

# Childhood for Sale

## *Consumer Culture's Bid for Our Kids*

by Michele Stockwell

Children are the new darlings of Madison Avenue.<sup>1</sup> They may be too young to vote, but they are squarely in the crosshairs of corporate advertisers from the moment they sit down to a bowl of Kellogg's *Star Wars: Episode III* cereal in the morning until they go to bed in their Hello Kitty or *Spiderman* pajamas. In between, beverage and snack food companies vie for position in the hallways of their schools, pop stars and celebrities beckon them in designer-label clothes, and TV shows and movies flash subliminal product placements at them relentlessly.

There has long been advertising aimed at children, but the scale and sophistication of today's marketing campaigns go far beyond traditional television ads, commercializing childhood to an unprecedented degree. Techniques in the modern repertoire include invasive "viral marketing" campaigns that surreptitiously turn children's friendships into word-of-mouth networks for spreading enthusiasm about new products; covert sociological research into children's habits and preferences; and gimmicks such as hybridized "advergames" that disguise brand-building and consumer product research as slick entertainment.

In isolation, some of the techniques may not appear to be particularly worrisome. But their cumulative effect is a never-ending come-on, in which there are innumerable images and messages not appropriate for children, particularly young ones. The dollar-figure scale of it helps

put the trend in perspective: In 1983, when television was the biggest conduit for advertising, marketers spent \$100 million on TV ads for children. Today, by one estimate, they spend 150 times that amount—\$15 billion, annually<sup>2</sup>—on TV, Internet, print, and other, more stealthy marketing campaigns, all targeting children. Young people now see about 40,000 ads per year on television alone, in addition to all the rest.<sup>3</sup> Little wonder they can name 300 to 400 corporate brands by the time they are 10 years old.<sup>4</sup>

But there is a growing body of evidence that there are unwelcome and unhealthy consequences for the children and families on the receiving end of all that marketing and consumerism. Some ads use images of material happiness, sexuality, or violence to stir adolescent insecurities. Others use colorful cartoon characters or splashy product packaging to create a sense of wonder for young children. As tens of

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***“One person with a belief is a social power equal to ninety-nine who have only interests.”***

**—John Stuart Mill**

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thousands of those flickering images melt together into a constant, nagging whisper in children’s ears, specific harmful effects can run the gamut from increased parent-child conflicts to strained family budgets, distorted value systems, and both physical and emotional health problems. Boston College sociologist and economic expert Juliet Schor has identified strong correlations between children’s immersion in the consumer culture, the conflicts they have with their parents, and their feelings of depression, anxiety, and low self-esteem. Meanwhile, ads for alcohol, tobacco, and junk food have, not surprisingly, been associated with alcohol and tobacco use, and obesity. Equally troubling are the connections between violent media marketed to children and displays of aggressive behavior. And a leading expert on

violence, culture, and media, Wheelock College education professor Diane Levin, raises similar red flags about sexual imagery in marketing campaigns and products geared for children who are not cognitively or emotionally ready for it. Not only are such sexual messages linked to increases in eating disorders among girls, but, Levin says, as “children struggle to make sense of mature sexual content, they are robbed of valuable time for age-appropriate developmental tasks, and they may begin to engage in precocious sexual behavior.”<sup>5</sup>

There is a strong case to be made, too, that some marketing practices aimed at children—especially young children—should be deemed legally unfair, since during the early stages of emotional and intellectual development, children are deeply impressionable. However, the last

time federal regulators tried to make that case, Congress balked. That was in 1978, before much of today's body of scientific research had accumulated and before the growth of marketing via interactive technologies. The Federal Trade Commission (FTC), which traditionally has had the authority to decide whether commercial practices are unfair or deceptive, sought to regulate advertising of highly sugared products to kids. Specifically, it proposed banning TV ads aimed at younger kids, concluding they could not understand either the persuasive nature of advertising or the health risks associated with consuming high quantities of sugary foods. After holding hearings and reviewing thousands of pages of comments, the FTC ultimately concluded that TV ads were still a "legitimate cause for public concern," but it was unable to find a "workable" rule to solve the problem.<sup>6</sup> Two years later, Congress passed the FTC Improvements Act of 1980, responding to intense industry pressure and what it saw as extreme action by the FTC. That law prohibited the Commission from issuing any rule dealing with unfair advertising directed at children.<sup>7</sup>

Since then, strong scientific evidence has emerged showing that children under the age of 8, in particular, lack the cognitive ability to understand the persuasive intent of advertisements or to view them with skepticism.<sup>8</sup> They see advertising as truthful, fun, and entertaining. Even more troubling are new marketing practices that are not easily recognizable as advertising. These practices now pervade our popular culture. This combination of factors—pervasive new marketing techniques and new scientific evidence of its harmful effects on children—reopens the profound moral, ethical, and legal question: Are there practices or specific circumstances under which it should be considered legally unfair to pitch products to children?

Many parents are certainly irked by the trends in media and advertising, and by the lack of commercial-free environments for children.

They feel that the pervasiveness of consumerism and adult-themed imagery in the popular culture is making it harder for them to instill positive values in their kids.<sup>9, 10</sup> Sen. Hillary Clinton (D-N.Y.), who has been an advocate for re-empowering parents since before she was First Lady, summarized their concerns in a March 2005 policy speech: "Parents worry that their children will not grow up with the same values that they did or that they believe in because of the overwhelming presence of the media telling them to buy this and that, or conveying negative messages filled with explicit sex content and violence."<sup>11</sup> There is no doubt that the primary responsibility for shielding America's children from the damaging effects of a rampant commercial culture lies with parents. But they cannot—and should not—do it alone. Parents need to know that policymakers share their concerns and want to help make it easier to raise healthy children.

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But, as Progressive Policy Institute senior fellow Barbara Dafoe Whitehead illustrated in an April 2005 report, they doubt whether Democrats are on their side. Married parents—28 percent of the electorate—have leaned heavily Republican in recent presidential elections, in part because of their doubts about Democrats on these very cultural issues.<sup>12</sup>

Certainly not all marketing efforts aimed at children are harmful. No one objects to public service announcements such as those intended to curb smoking, drunk driving, or school dropouts. Unfortunately, these positive promotions are drowned out by the thousands of less benign messages directed at children every day.

Marketers argue that parents should more carefully monitor their children's media exposure, and just say no when children beg for the things they see advertised. Child health and development experts, however, as well as leading authorities on media and the culture, say the answer is not so simple, given the difficulty of balancing work and family responsibilities, and the nature of the threats to children's physical and moral health.

Policymakers have so far had little to offer parents in their struggle to shield children from the barrage of consumer culture. Many federal programs are devoted to the healthy development of children, but not when it comes to protecting them from harmful media and marketing. Other industrialized countries, including those in the European Union and the United Kingdom, are debating or enacting restrictions on marketing to children.<sup>13, 14</sup> It is time for the United States to reevaluate our policies governing the broad range of marketing practices as they relate to children, and establish some reasonable protections to help parents provide safe and healthy environments for their children. Specifically, we should:

- ❑ Restore the FTC's authority to regulate unfair advertising to children and direct it to issue rules governing marketing to children.
- ❑ Use the power of public disclosure to discourage companies from marketing adult entertainment, such as R-rated movies, or adult products, such as alcohol and tobacco, in media with large youth audiences.
- ❑ Prevent children's personal information, such as names, addresses, and personal preferences, from being used for commercial purposes, particularly in the interactive marketplace that involves websites, cell phones, digital TV, and other devices that allow marketers to collect data from children.

- ❑ Require the packaging of spinoff products, such as toys and games based on movies or TV shows, to carry the same age recommendations as the entertainment products from which they are derived.
- ❑ Work with states to curtail commercial marketing inside public schools.
- ❑ Demand that marketers protect children involved in product research by requiring the same standards that exist in federally funded research, including fully informed consent from both parents and children.
- ❑ End the surreptitious exploitation of children's friendships for the sake of sales by requiring full transparency when corporations hire children to market products to their peers.
- ❑ Strike a new bargain with broadcasters: In exchange for their continued free use of space on the public spectrum, require that they double their public interest obligations to air programming for children from three to six hours per week; ensure that it is commercial free; and improve program quality.
- ❑ Give cable and satellite television providers a choice: Offer parents family-friendly packages of channels or face the same indecency regulations that apply to over-the-air broadcasters.

## Today's Power Consumers

What makes this generation of children so attractive to marketers? The most obvious reason is that children today are multibillion-dollar consumers. They make more direct purchases and exert greater influence on family budgets than ever before. Children between the ages of 4 and 12 spend up to \$30 billion per

year on such things as junk food, candy, toys, and games. That is an increase of 400 percent in less than two decades.<sup>15</sup> Teenagers spend nearly another \$200 billion per year on snack food, clothing, entertainment, makeup, and other items.<sup>16</sup> In fact, studies find that young people spend more time shopping than on virtually any other activity. And beyond their own direct purchases, they exert enormous influence over the rest of the family budget. Former Texas A&M University marketing professor James McNeal estimates the value of that influence on family spending decisions to be \$500 billion per year, spent on products ranging from food to cars. The figure was just \$5 billion in 1960.<sup>17</sup>

By any measure, marketing to children has become a very high-stakes business. It can produce payoffs in both the short term and the long term. Companies obviously run ads to produce immediate bounces in sales. Perhaps even more enticing is the prospect that corporate investments in brand building may win permanent mindshare among today's children, and thus pay dividends for a lifetime. Estimates have pegged the value of one loyal, lifelong consumer as high as \$100,000 for a single retailer.<sup>18</sup>

## Child Marketing 101

Many marketers view parents as obstacles to the lucrative children's market. In fact, they call parents "gatekeepers," because parents often try to block children's exposure to popular consumer culture.<sup>19</sup> With the monetary stakes so high, however, marketers go to great lengths to circumvent parents. They use low-tech "guerrilla marketing" strategies, like covering school bus stops, park benches, and other public areas with advertisements—a practice that one expert calls "corporate graffiti."<sup>20</sup> They also go high-tech—taking advantage of the proliferation of cell phones and other personal digital devices, such as digital music players, that provide direct lines of communication with today's adolescents.

Marketing analysts estimate that nearly one-half of all 10 to 18 year olds in the United States own a cell phone. That is 16 million teens and preteens (known as "tweens" in marketing jargon).<sup>21</sup> The *Financial Times* reported in April that cell phones and other wireless devices are on their way to replacing television as the most popular medium for advertisements.<sup>22</sup>

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Indeed, both Maybelline and Timex have announced plans to market to teenagers via their cell phones.<sup>23</sup> Meanwhile, DIC Entertainment, a children's animation company, has teamed with digital media company SmartVideo Technologies to provide the first animation channel to appear on cell phone screens, offering marketers a whole new outlet for advertising.<sup>24</sup> It will reportedly feature characters like the Care Bears.<sup>25</sup> Although companies may not legally send spam to cell phones, teens who have grown up with such technologies are accustomed to interacting with new media and often, willing to "opt-in" to receive commercial messages. Less fearful than adults when it comes to sharing personal information, teens participate in contests, sign up for email service for their phone, and download materials like photos and ring tones. American University professor Kathryn Montgomery, a communications expert and former president of the Center on Media Education, notes that teens' comfort level with technology makes them especially susceptible to corporate marketing techniques that use interactive registration forms, online bulletin boards, and other automated means of eliciting personal information. Yet teens do not think twice about how corporations may be using that information for marketing purposes.<sup>26</sup>

For now, though, television commercials stand out as the most recognized form of

marketing and the most common means of advertising to younger children, especially those who cannot yet read. The average child spends nearly six and a one-half hours per day using electronic media, including three hours of watching television.<sup>27</sup> In addition, children are watching more television without the supervision of a parent. Today, the vast majority of elementary and high school kids, nearly one-third of young children between the ages of 2 and 7, and more than one-quarter of children younger than 2 have televisions in their bedrooms.<sup>28</sup> As a result of all this viewing, children see an estimated 360,000 advertisements by the time they graduate high school.<sup>29</sup> One health writer notes that television shows have become “a showcase of must have items.”<sup>30</sup> Eighty percent of advertisements directed at young children are for toys and unhealthy foods, including high-sugar cereals, candies, and fast food.<sup>31</sup>

As television moves into the digital era, children’s advocates urge caution at the rise of interactive advertising on television—which will allow children to use a remote control to click on a link and enter corporate-sponsored websites. A coalition of public health, mental health, media researchers, and child advocacy groups has called upon the Federal Communications Commission (FCC) to prohibit interactive advertising during children’s programs. The groups are particularly concerned that children younger than 5 may not be able to distinguish program content from commercial content, and that children younger than 8 will not recognize the persuasive intent of advertising. Congress recognized these concerns in 1990, when it passed the Children’s Television Act (CTA), limiting children’s exposure to advertising by capping the allowable amount of commercial material per hour of programming. Not only would interactive television ads allow marketers to track family viewing habits, they would erode the commercial content limits established in the

CTA by letting children visit websites with unlimited commercialization.<sup>32</sup>

As many marketers argue, advertising children’s products is nothing new; it has been done for decades. What is new, however, is the amount of advertising, the manner in which marketers are approaching children, and the messages they convey. Historically, advertisers pitched children’s products to parents on the theory that parents made family spending decisions. But not anymore. Now, in purposefully going around parents and appealing directly to children, advertisers often portray adults as annoying, boring, or uncool. Schor cites two memorable commercials. In one, a soda company shows two parents in the front seat of a car loudly singing “Polly wolly doodle all the day,” while their son sits in the back seat banging his head against the window with embarrassed agony. In the other, a classroom full of glum-faced children sit at their desks while a teacher stands with her back to them, writing on the chalk board. As students open up a bag of candy, the classroom turns into a party scene. When the teacher turns around to the class, the students are back in their seats and sullen once again.<sup>33</sup> Although their messages may be subtle and humorous, such advertisements implicitly pit children against adults, and make companies the good guys who are trying to help kids be cool and have fun.

In hopes of instilling brand awareness that will last from the cradle to the grave, marketers use cartoon characters, creative packaging, and special prizes, among other techniques, to capture the attention of young kids, even babies, in their earliest developmental stages. In fact, marketers are looking for ways to ingrain brand preferences in children’s brains as they evolve—before they have the cognitive capabilities to recognize that ads are ads and be skeptical about their content. *The Boston Globe* reported in May that babies are more responsive to smells than adults and corporate marketers are capitalizing on these findings. They are designing products

from diapers to pacifiers with specific scents, hoping that such smells will later trigger positive memories about a brand. As children age, marketers hope they will be drawn to the brand's toys scented with the same fragrance. What scent has the most powerful association? Vanilla—the natural scent found in breast milk.<sup>34</sup>

Food items, particularly cereal, snacks, and beverages, account for more than 50 percent of all ads targeting children. Not surprisingly, those things tend to be among toddlers' first product requests.<sup>35</sup> Among older children and teens, branding efforts often involve product endorsements by celebrities, sports figures, and even peers. Items marketed to children of these ages rely heavily on imagery that hit their psychological weak spots. The goal is to persuade kids that certain products will make them attractive, sexy, cool, popular, or happy.<sup>36</sup>

The federal government has taken some modest actions to regulate marketing to children. It has banned some forms of advertising, such as "host selling," in which a character from a TV show appears in an ad immediately before, during, or after the show, with no break between the programming and the ad. It has restricted the amount of commercial material that can be aired during children's television programming.<sup>37</sup> And it has passed the Children's Online Privacy Protection Act (COPPA) to prohibit online data collection of personal information from children under 13. Yet these actions offer modest protection for children in today's consumer culture, where marketers operate with little oversight. The industry's self-regulating body, the Children's Advertising Review Unit, which was created in 1974 inside the Council of Better Business Bureaus to give guidance to advertisers, functions with a token staff of six. It has issued only a set of vague principles to guide advertising practices. Its critics charge that it is an ineffective policing organization since it focuses solely on direct advertising, such as TV commercials and print ads, rather than the broader range of marketing practices aimed at children. It primarily

responds to complaints rather than proactively monitoring and enforcing industry practices.

If policymakers are going to consider taking action on behalf of parents to protect children from the harmful effects of marketing and consumerism, they must first understand the full range of marketing techniques and practices that are commonly in use. Here is a primer:

- ❑ **Product placement.** Movies, television shows, video games, and even children's books are now strewn with product placements. Marketing experts expect to see an increase of such product placements on television as viewers use digital recording technology, such as TiVo, to bypass traditional commercials. In a new twist, McDonald's has hired a marketing firm to help place mentions of its Big Mac sandwich in hip-hop songs. McDonald's will pay \$1 to \$5 each time a song mentioning the sandwich is played on the air. The same marketing firm worked last year with Seagram's, paying recording artists to mention the brand's gin in their songs. That strategy can win widespread exposure for a brand. One artist who mentioned Seagram's gin in a song, Kanye West, even won a Grammy Award.<sup>38</sup> Child development experts contend that younger children are particularly vulnerable to this technique as they have a hard time distinguishing product placements from the entertainment content where they show up.
- ❑ **Product licensing.** Companies often sell a trademarked image or logo to another company for use on its products. For example, Mattel, Inc. has licensed the rights to its *Barbie* character for use on lunch boxes, pajamas, and other products.
- ❑ **Cross-promotion and product tie-ins.** This mutual back-scratching approach is most often seen between movie distributors promoting films and fast-food restaurant

chains or cereal and snack food manufacturers seeking to attract young customers. Examples include the integration of *Shrek 2* characters in Burger King kids' meals and Hasbro game software in boxes of Lucky Charms cereal.

- ❑ **Viral marketing.**<sup>39</sup> Companies sometimes hire influential, trendsetting young people to promote products among their friends—spreading the word like a virus. In order to find these “alpha kids,” as they are known, companies scour public places where kids congregate, such as playgrounds, malls, coffee shops, and arcades. They study kids' behavior and conduct interviews with them, their teachers, and parents to identify the coolest kids.<sup>40</sup> Companies then recruit those alpha kids to tout products among their peers by word-of-mouth. The recruits are typically paid or given other compensation (such as free products or coupons), and are not required to inform their peers that they are serving as de facto salespeople. Viral marketing promotes the exclusivity of a product and heightens children's desire to be among the first to have it. This technique is often used on older children and teens who are generally skeptical of, or likely to ignore, TV or print advertisements and are more likely to view their peers as credible and honest sources. Other viral marketing techniques include using online chat rooms to push a product, or giving free samples, especially clothing, to celebrities or other respected figures to wear or “flash” in public.
- ❑ **Program-length commercials.** Marketers sometimes promote products or brands in program-length advertisements that may not be immediately recognizable as ads. Unlike program-length ads that are clearly promotional (such as those featuring commercial actors or B-list celebrities extolling the virtues of a piece of exercise

equipment), some shows that appear to be pure entertainment are in fact developed as part of carefully integrated product marketing strategies. *Pokemon* and the *Mighty Morphin Power Rangers* are examples. They are half-hour cartoons for children that also have matching lines of action figures and other toys.<sup>41</sup> The FCC allows shows to be created to sell a product as long as channels do not break away from them to air additional advertisements for the same product. Commercials for the same product or brand may be shown prior to or at the end of the show as long as they are separated from the show by unrelated program material.

- ❑ **Trans-toying.** Professor Schor describes “trans-toying” as the process of taking an everyday item, such as a bottle of liquid soap, and turning it into a toy. In just one example, plastic bottles of bubble bath were sold with characters from the DreamWorks film *Shark Tales* molded into the tops.<sup>42</sup>
- ❑ **Internet marketing.** Capitalizing on the time kids spend online, companies are creating websites for children that are rife with advertising messages—embedded into the sites' content and featured in banner ads and other links to product pages. Many children's television channels and shows have their own websites that allow kids to interact with characters, learn about products, and buy them.<sup>43</sup> According to one report, the vast majority of all Internet sites designed for children and teens use such product advertising as their primary revenue stream.<sup>44</sup> Since the passage of COPPA, which helps protect the privacy of children under 13, more sites are focusing on teenagers, actively seeking critical marketing information such as names, addresses, and product preferences through surveys, polls, games, chat room conversations, and other

means.<sup>45</sup> Through regular and repeated interactions, marketers build detailed profiles of teens that allow companies to feed them a steady stream of individually tailored marketing messages.<sup>46</sup>

- ❑ **Advergaming.** Recognizing the popularity of video games, companies are creating online games with built-in advertising messages. The marketing appeal of “advergaming” lies in the relatively low development costs and the ability to capture a player’s attention for an extended period of time, during which product images can be displayed repeatedly.<sup>47</sup> On one site popular with young people, *Neopets.com*, children can raise their own virtual pet and cash in points earned from games in order to buy food and paraphernalia for their Neopet dolls at virtual shops including the Disney store or McDonald’s. This makes kids more brand aware and encourages them to develop adult shopping behaviors.
  
- ❑ **In-school marketing.** Advertising in schools is not new, but never before has it so saturated the educational environment. The Government Accountability Office (GAO) has called it a “growing industry.”<sup>48</sup> In the face of funding constraints, schools have opened their doors to marketers to generate revenues—thousands of dollars, or even millions. Beverage contracts alone may generate up to \$1.5 million per year for a school district.<sup>49</sup> The National Soft Drink Association estimates that 62 percent of school principals have signed “pouring rights,” giving soda companies exclusive access to schools.<sup>50</sup> Advertising in schools shows up on billboards, yearbooks, newsletters, textbook covers, screen savers, team uniforms, vending machines, a la carte fast food meals, and even the inside or outside of school buses. (In years past, for example, some San Francisco students traveled to school in Old

Navy-sponsored school buses.<sup>51</sup>) In addition to these direct forms of advertising, companies use a variety of indirect techniques: They buy naming rights to facilities. They offer free training and other incentives for teachers. They create educational materials. (Exxon sponsors lessons about energy, for example,<sup>52</sup> and a leading maker of personal hygiene products donates packets for sex education classes in 85 percent of 5th grade classes in the nation. The packets come with a deodorant stick for the boys and feminine products for the girls. The packets include testimonials like this one: “I used to be really worried about sweating a lot, but since I started using an antiperspirant every morning, I’m dry all day.”<sup>53</sup>) Companies also donate educational resources and equipment. (Famously, Channel One provides educational news programming and video equipment, but requires students to watch commercials included in its programming.) And they provide product coupons and prizes to students or teachers in return for participation in corporate-sponsored contests or programs.

A GAO report found that less than 20 states have laws or regulations governing commercial activities in schools, and very few of these address the issue in a comprehensive manner. As a result, in most states, governance over commercial activities is left up to local school boards, or to individual superintendents and school principals, and their policies vary widely across the nation.<sup>54</sup> A task force assembled by the American Psychological Association (APA) studied the psychological implications of marketing in schools and criticized the practice because it involves a captive audience being subjected to repeated advertisements. This finding is particularly troubling with regard to elementary school students who have not yet developed the cognitive skills to understand the intent of

advertising. The APA task force also stressed that the persuasive effect of marketing may be stronger in the educational setting because students may perceive the messages as more credible given the “implied endorsement of school officials.”<sup>55</sup>

- ❑ **Age compression.** Children between the ages of 8 and 12 comprise one of the hottest marketing groups today. Known as “tweens,” they have a combined annual spending power of \$41 billion by some estimates.<sup>56</sup> Perhaps as many as 80 percent of brands have a tween marketing strategy.<sup>57</sup> Most often that strategy exploits tweens’ strongest desire: to be older. In what psychologist Susan Linn calls “aspirational marketing,” companies take products normally designed for older kids and target them to younger ones, particularly girls. Tween girls can now buy padded push-up bras, midriff-baring tops, and high-heeled Candies shoes in their sizes.<sup>58</sup> Even toys marketed to very young girls reinforce mature sexual traits. The popular *Bratz* dolls for girls age 4 and up wear skimpy outfits and heavy makeup. A Las Vegas version of the dolls displays them in spiked heels and skin-tight clothes while the manufacturer’s description reads: “Party all night under the lights! Deck out and step out for a party in the streets, as you spend the weekend with the girls, in the city that never sleeps.”<sup>59</sup>
- ❑ **Ignoring age ratings.** Movies and television shows have ratings systems designed to signal the age-appropriateness of the subject matter they depict. But companies disregard those ratings in marketing toys and other products tied to specific programs and movies. For instance, the toy company Hasbro has launched a line of toys based on the movie *Star Wars: Episode III*. The toys are aimed at children ages 4 and up, even though the movie

has a PG-13 rating because of violent scenes. That example may seem harmless, but consider the line of toys tied to the R-rated *Terminator 3: Rise of the Machines*. One doll depicts Arnold Schwarzenegger’s character with a bloody face and is recommended for kids 12 and up. Some action figures associated with the movie are for children as young as five.<sup>60</sup> Marketing toys linked to adult-rated entertainment familiarizes children with these adult shows.

- ❑ **Advertising adult products and explicit content.** Just as there are toys marketed to young children based on television shows and movies that are intended for older audiences, products that are intended for adult consumers are commonly advertised in media with large youth audiences. Examples include beer commercials during major sporting events, tobacco ads in magazines with large youth readership, and TV ads for R-rated movies during prime-time viewing hours. The FTC first reported to Congress in 2000 that marketing practices for adult entertainment were cause for concern. But little has changed since then. In 2004, the FTC again issued a report to Congress detailing the practice of advertising R-rated films and DVDs, music with explicit lyrics, and video games rated for mature audiences on TV shows, in publications, and on websites with large youth audiences.<sup>61</sup> Recent examples of the trend have included the airing of Dimension Films’ ads for its ultra-violent film *Sin City* during shows popular with older children and teens, including *The OC*, *Smallville*, and *That ‘70s Show*.<sup>62</sup> A *New York Times* review of the movie summarized some of its subject matter: “cannibalism, castration, decapitation, dismemberment, electrocution, hanging, massacres, pedophilia, slashings and lots and lots of torture.”<sup>63</sup>

## ***How Marketers Unlock Children's Minds***

One reason that marketers today are more effective than ever in connecting with children is that they hire sales gurus, psychologists, and child development experts to conduct research and come up with strategies to capture children's attention and exploit natural vulnerabilities associated with youth. Marketing analysts also use focus groups of children to help determine youth preferences and predict future trends. None of this marketing research involving children is regulated, even though similar psychological research conducted in academic settings with federal funding is regulated. The marketing industry also lacks any industry-wide review process to oversee research involving children, evaluate potential risks to them, establish guidelines for their participation, or require fully-informed consent by parents and children.

Market analysts regularly use free product samples, money, or other incentives to entice children to participate in focus groups, studies, and surveys. Children sometimes are recruited to conduct covert surveillance on their peers. One agency hired kids to wear hidden cameras and secretly record shoppers' behaviors without the customers' or the stores' knowledge.<sup>64</sup> With the introduction of digital cameras in cell phones, such undercover research gets easier all the time. Meanwhile, popular youth websites aggressively seek information from kids when they are online. The Center for Media Education studied over 100 popular teen websites and found most encouraged teens to "talk back" or "express themselves" to share their opinions.<sup>65</sup> Even the seemingly innocuous *Barbie.com* doubles as a corporate research tool, collecting visitors' shopping preferences and interests. For example, the site features an interactive game that asks players to select preferences for clothes and activities for *Barbie* dolls. It then matches players with the *Barbie* that best suits their interests.<sup>66</sup>

More troubling is the fact that companies hire children to probe their own friends for information. A leader in this practice is the Girls Intelligence Agency (GIA), which collects valuable market research for corporate clients through a network of 40,000 girls nationwide. The company looks for trendsetting girls who are popular among their peers; GIA then asks these girls to host slumber parties and provides them with boxes of sample merchandise, such as hair products or demo music videos.<sup>67</sup> Host girls later provide feedback on which items were hits or what changes they and their friends would like to see. Occasionally, a researcher from the company may attend the party and solicit specific feedback from the girls. The company only obtains permission from the child and parent hosting the slumber party, so other girls attending the parties and their parents may be unaware of the commercial activities in which their children will participate or the products involved.<sup>68</sup>

Marketers argue that such research empowers young people by giving them a voice and letting them know that their ideas and interests matter. Child development experts and media critics dispute this notion. "The purpose of the focus group is never to find out what teens want, per se," argued Robert McChesney, media critic at the University of Illinois at Urbana-Champaign, in a *Frontline* interview. Rather, he said, "It's to find out what teens want so they can make the most money off of it as possible. It's a self-serving argument to say that this research is done to basically serve teens. It's done to better manipulate teens."<sup>69</sup> Schor also worries that, "Kids are being taught that their friends are exploitable."<sup>70</sup>

Marketers often find their research subjects through schools, which may grant access to students to participate in questionnaires, surveys, and contests. In some cases, students may not even be aware of the research activity. For instance, GAO's 2004 report found that some Web filters used in schools to block out inappropriate material allow the software

company that makes the filter to monitor and study children's Internet use. The information is in the aggregate but, when combined with other demographic data on the school, may enable marketers to develop marketing campaigns specifically tailored to certain groups of students.<sup>71</sup>

In addition, companies that donate computers and Internet access, such as ZapMe!, have

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***“Children as young as 6 months can recognize brands and, at the age of 3, one-in-five children are making specific requests for brand-name products. By the time they are 10, kids know 300 to 400 brands.”***

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the capability of tracking student data.<sup>72</sup> Most school officials agree that market research activities in schools are inappropriate, yet few have policies in place governing the collection, disclosure, and use of student information for commercial purposes. Despite requirements under the No Child Left Behind Act that school districts develop policies concerning the commercial use of student data,<sup>73</sup> the GAO reports that only “about a third of districts were developing policies regarding the use of student data for commercial purposes; another third had developed policies; and about another third had not yet developed policies.”<sup>74</sup> It recommended that the U.S. Department of Education provide school districts with more assistance in developing policies protecting student information.

Outside of schools, many parents willingly consent to letting their children participate in marketing research activities without clear knowledge of the kinds of products kids will be discussing or how children's feedback will be used. Some parents may believe market research is a relatively harmless activity, especially when their children receive extra spending money or other compensation, in return.<sup>75</sup>

The COPPA attempts to provide some legal protection to young children when they share personal information on the Internet. Specifically, the law requires commercial websites to obtain parental permission before collecting personal information from children under the age of 13. Children's media experts note some flaws with the process but see overall improvements among websites for young children. Unfortunately, the situation for teens is not as positive.<sup>76</sup> Specifically, experts note the growth of teen-targeted websites that also seek personal information. The Annenberg Public Policy Center of the University of Pennsylvania found that 22 percent of kids aged 10 to 17 said they would disclose personal information (name, address, and preferences) in exchange for a free gift. Forty-five percent would disclose information for a gift worth \$100.<sup>77</sup> Moreover, once children's personal data is collected, few restrictions exist to address further dissemination of the information, or its use by others. To further protect children, U.S. Sen. Ron Wyden (D-Ore.) and Rep. Darlene Hooley (D-Ore.) introduced the Children's Listbroker Privacy Act (S. 2160 and H.R. 4955) in the 108th Congress. This legislation would have made the sale and purchase of children's personal information for commercial purposes unlawful without express consent by parents.<sup>78</sup>

## **Impact of Marketing**

It is no coincidence that as companies increased their marketing expenditures by a factor of 150 during the past two decades, children's spending has also spiked dramatically.<sup>79</sup> Marketing clearly works. Companies are creating brand-conscious consumers before they are even out of diapers. One marketing expert has found that children as young as 6 months can recognize brands and, at the age of 3, one-in-five children are making specific requests for brand-name products.<sup>80</sup> By the time they are 10, kids know 300 to 400 brands.<sup>81</sup>

Companies are reaping billions of dollars in revenue from children, but do children really understand how marketing works and do they possess the tools to resist? What effect is the booming consumer culture having on young people's well-being? Individually, each advertisement may seem innocuous. Children see thousands of marketing messages a day,<sup>82</sup> however, and an increasing body of research reveals that many of these messages are adversely affecting their physical, cognitive, social, and emotional development.

Children, unlike adults, lack the cognitive tools to fully protect themselves from marketing manipulation. In general, at ages 4 and 5, children can distinguish content programming on television from commercials. Many children younger than the age of 8, however, are unable to understand the persuasive intent of advertising. They see advertising as truthful, fun, and entertaining. Even at age 8, as children start to understand advertising's intent, they do not have the more sophisticated skill of knowing when to be skeptical and may fail to comprehend inherent biases and exaggerations in ads.<sup>83</sup>

University of Arizona professor Dale Kunkel, a national authority on media and children and a member of the APA task force on marketing and children, asserts that well-established legal principles in communication law hold that for advertising to be considered fair, the audience must be able to recognize an ad and identify the seller. As children under the age of 8 cannot understand the intent of an ad, identify its source, or recognize that an advertiser is a biased messenger for its product, they cannot protect against advertising's persuasive intent. As a result, Kunkel argues, marketing directed at these children is inherently unfair and deceptive<sup>84, 85</sup> and the American Academy of Pediatrics (AAP) further asserts that it exploits young children.<sup>86</sup>

As children enter their teen years, they learn to view advertising with a degree of skepticism. However, young people at this stage are vulnerable to emotive messages that capitalize on their

insecurities, especially body image and popularity. Marketing directed at this age group typically uses imagery designed to convey idealized life-styles full of excitement, fun with friends, and sexual appeal. A market report from the late 1990s explored marketing to Generation Y and found that kids in this generation feel a "strong need for community"—to be part of a group. Among other suggestions, the report urged marketers to "change your goal from selling a product to creating a hip, community experience."<sup>87</sup>

Children's developmental progress clearly affects their ability to recognize, understand, and protect against manipulative marketing. This maturation process, according to the APA task force, contributes more to a child's ability to process and respond to marketing messages than does his or her level of exposure to advertising. In other words, greater exposure to advertising does not make children more skilled at recognizing persuasive intent. Moreover, many studies examining children and advertising reveal distressing associations between children's exposure to marketing and physical, psychological, and social problems, including parent-child conflict, materialism, low self-esteem, depression, anxiety, alcohol and tobacco use, and obesity.

## Parent-Child Conflict

Does advertising encourage children to nag parents to get what they want, and why parents do not just say no? Evidence shows that exposure to advertising increases both children's desire and requests for the products they see

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***"Parents are fighting against an aggressive \$15 billion marketing tide while facing an endless list of other worries when it comes to their children—grades, drugs, alcohol, and sex, just to name a few."***

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marketed,<sup>88, 89</sup> and having to say no puts a strain on the parent-child interaction.<sup>90</sup>

Most kids admit they know their parents will likely refuse their requests, but they persist because they believe they can eventually wear their parents down. The average child aged 12 to 17 will ask for things up to nine times before they give up.<sup>91</sup> Marketers are well aware of this parent-child tension and know how to exploit it. One industry representative summed it up in a *60 Minutes* interview, saying, "One of the last places where you are going to cut back is spending on your child, and marketers know that. And they're honing in on that soft spot. They know that you will cut back on food for yourself before you will cut back on buying something for your child, if she can throw enough of a tantrum."<sup>92</sup>

Certainly parents must be held accountable for saying no to their kids' requests, but some experts argue that the solution is not so simple, because the battle is so unequal. Parents are fighting against an aggressive \$15 billion marketing tide while facing an endless list of other worries when it comes to their children—grades, drugs, alcohol, and sex, just to name a few. It is a constant process of monitoring and limiting children's activities in order to protect them from harm. At the same time, parents are working longer hours, finding less time to spend with their children, and contending with marketing messages that undermine their authority. Ultimately parents want their children to be happy, so, as Susan Linn asks, "When parents are told to 'pick your battles,' what are they going to say 'no' to? Is it the request to see a sexually explicit movie, attend the unsupervised party, or the request for a new pair of Nikes?"<sup>93</sup>

## Materialism

Pervasive marketing is creating more than the occasional desire among children for a new toy or pair of jeans; it is instilling the constant need to consume. According to its task force

report, the APA asserts that today's advertising "cultivates a materialistic value system in young people." Parents agree. The Center for the New American Dream found that parents believe their kids are too focused on buying and consuming things, and the consumer culture makes it harder for them to instill positive values.<sup>94</sup> In addition, the center found that young people admit to purchasing products because their friends have them, or because the products help them feel better about themselves.<sup>95</sup>

Some toys actually reinforce consumer behaviors. Linn documents several Mattel *Barbie* dolls designed around shopping themes, including the *Shop & Style Fashion Barbie* and the *Chic Shoe Store Barbie*.<sup>96</sup> With toys that stress shopping, is it any wonder that children's reported top aspiration is to be rich, or that many of them equate money with happiness?<sup>97</sup>

These enticements for children to consume are especially worrisome at a time when family budgets are maxed, and non-mortgage consumer debt is up. As *USA Today* reported in March 2004: "Households in 2003 racked up \$412 billion in credit card charges, up 185 percent from five years ago." Ever alert for untapped markets, companies are designing charge cards for kids, such as the recently announced *Hello Kitty* debit card with a target audience of 10 to 14 year olds.<sup>98</sup>

Just how focused are kids on acquiring material possessions? Schor's comprehensive investigation highlights the following troubling research figures about kids' values:

- ❑ They spend more time each week shopping than reading, going to church, participating in youth groups, playing outdoors, or talking with family members.
- ❑ Forty-four percent of 4th through 8th graders report daydreaming "a lot" about being rich.
- ❑ One-third of kids ages 9 to 14 would rather shop than do anything else, and an equal

share say they “really like kids that have very special games or clothes.”<sup>99</sup>

## Healthy Development

What are the effects of consumer culture and marketing on children’s physical and emotional health? An increasing body of research links young people’s exposure to alcohol and tobacco advertising with use of these products. Similar concerns are emerging with regard to junk food ads and soaring child obesity rates. Prominent government reports have also revealed industry efforts to target violent media to young people, despite clear evidence showing high correlations between children’s exposure to violent media, subsequent aggressive and violent behavior, and overall desensitization to violence.

### **Alcohol**

The alcohol industry contends it does not market to children. Yet, the Center on Alcohol Marketing and Youth recently reported that alcohol use is the leading illegal drug problem among U.S. youth. At the same time, the center found that ads for beer and distilled spirits in popular magazines such as *Rolling Stone* and *Sports Illustrated* have “consistently reached more underage youth than adults on a per capita basis.” In 2003 alone, compared to adults, youth were exposed to 48 percent more beer ads and 20 percent more ads for distilled spirits.<sup>100</sup>

Rising alcohol use among girls is a particular concern. Last December, the American Medical Association (AMA) released a poll showing significant underage consumption of and exposure to ads for sweet, soda-pop-like alcoholic beverages known as “alcopops.” The poll found that the percentage of girls who drink is rising faster than it is among boys, and the average age when girls take their first drink is 13. Such trends trouble J. Edward Hill, president of AMA, who expressed concern about “the

aggressive marketing of so-called alcopops.” Ads portray them as “fun, sexy and cool as if they are less risky to drink” than other alcoholic beverages. According to the poll, one-half of teenage girls have seen ads for alcopops; they are more likely to report seeing or hearing alcopop ads on television, radio, billboards, the Internet and in magazines than women 21 or older; and one-third say they have tried alcopops. Among teenage girls who have drunk alcopops, one in six say they have been sexually active after drinking, one-in-four have driven or ridden in a car with a driver who has been drinking, and one-in-five have been sick or passed out from drinking.<sup>101</sup>

Instead of focusing on product-related information, alcohol ads often use images that depict ideal lifestyles, interactions with friends, excitement, sex, and fun. Those things are all portrayed as advantages of drinking. Such ads stick in children’s minds. According to studies, alcohol ads shape the future drinking behaviors of children by the time they are 10, and children are more likely to remember the Budweiser frogs’ “Bud-weis-er” slogan than that of Tony the Tiger.<sup>102</sup> Surveys of young people further conclude that alcohol ads

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***“In 2003 alone, compared to adults, youth were exposed to 48 percent more beer ads and 20 percent more ads for distilled spirits.”***

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may predispose children to drinking and establish a solid link between “exposure to and enjoyment of alcohol advertising, the amount of alcohol consumed, and subsequent alcohol-related problems.”<sup>103</sup>

### **Tobacco**

The Master Settlement Agreement reached between tobacco companies and state attorneys

general in the late 1990s forbade tobacco companies from advertising or marketing products to youth. But that agreement failed to spell out clear audience limits for magazines and recent studies show that it has had little effect on protecting children from tobacco advertising. A 2001 study in the *New England Journal of Medicine* documented significant increases in advertising by tobacco companies in magazines with high youth readership (either 15 percent young readers, or 2 million young readers). According to the study, in 2000 alone, 80 percent of adolescents in the United States saw magazine ads for the brands of cigarettes most popular with young people an average of 17 times.<sup>104</sup> More recent evidence suggests that companies are reducing advertisements in magazines with audiences above that youth threshold, but are increasing promotions in magazines just below the threshold.<sup>105</sup> Today, the tobacco industry is the second-largest advertiser in print media.<sup>106</sup> Further, despite a ban on television advertising of cigarettes, the AAP reports a prevalence of cigarette TV ads via billboards, logos, and banners in televised sports events.<sup>107</sup> Such ads are obviously reaching children when nearly all young smokers favor the three most heavily advertised brands.<sup>108</sup> And, after years of downward trends, the Centers for Disease Control now reports that tobacco use among youth is no longer declining.<sup>109</sup>

## ***Obesity***

During the past two decades, child obesity rates have doubled and adolescent obesity rates have tripled. The Surgeon General has cautioned that, if “left unabated, overweight and obesity may soon cause as much preventable disease and death as cigarette smoking.”<sup>110</sup> Much of the current debate about advertising and children’s health has centered on the links between ads for junk food, the sale of junk food and soft drinks in schools, and child obesity rates. Although many factors contribute to obesity, including

eating behaviors and sedentary lifestyles, junk food continues to be among the most heavily advertised products during children’s television programming. The Kaiser Family Foundation, which examined major studies on obesity from the past two decades, reported that in the years that child obesity rates were rising in the United States, TV ads directed at kids were significantly increasing in number as well. In addition, it found that children who spend more time with media are significantly more likely to be overweight than other children.<sup>111</sup> Testifying before a Senate hearing in March, Vicky Rideout, the Kaiser foundation’s vice president and a national authority on children and media, explained that, contrary to popular opinion, research does not show that media contributes to obesity because it displaces physical activity. Rather, the research indicates children’s exposure to food advertising may be the link between media use and obesity.<sup>112</sup>

As cited earlier, children see 40,000 ads a year on television alone and most are for high-fat, high-sugar food. So, it is not surprising that children’s first requests when they are toddlers are typically for food products. Certainly, the occasional candy bar or soda is fine, but as one group of experts notes, “commercials for candies, snacks, and sugared cereals far outnumber commercials for more healthy or nutritious food.”<sup>113</sup> One study of Saturday morning children’s programming found that the majority of food ads shown were for high-sugar cereal, candy, soft drinks, chips, sweets, and fast food. Not a single ad was for fruits or vegetables,<sup>114</sup> even though many of these companies have more nutritious products they could promote to children. When these commercials are combined with the growth of marketing of non-nutritious food products in schools and on the Internet, the highly tilted balance of food ads in favor of unhealthy foods raises red flags. It is particularly true when evidence further indicates that food commercials influence children’s food preferences.<sup>115</sup>

## ***Sex and Violence***

Public attention has focused on the issue of violence in the media, with good reason. The AAP has reported that more than 1,000 studies show a “causal” connection between violent media and aggressive and violent behavior in some children. Moreover, research shows that prolonged viewing can desensitize a child to violence.<sup>116</sup> In 2000, the FTC issued a scathing report of the movie, music, and electric gaming industries, finding them guilty of aggressive marketing of violence to children. Following up on that investigation, the Commission reported in 2004 that there had been improvements by those industries with regard to the “direct” targeting of children, but it found that the practice of advertising R-rated movies, music with explicit lyrics, and M-rated video games continued in media with large audiences of youth under 17.<sup>117</sup>

Some child development experts have gathered equally alarming data showing the impact of sexually explicit media on children, and have called for similar marketing investigations of such media. Several studies reveal the prevalence of sexual acts, some “hard core,” in television shows, songs, music videos, movies, and video games that are popular among young people. Correlations have been established between girls’ exposure to sexual acts in rap music videos and their likelihood of having multiple sexual partners and contracting sexually transmitted diseases.<sup>118</sup> And connections have been made between boys’ exposure to violent sex in the media and their desensitization to sexual violence in real life.<sup>119</sup>

Some marketed products instill sexually stereotyped gender roles in children while they are very young. The *Bratz* dolls mentioned earlier help teach young girls that they should be pretty and sexy, and Dr. Levin points out that even today’s archetypal Disney heroine, Pocahontas, displays more cleavage and less clothing than Cinderella did. Magazines directed at youth may also be at fault. A poll by *Seventeen* magazine

found that 25 percent of its readers had considered liposuction, tummy tucks, or breast augmentation. That is perhaps not surprising, as *Seventeen* runs ads for herbal breast-enhancement tablets and the like. Those ads, along with the magazine’s numerous beauty and fashion articles, only exacerbate young girls’ insecurities about their physical appearance.<sup>120</sup> For teenage boys, music videos, video games, and toys—such as World Wrestling Entertainment, Inc. action figures—often depict masculinity as being physically powerful and dominating women.<sup>121</sup> The prevalence of sexually explicit media and sexually explicit marketing to children leads one noted expert to fear the consumer culture’s “sexualization” of childhood. “Children’s ideas about sex and sexuality develop gradually and are greatly influenced by the information the environment provides,” notes Levin. Parents, who care most about the well-being of children, “are concerned because they are losing control over how children are introduced to ideas about sex and sexuality.”<sup>122</sup>

## **Overall Impact**

Growing debate about the marketing of adult-restricted products (such as alcohol and tobacco) and adult-content media to children is expanding public awareness of critical child development issues. However, limited attention is being paid to the broader issue of children’s involvement in the consumer culture, and its impact on their overall well-being.

Undertaking the first study to examine the consumer culture and its effect on children, Schor uncovered some alarming findings. Her general conclusion: The more involved children become in the consumer culture, the worse off they are. Specifically, Schor found that the degree of children’s exposure to consumer culture correlates to problems in their relationships with their parents (particularly suburban children whose parents more often act as “gatekeepers”); feelings of depression, anxiety, and low self-

esteem; and psychosomatic problems. Not coincidentally, the more time children spent using media, the more involved in the consumer culture they became.<sup>123</sup> Such findings make obvious the need for further scientific research into marketing practices, children's consumer behaviors, and their social, cognitive, emotional, and physical development.

## Recommendations

More research is needed to fully understand the vast array of marketing practices and their cumulative effects on children. A bipartisan group of senators has introduced an important proposal (S. 579) to study the impact of all media on children. Led by Sens. Hillary Clinton (D-N.Y.) and Joe Lieberman (D-Conn.), along with Sens. Sam Brownback (R-Kan.) and Rick Santorum (R-Pa.), the bill would establish a program at the National Institutes of Health to spur new scientific research into the effects of television, computer games, the Internet, and other media on children's cognitive, social, physical, and psychological development. Among other things, the proposal specifically calls for examining the connection between advertising and child obesity. In the meantime, some companies are taking steps on their own to respond to public concerns. For example, Kraft Foods has promised, beginning in 2006, to stop advertising its low-nutrition foods on media primarily seen by children under 11 and instead run ads for healthy snack items. Coca-Cola, meanwhile, has announced plans to roll back its marketing efforts to children under 12, including its television ads and free coupon promotions. It also has begun to allow schools with which it has vending contracts to offer children some of Coke's non-soda products, like Minute Maid orange juice and Dasani water.<sup>124</sup>

These are encouraging signs. But they will not be sufficient to address the wide range of problems associated with the marketing culture's focus on children. The compelling evidence at

hand calls for immediate actions to protect children from marketing that exploits their developmental vulnerabilities and sells their childhood short. Parents need help now in shielding children from commercializing pressures that undermine their authority and strip away their power to instill their own set of values in their children. Policymakers can start by taking these steps:

- ❑ **Restore the Federal Trade Commission's authority to regulate unfair advertising to children and direct it to issue rules governing marketing to children.**

Currently the FTC has greater authority to regulate marketing practices aimed at adults than it does to protect the interests of children. Congress should restore the authority it took away from the FTC in 1980 to regulate unfair marketing to children. Congress should then call upon the FTC, in partnership with the Institutes of Medicine, to thoroughly investigate all forms of marketing and market research that is focused on children, including marketing through interactive media. The FTC should issue a report on its findings within one year. In its investigation, it should examine children's understanding and awareness of marketing as well as its effects on child development. After submitting its report to Congress, the FTC should immediately issue rules to govern marketing to children. The rules should be specific to different age ranges, and should ensure consistent protections across all media. Some federal lawmakers, concerned with the marketing of unhealthy products, such as junk food and tobacco, have called for similar actions.<sup>125</sup>

- ❑ **Use the power of public disclosure to discourage companies from marketing adult entertainment, such as R-rated movies, or adult products, such**

**as alcohol and tobacco, in media with large youth audiences.**

Media that have large youth audiences ought to ensure that they only include content appropriate for general audiences. And companies should not advertise adult-rated media products (e.g.: R-rated movies, M-rated video games, or music with explicit lyrics) or products that carry age restrictions due to health concerns in media popular with children. The alcohol, tobacco, and entertainment industries, to one degree or another, each avoid advertising to audiences with large youth segments.<sup>126</sup> However, the FTC, the National Research Council, and the Institute of Medicine, along with other academic researchers, have examined young people's exposure to advertisements for various adult products, and have found that despite industry advertising guidelines, significant numbers of young people continue to be frequently exposed to advertisements for adult-oriented products. At the same time, government and academic studies find high usage rates of these products by young people. To curtail the practice of advertising adult products to children, Congress should require the U.S. Department of Health and Human Services (HHS), in conjunction with the National Research Council and the Institute of Medicine, to establish thresholds for the percentage of older children and teenagers that constitutes a large youth audience. The threshold should reflect the actual proportion of adolescents in the general population and ensure a marked reduction in their exposure to advertisements for adult-rated entertainment and adult-restricted products. Then, HHS should monitor the advertising of adult entertainment and products in media meeting that threshold. It should annually publish and widely distribute a list of companies, their advertised products, the media where those ads appear, and the percentage and estimated number of youth exposed. Rather than a heavy-handed regulatory regime, lawmakers should

allow this name-and-shame system a period of two years to work. **After that time, however, if companies continue to advertise adult-restricted products to large youth audiences, Congress should give the FTC the authority to treat such practices as unfair or deceptive and to fine repeat offenders.**

- ❑ **Prevent children's personal information, such as names, addresses, and personal preferences, from being used for commercial purposes, particularly in the interactive marketplace that involves websites, cell phones, digital TV, and other devices that allow marketers to collect data from children.**

New media give marketers new avenues to interact directly with children and solicit personally identifiable information from them. Congress should amend COPPA of 1998, which dictates the circumstances under which personally identifiable information may be collected from children under 13, to cover all children under 16. In addition, it should ban corporations from selling or purchasing the personal information of children under 16 for commercial marketing purposes, unless parents give express consent, such as is required in legislation introduced in the 108th Congress by Sen. Wyden (S. 2160).

- ❑ **Require the packaging of spinoff products, such as toys and games based on movies or TV shows, to carry the same age recommendations as the entertainment products from which they are derived.**

Parents should be able to rely on consistency of age recommendations between movies, TV shows, and other entertainment media, and any products derived from them. But many toys and other products linked to PG-13

or R-rated movies are marketed to young children, in some cases children as young as 5. Congress should require companies to ensure that toys and other products that are linked to entertainment media be clearly labeled with age recommendations that match the original source.

❑ **Work with states to curtail commercial marketing inside public schools.**

Congress should direct the secretary of education to investigate all forms of commercial activities in schools and develop a set of voluntary recommendations governing marketing in schools. Following these recommendations, the secretary should issue the suggested guidelines to states and provide resources and assistance, if requested, to help them enact their own comprehensive, statewide policies addressing commercial activities and marketing in public schools. The goal should be to completely eliminate such activities in elementary schools where children lack the developmental skills to defend against marketing's persuasive intent.

At a minimum, states should enact policies providing for the public disclosure and reporting of any commercial activities in individual schools that are valued at \$10,000, including food and beverage contracts, donations of equipment, donations of educational materials and curriculum, prizes or contests, and sponsored training for educators. Schools should also disclose the share of annual budgets funded by revenues from commercial activities.

Finally, a deadline of 2006 should be set for public school districts to meet the student privacy provisions required under the Protection of Pupil Rights Amendment, which was amended as part of the 2002 No Child Left Behind Act to cover "the collection, disclosure, or use of student data for marketing and selling purposes." As recommended by the GAO, the U.S. Department of Education should ensure that districts are aware of the law's provisions and have the guidance they need to adequately meet them.

The GAO, however, has found that few school districts have adequately developed and implemented these policies.

❑ **Demand that marketers protect children involved in product research by requiring the same standards that exist for federally funded research, including fully informed consent from both parents and children.**

Academic institutions that undertake research projects supported by federal funding are required to establish institutional review boards (IRBs) to approve all research projects before they take place. As the HHS notes in its IRB guidebook, such boards are established "to protect the rights and welfare of human research subjects recruited to participate in research activities conducted under the auspices of the institution with which it is affiliated." Members of IRBs are expected to come from varying sectors and be "sufficiently qualified through the experience and expertise of its members and the diversity of their backgrounds, including . . . their sensitivity to issues such as community attitudes, to promote respect for its advice and counsel in safeguarding the rights and welfare of human subjects."<sup>127</sup> Corporations may not receive direct federal funding, but since they do receive considerable federal support in the form of tax benefits—including the ability to deduct all marketing expenses—the marketing industry should be required to establish IRBs to oversee research involving children, following similar criteria required of federally funded research projects.

All practices of market research involving children should be reviewed and approved by these boards, including the lesser-known practices involving the use of interactive technologies to solicit feedback from children, or practices that employ children to conduct research activities on their peers. At a minimum, IRBs should evaluate risks to children, ensure

protections for their participation, and require informed parental and child consent. Informed consent should include full disclosure, to both parents and children, of information about the products to which children will be exposed and the ways in which the information that is collected will be used.

- ❑ **End the surreptitious exploitation of children's friendships for the sake of sales by requiring full transparency when corporations hire children to market products to their peers.**

Marketers often use children to hype products among their friends, in exchange for money, free samples, or other compensation. In many cases, children are not required to immediately disclose the fact that they are acting on behalf of a company when they push items on their peers. Corporations should disclose to the FTC any product marketing campaigns that involve the use of children for product promotion. In addition, the FTC should require marketers to ensure that young people enlisted to promote products among their peers state upfront that they are acting on behalf of a sponsor.

- ❑ **Strike a new bargain with broadcasters: In exchange for their continued free use of space on the public spectrum, require that they double their public interest obligations to air programming for children, from three to six hours per week; ensure that it is commercial free; and improve program quality.**

As we work to protect children from harmful marketing practices, we must also ensure that parents and children have greater access to age-appropriate programming. That includes the choice of commercial-free programming. The FCC has given away limited

licenses for free spectrum to broadcasters on the condition they meet certain public interest obligations and serve local needs. In 1996, in return for expedited license renewal, the FCC also required broadcasters to provide three hours of children's educational and informational (E/I) programming per week. Programming must be at least 30 minutes in length, regularly scheduled, and air between the hours of 7:00 a.m. and 10:00 p.m. The FCC allows broadcasters to determine what constitutes E/I programming. A growing chorus of critics, however, argues that the E/I standard is weak and that broadcasters are not living up to their end of the bargain in serving the public interest in a meaningful way. Furthermore, a recent report found that while increasing numbers of children watch cable TV, nearly one-half still watch broadcast television.<sup>128</sup> And, as experts note, very limited programming exists for children ages 6 to 12. As a result, a significant number of children are not having their needs and interests met by commercial broadcasters. Congress should require the FCC to work with the U.S. Department of Education to define higher quality standards for E/I programming and **require commercial broadcasters to either air six hours of E/I programming per week or pay a fee for their spectrum use. Those fees should then be used to fund the development of children's programming and to purchase airtime.**<sup>129</sup> Broadcasters who choose to air E/I programming would have to ensure that it is directed at children ages 6 to 12, commercial free (including interactive advertising), and aired during hours when children are most likely to be watching—especially the after-school hours of 3:00 p.m. to 5:00 p.m.

- ❑ **Give cable and satellite television providers a choice: Offer parents family-friendly packages of channels or face the same indecency regulations that apply to over-the-air broadcasters.**

Currently, more than 85 percent of homes subscribe to either cable or satellite television services. Although cable and satellite providers offer subscribers more channels geared toward children and families than broadcast television does, they only offer those channels in bundles with other channels that may be inappropriate for children, particularly young children. Meanwhile, polls show that parents are deeply concerned about the amount of sex and violence shown on television—and surveys find that parents are mostly unaware of or confused by parental-control technologies, such as the V-chip. Responding to parents' concerns, federal lawmakers are ready to act. Sens. John Rockefeller (D-W.Va.) and Kay Bailey Hutchison (R-Texas) have introduced a bill, the Indecent and Gratuitous and Excessive Violence Broadcasting Control Act of 2005 (S. 616), which would direct the FCC to address indecency on all programming including cable and satellite. There is good reason to believe such a bill could pass, since Sen. Ted Stevens (R-Alaska), chairman of the Senate Commerce, Science and Transportation Committee, and Rep. Joe Barton (R-Texas), chairman of the House Energy and Commerce Committee, have both stated their intent to pursue legislation that would extend the same regulations of sex and profanity to cable and satellite providers that apply to over-the-air broadcasters. The FCC's new chairman, Kevin Martin, has also expressed sympathy for the idea of a "level playing field" between over-the-air broadcasters and cable and satellite providers with regard to basic standards of decency. He has suggested a different solution, however, arguing that "cable and satellite operators would provide a valuable service to American families if they would offer an exclusively family friendly programming package as an alternative to the 'expanded basic' on cable, or the initial tier on [satellite]."<sup>130</sup> Congress should take up Chairman

Martin's suggestion and propose a new voluntary structure with cable and satellite providers whereby they agree to offer subscribers family-friendly packages that contain only channels that are appropriate for families with younger children, or face indecency regulations. Family-friendly programming packages could include channels like Nickelodeon, The Learning Channel, Animal Planet, news channels, and others, but not channels such as MTV that tend to be inappropriate for younger children. Providers should be free to continue offering their current channel packages; family-friendly packages should simply be an additional option for subscribers.

## Conclusion

Rampant consumerism is clearly a corrosive influence on children and families. Many of the particulars are still being discovered by researchers and certainly greater study is needed. Existing evidence reveals, however, specific harms ranging from increased parent-child conflicts to physical and emotional health problems for children. Marketers are actively exacerbating these problems, spending billions in the relentless pursuit of lifelong consumers.

We cannot obliterate the ubiquitous marketing from the popular culture that children are exposed to, nor should that be the goal. However, we can demand more responsible and age-appropriate marketing that does not exploit children's psychological and cognitive weak spots, or push them too quickly into adulthood.

The recommendations in this paper will not fully address the concerns of commercial marketing and its effects on children and families, but they will mark a dramatic move forward in putting parents on a more equal footing with corporate marketers so they, not the consumer culture, can shape their children's values.

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## Endnotes

<sup>1</sup> Linn, Susan, *Consuming Kids: The Hostile Takeover of Childhood*, The New Press, 2004, p. 1.

<sup>2</sup> Schor, Juliet, *Born to Buy: The Commercialized Child and the New Consumer Culture*, Scribner, 2004, p. 21. According to Schor, "James McNeal, the nation's most influential estimator of the size of the children's market, has calculated that by 2004, total advertising and marketing expenditures directed at children reached \$15 billion, a stunning rise from the mere \$100 million in television advertising spent in 1983."

<sup>3</sup> "The Facts About Marketing to Kids," The Campaign for A Commercial-Free Childhood, <http://www.commercialexploitation.org/factsheets/entirebooklet.pdf>. The booklet reports findings by Dale Kunkel, with the University of Arizona, that "[c]hildren see 40,000 advertisements a year on television alone, a figure that does not include product placement."

<sup>4</sup> Schor, Juliet, *op. cit.*, pp. 20 and 25.

<sup>5</sup> Levin, Diane, "So Sexy, So Soon: The Sexualization of Childhood," *Childhood Lost: How American Culture is Failing Our Kids*, Sharna Olfman, ed., Praeger Publishers, 2005, pp. 146-147.

<sup>6</sup> "Advertising to Kids and the FTC: A Regulatory Retrospective That Advises the Present," The Federal Trade Commission (FTC), <http://www.ftc.gov/speeches/beales/040802adstokids.pdf>. (An article based upon a speech delivered by J. Howard Beales III, Director of the Bureau of Consumer Protection, before the George Mason Law Review 2004 Symposium on Antitrust and Consumer Protection). The FTC's 1978 Notice of Proposed Rulemaking became known as "kidvid." The proposed rule sought to restrict television ads for highly sugared foods to children, "particularly those too young to understand either the nature of commercial advertising or the health risks of excessive sugar consumption." The proposed rule suggested: 1) banning all TV product ads directed at children "too young to understand the selling purpose of advertising"; 2) banning TV ads directed at children for food products associated with dental health risks; and 3) requiring TV ads for sugared food products excluded from the ban, "be balanced by nutritional or health disclosures funded by advertisers."

<sup>7</sup> United States Code, 15 U.S.C 57a Subsection (h). According to the subsection, "Restriction on rulemaking authority of Commission respecting children's advertising proceedings pending on May 28, 1980—The Commission shall not have any authority to promulgate any rule in the children's advertising proceeding pending on May 28, 1980, or in any substantially similar proceeding on the basis of a determination by the Commission that such advertising constitutes an unfair act or practice in or affecting commerce."

<sup>8</sup> "Psychological Issues in the Increasing Commercialization of Childhood," *Report of the APA Task Force on Advertising and Children*, American Psychological Association, February 20, 2004, p. 28.

<sup>9</sup> "The Facts About Marketing to Kids," *op. cit.* The fact sheet reports, "A recent online poll found that 85 percent of respondents believe children's television should be commercial-free; 81 percent believe that schools should be commercial free zones; 80 percent believe that marketing to children eight and under should be prohibited."

<sup>10</sup> "New American Dream Survey Report," The Center for a New American Dream, September 2004. The survey found that "Nearly 4 in 5 Americans (79 percent) believe there should be limits placed on advertising for children. Nearly 9 in 10 Americans (87 percent) say that our current consumer culture makes it harder to instill positive values in our children."

<sup>11</sup> "Senator Clinton's Speech to Kaiser Family Foundation Upon Release of 'Generation M: Media in the Lives of Kids 8 to 18,'" Office of Senator Hillary Clinton, March 8, 2005, <http://clinton.senate.gov/~clinton/speeches/2005314533.html>.

<sup>12</sup> Whitehead, Barbara Defoe, "Closing the Parent Gap," Progressive Policy Institute, April 2005, <http://www.ppionline.org>.

<sup>13</sup> Hawkes, Corinna, "Marketing Food to Children: the Global Regulatory Environment," World Health Organization, 2004, <http://whqlibdoc.who.int/publications/2004/9241591579.pdf>. The report found that a number of European countries have a range of restrictions on the timing and content of television advertising to children.

<sup>14</sup> Parker, George, and John Mason, "EU legal threat to junk food advertising," *Financial Times*, January 19, 2005. In an interview with the *Financial Times*, EU Health and Consumer Affairs Commissioner Markos Kyprianou gave the food industry a year to "stop advertising to junk food to children and improve product labeling or face possible legislation in the European Union."

<sup>15</sup> Schor, Juliet, *op. cit.*, p. 23.

<sup>16</sup> "TRU Projects Teens Will Spend \$169 Billion in 2004," press release, Teen Research Unlimited, December 1, 2004, [http://www.teenresearch.com/PRview.cfm?edit\\_id=287](http://www.teenresearch.com/PRview.cfm?edit_id=287).

<sup>17</sup> McNeal, James U., "Tapping the Three Kids' Markets," *American Demographics*, April 1998.

<sup>18</sup> "Facts About Marketing to Children," The Center for a New American Dream, <http://www.newdream.org/kids/facts.php>.

<sup>19</sup> Schor, Juliet, *op. cit.*, pp. 16-17.

<sup>20</sup> Linn, Susan, *op. cit.*, p. 6.

- <sup>21</sup> "Backpacks, Lunch Boxes and Cells? ... Nearly Half of US Teens and Tweens Have Cell Phones, According to NOP World mKids Study," press release, NOP World, March 9, 2005, [http://www.nopworld.com/news.asp?go=news\\_item&key=151](http://www.nopworld.com/news.asp?go=news_item&key=151).
- <sup>22</sup> Silverman, Gary, "Cell Phones to Replace TV and Prime Ad Medium," *Financial Times UK*, April 6, 2005.
- <sup>23</sup> Linn, Susan, "The cell phone industry wants ... your child," *Marketplace*, National Public Radio, April 4, 2005, <http://marketplace.publicradio.org/shows/2005/04/04/PM200504043.html>.
- <sup>24</sup> "DIC Entertainment And SmartVideo Create The World's First Animation Channel For Cell Phones," press release, DIC Entertainment, January 25, 2005, <http://www.dicentertainment.com/press/details.php?46>.
- <sup>25</sup> Linn, Susan, "The cell phone industry wants ... your child," *op. cit.*
- <sup>26</sup> Montgomery, Kathryn, professor at American University, interview by author, June 8, 2005.
- <sup>27</sup> "Generation M: Media in the Lives of 8-18 Year-Olds," A Kaiser Family Foundation Study, The Henry J. Kaiser Family Foundation, March 2005, <http://www.kff.org/entmedia/loader.cfm?url=/commonspot/security/getfile.cfm&PageID=51809>. In the Kaiser study, electronic media includes television, Internet, radio, CDs, tapes, MP3 players and video games. Researchers found that youths spend six and one-half hours a day using media but, because they multitask, are actually exposed to eight and one-half hours a day of media content. Young people (ages 8-18) spend: three hours watching television, one and three-quarter hours listening to music (radio, CDs, tapes, MP3 players), over one hour on the computer (outside of school), and nearly one hour playing video games.
- <sup>28</sup> Linn, *Consuming Kids: The Hostile Takeover of Childhood*, *op. cit.*, p. 5. Linn reports, "Two-thirds of children between the ages of eight and eighteen have televisions in their bedrooms, as do 32 percent of two- to seven-year-olds, and 26 percent of children under two."
- <sup>29</sup> "Children, Adolescents, and Television," *Pediatrics*, vol. 95, No. 2, American Academy of Pediatrics, February 1995, <http://www.pediatrics.org>.
- <sup>30</sup> Bilgrey, Mindy, "Advertising's Impact on Kids," HealthAtoZ, <http://www.healthatoz.com/healthatoz/Atoz/hc/chi/kids/alert10102002.jsp>.
- <sup>31</sup> "Psychological Issues in the Increasing Commercialization of Childhood," *op. cit.*, p. 23.
- <sup>32</sup> Comments of Children's Media Policy Coalition, Free Press, The Campaign for a Commercial-Free Childhood, Dads and Daughters before the Federal Communications Commission, MM Docket No. 00-167, April 1, 2005.
- <sup>33</sup> Schor, Juliet, *op. cit.*, p. 53.
- <sup>34</sup> Meltz, Barbara F., "Marketers See Babies' Noses as Pathway to Profits," *The Boston Globe*, May 19, 2005, [http://www.boston.com/yourlife/home/articles/2005/05/19/marketers\\_see\\_babies\\_noses\\_as\\_pathway\\_to\\_profits?pg=full](http://www.boston.com/yourlife/home/articles/2005/05/19/marketers_see_babies_noses_as_pathway_to_profits?pg=full).
- <sup>35</sup> Story, Mary, and Simone French, "Food Advertising and Marketing Directed at Children and Adolescents in the US," *International Journal of Behavioral Nutrition and Physical Activity*, February 10, 2004.
- <sup>36</sup> Linn, Susan, instructor in psychiatry, Harvard Medical School and Associate Director of the Media Center at Judge Baker Children's Center, and Enola Aird, director of the Motherhood Project, Institute for American Values, interview by author, February 2, 2005.
- <sup>37</sup> The Federal Communications Commission regulations on advertising during children's programming include: 1) limiting advertisements during children's programming to 10.5 minutes per hour during the weekend and 12 minutes per hour on weekdays; 2) bans on "host selling," prohibiting characters from a television show from appearing in ads shown during, or immediately prior to, and after, the show; 3) bans on ads for products that air during a program associated with that product (e.g., a cartoon program that aired a commercial for the dolls of its characters during the program broadcast); and 4) bans on ads for a product unrelated to the program but promotes products related to the program (e.g., an ad for a cereal that has no relation to the program but has a promotional toy inside the box that is related to the program).
- <sup>38</sup> Graser, Marc, "McDonald's Buying Way Into Hip-Hop Song Lyrics," *Advertising Age*, March 23, 2005.
- <sup>39</sup> Linn, *Consuming Kids: The Hostile Takeover of Childhood*, *op. cit.*, and Schor, *Born to Buy: The Commercialized Child and the New Consumer Culture*, *op. cit.* Both authors describe "viral" marketing.
- <sup>40</sup> Schor, Juliet, *op. cit.*, p. 72.
- <sup>41</sup> "New Marketing Techniques," Fact Sheet, Campaign for a Commercial-Free Childhood, <http://www.commercialexploitation.org/factsheets/ccfc-facts%20newmarketing.pdf>.
- <sup>42</sup> Schor, Juliet, *op. cit.*, pp. 63-64.
- <sup>43</sup> Montgomery, Kathryn C., "Children's Media Culture in the New Millennium: Mapping the Digital Landscape," *The Future of Children: Children and Computer Technology*, Vol. 10, No. 2, Fall/Winter 2000, pp. 151-154.
- <sup>44</sup> Story and French, *op. cit.*
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put the game on its Web site introducing its product to thousands of visitors who mainly come for the fun of it.”

<sup>48</sup> “Public Education: Commercial Activities in Schools,” Report, GAO/HEHS-00-156, Government Accountability Office (GAO), September 2000, p. 6, <http://www.gao.gov/archive/2000/he00156.pdf>.

<sup>49</sup> *Ibid.*, p. 15.

<sup>50</sup> Horgen, Katherine Battle, “Big Food, Big Money, Big Children,” *Childhood Lost: How American Culture is Failing Our Kids*, Sharna Olfman, ed., Praeger Publishers, 2005, p. 128.

<sup>51</sup> Kim, Ryan, “Schools Sell Naming Rights,” *San Francisco Chronicle*, January 18, 2003.

<sup>52</sup> Schor, Juliet, *op. cit.*, p. 94.

<sup>53</sup> Fuchs, Marek, “Sex Ed Provided by Old Spice,” *The New York Times*, May 29, 2005.

<sup>54</sup> GAO 2000, *op. cit.*, p. 10

<sup>55</sup> “Psychological Implications of Commercialism in Schools,” *Report of the APA Task Force on Advertising and Children*, American Psychological Association, February 20, 2004.

<sup>56</sup> Pratt, Johnson, “‘Tweens’ raise buying power as parents screen styles,” *Des Moines Register*, September 5, 2002.

<sup>57</sup> Schor, *op. cit.*, p. 12. Schor cites estimate by Martin Lindstrom.

<sup>58</sup> “Buying into Sexy: The Sexing Up of Tweens,” *CBC Marketplace*, Canadian Broadcasting Corporation, January 9, 2005, <http://www.cbc.ca/consumers/market/files/money/sexy/>.

<sup>59</sup> “Fabulous Bratz – Sasha,” MGA Entertainment, [http://www.mgae.com/2004\\_product\\_pages/Products/Bratz/FabulousBratz.asp](http://www.mgae.com/2004_product_pages/Products/Bratz/FabulousBratz.asp).

<sup>60</sup> “TRUCE Toy Action Guide 2004-2005,” Teachers Resisting Unhealthy Children’s Entertainment, [http://www.truceteachers.org/TRUCE\\_Toy\\_Action\\_Guide\\_04-05.pdf](http://www.truceteachers.org/TRUCE_Toy_Action_Guide_04-05.pdf).

<sup>61</sup> “Marketing Violent Entertainment to Children: A Fourth Follow-up Review of Industry Practices in the Motion Picture, Music Recording & Electronic Game Industries,” A Report to Congress, Federal Trade Commission, July 2004, <http://www.ftc.gov/os/2004/07/040708kidsviolence.pdf>. The FTC found “many examples of advertisements by the movie industry and some advertisements by the electronic game industry placed on television programs with large numbers of teen viewers, and continued placement of advertising by the electronic game industry in game enthusiast magazines with large youth readership.”

<sup>62</sup> Parents Television Council, interview by author, June 22, 2005. Parents Television Council maintains a database with information on program content and advertising during prime time television hours.

<sup>63</sup> Halbfinger, David M., “A Film Offers Buckets of Blood in White, Yellow and Red,” *The New York Times*, March 31, 2005.

<sup>64</sup> Schor, Juliet, *op. cit.*, p. 103-107.

<sup>65</sup> “TeenSites.com: A Field Guide to the New Digital Landscape,” *op. cit.*

<sup>66</sup> “Psychological Issues in the Increasing Commercialization of Childhood,” *op. cit.*, p. 22.

<sup>67</sup> The Girls Intelligence Agency, <http://www.girlsintelligenceagency.com/research.html>.

<sup>68</sup> Schor, Juliet, *op. cit.*, pp. 76-77 and 117.

<sup>69</sup> “The Merchants of Cool,” *Frontline*, Public Broadcasting Service, February 27, 2000, <http://www.pbs.org/wgbh/pages/frontline/shows/cool/interviews/mcchesney.html>.

<sup>70</sup> Brzezinski, Mika, “Tweens: A Billion-Dollar Market,” *60 Minutes*, CBS, December 15, 2004.

<sup>71</sup> “Commercial Activities in Schools: Use of Student Data is Limited and Additional Dissemination of Guidance Could Help Districts Develop Policies,” GAO, August 2004, pp. 5-6, <http://www.gao.gov/new.items/d04810.pdf>.

<sup>72</sup> GAO 2000, *op. cit.*, pp. 28-32. According to the report, ZapMe! donates computers and Internet connection service to schools. In return the company shows ads on its computer screens and requires four hours of use on its computers per day. Nearly 2,000 schools have ZapMe!. Critics contend that ZapMe! has the ability to track and report students’ Internet usage by age, gender, and school ZIP code. According to a ZapMe! official, however, the company does not track individual usage, although it does collect data in the aggregate.

<sup>73</sup> GAO 2004, *op. cit.*, p. 6. According to the report, “NCLBA [No Child Left Behind Act] addresses some concerns about commercial activities and student data by amending and expanding certain student data safeguards that were established in the Protection of Pupil Rights Amendment (PPRA). Prior to NCLBA, PPRA generally prohibited requiring students to submit to a survey concerning certain personal issues without prior written parental consent. As amended, PPRA for the first time requires districts to develop and adopt new policies, in consultation with parents, for collecting, disclosing, and using student data for marketing or selling purposes. Districts are also required to directly notify parents of these policies and provide parents an opportunity to opt their child out of participation in such activities. Furthermore, districts are required to notify parents of specific activities involving the collection, disclosure, and use of student information for marketing or selling purposes and to provide parents with an opportunity to review the collection instruments. PPRA did not contain deadlines for districts to develop policies. Also, PPRA requires Education [Department of Education] to annually inform each state education agency and local school districts of their new obligations under PPRA. Finally, PPRA continues to require Education to investigate, process, and adjudicate violations of the section.”

<sup>74</sup> *Ibid.*, p. 12.

<sup>75</sup> Schor, Juliet, *op. cit.*, p. 108.

- <sup>76</sup> Montgomery, Kathryn, interview, *op. cit.*
- <sup>77</sup> "TeenSites.com: A Field Guide to the New Digital Landscape," *op. cit.*, p. 101-102.
- <sup>78</sup> "Wyden-Stevens Legislation Will Stop Sale of Children's Names, Addresses to Marketers," press release, Office of Senator Ron Wyden, March 3, 2004, [http://wyden.senate.gov/media/2004/print/print\\_03032004\\_kidlist.html](http://wyden.senate.gov/media/2004/print/print_03032004_kidlist.html).
- <sup>79</sup> Schor, *op. cit.* pp. 21-23. Schor cites estimate of leading marketing consultant James McNeal, that marketing expenditures targeted at children have increased from \$100 million in 1983 to \$15 billion today. Likewise, purchases made by children aged 4-12 have risen 400 percent since 1989, from \$6.1 billion to \$30 billion in 2002.
- <sup>80</sup> "Facts About Marketing to Children," The Center for a New American Dream, *op. cit.* According to the fact sheet, which cites James McNeal's findings, "At six months of age, the same age they are imitating simple sounds like "mama," babies are forming mental images of corporate logos and mascots."
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- <sup>82</sup> "The Merchants of Cool," *Frontline*, Public Broadcasting Service, February 21, 2001, <http://www.pbs.org/wgbh/pages/frontline/shows/cool/>. Douglas Rushkoff reports, "A typical American teenager will process over 3,000 discrete advertisements in a single day, and 10 million by the time they're 18."
- <sup>83</sup> "Psychological Issues in the Increasing Commercialization of Childhood," *op. cit.*, pp. 24-28.
- <sup>84</sup> Kunkel, Dale, psychologist and professor, University of Arizona, interview by author, December 12, 2004.
- <sup>85</sup> "Psychological Issues in the Increasing Commercialization of Childhood," *op. cit.*, pp. 35-36 and 40.
- <sup>86</sup> "Children, adolescents, and advertising," *op. cit.*
- <sup>87</sup> Linn, *Consuming Kids: The Hostile Takeover of Childhood*, *op. cit.*, p. 25.
- <sup>88</sup> "The Role of Media in Childhood Obesity," The Henry J. Kaiser Family Foundation, February 2004, <http://www.kff.org/entmedia/loader.cfm?url=/commonspot/security/getfile.cfm&PageID=32022>.
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- <sup>90</sup> "Psychological Issues in the Increasing Commercialization of Childhood," *op. cit.* p. 30.
- <sup>91</sup> "Thanks to Ads, Kids Won't Take No, No, No, No, No, No, No, No, No, No, No, No, No for an Answer," The Center for a New American Dream, May 2002, <http://www.newdream.org/kids/poll.php>.
- <sup>92</sup> "Tweens: A Billion-Dollar Market," *op. cit.* Statement by Girls Intelligence Agency Chief Executive Laura Groppe.
- <sup>93</sup> Linn and Aird, interview, *op. cit.*
- <sup>94</sup> "New American Dream Poll: A Public Opinion Poll," The Center for a New American Dream, July 2004, <http://www.newdream.org/about/PollResults.pdf>. Poll results show: 70 percent of parents strongly agreed that today's youth are too focused on buying and consuming things; 85 percent agreed that there should be limits on advertising to children; and 87 percent believe that our current consumer culture makes it harder to instill positive values in our children.
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- <sup>96</sup> Linn, *Consuming Kids: The Hostile Takeover of Childhood*, *op. cit.*, p. 8.
- <sup>97</sup> Schor, Juliet, *op. cit.*, p. 37.
- <sup>98</sup> Mayer, Caroline E., "Girls Go From Hello Kitty to Hello Debit Card," *The Washington Post*, October 3, 2004.
- <sup>99</sup> Schor, *op. cit.* pp. 31-37. The author notes, "More children go shopping each week (52 percent) than read (42 percent), go to church (26 percent), participate in youth groups (25 percent), play outdoors (17 percent), or spend time in household conversation (32 percent)."
- <sup>100</sup> "Youth Overexposed: Alcohol Advertising in Magazines, 2001 To 2003," Center on Alcohol Marketing and Youth, April 7, 2005, <http://camy.org/research/mag0405/mag0405.pdf>.
- <sup>101</sup> "Teenage girls targeted for sweet-flavored alcoholic beverages," press release, American Medical Association, December 16, 2004, <http://www.ama-assn.org/ama/pub/category/14425.html>.
- <sup>102</sup> "Children, Health and Advertising," *Mediascope Press*, 2000, <http://www.mediascope.org/pubs/ibriefs/cha.htm>.
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- <sup>104</sup> King III, Charles, and Michael Siegel, "The Master Settlement Agreement with Tobacco Industry and Cigarette Advertising in Magazines," *The New England Journal of Medicine*, Volume 345:504-511, No. 7, August 16, 2001.
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<sup>111</sup> "The Role of Media in Childhood Obesity," *op. cit.*

<sup>112</sup> Testimony of Victoria J. Rideout, Vice President and Director, Program for the Study of Entertainment Media and Health, Henry J. Kaiser Family Foundation, before the Senate Subcommittee on Competition, Foreign Commerce, and Infrastructure; Committee on Commerce, Science and Transportation, March 2, 2004, [http://commerce.senate.gov/hearings/testimony.cfm?id=1079&wit\\_id=3046](http://commerce.senate.gov/hearings/testimony.cfm?id=1079&wit_id=3046).

<sup>113</sup> "Psychological Issues in the Increasing Commercialization of Childhood," *op. cit.*, p. 31.

<sup>114</sup> Story and French, *op. cit.*

<sup>115</sup> "The Role of Media in Childhood Obesity," *op. cit.*

<sup>116</sup> "Joint Statement on the Impact of Entertainment Violence on Children: Congressional Public Health Summit," *American Academy of Pediatrics*, July 26, 2000, <http://www.aap.org/advocacy/releases/jstmtevc.htm>.

<sup>117</sup> "Marketing Violent Entertainment to Children: A Fourth Follow-up Review of Industry Practices in the Motion Picture, Music Recording & Electronic Game Industries," *op. cit.*

<sup>118</sup> "Marketing Sex to Children," Campaign for Commercial-Free Childhood, <http://www.commercialexploitation.org/factsheets/ccfc-facts%20marketingsex.pdf>.

<sup>119</sup> Rich, Michael, Elizabeth R. Woods, Elizabeth Goodman, S. Jean Emans, and Robert H. DuRant, "Aggressors or Victims: Gender and Race in Music Video Violence," *Pediatrics*, Vol. 101, No. 4, April 1998. The article notes, "Multiple laboratory and field experiments have demonstrated that exposure to sexual violence in music videos and other media desensitizes male viewers to violence against women and heightens a sense of disempowerment among female viewers."

<sup>120</sup> Segall, Rebecca, "The New Product Placement," *The Nation*, February 24, 2003.

<sup>121</sup> Levin, "So Sexy, So Soon: The Sexualization of Childhood," *op. cit.*, p. 141.

<sup>122</sup> *Ibid.*, pp. 140-144.

<sup>123</sup> Schor, Juliet, *op. cit.*, pp. 167-172.

<sup>124</sup> Day, Sherri, "Coke Moves With Caution to Remain in Schools," *The New York Times*, September 3, 2003.

<sup>125</sup> Sen. Tom Harkin (D-Iowa) introduced a bill (S. 1074) on May 18, 2005, that would restore FTC's authority to regulate advertising, and Sens. Edward Kennedy (D-Mass.) and Mike DeWine (R-Ohio) proposed an amendment (S. Amdt. 3563) in the 108th Congress that would give the Food and Drug Administration the ability to regulate tobacco advertising.

<sup>126</sup> According to the U.S. Census Bureau, young people between the ages of 10 and 19—the age group typically defined as a youth audience in federal and industry media surveys—comprise 15 percent of the total U.S. population. Individual industries, however, typically follow their own advertising guidelines. For example, the alcohol industry avoids advertising to audiences that have more than 30 percent under 21 years old. Health experts have called for a reduction of that threshold to 15 percent. The tobacco industry, meanwhile, is banned from advertising on television, but it advertises in other media. In an agreement reached with state attorneys general, leading tobacco companies agreed to not advertise in magazines where youth comprise 15 percent of the audience, or 2 million readers. The entertainment industry (producers of music, movies, and video games) does not have a single standard for determining what constitutes a large youth audience. However, the FTC has studied the impact of advertising adult entertainment in media where 35 percent or more of the audience is younger than 17—a youth threshold currently observed by some entertainment companies—and has concluded that the industry should a better job of reducing young audiences' exposure to ads for adult products.

<sup>127</sup> "IRB Guidebook," Office for Human Research Protections, U.S. Department of Health and Human Services, [http://www.hhs.gov/ohrp/irb/irb\\_guidebook.htm](http://www.hhs.gov/ohrp/irb/irb_guidebook.htm).

<sup>128</sup> "Generation M: Media in the Lives of 8-18 Year-Olds," Executive Summary, The Henry J. Kaiser Family Foundation, March 2005, <http://www.kff.org/entmedia/loader.cfm?url=/commonspot/security/getfile.cfm&PageID=51805>. The summary finds, "In any given day, two-thirds (69%) of all young people watch cable TV, while just under half (49%) watch broadcast (a nearly exact reversal of the situation in 1999, when 69% watched broadcast TV and 50% watched cable)."

<sup>129</sup> Geller, Henry, and Tim Watts, "The Five Percent Solution: A Spectrum Fee to Replace the 'Public Interest Obligation' of Broadcasters," The New America Foundation, May 2002, [http://www.newamerica.net/Download\\_Docs/pdfs/Pub\\_File\\_844\\_1.pdf](http://www.newamerica.net/Download_Docs/pdfs/Pub_File_844_1.pdf). The report suggests broadcasters could be relieved of their public interest obligations in return for paying a spectrum fee equal to five percent of gross advertising revenues. Following this example for designing a fee, revenues could be put into a dedicated fund and an independent body could be appointed to oversee funds that would give grants to entities to create high quality children's programming and buy air time.

<sup>130</sup> Martin, Kevin J, "Family-Friendly Programming: Providing More Tools for Parents," *Federal Communications Law Journal*, Vol. 55, No. 3, May 2003, p. 553.

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