

**Written Statement
Of**

**The Honorable Kevin J. Martin
Chairman
Federal Communications Commission**

**Before the
Committee on Appropriations
Subcommittees on Labor, Health and Human Services, and Education,
and Related Agencies and Financial Services and General Government
U.S. Senate**

September 23, 2008

Good morning, Chairman Durbin, Chairman Harkin, Ranking Member Brownback, Ranking Member Specter, and Members of the Committee.

I appreciate the opportunity to speak to you today about an important issue facing American families; the impact of the media on the rising rate of childhood obesity.

I particularly want to thank Senator Harkin and Senator Brownback for their leadership, support and dedication to these issues.

In recent years the rate of childhood obesity has gone in only one direction - up. Understandably, the concern of parents, medical experts and public officials has risen as well.

Last September, the Institute of Medicine found that one-third of American children are either obese or at risk for obesity. This is consistent with the Center for Disease Control's finding that since 1980 the number of overweight children ages 6-11 has doubled and the number of overweight adolescents has tripled. To quote the American Academy of Pediatrics, the trends of children becoming overweight and inactive "pose an unprecedented burden in terms of children's health as well as present and future health care costs." Childhood Obesity has gone from a national problem to a point of crisis.

Parents of course are the first line of defense. But we in government and in industry must make sure they have the tools they need to ensure their children's welfare.

A study in the Journal of the American Dietetic Association recently outlined two important ways to reduce childhood obesity. The first is that parents should become more aware of children's nutritional needs. And the second, which goes to the heart of this

hearing today, is that parents should reduce the amount of time their children spend watching television.

As a parent, I already know the enormous influence the media has on our children. Its impact can't really be overstated. According to Nielsen Media Research (for the 2004-2005 season), an average American Household has the television turned on more than 8 hours a day, with children watching between 2 and 4 hours every day.

And recent studies have found that even the youngest children are exposed to a lot of television. Almost one-half (43 percent) of children under the age of two watch TV every day. One quarter (26 percent) of these youngest children even have a television in their bedroom.

According to the Kaiser Family Foundation, by the time children enter the first grade, they will have spent the equivalent of three school years in front of the TV.

In the Children's Television Act, Congress recognized the unique role television and the media can have on children. Specifically, Congress noted that, by the time the average child is 18 years old, he or she has spent between 10,000 to 15,000 hours watching television and has been exposed to more than 200,000 commercials. Congress also noted that it is well established by scientific research that children are uniquely susceptible to the persuasive messages contained in television advertising. Indeed, the Kaiser Family Foundation found that children under 6 cannot distinguish between programming content and advertising. In addition, these kids cannot distinguish between marketing messages and their favorite show, especially when the ad campaigns feature favorite TV characters like Sponge Bob. And a report by the Institute of Medicine concluded that there is strong

evidence that television advertising influences short-term food consumption patterns in children between the ages of 2 and 11.

Given the enormous impact of the media – specifically television on children, the FCC along with Senators Harkin and Brownback convened the Joint Task Force on Media and Childhood Obesity (the “Task Force”). The “Task Force” sought to bring together government officials, media companies, advertisers and the food and beverage industry to work on behalf of America’s children.

I appreciate the leadership of Senators Brownback and Harkin and my colleagues on the Commission, Commissioners Tate and Copps. I also want to thank all of the Task Force participants for dedicating their time, energy and efforts. In particular I want to recognize the hard work and many hours volunteered by Gary Knell of Sesame Workshop who led the Task Force’s efforts.

We cannot hope to truly address this problem without the participation of all those involved, the media, advertisers and the food and beverage industry. Indeed, this task force was founded on the notion that we all have a responsibility to promote and protect our children’s welfare.

While the Task Force succeeded in producing some significant voluntary commitments aimed at reducing the negative impact of the media on children’s eating habits and increasing its positive influence on their behavior, ultimately it did not reach an agreement on two key issues: 1) a uniform standard of what constitutes healthy versus unhealthy foods; and 2) the willingness of most media companies to place any limit on the advertising of unhealthy foods on children’s programs.

Several food companies made significant voluntary commitments. For example, fifteen of the nation’s largest food and beverage manufacturers including Kraft Foods and Kellogg agreed to curtail

advertising of “unhealthy food” to children under age twelve and others are reformulating current products. As described in more detail by some other witnesses, although the food and beverage industry have made some significant steps in the right direction there is no uniform agreement among the companies as to the definition of “healthy foods.”

On the media side, Disney and Ion have made the most aggressive commitments. The Disney company’s Healthy Kids Initiative set new standards for the food served in Disney’s parks, disallowed the licensing of Disney characters to foods that did not meet strict nutritional standards and disallowed the promotion of foods on the Disney Channel that do not meet those same standards.

Ion media’s Qubo was referred to as the “gold standard” by children’s advocates for their leadership. Ion has committed to only licensing their characters for use with healthy foods and they agreed to no longer accept advertising for unhealthy food targeted at children.

Several companies took significant steps to limit the licensing of their characters for use to promote unhealthy foods. Companies like Discovery Kids, Cartoon Network and Sesame Workshop announced commitments to license characters only to promote food and beverages that meet specific nutritional standards.

Other media companies agreed to telecast public service announcements promoting healthy lifestyles. I applaud these developments.

Unfortunately, not all participants in the Obesity Task Force were as forthcoming in their efforts to protect American children. I am particularly disappointed in those media companies who made no solid commitments in these areas.

For example, some companies only agreed to limit character usage while leaving a major loop hole for “special occasions.” That leads one to wonder what is a special occasion? May a character then endorse candy or cakes for birthdays, President’s Day, Valentines Day, Saint Patrick’s Day, Easter, Halloween, Thanksgiving, Christmas, and Chanukah?

Even more troubling was the majority of media companies refused to agree to any kind of limit on advertising targeted toward our children. Patti Miller summarizes the majority of media companies as being “absent from any attempt to solve this problem” and “refusing to play a role in protecting children from the advertising of unhealthy food. As a result, all of the public health and child advocacy groups have asked Congress to adopt legislation mandating that at least 50% of all food advertising to children on broadcast and cable television programming be devoted to healthy food products.

In the past, Congress has anticipated that children would be particularly susceptible to advertising and thus put certain protections in place. Indeed, in the Children’s Television Act, Congress enacted specific limits on the amount of advertising that could be shown during children’s programming. The Children’s Television Act requires that commercial TV broadcasters and cable operators limit the amount of commercials in children’s programs to no more than 10 ½ minutes per hour on weekends and 12 minutes per hour on weekdays.

In the United Kingdom, Ofcom has gone a step further than we have here in the U.S. They recently implemented rules targeted at reducing the impact of advertising of high fat, salt and sugar (HFSS) food and beverages to children by banning such ads on children’s television channels. In recent weeks, there has been some question as to whether children are still being exposed to these ads under the existing restrictions. Ofcom is reviewing the

rules and will be releasing a report on how they might improve regulations to better accomplish their goals of reducing unhealthy advertising towards children.

Finally, the lack of action creates a disincentive for those companies that have volunteered to such limits, like Ion and Kraft. Without a broader commitment from our media companies, these companies are actually put at a competitive disadvantage.

Conclusion

A study published in the Official Journal of the American Academy of Pediatrics last year found that the overwhelming majority of food product advertisements seen on television were of poor nutritional content. The article stated that “these findings will provide a benchmark against which future research can evaluate the commitments by food companies to change the nature of food advertising directed at America’s children.” As a result we will be able to measure our progress.

While it was – and always is – my hope that we will not have to resort to actual requirements, and I strongly encouraged the media companies to propose some voluntary limitations on advertising targeting our children, in the end no widespread voluntary commitment on behalf of the media industry was forthcoming. On the voluntary side, I am left to conclude that, sadly, no limit was even close to being presented.

Thank you again for your leadership on this issue. I look forward to working with you to improve the health of our children.