

Participants commit to not advertising branded foods or beverages to children in elementary schools, pre-K through 6th grade. This includes but is not limited to advertising on or through the following items:

- ◆ Posters
- ◆ Scoreboards
- ◆ School buses
- ◆ Pencils, book covers, and other school supplies offered for sale in school
- ◆ Textbooks
- ◆ Tray liners, cups, napkins, plates
- ◆ Coolers
- ◆ Food samples and taste tests¹¹

This commitment does not apply to displays of foods and beverages that identify foods that are for sale; fundraising support; public service messaging; curriculum materials; items given to school administrators for their personal use; charitable donations, or sponsorships.

H. Advertising to Children Under Age Six

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

I. Definitions of Child-Directed Advertising

Participants are permitted, within reasonable limits and subject to the CFBAI’s review and approval, to define “advertising primarily directed to children under age 13” (“child-directed advertising”). Compliance determinations will be made in accordance with these standards as set forth in the company’s pledge. Below we summarize the approaches that participants are required to use and other approaches that they may use to define such advertising and to demonstrate compliance with the Core Commitments.

9. This commitment does not apply to other marketing channels, such as point-of-sale materials or packaging (provided that the packaging does not appear in advertising primarily directed to children under age 13). This commitment also does not apply to the use of company-owned characters.

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

11. This commitment is not intended to interfere with the ability of schools to conduct food or beverage taste tests to assess what foods or beverages to offer for sale at school.

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.

Measured media, such as TV, radio, print and some digital. “Advertising primarily directed to children under age 13” will mean advertising for which children ages 2-12 constitute at least 30% of the expected audience (the “audience threshold”).¹² The audience demographics that determine compliance with this audience threshold will be measured in media impressions expected to be received by specific demographic groups at the time the advertising is purchased, based on reliable third-party information (e.g., Nielsen ratings for TV or comScore data for digital media).

Participants typically purchase most television advertising once annually, well in advance of when the advertising will air, on a daypart or timeblock basis. Advertising placed in purchased dayparts or timeblocks will be identified as compliant for purposes of CFBAI pledge commitments based on an analysis of the annualized audience composition data for the block of time purchased.

In some cases, digital advertising called “contextual advertising” may be served based on the content that is adjacent to the ad or in which the ad is placed. Determining whether such content is child-directed depends on the composition of the audience for that content (if known) or, where reliable audience composition data is not available, an assessment of multiple factors related to that content.

Where audience composition is known, such contextual advertising will be deemed primarily directed to children under age 13 if 30% or more of the audience for the site, app, or content in which the ad is placed are children under age 13. Where audience composition data is inadequate to make this determination, contextual advertising will be deemed primarily directed to children under age 13 if the ad is placed in content that appears to be child-directed based on an evaluation of multiple factors related to that content, including whatever age demographics for the site or digital content may be available, an assessment of the overall nature of the content, including but not limited to the subject matter of the site or video, the visual content, the language used, the kind of music or audio content, the difficulty of game play, the influencer or influencers featured in the content, and actions taken to restrict children’s access to the site or content. Platforms or content developers also may provide content identifier tools that indicate whether content is child-directed.¹³

In other cases, advertising called “targeted advertising” may be served based on the characteristics of the user rather than the content the user is viewing. Advertisers or their service providers within the digital advertising ecosystem obtain information about users from multiple sources, including information that users provide directly (e.g., through online registration), information from the device(s) they use, or information about their interests that can be inferred from their online behavior. In combination, age-targeting tools and interest-based or behavioral factors help an advertiser direct an ad to those individuals that fall within a targeted age range, that are in a certain location, or that have particular interests, regardless

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

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

of the content they are viewing. Advertisers also can use these tools to avoid directing an ad to a particular audience (e.g., to avoid serving an ad to children under age 13).

When engaged in this type of advertising, a participant generally will need to rely on one or more of the following tools to avoid serving ads for foods that do not meet CFBAI's Uniform Nutrition Criteria to children under age 13:

1. Age-targeting (based on cookie data or other age indicia) to audiences other than children under 13;
2. Targeting based on interest-based or behavioral data to audiences other than children under age 13;
3. Exclusion of specific sites, channels or other content that are directed to children under age 13; and
4. The use of relevant topic, keyword, or content classification or identification systems or filters provided by the platform owner or content developer (e.g., an app developer).

III. Administration and Oversight

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

1. Monitoring and Enforcement

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

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

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

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

2. Public Reports

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

3. Periodic Program Reviews

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

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

BBB National Programs

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1st Edition, November 2006; 2nd Edition, November 2009; 3rd Edition, September 2010; 4th Edition, January 2014;
5th Edition, September 2021; 6th Edition, April 2022.

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Appendix B.

CFBAI Participants' Child-Directed Advertising Commitments (2022)

Children's Food and Beverage Advertising Initiative

Annual Report 2022

Company	Children Under Age 6 Commitment	Children Under Age 13 Commitment	Audience Threshold
Keurig Dr Pepper	No advertising	Qualifying foods only	25%
Mars, Incorporated	No advertising primarily directed to children under age 13		
Nestlé USA	No advertising primarily directed to children under age 13		
Unilever United States	No advertising primarily directed to children under age 13		
American Licorice Company	No advertising primarily directed to children under age 13		30%
Burger King Corporation	No advertising	Qualifying foods only	
Campbell Soup Company	No advertising	Qualifying foods only	
The Coca-Cola Company	No advertising primarily directed to children under age 13		
Conagra Brands, Inc.	No advertising	Qualifying foods only	
Danone North America, PBC	No advertising	Qualifying foods only	
Ferrero USA, Inc.	No advertising primarily directed to children under age 13		
General Mills Inc.	No advertising	Qualifying foods only	
The Hershey Company	No advertising primarily directed to children under age 13		
Hostess Brands, Inc.	No advertising	Qualifying foods only	
Kellogg Company	No advertising	Qualifying foods only	
The Kraft Heinz Company	No advertising	Qualifying foods only	
McDonald's USA	No advertising	Qualifying foods only	
Mondelēz Global, LLC	No advertising primarily directed to children under age 13		
PepsiCo, Inc.	No advertising	Qualifying foods only	
Post Foods, LLC	No advertising	Qualifying foods only	

The Children's Food and Beverage Advertising Initiative

Since 2007, CFBAI has been 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 13 or to not engage in such advertising. CFBAI's 22 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; The Ferrara Candy Company; Ferrero USA, Inc.; General Mills, Inc.; The Hershey Company; Hostess Brands, Inc.; Kellogg Company; Keurig Dr Pepper, Inc.; The Kraft Heinz Company; Lindt & Sprüngli; Mars, Incorporated; McDonald's USA, LLC; Mondelez Global, LLC; Nestlé USA; PepsiCo, Inc.; Post Foods, LLC; and Unilever USA. For more information about CFBAI, visit bbbprograms.org/programs/cfbai/.

The Children's Confection Advertising Initiative

Since 2016, CCAI participants have agreed to not advertise their confections to children under age 13. CCAI's participants are Brown & Haley; Impact Confections; Jelly Belly Candy Company; Just Born Quality Confections; PIM Brands Inc; and R.M. Palmer Company. For more information about CCAI, visit bbbprograms.org/programs/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.

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