



**National
Programs**

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

CFBAI Core Principles, 5th 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 the Core Principles, participants commit that, in advertising primarily directed to children under age 12 (“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).

CFBAI Core Commitments, 5th ed. This edition of the Core Principles reflects several revisions, including: (i) the adoption of the Category-Specific Uniform Nutrition Criteria, 2nd edition, in September 2018, implemented January 1, 2020; (ii) the adoption of a stricter minimum threshold for the definition of child-directed advertising in measured media, effective January 1, 2021; and (iii) updates to the “Covered Media” provisions, including modernizing the Digital Media section to reflect significant changes in children's media consumption habits and the media landscape.

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.

In 2006, children's screen time consisted overwhelmingly of time spent watching TV, for which reliable age demographic data served as a useful tool for measuring audience demographics and defining child-directed advertising. At that time, children's digital content consisted mainly of child-directed websites. When CFBAI updated its media coverage in 2010 by adding apps and mobile media, video-viewing platforms were not prevalent. Now, although children continue to watch TV, they spend increasing amounts of time online in a still-evolving digital media environment that requires different approaches and tools to achieve and assess compliance with CFBAI commitments. Accordingly, to more accurately and realistically reflect digital advertising practices and achieve greater transparency regarding compliance with CFBAI's Core Principles, we have updated the Digital Media section.³

The changes reflected in the Core Principles go into effect no later than January 1, 2021.

Part II of this Statement sets out the Core Principles, 5th 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. Part IV describes an additional commitment regarding not engaging in advertising primarily directed to children under age six that some participants have made and that the CFBAI has agreed to monitor and oversee.

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 12. 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 12

Participants commit:

- ◆ That all advertising primarily directed to children under age 12 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.

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

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.

B. Covered Media

The advertising commitment applies to advertising primarily directed to children under age 12 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
- ◆ Platforms (e.g., YouTube) that may have content or channels that are primarily directed to children under age 12⁵
- ◆ Video and computer games that are primarily directed to children under age 12
- ◆ DVDs of movies that are rated “G” whose content that is primarily directed to children under age 12, and other DVDs whose content is primarily directed to children under age 12
- ◆ 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 12 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 12, including in interactive

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 12.

6. The commitment regarding word of mouth advertising refers to advertising primarily directed to children under age 12 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.”

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 12 only if the foods or beverages meet CFBAI's Uniform Nutrition Criteria.⁸

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 12 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

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.

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.

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 12). This commitment also does not apply to the use of company-owned characters.

10. CFBAI will publish additional information and guidance regarding the Elementary School Commitment and the Core Principles generally on the CFBAI website, www.bbbprograms.org/programs/cfbai.

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.

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. 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 12" ("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.

Measured media, such as TV, radio, print and some digital. "Advertising primarily directed to children under age 12" will mean advertising for which children ages 2-11 constitute at least 30% of the expected audience (the "audience threshold"). 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 12 if 30% or more of the audience for the site, app, or content in which the ad is placed are children under age 12. Where audience composition data is inadequate to make this determination, contextual advertising will be deemed primarily directed to children under age 12 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.¹²

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 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 12).

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 12:

1. Age-targeting (based on cookie data or other age indicia) to audiences other than children under 12;
2. Targeting based on interest-based or behavioral data to audiences other than children under age 12;
3. Blacklisting of specific sites, channels or other content that are directed to children under age 12; 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. Implementation

Implementation of this edition of the Core Commitments was on or before January 1, 2021.

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

IV. Administration and Oversight

Company pledges are established in consultation with the BBB National Programs-administered CFBAI program.¹³

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.¹⁴

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, 5th Edition, incorporates by reference the Uniform Nutrition Criteria, 2nd Ed., the strengthened minimum audience threshold level of 30%, as well as revisions that update the Principles. We believe that the Core Principles have broadly and properly defined “advertising primarily directed to children under age 12” 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.

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

14. 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.

V. Advertising to Children Under Six Years Old

Participants have policies on not engaging in advertising primarily directed to children under six that are reflected in their CFBAI pledges. CFBAI monitors and reports on compliance with these policies.

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