

**Written Statement of Ms. Marva Smalls
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Before the

**Subcommittee on Labor, Health and Human Services, Education, and Related
Agencies**

and

Subcommittee on Financial Services and General Government

Of the United States Senate Committee on Appropriations

“Watch What You Eat: Food Marketing to Kids”

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Good Morning. My name is Marva Smalls and I am the Executive Vice President of Public Affairs and Chief of Staff at the Nickelodeon Kids and Family Group.

At the outset, I want to thank Chairman Harkin, Chairman Durbin and Senators Brownback and Specter for holding this hearing today. I'd also like to acknowledge Senators Harkin and Brownback for leading the FCC Media and Childhood Obesity Task Force, a forum in which Nickelodeon was heavily engaged for more than a year and a half.

Nickelodeon's Kids and Family Group is comprised of four television networks. The Kids and Family Group also includes online, digital, consumer products and recreation businesses focused on children and families. Nickelodeon was launched 30 years ago and it has been the #1 cable network for the past 14 years, reaching over 83

million viewers per week. It is the most widely distributed channel in the world and can be viewed in over 175 countries.

During my 15 year tenure at Nickelodeon, ‘what is good for kids is good for business’ has been a guiding principle of the company. Year round, we work to ensure that our corporate responsibility and engagement upholds and honors that core value. It extends not only to the quality content we create for kids, but also to what we leave with them when they turn the TV off, put down their magazine or log off the internet.

As discussed in greater detail herein, Nickelodeon’s ongoing efforts to promote health and wellness and combat childhood obesity demonstrate our commitment to kids, parents and families.

For kids:

- *Let’s Just Play*, Nickelodeon’s long-term, multimedia campaign designed to help kids make healthy lifestyle choices.
- Nickelodeon’s commitment to license its characters only on “better for you” foods.
- The annual *Worldwide Day of Play* when Nickelodeon, Nicktoons, Noggin, The N and their corresponding websites go off the air and Nickelodeon partners with community-based organizations and schools to encourage kids to get up, go outside and play here in the United States and in ten countries around the world.
- Programming devoted to health and wellness like *My Family’s Got GUTS*, *Lazytown* and the *Let’s Just Play Go Healthy Challenge* and other short form content including PSAs
- Partnerships with the American Heart Association and the W.J. Clinton Foundation’s Alliance for a Healthier Generation, the NFL, the LeBron James Family Foundation and the Boys and Girls Clubs of America, which reaches millions kids in diverse communities and clubs
- \$2.5 million in grants to schools and communities to promote physical fitness and nutrition education

- Regular features in *Nick Magazine* highlighting healthy activities and options for kids

For parents and families

- Nick at Nite and TV Land's *Family Table*, an initiative to raise awareness about the benefits of quality, uninterrupted family time especially at meals
- Nick at Nite's *Kick One, Pick One*, a new PSA campaign promoting kids and parents joining together to eliminate one unhealthy habit and choose a positive new one every 21 days
- ParentsConnect.com, an on-line community for parents which features experts and advice on all matters related to health, fitness and good nutrition
- *Nicktrition*, an effort with our fruit and vegetable licensing partners to introduce families to the produce aisle in retail stores and to provide healthy on-pack tips on packaged foods

These commitments are ongoing, but they must be viewed in the context of the larger, multi-dimensional problem of childhood obesity.

Childhood Obesity: A Multi-Dimensional Problem

Nothing matters more than the health of kids. Good health is the first key that opens the door to learning, to proper development, and a happy childhood.

Unfortunately, despite some evidence that the obesity crisis has leveled off, far too many kids are getting too little nutrition and consuming too many calories while burning too few. Making matters worse, too many of these kids are African American, Latino, or from low-income families, which adds good health to an already long list of closed doors they face.

We all know the disturbing statistics about childhood obesity, so there is no need to repeat them here. The point I want to make is this: Childhood obesity is a challenge all of us must address because no matter what we do for a living, all adults are

collectively responsible for the well-being of America's kids. Each of us must do our part. Each of us must connect kids to an active, healthy life-style.

We know that obesity has many complex causes: poor nutrition at home and at school, lack of access to safe recreational facilities, confusion about what is a healthy food and what is not. It is foolish to cite one factor and claim that changing it alone will solve the problem. There is no magic bullet solution. Fighting obesity is a process of evolution, not revolution. It is a marathon, not a sprint.

We wholeheartedly concur with the Institute of Medicine's assessment that media can be an integral part of the obesity solution, but advertising and media are not the only solution. We also know that at the end of the day, it is a personal commitment and responsibility. Anything we do must recognize that kids and parents need tools and messages from all stakeholders to help them make the daily choices that will change their lives.

Nickelodeon's Approach

It is helpful to understand Nickelodeon's approach to confronting challenging social issues with our audience. When an issue becomes so prevalent that it impacts the well-being of kids, our approach is to do the necessary due diligence to ensure that our programming, initiatives and messaging will help serve our audience. Kids need to have command of information they can use and actions they can take so they are empowered to control their lives.

The company's current commitment to health and wellness is in line with its pro-social legacy. For example in the 1990s, we launched *The Big Help* campaign, an

initiative to inspire and equip the nation's youngest citizens to volunteer in their communities. The campaign moved beyond the traditional mold of linear public service campaigns to build a grassroots, in-community infrastructure in partnership with 28 national service organizations (e.g. Big Brothers/Big Sisters, National 4-H, Second Harvest, YMCA, the Boys & Girls Clubs of America, etc) to give kids service projects on the local level. Over an 8 year span, 33 million kids pledged and fulfilled more than 383 million hours of volunteering. Based on our success with *The Big Help*, the Centers for Disease Control invited us to help craft the direction of the VERB campaign in 2001.

Long before the media frenzy started about childhood obesity, we were compelled to confront it. The results were beginning to have disastrous implications especially for African American, Latino as well as other challenged communities in urban areas and regions such as the southern United States.

Our approach was to do what we've always done: to make ourselves as smart as possible on the issue and collaborate with willing stakeholders with the ultimate goal of empowering kids with information. We could have opted out, but that would have violated every principle that guides us. We opted in because that's how we operate.

We met folks who market to kids and those who believe it is wrong to do so. We did this to see and understand the whole picture because what is at stake is too important for anything less. We wanted all the facts and every opinion because everything was under review. We wanted to act smartly and effectively. What we learned helped guide the company in our health and wellness campaigns and craft content to help kids lead the way.

Our outreach on childhood obesity included advocates, food industry CEOs, government agencies and academics from Yale, New York University, Tufts University,

and the University of Colorado, all of which are well-respected leaders in this field, to help formulate best practices and create scalable change. We have sought out and willingly participated in both public and private forums, sometimes in very heated debate, including the Institute of Medicine, the Kaiser Family Foundation, the Department of Health and Human Services, the Federal Trade Commission and most recently the FCC Task Force on Media and Childhood Obesity. As the issue has spread around the world, we have worked with groups in other countries to discover more and more options to address the issue.

In collaboration with a leading academic institution, we conducted a national survey to identify kids and parents' attitudes and behaviors on eating, food, media and marketing.

What did we learn? Perhaps most telling, our research found that most parents feel overstressed and overscheduled. They are working longer outside of the house than ever before, so they have less time to spend with their kids and less time to prepare nutritious meals. This impacts how they make decisions and how they take responsibility. They are most likely to choose one of the following four options in orders of preference.

- One, what makes their life easier?
- Two, what makes their kids happy?
- Three, what helps them raise their kids to be 'good' people?
- And four, what stays within their financial means?

Anyone here who has school-aged kids can understand why this is the case. For better or worse, these priorities are a natural outgrowth of modern life. If letting Johnny eat a frosted donut or danish for breakfast makes him happy, gets him off to school on time without fuss, and makes mom and dad's lives simpler, that's a trade-off many parents are understandably, if reluctantly, willing to make.

This reality speaks volumes about how stakeholders must work very specifically to address how children and parents can take responsibility. It is incumbent upon all stakeholders to acknowledge the reality of this important family dynamic, and the role parental responsibility must play, so that meaningful steps can be made.

Allow me to share with you in specific terms how we deliver on that promise to promote health and wellness and combat childhood obesity.

Nickelodeon's Health & Wellness Initiatives

For the past 6 years, Nickelodeon has championed health and wellness as its premier pro-social initiative. It represents a commitment of more than \$30 million in resources of the company. This unprecedented campaign involves engaging a leading registered dietitian/nutritionist and consulting with an advisory committee of experts on child nutrition, exercise and fitness, psychology and civic engagement. In addition, the company commits resources externally, partnering to build a national grassroots infrastructure for kids to be leaders in making healthy and balanced lifestyle choices in their homes, schools and communities.

Let's Just Play

Let's Just Play has been Nickelodeon's long-term campaign to help kids make healthy lifestyle choices. *The Let's Just Play Go Healthy Challenge*, a television program and website challenging children to make the changes necessary to lead healthier lives, launched the W.J. Clinton Foundation and the American Heart Association's Alliance for a Healthier Generation's outreach program to combat childhood obesity. In 2007, over 1 million kids signed up to take the *Challenge* and to follow a nine month healthy living program mirroring two role model kids. Our partnership with The Boys & Girls Clubs of America extends the reach of the program to millions more in diverse communities and clubs.

The Go Healthy Challenge does not just talk about calories in and energy out. It also helps kids understand the underlying causes of overweight and obesity, such as lack of physical education in schools, families not spending quality time together, regional demographic challenges, and insufficient safe play-space in communities, to name a few. By understanding the causes and giving them solutions to confront the obstacles they encounter, we are connecting the dots between information and action.

The campaign also offers a personal training game and tracking log for kids online so that they can follow their progress and celebrate their success. Nickelodeon delivers this and other *Let's Just Play* content through all multi-media platforms including *Nickelodeon Magazine*, www.nick.com, our broadband site www.TurboNick.com, wireless phones, video on demand and iTunes. We provide standards-based curriculum materials to teachers through our Cable in the Classroom website for educators at www.teachers.nick.com.

Activation of community events and programs has been the cornerstone of Nickelodeon's *Let's Just Play* campaign. Millions of kids and families in all 50 states have participated in *Let's Just Play* activities and community-wide events created with our partners as well as the National Football League, the National PTA, schools, mayors, and other community-based organizations. Nickelodeon provides tool-kits to 100,000 local organizers so that they can take advantage of Nickelodeon's connection with kids to generate more attention and support for their in-community health, nutrition and fitness programs. The kits feature *Let's Just Play Go Healthy Challenge* and include how-to information on organizing programs and events with kids, monthly themes based on goal-setting and health, and health information for parents. Additional resources, such as customizable banner, flyer and poster art are offered online to local organizations.

Local grants for under-resourced programs

Since 2005, Nickelodeon has given \$2.5 million in local seed funding for health, nutrition, physical education and other fitness programs through the *Let's Just Play Give-Away*, a kid-driven grants program. Kids partner with their school or community-based organization to apply for the grants for much needed resources where physical education and nutrition education are lacking. Over 450 communities in all 50 states and the District of Columbia have benefited from these resources, including Iowa (\$45,000), Illinois (\$45,000), Kansas (\$42,000) and Pennsylvania (\$85,000). Winners are announced on-air and on-line, thereby raising awareness to kids about the lack of resources in schools and communities for nutrition, fitness and physical education programs.

Nickelodeon's *Worldwide Day of Play* serves as an annual culmination for *Let's Just Play*, as well as *Family Table* and *Kick One, Pick One*, our health and wellness initiatives on Nick at Nite and TV Land. In addition to suspending programming and "going dark" on air and online, Nickelodeon and its national and local partners generate thousands of local events to celebrate the accomplishments of kids and to hit home the powerful message of tuning out to play.

Make no mistake, this is not a one day effort or investment. This programming is a constant part of our content throughout the year. *Let's Just Play* daily messaging has included a growing library of short-form PSA's and interstitials. In addition, our long-form programming that features healthy messages include:

- *My Family's Got GUTS*,
- *Nick News with Linda Ellerbee*,
- *The Let's Just Play Go Healthy Challenge*,
- *Lazy Town*
- *Dance on Sunset*, and
- *The N's Student Body*.

Initiatives to engage parents

What we have learned through our work on *Let's Just Play* is that kids cannot succeed without positive encouragement from their parents and others in their home. We launched *Kick One, Pick One* on Nick at Nite to involve the whole family with humor, simplicity and no guilt. This campaign is designed for kids and parents to write and sign a family contract committing to eliminate a bad habit and to pick up a newer healthier

habit. In this way, kids and parents can support each other and keep each other honest in the process. Families can track their progress at www.nickatnite.com/kopo.

Kick One, Pick One is a natural extension of our 4 year effort with *Family Table* on Nick at Nite and TV Land, which promotes uninterrupted family dinner as a way for parents and children to discuss all sorts of topics of importance in their lives like work, school, difficult situations and healthy living.

Kick One, Pick One and *Family Table* messages are extended through Nickelodeon's online outreach to parents. On ParentsConnect.com and NickJr.com, you will find a host of resources for parents to find ways that they can help their kids with good nutrition, fitness and overall healthy living. ParentsConnect in particular is a community site where parents openly share advice as well as challenges on keeping healthy.

Licensed Characters

In 2007, Nickelodeon announced that it will limit the use of its licensed characters to food packaging that meets "better for you" criteria as established by our marketing partners in accordance with governmental dietary guidelines. We will continue to allow characters to be used on a limited number of seasonal treats, such as Halloween candy. This policy will become effective with all new agreements beginning in 2009.

This announcement follows more than three years of pro-active efforts by Nickelodeon to seek and secure partners to license Nickelodeon's most popular characters for "better for you" food products. We've changed our licensing model so that we could establish on-going programs with a growing list of fruit and vegetable partners

who otherwise would not have the financial means to market their products. These now include, but are not limited to *SpongeBob* Carrots and Spinach; *SpongeBob* and *Dora* clementines, mandarin oranges and tangelos; *Dora* and *Diego* peaches, plums, and nectarines; *SpongeBob* and *Dora* Frozen Edamame. All Nickelodeon licensed food products are marketed with “Nicktrition” on-label food tips, which highlight portion control, valuable nutrients and healthful preparations.

Collaboration with Advertisers and Food Companies

Nickelodeon actively engages its business partners to encourage improvements in how they market to kids and parents. These conversations have yielded changes in food labels, product re-formulations involving fat, sugar and sodium content, and kid-friendly portion sizes and information. These conversations have also led to the introduction of healthy options in kids’ meals offered by Nickelodeon’s quick service restaurant partners. In addition, all advertising must adhere to the advertising guidelines established by the Children’s Advertising Review Unit (CARU).

Since last summer, 14 of the major food companies that market to kids took the unprecedented step of launching a major new self-regulatory initiative to complement the Children’s Advertising Review Unit (CARU) guidelines. It is important to note that companies that are party to the agreement have announced pledges which exceed the agreement to devote at least 50% of all advertising primarily directed to children under 12 and to reduce use of third-party licensed characters in advertising directed to children under 12. In addition, most companies are well ahead of schedule in terms of full implementation by January 1, 2009.

In Conclusion

The media and food industries have demonstrated their commitment to fighting childhood obesity. Now, the government must step in to address the main causes of childhood obesity, including the lack of recess and physical education in schools and proper nutrition in school lunches.

I am confident that a fair review over the past few years shows that the children's media landscape has changed for the better. On its own since 2002, Nickelodeon has made childhood obesity a filter by which we review all our business initiatives, whether television, online, digital, consumer products or recreation, and we will continue to do so.