

**UNITED STATES OF AMERICA
BEFORE FEDERAL TRADE COMMISSION**

COMMISSIONERS: Jon Leibowitz, Chairman
William E. Kovacic
J. Thomas Rosch
Edith Ramirez
Julie Brill

FTC Matter No. P094511

ORDER TO FILE SPECIAL REPORT

Pursuant to a resolution of the Federal Trade Commission dated -----, 2010, titled “[RESOLUTION NAME],” a copy of which is enclosed, [COMPANY NAME], hereinafter referred to as “the company,” is ordered to file with the Commission, no later than 90 days after the date of issuance of this Order, a Special Report containing the information and documents specified herein.²

The information provided in the Special Report will assist the Commission in compiling a study of food industry marketing activities and expenditures targeted toward children and adolescents.³ This study will serve as a follow-up to the report the Commission published in 2008 on the same topic.⁴

¹ Under the Paperwork Reduction Act, as amended, an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid OMB control number. For this information request, that number is -----.

² For purposes of this Order, the term “the company” includes all of the entities identified in response to specification 1.B, below.

³ For purposes of this Order, the term “children” means individuals ages 2-11 and the term “adolescents” means individuals ages 12-17.

⁴ See Federal Trade Commission, *Marketing Food to Children and Adolescents: A Review of Industry Expenditures, Activities, and Self-Regulation* (2008), available at www.ftc.gov/os/2008/07/P064504foodmktngreport.pdf (the “2008 Report”).

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The Special Report must restate each item of this Order with which the corresponding answer is identified. Your report is required to be subscribed and sworn to by an official of the company who has prepared or supervised the preparation of the report from books, records, correspondence, and other data and material in your possession.⁵ If any question cannot be answered fully, give the information that is available and explain in what respects and why the answer is incomplete. The Special Report and all accompanying documentary responses must be Bates-stamped.

Confidential or privileged commercial or financial information will be reported by the Commission on an aggregate or anonymous basis, consistent with Sections 6(f) and 21(d) of the FTC Act. Individual submissions responsive to this Order that are marked “confidential” will not be disclosed without first giving the company ten days’ notice of the Commission’s intention to do so, except as provided in Sections 6(f) and 21 of the FTC Act.

Please provide the following information, documents and items, consistent with the definitions, instructions, and formatting requirements contained in Attachments A, B, C, D, E, F, G, and H:

1. A. **Identification of Report Author:** Identify by full name, business address, telephone number, and official capacity, the officer of the company who has prepared or supervised the preparation of the company’s response to this Order.
- B. **Company Information:** Identify the company by full name, address, and state of incorporation. If the company is a subsidiary company, identify the full name and address of its ultimate parent company.⁶ In addition, identify each subsidiary, joint venture, affiliated company, partnership, or operation under an assumed name that the company controls, and that engages in the manufacturing, labeling,

⁵ An example of a sworn statement that the company could use to satisfy this requirement is, “I certify, to the best of my knowledge, information, and belief, formed after a reasonable inquiry, that the information in this Special Report is complete and accurate as of the time it is submitted.”

⁶ For purposes of this Order, “subsidiary company” means a company that is controlled by another entity; “ultimate parent company” means an entity that controls another company and is not controlled by another entity. Furthermore, for purposes of this Order, “control” (as used in the terms “control(s)” and “controlled”) means either holding 50 percent or more of the outstanding voting securities of an issuer or, in the case of an entity that has no outstanding voting securities, having the right to 50 percent or more of the profits of the entity, or having the right in the event of dissolution to 50 percent or more of the assets of the entity.

advertising, promoting, marketing, offering for sale, sale, or distribution of any food⁷ product in the United States.

C. **Identification of Food Categories:** From the following categories, identify each category of food product that the company advertised, promoted, marketed, offered for sale, sold, or distributed in the United States during the calendar year 2009.⁸ In preparing this response, refer to the food category definitions set forth in Attachment A to this Order.

- (1) Breakfast cereals
- (2) Snack foods
- (3) Candy and frozen desserts
- (4) Dairy products
- (5) Baked goods
- (6) Prepared foods and meals
- (7) Carbonated beverages
- (8) Fruit juice and non-carbonated beverages
- (9) Fruits and vegetables
- (10) Restaurant foods

D. **Identification of Food Products:** For each of the food categories identified in response to Specification 1.C, above, list each brand of food product, and each sub-brand⁹ within the brand, that the company advertised, promoted, marketed, offered for sale, sold, or distributed in the United States during the calendar year 2009. For each brand and sub-brand, identify which entity within the company, identified in response to Specification 1.B, above, is responsible for that brand or sub-brand.

Non-Branded Fruit, Vegetable, or Dairy Products: For any non-branded fruit, vegetable, or dairy products that the company advertised, promoted, marketed, offered for sale, sold, or distributed, list the individual fruit, vegetable, or dairy product varieties.

⁷ For purposes of this Order, “food” means any food or beverage intended for human consumption.

⁸ For purposes of this Order, do not report any of the company’s activities or expenditures that occur in U.S. territories outside of the fifty states and the District of Columbia.

⁹ For purposes of this Order, a “sub-brand” includes a unique variety or formulation of a food product brand. It also includes specially marketed package sizes, such as 100-calorie packs. It does not require reporting of each individual stock keeping unit (SKU).

Restaurant Foods: For the restaurant food category, identify the name of the restaurant chain(s) controlled by the company; state which entity within the company, identified in response to Specification 1.B, above, is responsible for the restaurant chain(s); and list the specific menu items, excluding regional variations, that each restaurant chain advertised, promoted, marketed, offered for sale, sold, or distributed in 2009. Identify which of those menu items, if any, appeared on a children's menu in 2009. If any of the company's restaurant chains offered a children's meal in 2009, list the different children's meal combinations offered by the restaurant chain(s) and identify the individual food components that were included in each meal combination.

If the company filed a Special Report for the calendar year 2006 and reported any restaurant chains in response to Specification 1.D of the Order to File Special Report for the calendar year 2006, the company also must list, for each restaurant chain, each menu item that appeared on a children's menu during 2006, excluding regional variations. If any of the company's restaurant chains offered a children's meal in 2006, list the different children's meal combinations offered by the restaurant chain(s) and identify the individual food components that were included in each meal combination.

- E. **Identification of Food Products Bearing Nutritional Seals or Icons:** In 2009, did the company offer a line of food products bearing a nutritional icon, seal, or symbol, or otherwise identified as "better for you" or healthier than other products? If so, state the name of the nutritional product line or icon; identify the nutritional criteria for inclusion of a food product in the product line; and identify the food categories, brand names, and sub-brands of food products sold in the product line, or, for restaurant foods, identify the specific menu items and/or children's meal combinations included in the product line. Report only those food products that are part of a company promotional system designating a specific group of products as better-for-you or healthier. Do not report products that simply contain a nutritional or health claim on the product packaging (*e.g.*, "low fat").
2. **Reportable Expenditures for Marketing Food Products:** For each brand of food product, sub-brand, non-branded fruit, vegetable, or dairy product variety, or restaurant menu item or children's meal combination identified in response to Specification 1.D, above (**collectively and hereafter, "food product"**), report in **Attachment E** to this

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Order¹⁰ the expenditure and other data requested in Specifications 2.A through 2.F, below, within the following advertising and promotional activity categories (**hereafter, “reportable expenditures”**):¹¹

- (a) Television advertising (TV AD)¹²
- (b) Radio advertising (RAD AD)
- (c) Print advertising (PRT AD)
- (d) Company-sponsored Internet sites (WEBSITE AD)
- (e) Other Internet and digital advertising (INTERNET AD)
- (f) Packaging and labeling (PACK/LABEL)
- (g) Movie theater/video/video game advertising* (MOV/VID AD)
- (h) In-store advertising and promotions* (IN-STORE AD)
- (i) Specialty item or premium distribution* (PREMIUMS)
- (j) Promotion or sponsorship of public entertainment events* (EVENTS)
- (k) Product placements* (PROD PLMT)
- (l) Character licensing, toy co-branding, and cross-promotions* (CHAR LIC)
- (m) Sponsorship of sports teams or individual athletes* (ATHL SPON)
- (n) Word-of-mouth and viral marketing* (WOM/VIRAL)
- (o) Celebrity endorsements* (CELEB END)
- (p) In-school marketing* (IN-SCHOOL)

¹⁰ **An electronic version of Attachment E, an Excel spreadsheet, is provided on the included CD, along with a PDF file containing instructions to Attachment E. The company must use Attachment E to report expenditures for 2009 and must not modify, delete, or add to the columns on the spreadsheet. The company must submit the spreadsheet in Excel in a format that is readable and writable and must not include footnotes or endnotes on the spreadsheet. The company must report the expenditure data in accordance with the instructions and definitions specified in Attachments B, C, D, and E (including in its accompanying instructions), and in this Order.**

¹¹ If a food product identified in response to Specification 1.D has no reportable expenditures under Specifications 2.A through 2.F, do not include the food product on Attachment E. Do not include on Attachment E a related brand, sub-brand, or menu item that does not have reportable expenditures.

¹² The terms provided in parentheses after each category are the “promotional activity category codes” used in Attachment E to designate expenditures in the category. The company also must use these promotional activity category codes when reporting promotional activities on Attachment H in response to Specification 4, below.

* **For special instructions on reporting expenditures in categories (g) through (r), see the instructions in Attachments B and C to this Order.**

- (q) Advertising in conjunction with philanthropic endeavors* (PHLNTHRPY)
 - (r) Other promotional activities* (OTHER)
- A. **Marketing Toward Children:** Report the dollar amount expended by the company, during the calendar year 2009,¹³ within each advertising and promotional activity category listed above for marketing targeted toward children. Follow the instructions and definitions in Attachment B to this Order (Advertising and Promotional Activities Targeted Toward Children), and report these expenditures in columns 6, 10, 14, 18, 22, 26, 30, 34, 38, 42, 46, 50, 54, 58, 62, 66, 70, and 74 of Attachment E.
- B. **Marketing Toward Adolescents:** Report the dollar amount expended by the company, during the calendar year 2009, within each advertising and promotional activity category listed above for marketing targeted toward adolescents. Follow the instructions and definitions in Attachment C to this Order (Advertising and Promotional Activities Targeted Toward Adolescents), and report these expenditures in columns 7, 11, 15, 19, 23, 27, 31, 35, 39, 43, 47, 51, 55, 59, 63, 67, 71, and 75 of Attachment E.
- C. **Marketing Toward Both Children and Adolescents:** Report the dollar amount of any expenditures that satisfy both the criteria in Attachment B for “targeted to children” (that were reported in response to Specification 2.A), and the criteria in Attachment C for “targeted to adolescents” (that were reported in response to Specification 2.B). The company must report the total amount of the expenditures in both the “marketing toward children” column and the “marketing toward adolescents” column, and must also report the total amount of the expenditures that meet both criteria in the column labeled “overlapping.” Report these overlapping expenditures in columns 8, 12, 16, 20, 24, 28, 32, 36, 40, 44, 48, 52, 56, 60, 64, 68, 72, and 76 of Attachment E.
- D. **Marketing for All Audiences:** For each food product for which the company reported expenditures within one or more advertising or promotional activity categories in response to Specification 2.A or 2.B, report:
- i. **Total Expenditures in Promotional Activity Categories:** The total dollar amount expended by the company, during the calendar year 2009, to market the product within each promotional activity category. Follow

¹³ Report only those expenditures that occurred in 2009. The company must not report expenditures in 2008 for advertising or promotions that appeared in 2009. However, the company must report expenditures in 2009 for advertising or promotions that have appeared or are scheduled to appear in 2010.

the instructions and definitions in Attachment D to this Order (Advertising and Promotional Activities for All Audiences), and report these expenditures in columns 9, 13, 17, 21, 25, 29, 33, 37, 41, 45, 49, 53, 57, 61, 65, 69, 73, and 77 of Attachment E; and

- ii. **Total Overall Consumer-Directed Expenditures:** The total dollar amount expended by the company, during calendar year 2009, for all consumer-directed¹⁴ advertising and promotional activities to market the product. Report these expenditures in column 78 of Attachment E. The amount reported in column 78 in response to this Specification should be equal to the sum of the expenditures reported in response to Specification 2.D.i, above.

E. **Additional Information:** For each food product for which expenditures are reported in response to Specification 2.A or 2.B, provide the following additional information in Attachment E:

- i. company name¹⁵ (column 1 of Attachment E);
- ii. food category, identified in response to Specification 1.C, above (column 2 of Attachment E);
- iii. brand name, non-branded fruit, vegetable, or dairy product variety, or name of restaurant chain, identified in response to Specification 1.D, above (column 3 of Attachment E);
- iv. sub-brand, restaurant menu item, or children's meal combination, identified in response to Specification 1.D, above, if applicable (column 4 of Attachment E); and
- v. an indication ("1" = yes; "0" = no) of whether the food product is part of a nutritional product line, identified in response to Specification 1.E, above (column 5 of Attachment E).

F. **Identifying Expenditures Attributable to Character Licensing/Cross-Promotions and Celebrity Endorsements:** For each advertising and

¹⁴ Expenditures for advertising and promotional activities that are exclusively directed "to-the-trade" must not be reported.

¹⁵ The company name reported in column 1 must be the entity within the company, identified in response to Specification 1.B, above, that is responsible for the food product.

promotional activity category for which expenditures are reported on Attachment E in response to Specifications 2.A through 2.D, above, report:¹⁶

- i. The portion (in dollars) of the total expenditure that uses or implements a character license, toy co-branding agreement, and/or cross-promotional arrangement. For example, if expenditures are reported for television advertisements targeted toward children, and one of the advertisements featured a licensed character, report the portion of the total reported expenditure for television advertising that is attributable to the advertisement featuring the licensed character. Report these expenditures on Attachment E in the columns that have a number followed by the letter “B,” which are labeled “AMT USING CHAR LIC.”
- ii. The portion (in dollars) of the total expenditure that uses or implements a celebrity endorsement. For example, if expenditures are reported for television advertisements targeted toward adolescents, and one of the advertisements featured a celebrity endorser, report the portion of the total reported expenditure for television advertising that is attributable to the advertisement featuring the celebrity endorser. Report these expenditures on Attachment E in the columns that have a number followed by the letter “C,” which are labeled “AMT USING CELEB END.”

G. Special Instructions for Restaurant Food Expenditures for Television Advertising that Were Reported in 2006: If the company filed a Special Report for the calendar year 2006 and reported expenditures for marketing restaurant foods to children and adolescents on television, an Excel spreadsheet labeled “Attachment E 2006” is provided on the included CD.¹⁷ This spreadsheet shows the total television advertising expenditures that the company reported for each of its restaurant chains in 2006. On separate rows of the spreadsheet, the company must break down the total expenditures reported in 2006 to show the

¹⁶ This Specification is not applicable to the character licensing/cross-promotion category or the celebrity endorsement category. For the category “Character licensing, toy co-branding, and cross-promotions (CHAR LIC),” the company must report only the cost of obtaining the character license, toy co-branding agreement, and/or cross-promotional arrangement (*e.g.*, a licensing fee). For the category “Celebrity endorsements (CELEB END),” the company must report only the cost of all payments (both monetary and in-kind) to a celebrity to endorse any of the company’s food products (*e.g.*, an endorsement fee).

¹⁷ If the company did not file a Special Report for the calendar year 2006 or did not have reportable television advertising expenditures for restaurant foods in 2006, the company will not receive an Attachment E 2006 and does not need to respond to Specification 2.G.

expenditure amounts used to promote specific restaurant menu items or children's meal combinations in the television advertisements for which expenditures were reported in 2006. Indicate in column 4 ("SUB-BRAND NAME/MENU ITEM") the menu item or children's meal combination that corresponds to each expenditure. Provide a breakdown for all of the television expenditures shown in columns 6 through 9 of Attachment E 2006. For restaurant corporate brand advertising, report the related expenditure under the restaurant chain and do not attribute the expense to an individual menu item or meal combination. For multi-brand advertising, follow the instructions for multi-brand advertising that accompany Attachment E.

3. **Nutritional Data for Food Products with Reportable Expenditures:**

- A. **Nutritional Data for 2009:** For each food product for which the company reported expenditures on Attachment E in response to Specification 2, above, the company must provide nutritional data on **Attachment F** to this Order.¹⁸ For each food product the company reported on Attachment E,¹⁹ the company must import columns 1 through 4 from Attachment E into columns 1 through 4 of Attachment F without modifying, deleting, adding to, or altering the order of the data. The company must then provide the nutritional data requested in columns 5 through 53 of Attachment F for each food product imported from Attachment E.²⁰ The nutritional data must be for the formulation of the product that the company marketed in 2009. If the company reformulated the product during 2009, provide the nutritional data for the last of the 2009 formulations.

¹⁸ **An electronic version of Attachment F, an Excel spreadsheet, is provided on the included CD. The company must use Attachment F to report nutritional data for 2009 and must not modify, delete, or add to the columns on the spreadsheet. The company must submit the spreadsheet in Excel in a format that is readable and writable and must not include footnotes or endnotes on the spreadsheet. The company must report the nutritional data in accordance with the instructions specified in Attachment F and in this Order.**

¹⁹ For multi-brand advertising reported on Attachment E, report the nutritional data for the top-selling brand or sub-brand reported in column 4 of Attachment E. Do not report nutritional data for expenditures reported as corporate brand advertising.

²⁰ For advertising for restaurant children's meal combinations reported on Attachment E, report the nutritional data for the children's meal combination as a whole; do not report the nutritional data for individual food components of the meal.

B. **Nutritional Data for 2006: Attachment G** to this Order contains a complete list of the food products that the company reported as marketed to children or adolescents in 2006.²¹ For each food product listed on Attachment G, provide the nutritional data requested in columns 6 through 52 of Attachment G.²² The nutritional data must be for the formulation of the product that the company marketed in 2006. If the company reformulated the product during 2006, provide nutritional data for the last of the 2006 formulations.

i. **Special Instructions for Restaurant Foods:** If the company, in response to Specification 2.G, above, reported any 2006 television advertising expenditures for restaurant menu items or children's meal combinations, the company must report nutritional data for those food products on Attachment G. For each menu item or children's meal combination that the company reported on Attachment E 2006 in response to Specification 2.G,²³ the company must import columns 1 through 4 from Attachment E 2006 into columns 2 through 5 of Attachment G without modifying, deleting, adding to, or altering the order of the data. The company must then provide the nutritional data requested in columns 6 through 52 of Attachment G for each food product imported from Attachment E 2006.²⁴ The nutritional data must be for the formulation of the product that the company marketed in 2006. If the company reformulated the product during 2006, provide nutritional data for the last of the 2006 formulations. In column 1 of Attachment G ("unique identifier"), please number

²¹ If the company did not file a Special Report for the calendar year 2006, the company will not receive an Attachment G and does not need to respond to Specification 3.B.

²² **An electronic version of Attachment G, an Excel spreadsheet, is provided on the included CD. The company must use Attachment G to report nutritional data for 2006 and must not modify, delete, or add to the columns on the spreadsheet. The company must submit the spreadsheet in Excel in a format that is readable and writable and must not include footnotes or endnotes on the spreadsheet. The company must report the nutritional data in accordance with the instructions specified in Attachment G and in this Order.**

²³ For multi-brand advertising reported on Attachment E 2006, report the nutritional data for the top-selling brand or sub-brand reported in column 4 of Attachment E 2006. Do not report nutritional data for expenditures reported as restaurant corporate brand advertising.

²⁴ For advertising for restaurant children's meal combinations reported on Attachment E 2006, report the nutritional data for the children's meal combination as a whole; do not report the nutritional data for individual food components of the meal.

sequentially each row that you create for each menu item and children's meal combination for which you report nutritional data.

- C. **Identifying 2009 Food Products that Were Reported in 2006:** Each food product listed on Attachment G has been given a unique identifier, which is shown in column 1 as the row number for the food product. The company must not alter this row number or change the order in which the food products appear. The company must use this unique identifier when responding to column 53 on Attachment F. Column 53 on Attachment F asks the company to identify which product marketed in 2006, if any, corresponds to the product marketed in 2009.²⁵
4. **Samples and Descriptions of Advertising and Promotional Activities:** In addition to reporting advertising and promotional expenditures and nutritional data for food products marketed to children and adolescents, the company must provide samples, where feasible, or descriptions of all advertising and promotional activities that meet the definitions in Attachments B and C as marketed to children and adolescents. The company must provide samples or descriptions of all activities meeting those definitions, regardless of whether the company had reportable expenditures for the activities. The company must follow the instructions in Specifications 4.A through 4.E when providing samples and descriptions of advertising and promotional activities.
- A. **Marketing with Reportable Expenditures:** For each food product for which the company reported marketing expenditures on Attachment E in response to Specification 2, above, the company must import columns 1 through 4 from Attachment E into columns 1 through 4 of **Attachment H** to this Order²⁶ without modifying, deleting, adding to, or altering the order of the data. The company must then report the following additional information on Attachment H:

²⁵ Only identify the product marketed in 2006 as the product marketed in 2009 if it is the exact same brand or sub-brand (but not if it is a different sub-brand within the same family of brands). A brand or sub-brand that has been reformulated between 2006 and 2009 must still be identified as the same brand or sub-brand in column 53 of Attachment F.

²⁶ **An electronic version of Attachment H, an Excel spreadsheet, is provided on the included CD. The company must use Attachment H to report activities and must not modify, delete, or add to the columns on the spreadsheet. The company must submit the spreadsheet in Excel in a format that is readable and writable and must not include footnotes or endnotes on the spreadsheet. The company must report the activity data in accordance with the instructions and definitions specified in Attachments B, C, and H, and in this Order.**

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- i. using the promotional activity category codes listed in Specification 2, above, identify each of the advertising and promotional activity categories in which the company reported expenditures on Attachment E (column 5 of Attachment H; report each activity category on a separate row);
- ii. within each promotional activity category, list each specific advertising or other promotional activity for which the company reported expenditures (column 6 of Attachment H; report each individual activity on a separate row);
- iii. report whether the specific advertising or other promotional activity was targeted toward children, as defined in Attachment B (column 7 of Attachment H) and/or was targeted toward adolescents, as defined in Attachment C (column 8 of Attachment H);
- iv. in accordance with Specification 7.A, below, if the specific advertising or other promotional activity was directed to individuals of a specific gender, race, ethnicity, or income level, identify the particular sub-population to which the promotional activity was directed (column 9 of Attachment H); and
- v. in column 10 of Attachment H, enter “1” for “yes” to indicate that the specific advertising or other promotional activity had expenditures that were reported on Attachment E.

- B. Marketing Without Reportable Expenditures:** For each food product for which the company engaged in any advertising or other promotional activities targeted toward children, as defined in Attachment B to this Order, and/or targeted toward adolescents, as defined in Attachment C to this Order, during the calendar year 2009, without incurring expenditures reportable on Attachment E in response to Specification 2, above,²⁷ the company must report the following information on Attachment H:

²⁷ Examples of activities without reportable expenditures are use of a licensed character, a celebrity endorser, a product placement, or co-branding of a toy where no payment is made or costs incurred with such an arrangement. Another example is any activity where the total expenditure in 2009 was under \$5,000 and therefore not reportable; for example, a child-directed website to which minimal changes were made in 2009.

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- i. company name²⁸ (column 1 of Attachment H);
- ii. food category, identified in response to Specification 1.C, above (column 2 of Attachment H);
- iii. brand name, non-branded fruit, vegetable, or dairy product variety, or name of restaurant chain, identified in response to Specification 1.D, above (column 3 of Attachment H);
- iv. sub-brand, restaurant menu item, or children's meal combination, identified in response to Specification 1.D, above, if applicable (column 4 of Attachment H); and
- v. using the promotional activity category codes listed in Specification 2, above, identify each of the advertising and promotional activity categories that the company engaged in during the calendar year 2009 without incurring reportable expenditures (column 5; report each activity category on a separate row);*
- vi. within each promotional activity category, list each specific advertising or other promotional activity that the company engaged in without incurring reportable expenditures (column 6 of Attachment H; report each individual activity on a separate row);
- vii. report whether the specific advertising or other promotional activity was targeted toward children, as defined in Attachment B (column 7 of Attachment H) and/or was targeted toward adolescents, as defined in Attachment C (column 8 of Attachment H);
- viii. in accordance with Specification 7.A, below, if the specific advertising or other promotional activity was directed to individuals of a specific gender, race, ethnicity, or income level, identify the particular sub-population to which the promotional activity was directed (column 9 of Attachment H); and

²⁸ The company name reported in column 1 must be the entity within the company, identified in response to Specification 1.B, above, that is responsible for the food product.

* **For special instructions on reporting activities in categories (g) through (r), see the instructions in Attachments B and C to this Order.**

- ix. in column 10 of Attachment H, enter “0” for “no” to indicate that the specific advertising or other promotional activity did not have expenditures that were reported on Attachment E.

- C. **Samples of Activities:** Provide samples of each advertising or other promotional activity that the company reported in response to Specifications 4.A and 4.B. On Attachment H, report the Bates numbers for the samples in column 11. The company must provide one representative sample per advertising campaign for each type of promotional activity used in the campaign. This includes any relevant sub-categories of a promotional activity category (*e.g.*, for digital advertising, provide one sample per campaign of an email message, text message, download, podcast, *etc.*, as applicable). For website promotions, provide samples of all relevant web pages.

- D. **Descriptions of Activities:** If providing a sample of any advertising or other promotional activity in response to Specification 4.C is not practicable, describe the activity in detail in column 11 of Attachment H. The description should include: when and where the promotion was published or occurred; a description of the use of any licensed character, cross-promotion, celebrity endorsers, contest, premium, or viral/word-of-mouth component; and other relevant information about the promotion (*see* Attachment H for examples of satisfactory descriptions).

- E. **Self-Liquidating Premiums:** If the company distributed a self-liquidating premium (SLP)²⁹ during the calendar year 2009, the company must report on Attachment H the information requested in Specifications 4.B, 4.C, and 4.D, above, as applicable, and must then report the following additional information on Attachment H:
 - i. The number of SLP units sold in 2009 (column 12 of Attachment H); and
 - ii. The total cost to the company for the SLPs sold in 2009 (column 13 of Attachment H). The company must report its total costs for manufacturing or purchasing the SLPs, and not the amount that the company charged consumers for the SLPs.

²⁹ A self-liquidating premium occurs when the company distributes a premium (as defined in Attachment B or C) as part of its food marketing to children or adolescents, and the company’s costs related to the premium item are entirely covered by the incremental revenue generated by the sale. For example, if a quick-service restaurant charged an additional fee for a children’s meal that included a toy, and that additional fee equaled or exceeded the company’s costs, the toy would be a self-liquidating premium.

5. A. **Policies on Food Marketing:** Identify and describe all company policies, plans, and directives, whether formally adopted or informally issued, in place on or after January 1, 2009, pertaining to food advertising and promotional activities targeted to children or adolescents, as defined in Attachments B or C, including policies regarding use or non-use of all advertising and promotional activities. Describe the steps taken to implement these policies, including directions to internal or external staff responsible for advertising preparation, review, or dissemination regarding the meaning of these policies and how to comply with them. Provide copies of all such policies and directions to internal or external staff (*e.g.*, formal or informal guidance documents, training materials, or instructions on implementing a policy).
- B. **Market Research:** Since January 1, 2008, has the company sponsored, conducted, or commissioned any marketing research studies regarding the appeal to individuals under the age of 18 of any particular types of advertising or promotional techniques, including the effectiveness of any particular types of advertising or promotional techniques in increasing interest in or consumption of any food product among individuals under the age of 18? If the answer is “yes,” provide copies of such studies and describe how the resulting data have been incorporated into the company’s marketing practices. This includes, but is not limited to, the following:
 - i. Research on the effectiveness of new media (*e.g.*, company-sponsored Internet sites, other Internet and digital advertising, and word-of-mouth and viral marketing) in increasing interest in or consumption of any food product among individuals under the age of 18;
 - ii. Research on the use of behavioral targeting (*i.e.*, the use of information about an individual’s online activities to select which advertisements to display to that individual) and other similar marketing practices to increase interest in or consumption of any food product among individuals under the age of 18; and
 - iii. Scientific and market research exploring neurological, psychological, or other factors that may contribute to food advertising appeal among youth.
6. A. **Initiatives on Healthy Eating and Lifestyle:** Identify and describe all company policies, programs, initiatives, or activities undertaken or implemented by the company, in place on or after January 1, 2009, to encourage healthy eating and lifestyle choices by children and adolescents. These include, but are not limited to, the following:

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- i. development of new products or reformulation of existing products that are lower in calories and/or more nutritious and are marketed to children or adolescents;
 - a. if the company reformulated products that it was already marketing to children or adolescents to make them lower in calories and/or more nutritious, identify the products and describe the company's efforts to reformulate the products;
 - b. if the company commenced marketing nutritious, lower-calorie products to children or adolescents that were already part of the company's product portfolio, identify the products and describe the company's efforts to make the products appealing to children and/or adolescents;
- ii. packaging of products marketed to children or adolescents in smaller portions or single servings to assist them in controlling portion size or calorie intake;
- iii. public education efforts, such as messages targeted to children or adolescents addressing nutrition and physical fitness, including any partnerships or cross-promotional arrangements of any sort with other food and beverage companies, media outlets, non-profit organizations, or other entities for the purpose of promoting healthier eating, increased physical activity and/or healthier lifestyles;
- iv. efforts to improve the overall nutritional profile of products marketed and sold to children or adolescents in schools;
- v. any other efforts to implement or respond to the recommendations set forth in Section IV of the Commission's 2008 Report.

- B. **Research on Initiatives:** Has the company conducted research or otherwise obtained data to evaluate the effectiveness of any of the policies, programs, initiatives, or activities identified and described in response to Specification 6.A, above, including any studies regarding the appeal to individuals under the age of 18 of any of the company's more nutritious or lower-calorie food products and/or any advertising or promotional activities contemplated or used to market such products? If the answer is "yes," provide copies of such research or other data.

7. Marketing to Children and Adolescents by Gender, Race, Ethnicity, or Income Level:

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- A. Were any of the advertising or promotional activities for which the company reported expenditures and activities in response to Specifications 2.A, 2.B, or 4, above, specifically directed, according to a marketing plan³⁰ or by virtue of advertising placement, language used, characters used, or other content, to individuals of a specific gender, race, ethnicity, or income level? If the answer is “yes,” in column 9 of Attachment H please identify which activities reported on Attachment H were directed in such manner and identify the particular sub-population to which the promotional expenditures or activities were directed.
- B. Did the company tailor any of the policies or market research reported in response to Specification 5.A or 5.B, above, to address marketing to individuals of a specific gender, race, ethnicity, or income level? If the answer is “yes,” please identify the applicable Bates numbers of the company’s response to Specification 5 and identify the particular sub-population to which the policies or market research apply.

Please file the Special Report called for in this Order no later than 90 days after the date of issuance of the Order, or by -----, 2010.

All responses for all Specifications must be provided in one (1) printed copy and in electronic form (by CD or as email attachments), formatted as Word or Word Perfect documents, with the exception of the responses to Specifications 2, 3, and 4, which must be provided in one (1) printed copy and in electronic form (by CD or as email attachments) on the included Excel spreadsheets (Attachments E, F, G, and H). All responses must be labeled to indicate the Specification to which the information or data responds. All files contained in electronic submissions must have a file name that includes the company name, Specification numbers included in the file, and date of the submission, in the following format: [COMPANY-NAME]_Spec._[SPEC. #S]_[MM-DD-YY].

Penalties may be imposed under applicable provisions of federal law for failure to file Special Reports or for filing false reports.

By direction of the Commission.

Jon Leibowitz
Chairman

³⁰ See *infra* note 34 for the definition of “marketing plan.”

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SEAL

Date of Order: [MONTH, DAY], 2010

The Special Report required by this Order,
or any inquiry concerning it, must be
addressed to the attention of:

[ATTORNEY NAME]
Division of Advertising Practices
Federal Trade Commission
601 New Jersey Avenue, NW, NJ-3212
Washington, D.C. 20580
[ATTORNEY PHONE] telephone
(202) 326-3259 facsimile
[ATTORNEY EMAIL]

or

[ATTORNEY NAME]
Division of Advertising Practices
Federal Trade Commission
601 New Jersey Avenue, NW, NJ-3212
Washington, D.C. 20580
[ATTORNEY PHONE] telephone
(202) 326-3259 facsimile
[ATTORNEY EMAIL]

Attachment A
Food Category Definitions

For purposes of this Order, the food categories³¹ set forth in Specification 1.C. include the following items:

- (1) **Breakfast cereals** – all cereals, whether intended to be served hot or cold;
- (2) **Snack foods** – snack chips (such as potato chips, tortilla chips, and corn chips), pretzels, snack nuts (including salted and roasted), popcorn, snack bars (including breakfast and cereal bars), crackers, cookies, processed fruit snacks (such as fruit leather), gelatin, and pudding;
- (3) **Candy and frozen desserts**³² – chocolate and other candy bars, other chocolate candy, hard candy, sour candy, chewy candy (including licorice, gummi candy, and jelly beans, but excluding gum and breath mints), ice cream, sherbet, sorbet, popsicles and other frozen novelties, frozen yogurt, and frozen baked goods (including frozen pies and cakes, but not those frozen breakfast items listed below under “baked goods”);
- (4) **Dairy products** – milk (including flavored milk drinks, but excluding butter, cream, cottage cheese, and sour cream), yogurt, yogurt drinks, and cheese (but not frozen dairy products, such as ice cream or frozen yogurt);
- (5) **Baked goods** – snack cakes, pastries, doughnuts, and toaster baked goods (including frozen waffles, French toast sticks, and toaster pastries, but excluding bread, rolls, bagels, breadsticks, buns, croissants, taco shells, and tortillas);
- (6) **Prepared foods and meals** – frozen and chilled entrees, frozen pizzas, canned soups and pasta, lunch kits, and non-frozen packaged entrees (such as macaroni and cheese);
- (7) **Carbonated beverages** – all carbonated beverages, both diet and regular;
- (8) **Fruit juice and non-carbonated beverages** – fruit juice, juice drinks, fruit-flavored drinks, vegetable juice, tea drinks, non-carbonated energy drinks and sports drinks, cocoa, bottled water, and all other non-carbonated beverages (but excluding all varieties

³¹ The food categories are intended to be mutually exclusive. Do not include a food product in more than one category.

³² Please note that the two food categories of “candy” and “frozen and chilled desserts” from the 2008 Report have been combined for purposes of this Order. The company must report all food products that are within the combined category of “candy and frozen desserts.”

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of coffee); include ready-to-pour beverages as well as those sold in concentrated or powdered form;

- (9) **Fruits and vegetables** – all fruits and vegetables, whether sold fresh (packaged or loose), canned, frozen, or dried;
- (10) **Restaurant foods** – menu items offered in the restaurant.

Attachment B
Advertising and Promotional Activities Targeted Toward Children

INSTRUCTIONS

Use the following definitions for purposes of reporting the advertising expenditures and activities requested in Specifications 2.A, 2.C, 2.F, and 4. The company must use Attachment E when reporting expenditures and Attachment H when reporting activities, and must not modify, delete, or add to the columns on either Attachment. The company must submit Attachments E and H in Excel in a format that is readable and writable.

The advertising and promotional activity categories set forth below are mutually exclusive. Do not report an expenditure or activity in more than one category.

For all advertising and promotional activity categories, report expenditures to the nearest \$10,000.

Special Instructions for Reporting Expenditures and Activities in Food Categories

1.C.(1) through (6): For those food products that fall within the food categories listed in Specification 1.C.(1) through (6)³³ **DO NOT** report **expenditures** in response to **Specification 2.A** and do not report **activities** in response to **Specification 4.B** for the advertising and promotional activity categories listed in (g) through (r) of this Attachment B, if both of the following conditions are met:

- (1) The company had no reportable expenditures for the food product in response to Specification 2.A for any of the advertising and promotional activity categories listed in (a) through (f) of this Attachment B; and
- (2) No marketing plan³⁴ for the food product indicates that the company planned or engaged in any form of advertising or promotional activity for the product during

³³ The food categories listed in Specification 1.C.(1) through (6) are: breakfast cereals; snack foods; candy and frozen desserts; dairy products; baked goods; and prepared foods and meals.

³⁴ A “marketing plan” includes documents addressing advertising and marketing objectives and strategies, themes, or concepts, as well as media recommendations, media plans, marketing reports, business studies, creative strategies or briefs, category management plans, media exposure projections, and any other documents that set out, describe, or discuss the planned or actual approaches for marketing, advertising, or promoting a food brand, food product line, food product, or restaurant chain, whether created by the company or by its agents, including but not limited to ad agencies, media buyers, or advertising consultants.

the calendar year 2009 that was intended to reach an audience that, in whole or in part, consisted of children ages 2-11;

DEFINITIONS AND ADDITIONAL INSTRUCTIONS

(a) **Television advertising (TV AD)** means advertising on broadcast, cable, or satellite television channels, including during syndicated programming, or branded messages relating to company sponsorship or underwriting of a television program. Report expenditures on, and activities associated with, television advertising if any of the following apply:

1. A marketing plan specifically indicates that the television advertising was intended to reach children under age 12;
2. The advertising appeared in any television program, programming block, or daypart that had a viewing audience consisting of 30% or more children ages 2-11, as measured on an annual basis;³⁵ or
3. The advertising occurred in a television program rated TV-Y or TV-Y7.

When reporting expenditures for television advertising, the company must report all creative design/development/production costs and advertising placement costs.³⁶

(b) **Radio advertising (RAD AD)** means advertising on AM, FM, HD Radio, or satellite radio channels. Report expenditures on, and activities associated with, radio advertising if any of the following apply:

1. A marketing plan specifically indicates that the radio advertising was intended to reach children under age 12; or
2. The advertising appeared in any radio program, programming block, or daypart for which children ages 2-11 constituted at least 30% of the listening audience, as measured on an annual basis.

³⁵ A 30% audience share was chosen for children ages 2-11 because this level of audience share is approximately double the proportion of that group in the general U.S. population.

³⁶ For purposes of this Order, “costs” include both direct and indirect allocated costs, whether internal or external.

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When reporting expenditures for radio advertising, the company must report all creative design/development/production costs and advertising placement costs.

(c) **Print advertising (PRT AD)** means advertising placed in magazines, comic books, newspapers (including advertising placed in free-standing inserts), or other print publications. Report expenditures on, and activities associated with, print advertising if any of the following apply:

1. A marketing plan specifically indicates that the print advertising was intended to reach children under age 12; or
2. The advertising appeared in a publication for which children ages 2-11 constituted at least 30% of the readers and/or subscribers, as measured on an annual basis.

When reporting expenditures for print advertising, the company must report all creative design/development/production costs and advertising placement costs.

(d) **Company-sponsored Internet sites (WEBSITE AD)** means any company-sponsored Internet site or page that contains information about or images of the company's food brands or products, including, but not limited to, advergames,³⁷ and that can be accessed by computers located in the United States, regardless of where the site is located or the Internet address of the site or page. Report expenditures on, and activities associated with, company-sponsored Internet sites if any of the following apply:

1. A marketing plan specifically indicates that the site or page was intended to reach children under age 12;
2. Audience demographic data indicate that 20% or more of visitors to the site or page were children ages 2-11 for any month during 2009;³⁸ or
3. The site or page:

³⁷ For purposes of this Order, the term "advergame" refers to an interactive, electronic game on a company-sponsored website that prominently features one or more of the company's products or brands.

³⁸ A 20% audience share was chosen for children ages 2-11 because this level of audience share is approximately double the proportion of that group in the population of active Internet users during 2009. Data from comScore show that children ages 2-11 constituted between 9 and 10% of the active Internet audience from January through December 2009. Source: comScore Media Trend Report.

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- A. prominently featured child-oriented animated or licensed characters;
- B. prominently featured a celebrity highly popular with children, according to a marketing plan or public opinion research data within the company's possession, custody, or control;
- C. used language, such as "kid," "child," "tween," or similar words, or prominently depicted performers, models, or characters who were, or appeared to be, under age 12, in order to indicate that the site or page was intended for children; or
- D. promoted child-oriented themes, activities, incentives, products, or media.

When reporting expenditures for company-sponsored Internet sites, the company must report all costs associated with the design, development, production, registration, and maintenance of company-sponsored, -owned, or -operated websites, including all content appearing on company websites (*e.g.*, advergames) that meets the definition above, regardless of whether the website as a whole is targeted to children.

(e) **Other Internet and digital advertising³⁹ (INTERNET AD)** means:

Other Internet advertising: advertising and promotional content on or through Internet sites or pages, other than company-sponsored Internet sites, that bears or otherwise displays the name or logo or any portion of the package of any of the company's food brands or otherwise refers or relates to such food brands, including, but not limited to, sponsored hyperlinks, banner or pop-up advertisements, in-stream and in-page audio and video advertisements, sponsored text advertising, sponsored search keywords, and advertising in chat rooms, weblogs, social networking sites, online video games, bulletin boards, and listservs.

Digital advertising: advertising and promotional content transmitted to personal computers and other digital devices, including PDAs (personal digital assistants), mobile phones, and other portable devices, whether or not Internet-enabled, that bears or otherwise displays the name or logo or any portion of the package of any of the company's food brands or otherwise refers or relates to such food brands, including, but not limited to, expenditures for advertising or promotional content in electronic mail (email) messages, short message service (SMS or "text") messaging, instant messaging

³⁹ Please note that the two promotional activity categories of "other Internet advertising" and "other digital advertising" from the 2008 Report have been combined for purposes of this Order. The company must report all promotional activities that are within the combined category of "other Internet and digital advertising."

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(IM), picture messaging, multimedia messaging, mobile broadcasts, downloads (such as ringtones, wallpapers, and videos), and podcasts.

Report expenditures on, and activities associated with, other Internet and digital advertising if any of the following apply:

1. A marketing plan specifically indicates that the Internet or digital advertising was intended to reach children under age 12;
2. The company knowingly sought the participation of children in the Internet or digital advertising campaign;
3. For Internet advertising, the advertising appeared on any Internet website for which audience demographic data indicate that children ages 2-11 constituted at least 20% of the audience for any month during 2009. For digital advertising, 20% or more of the participants in or audience of the digital advertising campaign were children, according to demographic data or other information within the company's possession, custody, or control; or
4. The advertising:
 - A. prominently featured child-oriented animated or licensed characters;
 - B. prominently featured a celebrity highly popular with children, according to a marketing plan or public opinion research data within the company's possession, custody, or control;
 - C. used language, such as "kid," "child," "tween," or similar words, or prominently depicted performers, models, or characters who were, or appeared to be, under age 12, in order to indicate that the advertising was intended for children; or
 - D. promoted child-oriented themes, activities, incentives, products, or media.

When reporting expenditures for other Internet and digital advertising, the company must report all creative design/development/production costs and advertising placement/distribution costs.

- (f) **Packaging and labeling (PACK/LABEL)** means all product packaging and labeling (including all words and images therein) for any of the company's food products. Report expenditures on, and activities associated with, packaging and labeling if any of the following apply:

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1. A marketing plan specifically indicates that the packaging or labeling was designed to appeal to children under age 12; or
2. The packaging or labeling:
 - A. prominently featured child-oriented animated or licensed characters;
 - B. prominently featured a celebrity highly popular with children, according to a marketing plan or public opinion research data within the company's possession, custody, or control;
 - C. used language, such as "kid," "child," "tween," or similar words, or prominently depicted performers, models, or characters who were, or appeared to be, under age 12, in order to indicate that the product was intended for children; or
 - D. promoted child-oriented themes, activities, incentives, products, or media.

When reporting expenditures for packaging and labeling, the company must report all costs associated with the design, development, and production of changes in product packaging and labeling (excluding the costs of packaging materials, and excluding any costs of fulfilling labeling requirements of the Food and Drug Administration).

(g) **Movie theater/video/video game advertising (MOV/VID AD)** means advertising preceding a movie shown in a movie theater or placed on a video (DVD, Blu-ray, or VHS) or within a video game (including as a pre-roll, post-roll, or banner advertisement). Report expenditures on, and activities associated with, movie theater/video/video game advertising if any of the following apply:

1. A marketing plan specifically indicates that such advertising was intended to reach children under age 12;
2. The advertising appeared in or contiguous to a motion picture:
 - A. distributed in movie theaters, on video (*e.g.*, DVD, Blu-ray, or VHS), or digitally, that was rated G by the Motion Picture Association of America; or
 - B. for which children ages 2-11 constituted at least 30% of the viewing audience, according to demographic data or other information within the company's possession, custody, or control;
3. The advertising appeared in or contiguous to a video game:

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- A. rated EC by the Entertainment Software Rating Board; or
 - B. for which children ages 2-11 constituted at least 30% of the users, according to demographic data or other information within the company's possession, custody, or control; or
4. The advertising:
- A. prominently featured child-oriented animated or licensed characters;
 - B. prominently featured a celebrity highly popular with children, according to a marketing plan or public opinion research data within the company's possession, custody, or control;
 - C. used language, such as "kid," "child," "tween," or similar words, or prominently depicted performers, models, or characters who were, or appeared to be, under age 12, in order to indicate that the advertising was intended for children; or
 - D. promoted child-oriented themes, activities, incentives, products, or media.

When reporting expenditures for movie theater/video/video game advertising, the company must report all creative design/development/production costs and advertising placement costs.

- (h) **In-store advertising and promotions (IN-STORE AD)** means advertising displays and promotions at the retail site, including the offering of free samples and allowances paid to facilitate shelf placement or merchandise displays. Report expenditures on, and activities associated with, in-store advertising and promotions that, pursuant to a marketing plan or industry practice, were designed to appeal to children. Such design elements may involve the height of placement or display, and the use of licensed characters, images of children, and language, such as "kid," "child," or similar words.

When reporting expenditures for in-store advertising and promotions, the company must report all costs of displays, signage, and samples, and shelf placement costs, including allowances.

- (i) **Specialty item or premium distribution (PREMIUMS)** means specialty or premium items other than food products that are distributed in connection with the sale of any of the company's food products, whether distributed by sale, by redemption of coupons, codes, or proofs of purchase, within food packages, in conjunction with restaurant meals, as prizes in contests or sweepstakes, or otherwise. Report expenditures on, and activities associated with, specialty item or premium distribution if any of the following apply:

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1. A marketing plan specifically indicates that the specialty item or premium distribution was intended to reach children under age 12;
2. The promotion of the specialty or premium item or the item itself:
 - A. prominently featured child-oriented animated or licensed characters;
 - B. prominently featured a celebrity highly popular with children, according to a marketing plan or public opinion research data within the company's possession, custody, or control;
 - C. used language, such as "kid," "child," "tween," or similar words, or prominently depicted performers, models, or characters who were, or appeared to be, under age 12, in order to indicate that the item was intended for children; or
 - D. promoted child-oriented themes, activities, incentives, products, or media; or
3. The specialty or premium item was a toy, doll, action figure, collectable item, puzzle, game, or other product for children.

When reporting expenditures for specialty item or premium distribution, the company must report all net costs (deducting payments by consumers) of items distributed to consumers, including all costs associated with the production or purchase of the items and the distribution of the items. Thus, for purposes of reporting expenditures, the company will not include the costs associated with self-liquidating premiums, as defined in footnote 29, *supra*. Note that this category includes only the costs associated with the item or premium; it does not include costs associated with advertising the item or premium in other media. For example, if a contest to win a toy is advertised on television, the expenditure for the television advertisement must be reported under television advertising, while the net cost of the toys (including costs associated with the production or purchase, and distribution of the toys) must be reported under specialty item or premium distribution.

- (j) **Promotion or sponsorship of public entertainment events (EVENTS)** means events, including but not limited to concerts and sporting events, bearing or otherwise displaying the name or logo or any portion of the package of any of the company's food brands or otherwise referring or relating to such food brands, including through billboards, banners, and the distribution of product samples or functional promotional items, including but not limited to, clothing, hats, bags, posters, sporting or racing goods and equipment bearing or otherwise displaying the name or logo or any portion of the package of any of the company's food brands or otherwise referring or relating to such food brands. Report

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expenditures on, and activities associated with, promotion or sponsorship of public entertainment events if any of the following apply:

1. A marketing plan specifically indicates that the event or promotion at the event was intended to reach children under age 12 or that the event would involve the participation or attendance of children;
2. The company actively sought the participation or attendance of children;
3. The event involved child-oriented themes, activities, incentives, products, or media;
4. 30% or more of the participants in, or audience of, the event were children under age 12, according to demographic data or other information within the company's possession, custody, or control; or
5. The advertising or promotions at the event:
 - A. prominently featured child-oriented animated or licensed characters;
 - B. prominently featured a celebrity highly popular with children, according to a marketing plan or public opinion research data within the company's possession, custody, or control;
 - C. used language, such as "kid," "child," "tween," or similar words, or prominently depicted performers, models, or characters who were, or appeared to be, under age 12, in order to indicate that the advertising or promotions were intended for children; or
 - D. promoted child-oriented themes, activities, incentives, products, or media.

When reporting expenditures for the promotion or sponsorship of public entertainment events, the company must report all costs associated with the promotion and/or sponsorship of the event, including costs to display billboards or banners in the name of any of the company's food brands or referring or relating to such food brands, the cost of product samples distributed at the event, and all net costs (deducting payments by consumers) associated with the production, offer, sale, or provision without fee of all functional promotional items at or in connection with a public entertainment event. This does not include the costs of such non-specialty items as branded containers, paper cups or plates used for serving food or beverage products.

- (k) **Product placements (PROD PLMT)** means permitting, promoting, or procuring the integration of any food product, logo, signage, trade name, or package into an

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entertainment vehicle, such as a television or radio program, motion picture, video, music recording, electronic or online game, or other form of entertainment. Report expenditures on, and activities associated with, product placements if any of the following apply:

1. A marketing plan specifically indicates that the placement was intended to reach children under age 12;
2. The placement occurred in a motion picture:
 - A. distributed in movie theaters, on video (*e.g.*, DVD, Blu-ray, or VHS), or digitally, that was rated G by the Motion Picture Association of America; or
 - B. for which children ages 2-11 constituted at least 30% of the viewing audience, according to demographic data or other information within the company's possession, custody, or control;
3. The placement occurred in a television program, programming block, or daypart:
 - A. rated TV-Y or TV-Y7; or
 - B. for which children ages 2-11 constituted at least 30% of the viewing audience, as measured on an annual basis;
4. The placement occurred in a video game:
 - A. rated EC by the Entertainment Software Rating Board; or
 - B. for which children ages 2-11 constituted at least 30% of the users, according to demographic data or other information within the company's possession, custody, or control; or
5. The entertainment vehicle in which the placement occurred:
 - A. prominently featured a child-oriented animated or licensed character;
 - B. depicted primarily performers, models, or characters who were, or appeared to be, under age 12 or themes, activities, or other content that likely appealed primarily to children; or

- C. prominently featured a celebrity highly popular with children, according to a marketing plan or public opinion research data within the company's possession, custody, or control.

When reporting expenditures for product placements, the company must report the cost of any payment (monetary or in-kind) made to secure the placements.

- (1) **Character licensing, toy co-branding, and cross-promotions (CHAR LIC)** means licensing or otherwise obtaining permission to use another company's brand, trade name, or related intellectual property in the advertising or promotion of a food product. This promotional activity includes licensing agreements to use the brand, trade name, or related intellectual property in advertisements or promotions, as well as cross-promotional arrangements, such as a marketing partnership with a media company, film studio, theme park, or toy company to promote each other's products by marketing (in any context) a food product or food brand name in conjunction with a character, film, theme park, toy, or similar product. Report expenditures on, and activities associated with, character licensing, toy co-branding, and cross-promotions involving another company's brand, trade name, or related intellectual property if any of the following apply:

- 1. A marketing plan specifically indicates that use of the other company's brand, trade name, or related intellectual property was intended to reach children under age 12;
- 2. The other company's brand, trade name, or related intellectual property:
 - A. is or prominently featured a child-oriented animated or licensed character;
 - B. depicted primarily performers, models, or characters who were, or appeared to be, under age 12 or themes, activities, or other content that likely appealed primarily to children; or
 - C. prominently featured a celebrity highly popular with children, according to a marketing plan or public opinion research data within the company's possession, custody, or control;
- 3. The other company's brand, trade name, or related intellectual property derives from a motion picture:
 - A. distributed in movie theaters, on video (*e.g.*, DVD, Blu-ray, or VHS), or digitally, that was rated G by the Motion Picture Association of America; or

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- B. for which children ages 2-11 constituted at least 30% of the viewing audience, according to demographic data or other information within the company's possession, custody, or control;
- 4. The other company's brand, trade name, or related intellectual property derives from a television program:
 - A. rated TV-Y or TV-Y7; or
 - B. for which children ages 2-11 constituted at least 30% of the viewing audience, as measured on an annual basis;
- 5. The other company's brand, trade name, or related intellectual property derives from a video game:
 - A. rated EC by the Entertainment Software Rating Board; or
 - B. for which children ages 2-11 constituted at least 30% of the users, according to demographic data or other information within the company's possession, custody, or control;
- 6. The other company's brand, trade name, or related intellectual property is a toy intended primarily for use by children under age 12 or primarily used by children, according to demographic data or other information within the company's possession, custody, or control; or
- 7. The other company's brand, trade name, or related intellectual property is a theme park:
 - A. that featured child-oriented themes, activities, products, or media; or
 - B. at which 30% or more of the annual attendees were children under age 12, according to demographic data or other information within the company's possession, custody, or control.

When reporting expenditures for character licensing, toy co-branding, and cross-promotions in columns 50 through 53 of Attachment E, the company must report only the cost of obtaining the character license, toy co-branding agreement, and/or cross-promotional arrangement (*e.g.*, a licensing fee). Do not report in this category the costs of advertisements and promotions featuring the licensed character, co-branded toy, or cross-promotion (*e.g.*, the costs of a television advertisement featuring the licensed character). Instead, those costs must be reported under the relevant advertising or promotional activity category (*e.g.*, the costs of a television advertisement featuring a

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licensed character must be reported under television advertising; the cost of packaging showing a licensed character must be reported under packaging).

(m) **Sponsorship of sports teams or individual athletes (ATHL SPON)** means sponsorship of or provision of equipment or facilities for a professional or amateur athletic team (excluding primary and secondary school athletic teams to be reported under category (p), below) or an individual athlete, including, but not limited to, competitors in football, basketball, baseball, soccer, hockey, tennis, golf, wrestling, karate, judo, weight lifting, volleyball, skiing, skating, snowboarding, skateboarding, surfing, sailing, boating, equestrian, rodeo, automobile, race car, funny car, motorcycle, bicycle, truck, monster truck, tractor-pull, fishing, and hunting events, competitions, tournaments, and races. Report expenditures on, and activities associated with, sponsorships of sports teams or individual athletes if any of the following apply:

1. A marketing plan specifically indicates that the sponsorship was intended to reach or designed to appeal to children under age 12;
2. The sponsored athlete was a child, or members of the sponsored team were children;
3. A marketing plan or public opinion research data within the company's possession, custody, or control indicates that the sponsored team or athlete is highly popular with children; or
4. Demographic data or other information within the company's possession, custody, or control indicates that 30% or more of the fan base for the sponsored team or athlete consisted of children under age 12.

When reporting expenditures for the sponsorship of sports teams or individual athletes, the company must report the cost of all payments (both monetary and in-kind) to a sports team or athlete that are made in conjunction with or conditioned upon the use of trade names, logos, displays, signage, or other branded materials during public appearances of the sports team or athlete, including during athletic competitions. Do not report in this category expenditures that are reportable in another category (*e.g.*, payment to an athlete to appear in a television ad must be reported in the celebrity endorsements category).

(n) **Word-of-mouth and viral marketing⁴⁰ (WOM/VIRAL)** means:

⁴⁰ Please note that the two promotional activity categories of "word-of-mouth marketing" and "viral marketing" from the 2008 Report have been combined for purposes of this Order. The company must report all promotional activities that are within the combined category of "word-of-mouth and viral marketing."

Word-of-mouth marketing: providing incentives (financial or otherwise), product samples, or other support to non-employees (including individuals and groups) to promote consumption of a food product to other consumers or to encourage discussion of a food product or brand among consumers.

Viral marketing: promotional messages intended to encourage consumers to discuss, or otherwise promote (such as by passing along or sharing the promotional messages), a food product or brand with other consumers, or to encourage consumers to interact with company-sponsored content, through the use of various forms of electronic communication. “Viral” marketing includes, but is not limited to, content developed for video, audio, or image file-sharing Internet websites that integrates a food product, logo, signage, trade name, or food package; company-sponsored blogs or social networking website profiles that discuss a food product or brand (whether or not the content is attributed to the company); and any other content posted on the Internet about a food product that is intended to be sent from one consumer to another (such as through a “send to a friend” email or through a promotional message that attaches to an email sent through a web-based email program).

Report expenditures on, and activities associated with, word-of-mouth and viral marketing if any of the following apply:

1. A marketing plan specifically indicates that the word-of-mouth or viral marketing campaign was intended to reach children under age 12;
2. The company knowingly sought the participation of children in the word-of-mouth or viral marketing campaign;
3. The word-of-mouth or viral marketing campaign:
 - A. prominently featured child-oriented animated or licensed characters;
 - B. prominently featured a celebrity highly popular with children, according to a marketing plan or public opinion research data within the company’s possession, custody, or control;
 - C. used language, such as “kid,” “child,” “tween,” or similar words, or prominently depicted performers, models, or characters who were, or appeared to be, under age 12, in order to indicate that the campaign was intended for children; or
 - D. promoted child-oriented themes, activities, incentives, products, or media; or

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4. 20% or more of the participants in the word-of-mouth or viral marketing campaign were children under age 12, according to demographic data or other information within the company's possession, custody, or control.

When reporting expenditures for word-of-mouth marketing, the company must report the cost of incentives (financial or otherwise) and samples provided to non-employees, and all costs associated with the design, development, and implementation (*i.e.*, recruiting participants and disseminating the incentives) of the worth-of-mouth marketing campaign.

When reporting expenditures for viral marketing, the company must report all costs associated with the creative design/development/production and distribution of the promotional messages.

- (o) **Celebrity endorsements (CELEB END)** means an advertising or promotional message (including verbal statements, demonstrations, or depictions of the name, signature, likeness, or other identifying personal characteristics of an individual) relating to the company's food products, when such message is one that consumers are likely to believe reflects the opinions, beliefs, findings, or experience of a public figure (including an entertainer, musician, athlete, or other well-recognized person). Report expenditures on, and activities associated with, celebrity endorsements if any of the following apply:

1. A marketing plan specifically indicates that the endorser was used to reach or appeal to children under age 12;
2. The celebrity endorser:
 - A. was a child;
 - B. was commonly recognized as highly popular with children, or was highly popular with children according to a marketing plan or public opinion research data within the company's possession, custody, or control; or
 - C. promoted child-oriented themes, activities, incentives, products, or media; or
3. Demographic data or other information within the company's possession, custody, or control indicates that 30% or more of the celebrity's fan base consisted of children under age 12.

When reporting expenditures for celebrity endorsements in columns 62 through 65 of Attachment E, the company must report only the cost of all payments (both monetary and in-kind) to a celebrity to endorse any of the company's food products (*e.g.*, an

endorsement fee). Do not report in this category the costs associated with advertisements and promotions featuring the celebrity (*e.g.*, the costs of a television advertisement featuring the celebrity endorser). Instead, those costs must be reported under the relevant advertising or promotional activity category (*e.g.*, the costs of a television advertisement featuring a celebrity endorser must be reported under television advertising).

- (p) **In-school marketing (IN-SCHOOL)** means advertising or promotional activity in or around a pre-school or elementary school, including, but not limited to, the use of trade names, logos, displays, signage, or other branded materials in or around cafeterias, vending machines, or gymnasiums, at school events, youth athletic events, athletic fields or arenas, and on school buses, Channel One or other closed circuit television channels. This category includes payments pursuant to food and beverage contracts with schools or school systems and philanthropic donations to schools or particular school clubs, teams, events, or programs, including donations of or discounts on products, coupons for products, and branded materials such as equipment, classroom materials, and curricula created by or sponsored by food companies. This category does not include an advertising or promotional activity that occurred at a pre-school or elementary school at a time when no children were present or likely would have been present (*e.g.*, a PTA meeting).

When reporting expenditures for in-school marketing, the company must report the cost of all payments made pursuant to food and beverage contracts with schools or school systems,⁴¹ as well as the cost of all donations (both monetary and in-kind) to schools or particular school clubs, teams, events, or programs, that are made in conjunction with (or conditioned upon) the use of trade names, logos, displays, signage, or other branded materials in or around the school, as specified above. For student scholarships, report only the costs associated with promoting the scholarship in conjunction with the use of trade names, logos, displays, signage, or other branded materials; do not report the value of the scholarship.

- (q) **Advertising in conjunction with philanthropic endeavors (PHLNTHRPY)** means advertising or promotional activity in conjunction with a donation to an organization, program, or event, other than a school or school-sponsored program or event, including, but not limited to, the use of trade names, logos, displays, signage, or other branded materials at or in connection with child-oriented clubs, parks, activities, or community programs or events. Report expenditures on, and activities associated with, advertising in conjunction with philanthropic endeavors if any of the following apply:

⁴¹ Report the payments made to the schools or school systems pursuant to such contracts; do not report costs associated with purchasing, leasing, or servicing the vending machines in which products are sold.

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1. A marketing plan specifically indicates that the organization, program, or event would reach children under age 12 or would involve the participation or attendance of children under age 12;
2. The company actively sought the participation or attendance of children;
3. The program or event involved child-oriented themes, activities, incentives, products, or media;
4. 30% or more of the participants in, or attendees or beneficiaries of, the organization, program, or event were children under age 12, according to demographic data or other information within the company's possession, custody, or control; or
5. The advertising or promotional activity:
 - A. prominently featured child-oriented animated or licensed characters;
 - B. prominently featured a celebrity highly popular with children, according to a marketing plan or public opinion research data within the company's possession, custody, or control;
 - C. used language, such as "kid," "child," "tween," or similar words, or prominently depicted performers, models, or characters who were, or appeared to be, under age 12, in order to indicate that the advertising or promotions were intended for children; or
 - D. promoted child-oriented themes, activities, incentives, products, or media.

When reporting expenditures for advertising in conjunction with philanthropic endeavors, the company must report the costs associated with donations (both monetary and in-kind) to organizations, programs or events (other than schools or school-sponsored programs or events) that are made in conjunction with (or conditioned upon) the use of trade names, logos, displays, signage, or other branded materials at or in connection with child-oriented clubs, parks, activities, or community programs or events. Report the cost of marketing materials associated with the philanthropic donation, not the full amount of the donation. (The amount of the donation that is deemed not tax deductible as a charitable contribution because of marketing benefit received by the company may serve as the reported cost, if appropriate.) Do not include any amount for contributions to medical or disease-related charities, even if the ultimate beneficiaries happen to be children.

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- (r) **Other promotional activities (OTHER)** means any advertising or promotional activities not covered by another reporting category; describe fully and break down by type. Report expenditures on, and activities associated with, other promotional activities not reported in any other category if a marketing plan specifically indicates that such activities were intended to reach children under age 12.

When reporting expenditures for other promotional activities, consult with FTC staff as to what constitutes a reportable cost for the particular promotional activity involved.

Attachment C
Advertising and Promotional Activities Targeted Toward Adolescents

INSTRUCTIONS

Use the following definitions for purposes of reporting the advertising expenditures and activities requested in Specifications 2.B, 2.C, 2.F, and 4. The company must use Attachment E when reporting expenditures and Attachment H when reporting activities, and must not modify, delete, or add to the columns on either Attachment. The company must submit Attachments E and H in Excel in a format that is readable and writable.

The advertising and promotional activity categories set forth below are mutually exclusive. Do not report an expenditure or activity in more than one category.

For all advertising and promotional activity categories, report expenditures to the nearest \$10,000.

Special Instructions for Reporting Expenditures and Activities in Food Categories

1.C.(1) through (6): For those food products that fall within the food categories listed in Specification 1.C.(1) through (6)⁴² **DO NOT** report **expenditures** in response to **Specification 2.B** and do not report **activities** in response to **Specification 4.B** for the advertising and promotional activity categories listed in (g) through (r) of this Attachment C, if both of the following conditions are met:

- (1) The company had no reportable expenditures for the food product in response to Specification 2.B for any of the advertising and promotional activity categories listed in (a) through (f) of this Attachment C; and
- (2) No marketing plan⁴³ for the food product indicates that the company planned or engaged in any form of advertising or promotional activity for the product during the calendar year 2009 that was intended to reach an audience that, in whole or in part, consisted of adolescents ages 12-17;

DEFINITIONS AND ADDITIONAL INSTRUCTIONS

⁴² The food categories listed in Specification 1.C.(1) through (6) are: breakfast cereals; snack foods; candy and frozen desserts; dairy products; baked goods; and prepared foods and meals.

⁴³ See *supra* note 34 for the definition of “marketing plan.”

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(a) **Television advertising (TV AD)** means advertising on broadcast, cable, or satellite television channels, including during syndicated programming, or branded messages relating to company sponsorship or underwriting of a television program. Report expenditures on, and activities associated with, television advertising if any of the following apply:

1. A marketing plan specifically indicates that the television advertising was intended to reach adolescents ages 12-17; or
2. The advertising appeared in any television program, programming block, or daypart that had a viewing audience consisting of 20% or more adolescents ages 12-17, as measured on an annual basis.⁴⁴

When reporting expenditures for television advertising, the company must report all creative design/development/production costs and advertising placement costs.

(b) **Radio advertising (RAD AD)** means advertising on AM, FM, HD Radio, or satellite radio channels. Report expenditures on, and activities associated with, radio advertising if any of the following apply:

1. A marketing plan specifically indicates that the radio advertising was intended to reach adolescents ages 12-17; or
2. The advertising appeared in any radio program, programming block, or daypart for which adolescents ages 12-17 constituted at least 20% of the listening audience, as measured on an annual basis.

When reporting expenditures for radio advertising, the company must report all creative design/development/production costs and advertising placement costs.

(c) **Print advertising (PRT AD)** means advertising placed in magazines, comic books, newspapers (including advertising placed in free-standing inserts), or other print publications. Report expenditures on, and activities associated with, print advertising if any of the following apply:

1. A marketing plan specifically indicates that the print advertising was intended to reach adolescents ages 12-17; or

⁴⁴ A 20% audience share was chosen for adolescents ages 12-17 because this level of audience share is approximately double the proportion of that group in the general U.S. population.

2. The advertising appeared in a publication for which adolescents ages 12-17 constituted at least 20% of the readers and/or subscribers, as measured on an annual basis.

When reporting expenditures for print advertising, the company must report all creative design/development/production costs and advertising placement costs.

(d) **Company-sponsored Internet sites (WEBSITE AD)** means any company-sponsored Internet site or page that contains information about or images of the company's food brands or products, including, but not limited to, advergames,⁴⁵ and that can be accessed by computers located in the United States, regardless of where the site is located or the Internet address of the site or page. Report expenditures on, and activities associated with, company-sponsored Internet sites if any of the following apply:

1. A marketing plan specifically indicates that the site or page was intended to reach adolescents ages 12-17;
2. Audience demographic data indicate that 20% or more of visitors to the site or page were adolescents ages 12-17 for any month during 2009;⁴⁶ or
3. The site or page:
 - A. prominently featured adolescent-oriented animated or licensed characters;
 - B. prominently featured a celebrity highly popular with adolescents, according to a marketing plan or public opinion research data within the company's possession, custody, or control;
 - C. used language, such as "adolescent," "teen," "teenager," or similar words, or prominently depicted performers, models, or characters who were, or appeared to be, adolescents between 12 and 17 years old, in order to indicate that the site or page was intended for adolescents; or

⁴⁵ See the definition of "advergame" at note 37, *supra*.

⁴⁶ A 20% audience share was chosen for adolescents ages 12-17 because this level of audience share is approximately double the proportion of that group in the population of active Internet users during 2009. Data from comScore show that adolescents ages 12-17 constituted between 10 and 11% of the active Internet audience from January through December 2009. Source: comScore Media Trend Report.

- D. promoted adolescent-oriented themes, activities, incentives, products, or media.

When reporting expenditures for company-sponsored Internet sites, the company must report all costs associated with the design, development, production, registration, and maintenance of company-sponsored, -owned, or -operated websites, including all content appearing on company websites (*e.g.*, advergames) that meets the definition above, regardless of whether the website as a whole is targeted to adolescents.

- (e) **Other Internet and digital advertising (INTERNET AD)** means:

Other Internet advertising: advertising and promotional content on or through Internet sites or pages, other than company-sponsored Internet sites, that bears or otherwise displays the name or logo or any portion of the package of any of the company's food brands or otherwise refers or relates to such food brands, including, but not limited to, sponsored hyperlinks, banner or pop-up advertisements, in-stream and in-page audio and video advertisements, sponsored text advertising, sponsored search keywords, and advertising in chat rooms, weblogs, social networking sites, online video games, bulletin boards, and listservs.

Digital advertising: advertising and promotional content transmitted to personal computers and other digital devices, including PDAs (personal digital assistants), mobile phones, and other portable devices, whether or not Internet-enabled, that bears or otherwise displays the name or logo or any portion of the package of any of the company's food brands or otherwise refers or relates to such food brands, including, but not limited to, expenditures for advertising or promotional content in electronic mail (email) messages, short message service (SMS or "text") messaging, instant messaging (IM), picture messaging, multimedia messaging, mobile broadcasts, downloads (such as ringtones, wallpapers, and videos), and podcasts.

Report expenditures on, and activities associated with, other Internet and digital advertising if any of the following apply:

1. A marketing plan specifically indicates that the Internet or digital advertising was intended to reach adolescents ages 12-17;
2. The company knowingly sought the participation of adolescents in the Internet or digital advertising campaign;
3. For Internet advertising, the advertising appeared on any Internet website for which audience demographic data indicate that adolescents ages 12-17 constituted at least 20% of the audience for any month during 2009. For digital advertising, 20% or more of the participants in or audience of the digital advertising campaign

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were adolescents, according to demographic data or other information within the company's possession, custody, or control; or

4. The advertising:
 - A. prominently featured adolescent-oriented animated or licensed characters;
 - B. prominently featured a celebrity highly popular with adolescents, according to a marketing plan or public opinion research data within the company's possession, custody, or control;
 - C. used language, such as "adolescent," "teen," "teenager," or similar words, or prominently depicted performers, models, or characters who were, or appeared to be, adolescents between 12 and 17 years old, in order to indicate that the advertising was intended for adolescents; or
 - D. promoted adolescent-oriented themes, activities, incentives, products, or media.

When reporting expenditures for other Internet and digital advertising, the company must report all creative design/development/production costs and advertising placement/distribution costs.

- (f) **Packaging and labeling (PACK/LABEL)** means all product packaging and labeling (including all words and images therein) for any of the company's food products. Report expenditures on, and activities associated with, packaging and labeling if any of the following apply:

1. A marketing plan specifically indicates that the packaging or labeling was designed to appeal to adolescents ages 12-17; or
2. The packaging or labeling:
 - A. prominently featured adolescent-oriented animated or licensed characters;
 - B. prominently featured a celebrity highly popular with adolescents, according to a marketing plan or public opinion research data within the company's possession, custody, or control;
 - C. used language, such as "adolescent," "teen," "teenager," or similar words, or prominently depicted performers, models, or characters who were, or appeared to be, adolescents between 12 and 17 years old, in order to indicate that the product was intended for adolescents; or

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- D. promoted adolescent-oriented themes, activities, incentives, products, or media.

When reporting expenditures for packaging and labeling, the company must report all costs associated with the design, development, and production of changes in product packaging and labeling (excluding the costs of packaging materials, and excluding any costs of fulfilling labeling requirements of the Food and Drug Administration).

- (g) **Movie theater/video/video game advertising (MOV/VID AD)** means advertising preceding a movie shown in a movie theater or placed on a video (DVD, Blu-ray, or VHS) or within a video game (including as a pre-roll, post-roll, or banner advertisement). Report expenditures on, and activities associated with, movie theater/video/video game advertising if any of the following apply:

1. A marketing plan specifically indicates that such advertising was intended to reach adolescents ages 12-17;
2. The advertising appeared in or contiguous to a motion picture for which adolescents ages 12-17 constituted at least 20% of the viewing audience, according to demographic data or other information within the company's possession, custody, or control;
3. The advertising appeared in or contiguous to a video game for which adolescents ages 12-17 constituted at least 20% of the users, according to demographic data or other information within the company's possession, custody, or control; or
4. The advertising:
 - A. prominently featured adolescent-oriented animated or licensed characters;
 - B. prominently featured a celebrity highly popular with adolescents, according to a marketing plan or public opinion research data within the company's possession, custody, or control;
 - C. used language, such as "adolescent," "teen," "teenager," or similar words, or prominently depicted performers, models, or characters who were, or appeared to be, adolescents between 12 and 17 years old, in order to indicate that the advertising was intended for adolescents; or
 - D. promoted adolescent-oriented themes, activities, incentives, products, or media.

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When reporting expenditures for movie theater/video/video game advertising, the company must report all creative design/development/production costs and advertising placement costs.

- (h) **In-store advertising and promotions (IN-STORE AD)** means advertising displays and promotions at the retail site, including the offering of free samples and allowances paid to facilitate shelf placement or merchandise displays. Report expenditures on, and activities associated with, in-store advertising and promotions that, pursuant to a marketing plan or industry practice, were designed to appeal to adolescents. Such design elements may involve the height of placement or display, and the use of licensed characters, images of adolescents, and language, such as “adolescent” “teen,” “teenager,” or similar words.

When reporting expenditures for in-store advertising and promotions, the company must report all costs of displays, signage, and samples, and shelf placement costs, including allowances.

- (i) **Specialty item or premium distribution (PREMIUMS)** means specialty or premium items other than food products that are distributed in connection with the sale of any of the company’s food products, whether distributed by sale, by redemption of coupons, codes, or proofs of purchase, within food packages, in conjunction with restaurant meals, as prizes in contests or sweepstakes, or otherwise. Report expenditures on, and activities associated with, specialty item or premium distribution if any of the following apply:
1. A marketing plan specifically indicates that the specialty item or premium distribution was intended to reach adolescents ages 12-17;
 2. The promotion of the specialty or premium item or the item itself:
 - A. prominently featured adolescent-oriented animated or licensed characters;
 - B. prominently featured a celebrity highly popular with adolescents, according to a marketing plan or public opinion research data within the company’s possession, custody, or control;
 - C. used language, such as “adolescent,” “teen,” “teenager,” or similar words, or prominently depicted performers, models, or characters who were, or appeared to be, adolescents between 12 and 17 years old, in order to indicate that the item was intended for adolescents; or
 - D. promoted adolescent-oriented themes, activities, incentives, products, or media; or

3. The specialty or premium item was a toy, doll, action figure, collectable item, puzzle, game, or other product for adolescents.

When reporting expenditures for specialty item or premium distribution, the company must report all net costs (deducting payments by consumers) of items distributed to consumers, including all costs associated with the production or purchase of the items and the distribution of the items. Thus, for purposes of reporting expenditures, the company will not include the costs associated with self-liquidating premiums, as defined in footnote 29, *supra*. Note that this category includes only the costs associated with the item or premium; it does not include costs associated with advertising the item or premium in other media. For example, if a contest to win a toy is advertised on television, the expenditure for the television advertisement must be reported under television advertising, while the net cost of the toys (including costs associated with the production or purchase, and distribution of the toys) must be reported under specialty item or premium distribution.

- (j) **Promotion or sponsorship of public entertainment events (EVENTS)** means events, including but not limited to concerts and sporting events, bearing or otherwise displaying the name or logo or any portion of the package of any of the company's food brands or otherwise referring or relating to such food brands, including through billboards, banners, and the distribution of product samples or functional promotional items, including but not limited to, clothing, hats, bags, posters, sporting or racing goods and equipment bearing or otherwise displaying the name or logo or any portion of the package of any of the company's food brands or otherwise referring or relating to such food brands. Report expenditures on, and activities associated with, promotion or sponsorship of public entertainment events if any of the following apply:
 1. A marketing plan specifically indicates that the event or promotion at the event was intended to reach adolescents ages 12-17 or that the event would involve the participation or attendance of adolescents;
 2. The company actively sought the participation or attendance of adolescents;
 3. The event involved adolescent-oriented themes, activities, incentives, products, or media;
 4. 20% or more of the participants in, or audience of, the event were adolescents ages 12-17, according to demographic data or other information within the company's possession, custody, or control; or
 5. The advertising or promotions at the event:
 - A. prominently featured adolescent-oriented animated or licensed characters;

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- B. prominently featured a celebrity highly popular with adolescents, according to a marketing plan or public opinion research data within the company's possession, custody, or control;
- C. used language, such as "adolescent," "teen," "teenager," or similar words, or prominently depicted performers, models, or characters who were, or appeared to be, adolescents between 12 and 17 years old, in order to indicate that the advertising or promotions were intended for adolescents; or
- D. promoted adolescent-oriented themes, activities, incentives, products, or media.

When reporting expenditures for the promotion or sponsorship of public entertainment events, the company must report all costs associated with the promotion and/or sponsorship of the event, including costs to display billboards or banners in the name of any of the company's food brands or referring or relating to such food brands, the cost of product samples distributed at the event, and all net costs (deducting payments by consumers) associated with the production, offer, sale, or provision without fee of all functional promotional items at or in connection with a public entertainment event. This does not include the costs of such non-specialty items as branded containers, paper cups or plates used for serving food or beverage products.

- (k) **Product placements (PROD PLMT)** means permitting, promoting, or procuring the integration of any food product, logo, signage, trade name, or package into an entertainment vehicle, such as a television or radio program, motion picture, video, music recording, electronic or online game, or other form of entertainment. Report expenditures on, and activities associated with, product placements if any of the following apply:
- 1. A marketing plan specifically indicates that the placement was intended to reach adolescents;
 - 2. The placement occurred in a motion picture for which adolescents ages 12-17 constituted at least 20% of the viewing audience, according to demographic data or other information within the company's possession, custody, or control;
 - 3. The placement occurred in a television program, programming block, or daypart for which adolescents ages 12-17 constituted at least 20% of the viewing audience, as measured on an annual basis;

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4. The placement occurred in a video game for which adolescents ages 12-17 constituted at least 20% of the users, according to demographic data or other information within the company's possession, custody, or control; or
5. The entertainment vehicle in which the placement occurred:
 - A. prominently featured an adolescent-oriented animated or licensed character;
 - B. depicted primarily performers, models, or characters who were, or appeared to be, adolescents between 12 and 17 years old or themes, activities, or other content that likely appealed primarily to adolescents; or
 - C. prominently featured a celebrity highly popular with adolescents, according to a marketing plan or public opinion research data within the company's possession, custody, or control.

When reporting expenditures for product placements, the company must report the cost of any payment (monetary or in-kind) made to secure the placements.

- (1) **Character licensing, toy co-branding, and cross-promotions (CHAR LIC)** means licensing or otherwise obtaining permission to use another company's brand, trade name, or related intellectual property in the advertising or promotion of a food product. This promotional activity includes licensing agreements to use the brand, trade name, or related intellectual property in advertisements or promotions, as well as cross-promotional arrangements, such as a marketing partnership with a media company, film studio, theme park, or toy company to promote each other's products by marketing (in any context) a food product or food brand name in conjunction with a character, film, theme park, toy, or similar product. Report expenditures on, and activities associated with, character licensing, toy co-branding, and cross-promotions involving another company's brand, trade name, or related intellectual property if any of the following apply:

1. A marketing plan specifically indicates that use of the other company's brand, trade name, or related intellectual property was intended to reach adolescents;
2. The other company's brand, trade name, or related intellectual property:
 - A. is or prominently featured an adolescent-oriented animated or licensed character;

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- B. depicted primarily performers, models, or characters who were, or appeared to be, adolescents between 12 and 17 years old or themes, activities, or other content that likely appealed primarily to adolescents; or
 - C. prominently featured a celebrity highly popular with adolescents, according to a marketing plan or public opinion research data within the company's possession, custody, or control;
- 3. The other company's brand, trade name, or related intellectual property derives from a motion picture for which adolescents ages 12-17 constituted at least 20% of the viewing audience, according to demographic data or other information within the company's possession, custody, or control;
 - 4. The other company's brand, trade name, or related intellectual property derives from a television program for which adolescents ages 12-17 constituted at least 20% of the viewing audience, as measured on an annual basis;
 - 5. The other company's brand, trade name, or related intellectual property derives from a video game for which adolescents ages 12-17 constituted at least 20% of the users, according to demographic data or other information within the company's possession, custody, or control;
 - 6. The other company's brand, trade name, or related intellectual property is a toy intended primarily for use by adolescents ages 12-17 or primarily used by adolescents, according to demographic data or other information within the company's possession, custody, or control; or
 - 7. The other company's brand, trade name, or related intellectual property is a theme park:
 - A. that featured adolescent-oriented themes, activities, products, or media; or
 - B. at which 20% or more of the annual attendees were adolescents ages 12-17, according to demographic data or other information within the company's possession, custody, or control.

When reporting expenditures for character licensing, toy co-branding, and cross-promotions in columns 50 through 53 of Attachment E, the company must report only the cost of obtaining the character license, toy co-branding agreement, and/or cross-promotional arrangement (*e.g.*, a licensing fee). Do not report in this category the costs of advertisements and promotions featuring the licensed character, co-branded toy, or cross-promotion (*e.g.*, the costs of a television advertisement featuring the licensed character). Instead, those costs must be reported under the relevant advertising or

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promotional activity category (*e.g.*, the costs of a television advertisement featuring a licensed character must be reported under television advertising; the cost of packaging showing a licensed character must be reported under packaging).

- (m) **Sponsorship of sports teams or individual athletes (ATHL SPON)** means sponsorship of or provision of equipment or facilities for a professional or amateur athletic team (excluding primary and secondary school athletic teams to be reported under category (p), below) or an individual athlete, including, but not limited to, competitors in football, basketball, baseball, soccer, hockey, tennis, golf, wrestling, karate, judo, weight lifting, volleyball, skiing, skating, snowboarding, skateboarding, surfing, sailing, boating, equestrian, rodeo, automobile, race car, funny car, motorcycle, bicycle, truck, monster truck, tractor-pull, fishing, and hunting events, competitions, tournaments, and races. Report expenditures on, and activities associated with, sponsorships of sports teams or individual athletes if any of the following apply:

1. A marketing plan specifically indicates that the sponsorship was intended to reach or designed to appeal to adolescents ages 12-17;
2. The sponsored athlete was an adolescent, or members of the sponsored team were adolescents;
3. A marketing plan or public opinion research data within the company's possession, custody, or control indicates that the sponsored team or athlete is highly popular with adolescents; or
4. Demographic data or other information within the company's possession, custody, or control indicates that 20% or more of the fan base for the sponsored team or athlete consisted of adolescents ages 12-17.

When reporting expenditures for the sponsorship of sports teams or individual athletes, the company must report the cost of all payments (both monetary and in-kind) to a sports team or athlete that are made in conjunction with or conditioned upon the use of trade names, logos, displays, signage, or other branded materials during public appearances of the sports team or athlete, including during athletic competitions. Do not report in this category expenditures that are reportable in another category (*e.g.*, payment to an athlete to appear in a television ad must be reported in the celebrity endorsements category).

- (n) **Word-of-mouth and viral marketing (WOM/VIRAL)** means:

Word-of-mouth marketing: providing incentives (financial or otherwise), product samples, or other support to non-employees (including individuals and groups) to promote consumption of a food product to other consumers or to encourage discussion of a food product or brand among consumers.

Viral marketing: promotional messages intended to encourage consumers to discuss, or otherwise promote (such as by passing along or sharing the promotional messages), a food product or brand with other consumers, or to encourage consumers to interact with company-sponsored content, through the use of various forms of electronic communication. “Viral” marketing includes, but is not limited to, content developed for video, audio, or image file-sharing Internet websites that integrates a food product, logo, signage, trade name, or food package; company-sponsored blogs or social networking website profiles that discuss a food product or brand (whether or not the content is attributed to the company); and any other content posted on the Internet about a food product that is intended to be sent from one consumer to another (such as through a “send to a friend” email or through a promotional message that attaches to an email sent through a web-based email program).

Report expenditures on, and activities associated with, word-of-mouth and viral marketing if any of the following apply:

1. A marketing plan specifically indicates that the word-of-mouth or viral marketing campaign was intended to reach adolescents ages 12-17;
2. The company knowingly sought the participation of adolescents in the word-of-mouth or viral marketing campaign;
3. The word-of-mouth or viral marketing campaign:
 - A. prominently featured adolescent-oriented animated or licensed characters;
 - B. prominently featured a celebrity highly popular with adolescents, according to a marketing plan or public opinion research data within the company’s possession, custody, or control;
 - C. used language, such as “adolescent,” “teen,” “teenager,” or similar words, or prominently depicted performers, models, or characters who were, or appeared to be, adolescents between 12 and 17 years old, in order to indicate that the campaign was intended for adolescents; or
 - D. promoted adolescent-oriented themes, activities, incentives, products, or media; or
4. 20% or more of the participants in the word-of-mouth or viral marketing campaign were adolescents ages 12-17, according to demographic data or other information within the company’s possession, custody, or control.

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When reporting expenditures for word-of-mouth marketing, the company must report the cost of incentives (financial or otherwise) and samples provided to non-employees, and all costs associated with the design, development, and implementation (*i.e.*, recruiting participants and disseminating the incentives) of the word-of-mouth marketing campaign.

When reporting expenditures for viral marketing, the company must report all costs associated with the creative design/development/production and distribution of the promotional messages.

- (o) **Celebrity endorsements (CELEB END)** means an advertising or promotional message (including verbal statements, demonstrations, or depictions of the name, signature, likeness, or other identifying personal characteristics of an individual) relating to the company's food products, when such message is one that consumers are likely to believe reflects the opinions, beliefs, findings, or experience of a public figure (including an entertainer, musician, athlete, or other well-recognized person). Report expenditures on, and activities associated with, celebrity endorsements if any of the following apply:
1. A marketing plan specifically indicates that the endorser was used to reach or appeal to adolescents ages 12-17;
 2. The celebrity endorser:
 - A. was an adolescent;
 - B. was commonly recognized as highly popular with adolescents, or was highly popular with adolescents according to a marketing plan or public opinion research data within the company's possession, custody, or control; or
 - C. promoted adolescent-oriented themes, activities, incentives, products, or media; or
 3. Demographic data or other information within the company's possession, custody, or control indicates that 20% or more of the celebrity's fan base consisted of adolescents ages 12-17.

When reporting expenditures for celebrity endorsements in columns 62 through 65 of Attachment E, the company must report only the cost of all payments (both monetary and in-kind) to a celebrity to endorse any of the company's food products (*e.g.*, an endorsement fee). Do not report in this category the costs associated with advertisements and promotions featuring the celebrity (*e.g.*, the costs of a television advertisement featuring the celebrity endorser). Instead, those costs must be reported under the relevant

advertising or promotional activity category (*e.g.*, the costs of a television advertisement featuring a celebrity endorser must be reported under television advertising).

- (p) **In-school marketing (IN-SCHOOL)** means advertising or promotional activity in or around a middle school, junior high school, or high school, including, but not limited to, the use of trade names, logos, displays, signage, or other branded materials in or around cafeterias, vending machines, or gymnasiums, at school events, youth athletic events, athletic fields or arenas, and on school buses, Channel One or other closed circuit television channels. This category includes payments pursuant to food and beverage contracts with schools or school systems and philanthropic donations to schools or particular school clubs, teams, events, or programs, including donations of or discounts on products, coupons for products, and branded materials such as equipment, classroom materials, and curricula created by or sponsored by food companies. This category does not include an advertising or promotional activity that occurred at a middle school, junior high school, or high school at a time when no adolescents were present or likely would have been present (*e.g.*, a PTA meeting).

When reporting expenditures for in-school marketing, the company must report the cost of all payments made pursuant to food and beverage contracts with schools or school systems,⁴⁷ as well as the cost of all donations (both monetary and in-kind) to schools or particular school clubs, teams, events, or programs, that are made in conjunction with (or conditioned upon) the use of trade names, logos, displays, signage, or other branded materials in or around the school, as specified above. For student scholarships, report only the costs associated with promoting the scholarship in conjunction with the use of trade names, logos, displays, signage, or other branded materials; do not report the value of the scholarship.

- (q) **Advertising in conjunction with philanthropic endeavors (PHLNTHRPY)** means advertising or promotional activity in conjunction with a donation to an organization, program, or event, other than a school or school-sponsored program or event, including, but not limited to, the use of trade names, logos, displays, signage, or other branded materials at or in connection with adolescent-oriented clubs, parks, activities, or community programs or events. Report expenditures on, and activities associated with, advertising in conjunction with philanthropic endeavors if any of the following apply:
1. A marketing plan specifically indicates that the organization, program, or event would reach adolescents ages 12-17 or would involve the participation or attendance of adolescents ages 12-17;

⁴⁷ Report the payments made to the schools or school systems pursuant to such contracts; do not report costs associated with purchasing, leasing, or servicing the vending machines in which products are sold.

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2. The company actively sought the participation or attendance of adolescents;
3. The program or event involved adolescent-oriented themes, activities, incentives, products, or media;
4. 20% or more of the participants in, or attendees or beneficiaries of, the organization, program, or event were adolescents ages 12-17, according to demographic data or other information within the company's possession, custody, or control; or
5. The advertising or promotional activity:
 - A. prominently featured adolescent-oriented animated or licensed characters;
 - B. prominently featured a celebrity highly popular with adolescents, according to a marketing plan or public opinion research data within the company's possession, custody, or control;
 - C. used language, such as "adolescent," "teen," "teenager," or similar words, or prominently depicted performers, models, or characters who were, or appeared to be, adolescents between 12 and 17 years old, in order to indicate that the advertising or promotions were intended for adolescents; or
 - D. promoted adolescent-oriented themes, activities, incentives, products, or media.

When reporting expenditures for advertising in conjunction with philanthropic endeavors, the company must report the costs associated with donations (both monetary and in-kind) to organizations, programs or events (other than schools or school-sponsored programs or events) that are made in conjunction with (or conditioned upon) the use of trade names, logos, displays, signage, or other branded materials at or in connection with adolescent-oriented clubs, parks, activities, or community programs or events. Report the cost of marketing materials associated with the philanthropic donation, not the full amount of the donation. (The amount of the donation that is deemed not tax deductible as a charitable contribution because of marketing benefit received by the company may serve as the reported cost, if appropriate.) Do not include any amount for contributions to medical or disease-related charities, even if the ultimate beneficiaries happen to be adolescents.

- (r) **Other promotional activities (OTHER)** means any advertising or promotional activities not covered by another reporting category; describe fully and break down by type. Report expenditures on, and activities associated with, other promotional activities not

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reported in any other category if a marketing plan specifically indicates that such activities were targeted to adolescents ages 12-17.

When reporting expenditures for other promotional activities, consult with FTC staff as to what constitutes a reportable cost for the particular promotional activity involved.

Attachment D
Advertising and Promotional Activities for All Audiences

INSTRUCTIONS

Use the following definitions for purposes of reporting the advertising expenditures requested in Specifications 2.D and 2.F. The company must use Attachment E when reporting expenditures and must not modify, delete, or add to the columns on the Attachment. The company must submit Attachment E in Excel in a format that is readable and writable.

The advertising and promotional activity categories set forth below are mutually exclusive. Do not report an expenditure in more than one category.

For all advertising and promotional activity categories, report expenditures to the nearest \$10,000.

DEFINITIONS AND ADDITIONAL INSTRUCTIONS

- (a) **Television advertising (TV AD)** means advertising on broadcast, cable, or satellite television channels, including during syndicated programming, or branded messages relating to company sponsorship or underwriting of a television program.

When reporting expenditures for television advertising, the company must report all creative design/development/production costs and advertising placement costs.

- (b) **Radio advertising (RAD AD)** means advertising on AM, FM, HD Radio, or satellite radio channels.

When reporting expenditures for radio advertising, the company must report all creative design/development/production costs and advertising placement costs.

- (c) **Print advertising (PRT AD)** means advertising placed in magazines, comic books, newspapers (including advertising placed in free-standing inserts), or other print publications.

When reporting expenditures for print advertising, the company must report all creative design/development/production costs and advertising placement costs.

- (d) **Company-sponsored Internet sites (WEBSITE AD)** means any company-sponsored Internet site or page that contains information about or images of the company's food

brands or products, including, but not limited to, advergames,⁴⁸ and that can be accessed by computers located in the United States, regardless of where the site is located or the Internet address of the site or page.

When reporting expenditures for company-sponsored Internet sites, the company must report all costs associated with the design, development, production, registration, and maintenance of company-sponsored, -owned, or -operated websites, including all content appearing on company websites (*e.g.*, advergames) that meets the definition above.

(e) **Other Internet and digital advertising (INTERNET AD)** means:

Other Internet advertising: advertising and promotional content on or through Internet sites or pages, other than company-sponsored Internet sites, that bears or otherwise displays the name or logo or any portion of the package of any of the company's food brands or otherwise refers or relates to such food brands, including, but not limited to, sponsored hyperlinks, banner or pop-up advertisements, in-stream and in-page audio and video advertisements, sponsored text advertising, sponsored search keywords, and advertising in chat rooms, weblogs, social networking sites, online video games, bulletin boards, and listservs.

Digital advertising: advertising and promotional content transmitted to personal computers and other digital devices, including PDAs (personal digital assistants), mobile phones, and other portable devices, whether or not Internet-enabled, that bears or otherwise displays the name or logo or any portion of the package of any of the company's food brands or otherwise refers or relates to such food brands, including, but not limited to, expenditures for advertising or promotional content in electronic mail (email) messages, short message service (SMS or "text") messaging, instant messaging (IM), picture messaging, multimedia messaging, mobile broadcasts, downloads (such as ringtones, wallpapers, and videos), and podcasts.

When reporting expenditures for other Internet and digital advertising, the company must report all creative design/development/production costs and advertising placement/distribution costs.

(f) **Packaging and labeling (PACK/LABEL)** means all product packaging and labeling (including all words and images therein) for any of the company's food products.

When reporting expenditures for packaging and labeling, the company must report all costs associated with the design, development, and production of changes in product

⁴⁸ See the definition of "advergame" at note 37, *supra*.

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packaging and labeling (excluding the costs of packaging materials, and excluding any costs of fulfilling labeling requirements of the Food and Drug Administration).

- (g) **Movie theater/video/video game advertising (MOV/VID AD)** means advertising preceding a movie shown in a movie theater or placed on a video (DVD, Blu-ray, or VHS) or within a video game (including as a pre-roll, post-roll, or banner advertisement).

When reporting expenditures for movie theater/video/video game advertising, the company must report all creative design/development/production costs and advertising placement costs.

- (h) **In-store advertising and promotions (IN-STORE AD)** means advertising displays and promotions at the retail site, including the offering of free samples and allowances paid to facilitate shelf placement or merchandise displays.

When reporting expenditures for in-store advertising and promotions, the company must report all costs of displays, signage, and samples, and shelf placement costs, including allowances.

- (i) **Specialty item or premium distribution (PREMIUMS)** means specialty or premium items other than food products that are distributed in connection with the sale of any of the company's food products, whether distributed by sale, by redemption of coupons, codes, or proofs of purchase, within food packages, in conjunction with restaurant meals, as prizes in contests or sweepstakes, or otherwise.

When reporting expenditures for specialty item or premium distribution, the company must report all net costs (deducting payments by consumers) of items distributed to consumers, including all costs associated with the production or purchase of the items and the distribution of the items. Thus, for purposes of reporting expenditures, the company will not include the costs associated with self-liquidating premiums, as defined in footnote 29, *supra*. Note that this category includes only the costs associated with the item or premium; it does not include costs associated with advertising the item or premium in other media. For example, if a contest to win a toy is advertised on television, the expenditure for the television advertisement must be reported under television advertising, while the net cost of the toys (including costs associated with the production or purchase, and distribution of the toys) must be reported under specialty item or premium distribution.

- (j) **Promotion or sponsorship of public entertainment events (EVENTS)** means events, including but not limited to concerts and sporting events, bearing or otherwise displaying the name or logo or any portion of the package of any of the company's food brands or otherwise referring or relating to such food brands, including through billboards, banners, and the distribution of product samples or functional promotional items, including but not

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limited to, clothing, hats, bags, posters, sporting or racing goods and equipment bearing or otherwise displaying the name or logo or any portion of the package of any of the company's food brands or otherwise referring or relating to such food brands.

When reporting expenditures for the promotion or sponsorship of public entertainment events, the company must report all costs associated with the promotion and/or sponsorship of the event, including costs to display billboards or banners in the name of any of the company's food brands or referring or relating to such food brands, the cost of product samples distributed at the event, and all net costs (deducting payments by consumers) associated with the production, offer, sale, or provision without fee of all functional promotional items at or in connection with a public entertainment event. This does not include the costs of such non-specialty items as branded containers, paper cups or plates used for serving food or beverage products.

- (k) **Product placements (PROD PLMT)** means permitting, promoting, or procuring the integration of any food product, logo, signage, trade name, or package into an entertainment vehicle, such as a television or radio program, motion picture, video, music recording, electronic or online game, or other form of entertainment.

When reporting expenditures for product placements, the company must report the cost of any payment (monetary or in-kind) made to secure the placements.

- (l) **Character licensing, toy co-branding, and cross-promotions (CHAR LIC)** means licensing or otherwise obtaining permission to use another company's brand, trade name, or related intellectual property in the advertising or promotion of a food product. This promotional activity includes licensing agreements to use the brand, trade name, or related intellectual property in advertisements or promotions, as well as cross-promotional arrangements, such as a marketing partnership with a media company, film studio, theme park, or toy company to promote each other's products by marketing (in any context) a food product or food brand name in conjunction with a character, film, theme park, toy, or similar product.

When reporting expenditures for character licensing, toy co-branding, and cross-promotions in columns 50 through 53 of Attachment E, the company must report only the cost of obtaining the character license, toy co-branding agreement, and/or cross-promotional arrangement (*e.g.*, a licensing fee). Do not report in this category the costs of advertisements and promotions featuring the licensed character, co-branded toy, or cross-promotion (*e.g.*, the costs of a television advertisement featuring the licensed character). Instead, those costs must be reported under the relevant advertising or promotional activity category (*e.g.*, the costs of a television advertisement featuring a licensed character must be reported under television advertising; the cost of packaging showing a licensed character must be reported under packaging).

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- (m) **Sponsorship of sports teams or individual athletes (ATHL SPON)** means sponsorship of or provision of equipment or facilities for a professional or amateur athletic team (excluding primary and secondary school athletic teams to be reported under category (p), below) or an individual athlete, including, but not limited to, competitors in football, basketball, baseball, soccer, hockey, tennis, golf, wrestling, karate, judo, weight lifting, volleyball, skiing, skating, snowboarding, skateboarding, surfing, sailing, boating, equestrian, rodeo, automobile, race car, funny car, motorcycle, bicycle, truck, monster truck, tractor-pull, fishing, and hunting events, competitions, tournaments, and races.

When reporting expenditures for the sponsorship of sports teams or individual athletes, the company must report the cost of all payments (both monetary and in-kind) to a sports team or athlete that are made in conjunction with or conditioned upon the use of trade names, logos, displays, signage, or other branded materials during public appearances of the sports team or athlete, including during athletic competitions. Do not report in this category expenditures that are reportable in another category (*e.g.*, payment to an athlete to appear in a television ad must be reported in the celebrity endorsements category).

- (n) **Word-of-mouth and viral marketing (WOM/VIRAL)** means:

Word-of-mouth marketing: providing incentives (financial or otherwise), product samples, or other support to non-employees (including individuals and groups) to promote consumption of a food product to other consumers or to encourage discussion of a food product or brand among consumers.

Viral marketing: promotional messages intended to encourage consumers to discuss, or otherwise promote (such as by passing along or sharing the promotional messages), a food product or brand with other consumers, or to encourage consumers to interact with company-sponsored content, through the use of various forms of electronic communication. “Viral” marketing includes, but is not limited to, content developed for video, audio, or image file-sharing Internet websites that integrates a food product, logo, signage, trade name, or food package; company-sponsored blogs or social networking website profiles that discuss a food product or brand (whether or not the content is attributed to the company); and any other content posted on the Internet about a food product that is intended to be sent from one consumer to another (such as through a “send to a friend” email or through a promotional message that attaches to an email sent through a web-based email program).

When reporting expenditures for word-of-mouth marketing, the company must report the cost of incentives (financial or otherwise) and samples provided to non-employees, and all costs associated with the design, development, and implementation (*i.e.*, recruiting participants and disseminating the incentives) of the worth-of-mouth marketing campaign.

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When reporting expenditures for viral marketing, the company must report all costs associated with the creative design/development/production and distribution of the promotional messages.

- (o) **Celebrity endorsements (CELEB END)** means an advertising or promotional message (including verbal statements, demonstrations, or depictions of the name, signature, likeness, or other identifying personal characteristics of an individual) relating to the company's food products, when such message is one that consumers are likely to believe reflects the opinions, beliefs, findings, or experience of a public figure (including an entertainer, musician, athlete, or other well-recognized person).

When reporting expenditures for celebrity endorsements in columns 62 through 65 of Attachment E, the company must report only the cost of all payments (both monetary and in-kind) to a celebrity to endorse any of the company's food products (*e.g.*, an endorsement fee). Do not report in this category the costs associated with advertisements and promotions featuring the celebrity (*e.g.*, the costs of a television advertisement featuring the celebrity endorser). Instead, those costs must be reported under the relevant advertising or promotional activity category (*e.g.*, the costs of a television advertisement featuring a celebrity endorser must be reported under television advertising).

- (p) **In-school marketing (IN-SCHOOL)** means advertising or promotional activity in or around an educational institution, such as a pre-school, elementary school, middle school, junior high school, high school, trade school, junior college, community college, four-year college, or university. It includes, but is not limited to, the use of trade names, logos, displays, signage, or other branded materials in or around cafeterias, vending machines, or gymnasiums, at school events, athletic events, athletic fields or arenas, and on school buses, Channel One or other closed circuit television channels; this category includes payments pursuant to food and beverage contracts with schools or school systems and philanthropic donations to schools or particular school clubs, teams, events, or programs, including donations of or discounts on products, coupons for products, and branded materials such as equipment, classroom materials, and curricula created by or sponsored by food companies.

When reporting expenditures for in-school marketing, the company must report the cost of all payments made pursuant to food and beverage contracts with schools or school systems,⁴⁹ as well as the cost of all donations (both monetary and in-kind) to schools or particular school clubs, teams, events, or programs, that are made in conjunction with (or conditioned upon) the use of trade names, logos, displays, signage, or other branded

⁴⁹ Report the payments made to the schools or school systems pursuant to such contracts; do not report costs associated with purchasing, leasing, or servicing the vending machines in which products are sold.

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materials in or around the school, as specified above. For student scholarships, report only the costs associated with promoting the scholarship in conjunction with the use of trade names, logos, displays, signage, or other branded materials; do not report the value of the scholarship.

- (q) **Advertising in conjunction with philanthropic endeavors (PHLNTHRPY)** means advertising or promotional activity in conjunction with a donation to an organization, program, or event, other than a school or school-sponsored program or event, including, but not limited to, the use of trade names, logos, displays, signage, or other branded materials at or in connection with clubs, parks, activities, or community programs or events.

When reporting expenditures for advertising in conjunction with philanthropic endeavors, the company must report the costs associated with donations (both monetary and in-kind) to organizations, programs or events (other than schools or school-sponsored programs or events) that are made in conjunction with (or conditioned upon) the use of trade names, logos, displays, signage, or other branded materials at or in connection with clubs, parks, activities, or community programs or events. Report the cost of marketing materials associated with the philanthropic donation, not the full amount of the donation. (The amount of the donation that is deemed not tax deductible as a charitable contribution because of marketing benefit received by the company may serve as the reported cost, if appropriate.) Do not include any amount for contributions to medical or disease-related charities.

- (r) **Other promotional activities (OTHER)** means any advertising or promotional activities not covered by another reporting category defined in this Attachment D; describe fully and break down by type.

When reporting expenditures for other promotional activities, consult with FTC staff as to what constitutes a reportable cost for the particular promotional activity involved.

Attachment E
Expenditures for Food Products Promoted to Children or Adolescents in 2009
Instructions Regarding Reportable Expenditures

When reporting expenditures on Attachment E in response to Specification 2, the company must follow these additional instructions:

1. If the company has any advertisements or promotions that are reportable under Specifications 2.A through 2.F but the advertisements or promotions feature a family of many or all sub-brands within a single product brand, or feature multiple product brands, within one or more food categories, the company must report the related expenditures in accordance with these instructions:
 - a. For multiple brands or sub-brands within a single food category, report the related expenditures on a separate row on Attachment E; in column 2 of this row, list the food category featured in the advertisements or promotions; in column 3, enter “multi-brand advertising”; and in column 4, enter the name of the top-selling brand or sub-brand that is featured in the advertising;
 - b. For multiple brands or sub-brands within two or more food categories, report the related expenditures on separate rows on Attachment E, allocating the expenditures among each of the food categories featured in the advertisements or promotions based on the company’s relative sales for the specific food products in those food categories that are featured in the advertising (report each food category on a separate row); in column 2 of these rows, list the food category for which allocated expenditures are reported; in column 3, enter “multi-brand advertising”; and in column 4, enter the name of the top-selling brand or sub-brand that is featured in the advertising for the food category for which allocated expenditures are reported in the row;¹
 - c. For advertisements or promotions featuring both regular and diet carbonated

¹ For example, if a print advertisement features breakfast cereal Brand A and Brand B, and also features snack bar Brand C and Brand D, the company would have two rows of expenditures reported on Attachment E for the advertisement: one for breakfast cereals and one for snack foods. The company would allocate the advertising expenditures among breakfast cereals and snack foods in proportion to the relative combined sales of Brands A and B (breakfast cereals) and Brands C and D (snack foods). In column 2 of the rows, the company would list the food category (breakfast cereals or snack foods) for which allocated expenditures are reported. In column 3, the company would enter “multi-brand advertising.” In column 4, for the breakfast cereals row, the company would enter the name of the brand (either Brand A or Brand B) that was the top-selling cereal brand featured in the advertisement. For the snack foods row, the company would enter the name of the brand (either Brand C or Brand D) that was the top-selling snack bar brand featured in the advertisement.

beverages, report the related expenditures on two separate rows on Attachment E, allocating the expenditures between regular carbonated beverages and diet carbonated beverages based on the company's relative sales for those categories of beverages for the specific beverage brands that are featured in the advertising; in column 2 of these rows, list the food category (*i.e.*, carbonated beverages); in column 3, enter either "regular" or "diet," corresponding with the allocated expenditures reported in the row; and in column 4, enter the name of the top-selling regular or diet carbonated beverage that is featured in the advertising, corresponding with the allocated expenditures reported in the row.

2. If the company has any advertisements or promotions that are reportable under Specifications 2.A through 2.F but the advertisements or promotions are general advertising for the corporate brand and do not feature an individual food product or food products, the company must report the related expenditures on a separate row on Attachment E; in column 3 of this row the company must enter "corporate brand advertising." For restaurant corporate brand advertising, the company must report the related expenditures on a separate row on Attachment E; in column 3 of this row the company must enter the restaurant chain that is advertised; do not attribute the expense to an individual menu item or meal combination.
3. For restaurant foods, the company must report expenditures at the corporate level and, where reasonably feasible, must sample local, regional, and national advertising cooperatives and include estimated total expenditures at those levels in its reported expenditures. For example, if the company spent \$100,000 on child-directed television advertising at the corporate level, and estimates that expenditures by local, regional, and national advertising cooperatives for child-directed television advertising totaled \$50,000, then the company would report \$150,000 in column 6A of Attachment E.
4. If an advertising expenditure is reportable as targeted to children, adolescents, or both children and adolescents, under Specifications 2.A through 2.C, the company must report the entire amount of the expenditure on Attachment E. The company must **not** prorate the expenditure based on a belief that the advertisement was targeted in part to children or adolescents and in part to adults.
5. Do not include character licensing or cross-promotion **fees** or celebrity endorsement **fees** when reporting expenditures for advertisements or promotions that featured licensed characters, cross-promotions, or celebrity endorsers. Instead, those **fees** must be reported only under the following categories: Character licensing, toy co-branding, and cross-promotions (CHAR LIC); and Celebrity endorsements (CELEB END).
6. In promotional activity categories involving the distribution of samples and in-kind payments (*see, e.g.*, the in-store, events, product placement, athletic sponsorship, word-of-mouth/viral, celebrity endorsement, in-school, and philanthropic categories), the company must report its actual costs, rather than the potential retail value of the product(s).

7. For advertising and promotional activity categories involving the sponsorship of community events or organizations (*see, e.g.*, events, in-school, and philanthropic categories), the company must report advertising expenditures and activities that are undertaken at the discretion of local business units, to the extent they can be ascertained through reasonable due diligence efforts, in addition to those undertaken at the direction of the company's central location.
8. If an outside agency fee, or other expenditure, is attributable to the design, development, production, placement, or distribution of an advertisement or promotional activity that is reportable under Specifications 2.A through 2.F, but the company's financial records do not indicate what portion of the expenditure is attributable to the reportable advertisement or promotional activity, the company must estimate the amount of the expenditure that is attributable to the reportable advertisement or promotional activity and include it in the reported expense.
9. If the company had an expenditure that covered multiple advertisements or promotions but only one advertisement or promotion meets a definition in Attachment B or C as being targeted to children or adolescents, the company must estimate the portion of the expenditure that is attributable to the child- or adolescent-targeted advertisement or promotion and include it in the reported expense.
10. The company must not report any advertising expenditures or activities that are exclusively "to-the-trade" and that do not involve consumer-directed advertising or promotions.

Attachment E

Expenditures for Food Products Promoted to Children or Adolescents in 2009

[The expenditure figures provided in this Attachment are intended to serve as examples and are not representative of any figures the agency expects to receive from any particular company.]

| 1 | 2 | 3 | 4 | 5 | 6A | 6B | 6C | 7A |
|-----------------|-------------------|-----------------|--------------------------|--------------------------|--------------|---------------------------------|----------------------------------|---------------|
| COMPANY NAME | FOOD CATEGORY | BRAND/REST NAME | SUB-BRAND NAME/MENU ITEM | NUTRITIONAL PRODUCT LINE | TV AD (2-11) | AMT USING CHAR LIC (TV AD 2-11) | AMT USING CELEB END (TV AD 2-11) | TV AD (12-17) |
| Great Food Co. | Breakfast Cereals | Great Flakes | Honey Nut Great Flakes | 0 | 1250000 | 850000 | 30000 | 340000 |
| Great Food Co. | Breakfast Cereals | Great Bran | -1 | 1 | 20000 | 0 | 10000 | 290000 |
| Great Dairy Co. | Dairy Products | Milk | 1% Milk | 0 | 60000 | 0 | 40000 | 540000 |

Formatting instructions: Report expenditures in whole numbers, rounded to the nearest \$10,000. If you have no expenditure in a category, enter a "0" in the field; do not leave fields blank. Do not use dollar signs ("\$\$"), commas, or decimal points when reporting expenditures. Use the following codes when responding:

"1" = yes (in response to column 5 only)

"0" = no (in response to column 5 only)

"-1" = not applicable (in response to column 4 only)

| 7B | 7C | 8A | 8B | 8C | 9A | 9B | 9C | 10A |
|--|---|------------------------|---|--|-------------|--------------------------------------|---------------------------------------|---------------|
| AMT USING CHAR LIC (TV AD 12-17) | AMT USING CELEB END (TV AD 12-17) | TV AD (Overlapping) | AMT USING CHAR LIC (TV AD Overlapping) | AMT USING CELEB END (TV AD Overlapping) | TV AD (All) | AMT USING CHAR LIC (TV AD All) | AMT USING CELEB END (TV AD All) | RAD AD (2-11) |
| 190000 | 80000 | 220000 | 190000 | 30000 | 2750000 | 850000 | 250000 | |
| 0 | 180000 | 20000 | 0 | 10000 | 1950000 | 0 | 320000 | |
| 0 | 270000 | 30000 | 0 | 30000 | 1280000 | 0 | 410000 | |

| 10B | 10C | 11A | 11B | 11C | 12A | 12B | 12C | 13A |
|--|---|--------------------|---|--|-------------------------|--|---|--------------|
| AMT USING CHAR LIC (RAD AD 2-11) | AMT USING CELEB END (RAD AD 2-11) | RAD AD (12- 17) | AMT USING CHAR LIC (RAD AD 12- 17) | AMT USING CELEB END (RAD AD 12- 17) | RAD AD (Overlapping) | AMT USING CHAR LIC (RAD AD Overlapping) | AMT USING CELEB END (RAD AD Overlapping) | RAD AD (All) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| 13B | 13C | 14A | 14B | 14C | 15A | 15B | 15C | 16A |
|---------------------------------------|--|---------------|--|---|----------------|---|--|-------------------------|
| AMT USING CHAR LIC (RAD AD AII) | AMT USING CELEB END (RAD AD AII) | PRT AD (2-11) | AMT USING CHAR LIC (PRT AD 2-11) | AMT USING CELEB END (PRT AD 2-11) | PRT AD (12-17) | AMT USING CHAR LIC (PRT AD 12-17) | AMT USING CELEB END (PRT AD 12-17) | PRT AD (Overlapping) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| 16B | 16C | 17A | 17B | 17C | 18A | 18B | 18C | 19A |
|--|---|--------------|---------------------------------------|--|----------------------|---|--|-----------------------|
| AMT USING CHAR LIC (PRT AD Overlapping) | AMT USING CELEB END (PRT AD Overlapping) | PRT AD (All) | AMT USING CHAR LIC (PRT AD All) | AMT USING CELEB END (PRT AD All) | WEBSITE AD (2-11) | AMT USING CHAR LIC (WEBSITE AD 2-11) | AMT USING CELEB END (WEBSITE AD 2-11) | WEBSITE AD (12-17) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| 19B | 19C | 20A | 20B | 20C | 21A | 21B | 21C | 22A |
|--|---|-----------------------------|--|---|---------------------|--|---|-----------------------|
| AMT USING CHAR LIC (WEBSITE AD 12-17) | AMT USING CELEB END (WEBSITE AD 12-17) | WEBSITE AD (Overlapping) | AMT USING CHAR LIC (WEBSITE AD Overlapping) | AMT USING CELEB END (WEBSITE AD Overlapping) | WEBSITE AD (All) | AMT USING CHAR LIC (WEBSITE AD All) | AMT USING CELEB END (WEBSITE AD All) | INTERNET AD (2-11) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| 22B | 22C | 23A | 23B | 23C | 24A | 24B | 24C | 25A |
|--|---|------------------------|---|--|------------------------------|---|--|----------------------|
| AMT USING CHAR LIC (INTERNET AD 2-11) | AMT USING CELEB END (INTERNET AD 2-11) | INTERNET AD (12-17) | AMT USING CHAR LIC (INTERNET AD 12-17) | AMT USING CELEB END (INTERNET AD 12-17) | INTERNET AD (Overlapping) | AMT USING CHAR LIC (INTERNET AD Overlapping) | AMT USING CELEB END (INTERNET AD Overlapping) | INTERNET AD (All) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| 25B | 25C | 26A | 26B | 26C | 27A | 27B | 27C | 28A |
|---|--|----------------------|---|--|-----------------------|--|---|-----------------------------|
| AMT USING CHAR LIC (INTERNET AD All) | AMT USING CELEB END (INTERNET AD All) | PACK/LABEL (2-11) | AMT USING CHAR LIC (PACK/LABEL 2-11) | AMT USING CELEB END (PACK/LABEL 2-11) | PACK/LABEL (12-17) | AMT USING CHAR LIC (PACK/LABEL 12-17) | AMT USING CELEB END (PACK/LABEL 12-17) | PACK/LABEL (Overlapping) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| 28B | 28C | 29A | 29B | 29C | 30A | 30B | 30C | 31A |
|---|--|------------------|-------------------------------------|--------------------------------------|-------------------|-----------------------------------|------------------------------------|--------------------|
| AMT USING CHAR LIC (PACK/LABEL Overlapping) | AMT USING CELEB END (PACK/LABEL Overlapping) | PACK/LABEL (All) | AMT USING CHAR LIC (PACK/LABEL All) | AMT USING CELEB END (PACK/LABEL All) | MOV/VID AD (2-11) | AMT USING CHAR LIC (MOV/VID 2-11) | AMT USING CELEB END (MOV/VID 2-11) | MOV/VID AD (12-17) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| 31B | 31C | 32A | 32B | 32C | 33A | 33B | 33C | 34A |
|------------------------------------|-------------------------------------|--------------------------|--|---|------------------|----------------------------------|-----------------------------------|--------------------|
| AMT USING CHAR LIC (MOV/VID 12-17) | AMT USING CELEB END (MOV/VID 12-17) | MOV/VID AD (Overlapping) | AMT USING CHAR LIC (MOV/VID Overlapping) | AMT USING CELEB END (MOV/VID Overlapping) | MOV/VID AD (All) | AMT USING CHAR LIC (MOV/VID All) | AMT USING CELEB END (MOV/VID All) | IN-STORE AD (2-11) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| 34B | 34C | 35A | 35B | 35C | 36A | 36B | 36C | 37A |
|------------------------------------|-------------------------------------|---------------------|-------------------------------------|--------------------------------------|---------------------------|---|--|-------------------|
| AMT USING CHAR LIC (IN-STORE 2-11) | AMT USING CELEB END (IN-STORE 2-11) | IN-STORE AD (12-17) | AMT USING CHAR LIC (IN-STORE 12-17) | AMT USING CELEB END (IN-STORE 12-17) | IN-STORE AD (Overlapping) | AMT USING CHAR LIC (IN-STORE Overlapping) | AMT USING CELEB END (IN-STORE Overlapping) | IN-STORE AD (All) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| 37B | 37C | 38A | 38B | 38C | 39A | 39B | 39C | 40A |
|-----------------------------------|------------------------------------|-----------------|------------------------------------|-------------------------------------|------------------|-------------------------------------|--------------------------------------|------------------------|
| AMT USING CHAR LIC (IN-STORE AII) | AMT USING CELEB END (IN-STORE AII) | PREMIUMS (2-11) | AMT USING CHAR LIC (PREMIUMS 2-11) | AMT USING CELEB END (PREMIUMS 2-11) | PREMIUMS (12-17) | AMT USING CHAR LIC (PREMIUMS 12-17) | AMT USING CELEB END (PREMIUMS 12-17) | PREMIUMS (Overlapping) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| 40B | 40C | 41A | 41B | 41C | 42A | 42B | 42C | 43A |
|--|---|-------------------|--|---|---------------|--|---|--------------------|
| AMT USING CHAR LIC (PREMIUMS Overlapping) | AMT USING CELEB END (PREMIUMS Overlapping) | PREMIUMS (All) | AMT USING CHAR LIC (PREMIUMS All) | AMT USING CELEB END (PREMIUMS All) | EVENTS (2-11) | AMT USING CHAR LIC (EVENTS 2-11) | AMT USING CELEB END (EVENTS 2-11) | EVENTS (12- 17) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| 43B | 43C | 44A | 44B | 44C | 45A | 45B | 45C | 46A |
|-----------------------------------|------------------------------------|----------------------|---|--|--------------|---------------------------------|----------------------------------|------------------|
| AMT USING CHAR LIC (EVENTS 12-17) | AMT USING CELEB END (EVENTS 12-17) | EVENTS (Overlapping) | AMT USING CHAR LIC (EVENTS Overlapping) | AMT USING CELEB END (EVENTS Overlapping) | EVENTS (All) | AMT USING CHAR LIC (EVENTS All) | AMT USING CELEB END (EVENTS All) | PROD PLMT (2-11) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| 46B | 46C | 47A | 47B | 47C | 48A | 48B | 48C | 49A |
|---|--|----------------------|---|--|----------------------------|---|--|--------------------|
| AMT USING CHAR LIC (PROD PLMT 2- 11) | AMT USING CELEB END (PROD PLMT 2- 11) | PROD PLMT (12-17) | AMT USING CHAR LIC (PROD PLMT 12-17) | AMT USING CELEB END (PROD PLMT 12-17) | PROD PLMT (Overlapping) | AMT USING CHAR LIC (PROD PLMT Overlapping) | AMT USING CELEB END (PROD PLMT Overlapping) | PROD PLMT (All) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| 49B | 49C | 50 | 51 | 52 | 53 | 54A | 54B | 54C |
|------------------------------------|-------------------------------------|-----------------|------------------|------------------------|----------------|------------------|-------------------------------------|--------------------------------------|
| AMT USING CHAR LIC (PROD PLMT All) | AMT USING CELEB END (PROD PLMT All) | CHAR LIC (2-11) | CHAR LIC (12-17) | CHAR LIC (Overlapping) | CHAR LIC (All) | ATHL SPON (2-11) | AMT USING CHAR LIC (ATHL SPON 2-11) | AMT USING CELEB END (ATHL SPON 2-11) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| 55A | 55B | 55C | 56A | 56B | 56C | 57A | 57B | 57C |
|----------------------|---|--|----------------------------|---|--|--------------------|---|--|
| ATHL SPON (12-17) | AMT USING CHAR LIC (ATHL SPON 12-17) | AMT USING CELEB END (ATHL SPON 12-17) | ATHL SPON (Overlapping) | AMT USING CHAR LIC (ATHL SPON Overlapping) | AMT USING CELEB END (ATHL SPON Overlapping) | ATHL SPON (All) | AMT USING CHAR LIC (ATHL SPON All) | AMT USING CELEB END (ATHL SPON All) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| 58A | 58B | 58C | 59A | 59B | 59C | 60A | 60B | 60C |
|------------------|-------------------------------------|--------------------------------------|-------------------|--------------------------------------|---------------------------------------|-------------------------|--|---|
| WOM/VIRAL (2-11) | AMT USING CHAR LIC (WOM/VIRAL 2-11) | AMT USING CELEB END (WOM/VIRAL 2-11) | WOM/VIRAL (12-17) | AMT USING CHAR LIC (WOM/VIRAL 12-17) | AMT USING CELEB END (WOM/VIRAL 12-17) | WOM/VIRAL (Overlapping) | AMT USING CHAR LIC (WOM/VIRAL Overlapping) | AMT USING CELEB END (WOM/VIRAL Overlapping) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| 61A | 61B | 61C | 62 | 63 | 64 | 65 | 66A | 66B |
|-----------------|------------------------------------|-------------------------------------|------------------|-------------------|-------------------------|-----------------|------------------|-------------------------------------|
| WOM/VIRAL (All) | AMT USING CHAR LIC (WOM/VIRAL All) | AMT USING CELEB END (WOM/VIRAL All) | CELEB END (2-11) | CELEB END (12-17) | CELEB END (Overlapping) | CELEB END (All) | IN-SCHOOL (2-11) | AMT USING CHAR LIC (IN-SCHOOL 2-11) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| 66C | 67A | 67B | 67C | 68A | 68B | 68C | 69A | 69B |
|--------------------------------------|-------------------|--------------------------------------|---------------------------------------|-------------------------|--|---|-----------------|------------------------------------|
| AMT USING CELEB END (IN-SCHOOL 2-11) | IN-SCHOOL (12-17) | AMT USING CHAR LIC (IN-SCHOOL 12-17) | AMT USING CELEB END (IN-SCHOOL 12-17) | IN-SCHOOL (Overlapping) | AMT USING CHAR LIC (IN-SCHOOL Overlapping) | AMT USING CELEB END (IN-SCHOOL Overlapping) | IN-SCHOOL (All) | AMT USING CHAR LIC (IN-SCHOOL All) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| 69C | 70A | 70B | 70C | 71A | 71B | 71C | 72A | 72B |
|--|---------------------|--|---|----------------------|---|--|----------------------------|---|
| AMT USING CELEB END (IN-SCHOOL All) | PHLNTHRPY (2 11) | AMT USING CHAR LIC (PHLNTHRPY 2 11) | AMT USING CELEB END (PHLNTHRPY 2 11) | PHLNTHRPY (12-17) | AMT USING CHAR LIC (PHLNTHRPY 12-17) | AMT USING CELEB END (PHLNTHRPY 12-17) | PHLNTHRPY (Overlapping) | AMT USING CHAR LIC (PHLNTHRPY Overlapping) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| 72C | 73A | 73B | 73C | 74A | 74B | 74C | 75A | 75B |
|--|--------------------|---|--|--------------|---------------------------------------|--|---------------|--|
| AMT USING CELEB END (PHLNTHRPY Overlapping) | PHLNTHRPY (All) | AMT USING CHAR LIC (PHLNTHRPY All) | AMT USING CELEB END (PHLNTHRPY All) | OTHER (2-11) | AMT USING CHAR LIC (OTHER 2-11) | AMT USING CELEB END (OTHER 2-11) | OTHER (12-17) | AMT USING CHAR LIC (OTHER 12-17) |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| 75C | 76A | 76B | 76C | 77A | 77B | 77C | 78 |
|---|------------------------|---|--|-------------|--------------------------------------|---------------------------------------|--|
| AMT USING CELEB END (OTHER 12-17) | OTHER (Overlapping) | AMT USING CHAR LIC (OTHER Overlapping) | AMT USING CELEB END (OTHER Overlapping) | OTHER (All) | AMT USING CHAR LIC (OTHER All) | AMT USING CELEB END (OTHER All) | TOTAL OVERALL CONSUMER- DIRECTED EXPENDITURES |
| | | | | | | | |
| | | | | | | | |
| | | | | | | | |

Attachment F
Nutritional Data for Food Products Promoted to Children or Adolescents in 2009

[The nutritional data provided in this Attachment are intended to serve as examples and are not representative of any data the agency expects to receive from any particular company.]

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|----------------|-------------------|------------------|--------------------------|---|---|---|---|
| Company Name | Food Category | Brand/Rest. Name | Sub-Brand Name/Menu Item | Labeled Serving Size (in milliliters or grams)* | Unit code used for previous response ("10" = milliliters; "20" = grams) | RACC for product (in milliliters or grams)* | Unit code used for previous response ("10" = milliliters; "20" = grams) |
| Great Food Co. | Breakfast Cereals | Great Flakes | Honey Nut Great Flakes | 53 | 20 | 55 | 20 |
| Great Food Co. | Breakfast Cereals | Great Bran | -1 | 27 | 20 | 30 | 20 |
| Great Food Co. | Dairy Products | Milk | 1% Milk | 244 | 20 | 244 | 20 |

Formatting instructions: All responses must be in numeric form. All nutritional data requests refer to a single serving, unless otherwise noted. Use the following codes when responding:

- "1" = yes (in response to yes/no questions only)
- "0" = no (in response to yes/no questions only)
- "-1" = not applicable (in response to column 4 only)
- "-2" = unknown

*The company must report the Labeled Serving Size and RACC in grams whenever FDA labeling rules specify grams or give the option of grams in serving size labeling. See 21 C.F.R. § 101.12. As a result, the company will use milliliters for liquid food products only.

Use FDA rounding rules for purposes of reporting nutrient content.

| 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
|-----------------------|--------------------------|----------------------------|--------------------------------|----------------------------|-----------------------------------|------------------------------|--------------------------------------|--------------------------------|
| Total Calories | Calories from Fat | Total Fat, in grams | Saturated Fat, in grams | Trans Fat, in grams | Cholesterol, in milligrams | Sodium, in milligrams | Carbohydrate, total, in grams | Dietary Fiber, in grams |
| 216.0 | 56.0 | 6.0 | 1.0 | 0.0 | 0.0 | 214.0 | 38.0 | 3.5 |
| 99.0 | 8.0 | 0.9 | 0.1 | 0.0 | 0.0 | 189.0 | 21.8 | 2.7 |
| 102.0 | 21.3 | 2.4 | 1.5 | 0.0 | 12.0 | 107.0 | 12.2 | 0.0 |

| 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
|------------------|-------------------------------|-------------------|---|----------------------|----------------------|----------------------|----------------------|
| Sugars, in grams | Added Sugar Content, in grams | Protein, in grams | Must label either state "not a significant source of protein" or state the corrected amount of protein per serving (yes or no)? | Vitamin A (% of RDI) | Vitamin C (% of RDI) | Vitamin E (% of RDI) | Vitamin D (% of RDI) |
| 8.0 | 6.0 | 5.0 | 0 | 15 | 0 | 0 | 10 |
| 3.6 | 2.8 | 2.7 | 0 | 10 | 10 | 0 | 10 |
| 12.7 | 0.0 | 8.2 | 0 | 10 | 0 | 0 | 30 |

| 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 |
|---------------------------|------------------------|---------------------------------|-----------------------------|-------------------------------------|---------------------------------------|---|--|---|
| Calcium (% of RDI) | Iron (% of RDI) | Potassium, in milligrams | Magnesium (% of RDI) | All Grains Content, in grams | Whole Grains Content, in grams | Fruit or Fruit Juice Content, in grams | Fruit or Fruit Juice Content, in cups | Vegetable or Vegetable Juice Content, in grams |
| 0 | 50 | 170 | 15 | 32 | 32 | 0 | 0 | 0 |
| 2 | 45 | 94 | 6 | 16 | 16 | 0 | 0 | 0 |
| 30 | 0 | 366 | 7 | 0 | 0 | 0 | 0 | 0 |

| 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 |
|---|--|---|--|--|------------------------|--|---|--------------------------------|
| Vegetable or Vegetable Juice Content, in cups | Fat-Free or Low-Fat Milk or Yogurt Content, in grams | Fat-Free or Low-Fat Milk or Yogurt Content, in cups | Fat-Free or Low-Fat Natural Cheese Content, in grams | Fat-Free or Low-Fat Processed Cheese Content, in grams | Fish Content, in grams | Extra Lean Meat or Poultry Content, in grams | Egg or Egg Equivalent Content, in grams | Nut and Seed Content, in grams |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 15 |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 0 | 244 | 1 | 0 | 0 | 0 | 0 | 0 | 0 |

| 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 |
|---|--|--|--|---|--|---|--|
| Cooked Dry Beans Content, in grams | Cooked Dry Beans Content, in cups | Is the product 100% fruit or fruit juice (yes or no)? | Is the product 100% vegetable or vegetable juice (yes or no)? | Is the product 100% non-fat or low-fat milk or yogurt (yes or no)? | Is the product 100% whole grains (yes or no)? | Is the product 100% water (yes or no)? | Is this product new to the market since 2006 (yes or no)? |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 0 | 0 | 0 | 0 | 1 | 0 | 0 | 0 |

| 52 | 53 |
|---|---|
| Did the company file a Special Report for the calendar year 2006 (yes or no)? (If not, skip Column 53) | If this product, or a previous formulation of this product, appears on Attachment G (the company's 2006 food product list), enter the product's Unique Identifier from Attachment G. |
| 1 | 1 |
| 1 | 2 |
| 1 | 3 |

Attachment G
Nutritional Data for Food Products Promoted to Children or Adolescents in
2006

[The nutritional data provided in this Attachment are intended to serve as examples and are not representative of any data the agency expects to receive from any particular company.]

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|-------------------|----------------|-------------------|------------------|--------------------------|---|---|---|
| Unique Identifier | Company Name | Food Category | Brand/Rest. Name | Sub-Brand Name/Menu Item | Labeled Serving Size (in milliliters or grams)* | Unit code used for previous response ("10" = milliliters; "20" = grams) | RACC for product (in milliliters or grams)* |
| 1 | Great Food Co. | Breakfast Cereals | Great Flakes | Honey Nut Great Flakes | 53 | 20 | 55 |
| 2 | Great Food Co. | Breakfast Cereals | Great Bran | -1 | 27 | 20 | 30 |
| 3 | Great Food Co. | Dairy Products | Milk | 1% Milk | 244 | 20 | 244 |

Formatting instructions: All responses must be in numeric form. All nutritional data requests refer to a single serving, unless otherwise noted. Use the following codes when responding:

- "1" = yes (in response to yes/no questions only)
- "0" = no (in response to yes/no questions only)
- "-1" = not applicable (in response to column 5 only)
- "-2" = unknown

*The company must report the Labeled Serving Size and RACC in grams whenever FDA labeling rules specify grams or give the option of grams in serving size labeling. See 21 C.F.R. § 101.12. As a result, the company will use milliliters for liquid food products only.

Use FDA rounding rules for purposes of reporting nutrient content.

| 9 | 10 | 11 | 12 | 13 | 14 | 15 | 16 | 17 |
|---|----------------|-------------------|---------------------|-------------------------|---------------------|----------------------------|-----------------------|-------------------------------|
| Unit code used for previous response ("10" = milliliters; "20" = grams) | Total Calories | Calories from Fat | Total Fat, in grams | Saturated Fat, in grams | Trans Fat, in grams | Cholesterol, in milligrams | Sodium, in milligrams | Carbohydrate, total, in grams |
| 20 | 224.0 | 56.0 | 6.0 | 1.0 | 0.0 | 0.0 | 214.0 | 38.0 |
| 20 | 99.0 | 8.0 | 0.9 | 0.1 | 0.0 | 0.0 | 189.0 | 21.8 |
| 20 | 102.0 | 21.3 | 2.4 | 1.5 | 0.0 | 12.0 | 107.0 | 12.2 |

| 18 | 19 | 20 | 21 | 22 | 23 | 24 | 25 |
|-------------------------|------------------|-------------------------------|-------------------|---|----------------------|----------------------|----------------------|
| Dietary Fiber, in grams | Sugars, in grams | Added Sugar Content, in grams | Protein, in grams | Must label either state "not a significant source of protein" or state the corrected amount of protein per serving (yes or no)? | Vitamin A (% of RDI) | Vitamin C (% of RDI) | Vitamin E (% of RDI) |
| 3.5 | 10.0 | 8.0 | 5.0 | 0 | 15 | 0 | 0 |
| 2.7 | 3.6 | 2.8 | 2.7 | 0 | 10 | 10 | 0 |
| 0.0 | 12.7 | 0.0 | 8.2 | 0 | 10 | 0 | 0 |

| 26 | 27 | 28 | 29 | 30 | 31 | 32 | 33 | 34 |
|-----------------------------|---------------------------|------------------------|---------------------------------|-----------------------------|-------------------------------------|---------------------------------------|---|--|
| Vitamin D (% of RDI) | Calcium (% of RDI) | Iron (% of RDI) | Potassium, in milligrams | Magnesium (% of RDI) | All Grains Content, in grams | Whole Grains Content, in grams | Fruit or Fruit Juice Content, in grams | Fruit or Fruit Juice Content, in cups |
| 10 | 0 | 50 | 170 | 15 | 32 | 32 | 0 | 0 |
| 10 | 2 | 45 | 94 | 6 | 16 | 16 | 0 | 0 |
| 30 | 30 | 0 | 366 | 7 | 0 | 0 | 0 | 0 |

| 35 | 36 | 37 | 38 | 39 | 40 | 41 | 42 | 43 |
|--|---|--|---|--|--|------------------------|--|---|
| Vegetable or Vegetable Juice Content, in grams | Vegetable or Vegetable Juice Content, in cups | Fat-Free or Low-Fat Milk or Yogurt Content, in grams | Fat-Free or Low-Fat Milk or Yogurt Content, in cups | Fat-Free or Low-Fat Natural Cheese Content, in grams | Fat-Free or Low-Fat Processed Cheese Content, in grams | Fish Content, in grams | Extra Lean Meat or Poultry Content, in grams | Egg or Egg Equivalent Content, in grams |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 0 | 0 | 244 | 1 | 0 | 0 | 0 | 0 | 0 |

| 44 | 45 | 46 | 47 | 48 | 49 | 50 | 51 |
|--------------------------------|------------------------------------|-----------------------------------|---|---|--|---|--|
| Nut and Seed Content, in grams | Cooked Dry Beans Content, in grams | Cooked Dry Beans Content, in cups | Is the product 100% fruit or fruit juice (yes or no)? | Is the product 100% vegetable or vegetable juice (yes or no)? | Is the product 100% non-fat or low-fat milk or yogurt (yes or no)? | Is the product 100% whole grains (yes or no)? | Is the product 100% water (yes or no)? |
| 15 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 0 | 0 | 0 | 0 | 0 | 0 | 0 | 0 |
| 0 | 0 | 0 | 0 | 0 | 1 | 0 | 0 |

| 52 | |
|---|---|
| Did the company market this product (or a newer formulation of this product) during 2009 (yes or no)? | |
| | 1 |
| | 1 |
| | 1 |

**Attachment H
Activities for Food Products Promoted to Children or Adolescents in 2009**

[The activities listed in this Attachment are intended to serve as examples and are not representative of any information the agency expects to receive from any particular company.]

| 1 | 2 | 3 | 4 | 5 | 6 | 7 | 8 |
|--------------------------|----------------------|------------------|------------------------------------|------------------------------------|---|-------------------------------|----------------------------------|
| Company Name | Food Category | Brand/Rest. Name | Sub-Brand Name/Menu Item | Promotional Activity Category Code | Specific Promotional Activity | Directed to Children (yes/no) | Directed to Adolescents (yes/no) |
| Great Food Co. | Breakfast Cereals | Great Flakes | Honey Nut Great Flakes | WEBSITE AD | Great Flakes advergaming | 1 | 1 |
| Great Food Co. | Breakfast Cereals | Great Flakes | Honey Nut Great Flakes | WEBSITE AD | Great Flakes sweepstakes to win concert tickets | 0 | 1 |
| Great Food Co. | Breakfast Cereals | Great Flakes | Honey Nut Great Flakes | CHAR LIC | Cross-promotion with Happy Penguin movie characters | 1 | 0 |
| Happy Restaurant Company | Restaurant Foods | Happy Restaurant | Happy Kid's Meal Combinations #1-3 | PREMIUMS | Happy Kid's Meal Toy | 1 | 0 |
| Great Soda Co. | Carbonated Beverages | Great Soda | -1 | EVENTS | Teen soccer tournament sponsorship | 0 | 1 |

Formatting instructions: Use the following codes when responding:

"1" = yes (in response to yes/no questions only)

"0" = no (in response to yes/no questions only)

"-1" = not applicable

| 9 | 10 | 11 | 12 | 13 |
|---------------------------------------|----------------------------------|---|---------------------|-----------------------------|
| Directed to Sub-population? (Specify) | Reportable Expenditure? (yes/no) | Sample Bates # or Description | SLP # of Units Sold | Total SLP Cost (in dollars) |
| -1 | 0 | Screen shots provided at Bates numbers 315-318. | -1 | -1 |
| -1 | 1 | Screen shots provided at Bates numbers 318-325. | -1 | -1 |
| -1 | 0 | Great Food Co. had a cross-promotion with characters from the Happy Penguin movie in the summer of 2009. No character licensing fees were paid. Great Food Co. featured the characters on product packaging for Great Flakes and ran a contest open to children over 9 years old to win movie tickets. Packaging samples provided at Bates numbers 260-265. | -1 | -1 |
| -1 | 0 | Toy samples provided at Bates numbers 89-90. | 200,000 | \$80,000 |
| Hispanic adolescent boys | 1 | In February 2009, Great Soda Co. sponsored a teen soccer tournament in Los Angeles, California. Great Soda Co. displayed banners for the Great Soda brand at the event and distributed free samples of the brand to attendees. No samples available. | -1 | -1 |