



Campaign for a Commercial-Free Childhood

April 25, 2014

Julie Brewer, Chief, School Programs Branch
Policy and Program Development Division
Child Nutrition Programs, Food and Nutrition Service
United States Department of Agriculture

Re: RIN 0584–AE25 Local School Wellness Policy Implementation Under the Healthy, Hunger-Free Kids Act of 2010

Dear Ms. Brewer:

We are submitting these comments in response to USDA’s proposed rule requiring schools “to implement policies for the marketing of foods and beverages on the school campus during the school day consistent with nutrition standards for Smart Snacks.”

We applaud USDA’s efforts to require schools to meet expanded local wellness policy requirements. We especially appreciate that USDA recognizes Screen-Free Week as a way to promote children’s wellbeing and is encouraging schools to participate.

The USDA has an opportunity, through this rulemaking, to protect the health and wellbeing of millions of children by ending their exposure to marketing in school. While it is admirable that the USDA recognizes the harm caused by unhealthy food marketing, we strongly believe that the current proposed limitations do not go far enough. In fact, they set a dangerous precedent which opens the door for increased commercialism and marketing in schools far beyond food marketing.

To our knowledge this is the first time a federal agency has essentially given the green light to any form of marketing in schools, setting a dangerous precedent that goes far beyond food marketing. The danger is that in attempting to set a ceiling that prohibits advertising for unhealthy foods, the USDA will inadvertently set a floor which opens the floodgates for many other types of marketing in schools.

Schools Should Be Commercial-Free Zones

We urge the USDA, in its guidelines to schools to include the following: From a “whole-child” perspective—one that supports students’ cognitive, social and emotional

development, as well as their physical wellbeing –schools should be commercial-free zones. The commercialization of childhood is linked to a host of problems facing children today that extend well beyond the consumption of unhealthy foods, including eating disorders, youth violence, sexualization, the erosion of children’s creative play, and an increase in materialism. Marketing to children in schools is particularly powerful.

School carries great authority in the lives of children, and anything advertised on schools grounds implicitly has that school’s implicit endorsement—regardless of its potential harm. Marketing in schools exploits a captive audience of students. Unlike advertising on television or other media, there is no “off” button; exposure to in-school marketing is mandatory. As Joel Babbitt, then president of the in-school marketing network Channel One News once told a youth marketing conference, “The advertiser gets a group of kids who cannot go to the bathroom, who cannot change the station, who cannot listen to their mother yell in the background, who cannot be playing Nintendo, who cannot have their headsets on.”¹

Marketing also undermines education’s vital mission to promote critical thinking skills. Advertising promotes decision-making based on emotional attachments to brands and exploits children’s developmental vulnerabilities, such as susceptibility to peer pressure.

In addition, schools that allow advertising undermine parents who want to shield their children from commercial influences. A 2006 survey found that 77 percent of parents in a national poll said that they would prefer that companies directed their marketing toward them rather than at their children.² More recently, 69 percent of parents opposed allowing any type of advertising on school buses.³

Another reason to encourage schools to adopt commercial-free policies is that in-school marketing generates very little revenue. Advocates who focus on improving school food environments often reassure educators that revenue from the marketing of unhealthy foods is minimal. In fact, the same is true for all types of marketing. As the USDA notes: “A study of five large school districts noted that yearly revenues from corporate advertising represented, on average, 0.01% of the schools’ yearly operating budgets.”⁴ Marketing products of any kind is unlikely to help schools fill budget gaps regardless of whether or not the products advertised meet the USDA “Smart Snack” standards.

We recognize that much of the above may fall outside of USDA’s purview. However, if the USDA is requiring schools to implement new policies for the marketing of foods and beverages in schools, the agency can and should recommend best practices.

It is particularly important that USDA acknowledge that commercial-free school environments are preferable to those that allow marketing because many school districts currently do not have advertising policies.

USDA Smart Snack Rules are Minimum Standards and Far from Ideal

The USDA's "Smart Snacks" nutrition standards do not go far enough to protect children's health. While schools have the option of adopting more stringent standards, (and any marketing allowed would have to match those foods), the reality is that most schools will only adhere to the bare minimum. In particular, the standards are extremely lax in regards to sugar content. Under the standards, foods with up to 35% sugar by weight can be sold to children, meaning that children can purchase unhealthy products like Yo! Crunch yogurt topped with M&Ms, as a "smart snack."⁵

With so many of the competitive foods and beverages allowed in schools even under the new nutrition guidelines simply being reformulated junk foods, we have grave concerns about endorsing the marketing of these foods.

In-School Marketing is About Branding, not Promoting "Healthy Food"

By green-lighting marketing for allegedly healthier foods, USDA is opening the door to potentially even more marketing that might not even current exist in schools.

For leading corporate brands such as Coca-Cola, General Mills, and McDonald's, the main goal of being in schools is less about the foods being sold and more about inculcating brand loyalty in a captive audience of children. For that reason, a company like Coca-Cola is fine with only selling and marketing Diet Coke in school because kids will still buy regular Coke outside of school."

Therefore it's important for USDA not to encourage more marketing by saying it's OK to advertise the still highly processed foods and beverages. The very presence of products such as Diet Coke and Baked Lays is already a form of marketing.

Food Marketing Takes Many Forms, Often Having Nothing to do with Food

We note that USDA broadly defines marketing as "advertising and other promotions in schools" and appreciate that USDA recognizes the many forms of marketing that can occur in and around schools:

Food marketing commonly includes oral, written, or graphic statements made for the purpose of promoting the sale of a food or beverage product made by the producer, manufacturer, seller, or any other entity with a commercial interest in the product. Food

and beverage marketing may be present in areas of the school campus that are owned or leased by the school and used at any time for school-related activities such as the school building or on the school campus, including on the outside of the school building, areas adjacent to the school building, school buses or other vehicles used to transport students, athletic fields and stadiums (e.g. on scoreboards, coolers, cups, and water bottles), or parking lots.

USDA fails to mention a few of the more stealth forms of in-school marketing, such as visits from Ronald McDonald or the Chick-fil-A cow. Currently, visits by Ronald McDonald are a common occurrence in at least fourteen states and the District of Columbia. In April of 2014, Ronald McDonald visited 14 elementary schools in Central Kentucky alone.⁶ The purpose of sending corporate mascots into schools for “education” is in a word, branding. It is also concerning that the USDA doesn’t mention off-site events that are promoted in schools like McDonald’s McTeacher Nights, where teachers “work” at a local franchise for an evening.

Other forms of in-school brand promotion include the Pizza Hut Book-It program and the SunnyD Book Spree. These forms of insidious marketing have nothing to do with the nutrition standards on school food, and indeed, they only serve to undermine those rules by associating a place of learning with unhealthy food brands. USDA should encourage schools, through their wellness policies or otherwise, to take a leadership role and not allow it.

USDA’s Rule Could Open the Door to More Marketing

While we certainly appreciate that USDA says this approach “*is also not intended to imply that schools must allow food or beverage marketing on campus,*” we are concerned that as written, the rule implies that USDA is seeking to encourage schools to promote, and encourage marketing of, “healthier” foods in schools.

Indeed, USDA in its proposed rule explains that:

The new marketing rules will mean that children are presented with images and signs that *promote healthier foods and beverages and that the products that are marketed* will match the foods and beverages that will be available in schools.

Healthier does not mean healthy. The sad truth of the matter is that those promoting truly healthy foods do not have nearly the same marketing budgets as those who promote processed foods. Therefore, by encouraging schools to allow marketing to “match” the foods and beverages allowed in schools, we are concerned this is giving the green light to companies to promote its brands in ways they may have not been doing previously, now under the guise of “healthy food marketing” and with USDA’s blessing.

Some say the USDA’s proposal is a “step in the right direction”, but it could in fact make it harder to make the case for doing away with all marketing in schools.

We still don't even know the impact of the new Smart Snacks rule on the type of competitive foods that will be sold in schools. At the very least, let's wait and see.

Meantime, USDA should encourage commercial-free schools.

Thank you for the opportunity to submit these comments.

Sincerely,

Michele Simon, consultant, Corporate Accountable International

Josh Golin, associate director, Campaign for a Commercial-Free Childhood

References

¹ Nader R. *Children First: A Parent's Guide to Fighting Corporate Predators*, Washington, D.C.: Children First, 1996. p. 64.

² Prospectiv. *Prospectiv Survey Reveals Parental Opinions and Preferences about Food Marketing to Children*, 2006. Available from:

<http://www.businesswire.com/news/home/20060215005707/en/Prospectiv-Survey-Reveals-Parental-Opinions-Preferences-Food>

³ Harris J, Milici FF, Sarda V, Schwartz M. *Food marketing to children and adolescents: What do parents think?* Yale Rudd Center for Food Policy and Obesity, 2012. Available from:

http://www.yaleruddcenter.org/resources/upload/docs/what/reports/Rudd_Report_Parents_Survey_Food_Marketing_2012.pdf

⁴ Public Citizen. *School Commercialism: High Costs, Low Revenues*, 2012. Available from:

http://www.commercialalert.org/PDFs/SchoolCommercialismReport_PC.pdf

⁵ Simon M. *How Smart are School Snacks? A Closer Look at New USDA Rules*, Center for Food Safety, 2013. Available from: <http://www.centerforfoodsafety.org/blog/2421/how-smart-are-school-snacks-a-closer-look-at-new-usda-rules>

⁶ Ronald McDonald in Central Kentucky, 2014. Available from: <http://wheresronald.com/>