

CFBAI Core Principles 8th Edition

The Children's Food and Beverage Advertising Initiative

I. Introduction

The Children's Food and Beverage Advertising Initiative (CFBAI) is a voluntary self-regulation program created to improve the children's food and beverage advertising landscape. Food and beverage companies and quick-serve restaurants that participate in CFBAI have agreed to the CFBAI Core Principles, which have helped to dramatically alter that landscape over the past two decades.

A. Background

The original "Core Principles Statement" ("Core Principles" or "Core Commitments") was issued in November 2006, when BBB National Program's predecessor organization, the Council of Better Business Bureaus (CBBB),¹ and ten companies launched CFBAI. Under this revised Core Principles, 8th Edition, participants commit that they will either not engage in any advertising primarily directed to children under age 13 ("child-directed advertising") or restrict all such child-directed advertising to foods or beverages that meet CFBAI's Category-Specific Uniform Nutrition Criteria.

CFBAI previously updated the Core Principles several times:

- ♦ Expanded the media scope to include new and emerging digital and mobile media in 2009 (2nd Edition, November 2009);
- ♦ Harmonized the audience definition threshold for child-directed advertising in measured media at a minimum 35% threshold (3rd Edition, September 2010);²
- ♦ Added compliance monitoring of participants' policies not to engage in advertising primarily directed to children under age 6 (3rd Edition, September 2010);
- ♦ Agreed in 2011 to adopt the CFBAI Category-Specific Uniform Nutrition Criteria as the foundation for food advertising to children, implemented by December 31, 2013 (4th Edition, January 2014);
- ♦ Updated the Core Principles in 2020 to (i) reflect the adoption in 2018 of the CFBAI Category-Specific Uniform Nutrition Criteria, 2nd ed., implemented January 2020; (ii) adopt a stricter minimum threshold for the definition of child-directed advertising in measured media; and (iii) update the "Covered Media" provisions, including modernizing the Digital Media section to reflect significant changes in children's media consumption habits and the media landscape (5th edition, January 2021);
- ♦ Expanded the advertising coverage of the program from "advertising primarily directed to children under age 12" to "advertising primarily directed to children under age 13" (6th edition, April 2022; implemented January 2023); and
- ♦ Expanded participants' commitment not to advertise in elementary schools to include middle schools (7th edition, April 2024, implemented by the 2024-2025 school year).

B. CFBAI Core Commitments, 8th ed

This edition of the Core Principles has been updated to address developments in digital media advertising and a commitment by participants to reasonably use available and appropriate digital tools to mitigate food and beverage advertising intended for older audiences from being served to children, effective January 1, 2026.

Part II of this Statement sets out the Core Principles, 8th Edition. All participants agree to make individual company-specific commitments that meet or exceed these principles. Part III describes the administrative elements of the program.

¹ CBBB restructured into three separate non-profit organizations in 2019. CFBAI is part of one of these organizations, BBB National Programs. CFBAI's program functions remain the same.

² At that time, participants defining child-directed advertising on media where the audience was composed of at least 50% children ages 2-11 changed to a definition of at least 35% children ages 2-11, harmonizing with other participants already using a 35% or lower threshold.

II. Core Principles

Participation in CFBAI is voluntary. Companies that participate in CFBAI publicly commit to advertising policies that further the goal of improving the landscape of food and beverage advertising primarily directed to children under age 13. These commitments will be set forth in an individual “pledge” of each participant that must meet or exceed the following Core Principles.³

A. Advertising⁴ Primarily Directed to Children Under Age 13

Participants commit:

- ♦ That all advertising primarily directed to children under age 13 in covered media will be for foods that meet, at minimum, CFBAI's Category-Specific Uniform Nutrition Criteria, 2nd ed.,⁵ or
- ♦ That they will not engage in any child-directed advertising of any food or beverage products in covered media.

All participants also commit to abide by all other requirements relating to child-directed food and beverage advertising set forth herein.

B. Covered Media

The Core Principles commitment applies to advertising primarily directed to children under age 13 in the following media (“covered media”):

- ♦ Television
- ♦ Radio
- ♦ Print
- ♦ Digital media, including but not limited to the following media (and influencer content therein):
 - ♦ Company-owned websites
 - ♦ Third-party websites, including display, banner, pop-up, audio or video advertising
 - ♦ Mobile apps or mobile media, including advertising on phones, laptops, tablets, other

3 BBB National Programs monitors each participant's compliance with its pledge commitment to abide by these Core Principles. Each CFBAI participants' child-directed marketing is also subject to oversight and enforcement by the Federal Trade Commission (FTC), which monitors compliance with the FTC Act and related FTC rules and regulations, and the Children's Advertising Review Unit (CARU), which monitors compliance with CARU's Self-Regulatory Guidelines for Children's Advertising (CARU Guidelines).

4 “Advertising” means any commercial message or messaging (whether written, oral, or non-verbal) in covered media (as defined in Section II.B, *infra*) that promotes the sale or consumption of a participant's food or beverage products. Content generated, posted, or distributed by a third party that references or depicts a participant's food or beverage products is not the participant's advertising if the participant did not direct, authorize, or incentivize such third-party action. However, if the participant uses, publishes, reproduces, or distributes such third-party content in covered media, such content is advertising.

5 Participants may use company-specific criteria only if such criteria are stronger than CFBAI's criteria. In no event will a participant be able to qualify a product for child-directed advertising that does not meet or exceed CFBAI's nutrition criteria.

- personal digital devices, in whatever form, including email, text, IM or SMS messaging
- ♦ Podcasts
- ♦ Social media⁶
- ♦ Video sharing platforms (e.g., YouTube)
- ♦ Gaming platforms (e.g., Roblox)
- ♦ Over-the-top (OTT) streaming platforms (e.g., Netflix, Disney+)
- ♦ Video and computer games
- ♦ DVDs
- ♦ Word of mouth⁷

C. Product Placements

Participants will commit not to pay for or actively seek the placement of their food or beverages in third-party programming or editorial content of any medium primarily directed to children under age 13 to promote the sale of those products.⁸

D. Product Integrations

Participants will commit not to pay for or actively seek integration of their foods or beverages in any medium primarily directed to children under age 13, including in interactive games or other digital content, unless such foods or beverages meet CFBAI's Uniform Nutrition Criteria.

E. Influencers

Participants will commit not to use influencers to promote foods and beverages in communications primarily directed to children under age 13 unless such foods or beverages meet CFBAI's Uniform Nutrition Criteria.⁹

F. Licensed Characters, Celebrities and Movie Tie-Ins

Participants will commit that the use of third-party licensed characters, celebrities (including athletes), and movie tie-ins in advertising primarily directed to children under age 13 will be consistent with their advertising commitments set forth in Sections II.A – II.E.¹⁰

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- 6 Advertising on platforms that use valid age verification measures to restrict platform access by children under age 13 is presumptively not advertising primarily directed to children under age 13.
 - 7 Word-of-mouth advertising refers to advertising of a participant's food or beverage products that is primarily directed to children under age 13 by brand ambassadors, influencers, or other individuals with whom the participant has a material connection as the result of the participant providing payment, product samples, or other incentives (financial or otherwise) to such individuals in consideration for such individuals promoting the participant's branded food or beverages.
 - 8 As covered in these Core Principles, the term "product placement" contemplates the insertion of a product into entertainment/editorial content or programming in an incidental, prop-like manner. Although the product is visible, it is not incorporated into the script, story line, dialogue, or action of the scene in an integral way. The incidental nature of the product's incorporation in the entertainment content distinguishes product "placement" from product "integration."
 - 9 CFBAI assesses compliance with this section based solely on whether the advertised food or beverage meets CFBAI's nutrition criteria. However, any participant's use of influencers in child-directed advertising is also subject to the FTC Act, the FTC's Guides Concerning the Use of Endorsements and Testimonials in Advertising, and the CARU Guidelines, which require that advertisers clearly and conspicuously disclose material connections between any influencer/endorser and the brand in a manner that children understand so that children recognize the communication as an ad.
 - 10 This commitment does not apply to other marketing channels outside of covered media, such as point-of-sale materials or packaging (provided that the packaging does not appear in advertising in covered media that is primarily directed to children under age 13). This commitment also does not apply to the use of company-owned characters.

G. Advertising in Elementary Schools and Middle Schools¹¹

Participants commit not to advertise branded foods or beverages to children in elementary and middle schools. This includes but is not limited to advertising on or through the following items:

- ◆ Posters
- ◆ Scoreboards
- ◆ School buses
- ◆ Pencils, book covers, and other school supplies offered for sale in school
- ◆ Textbooks
- ◆ Tray liners, cups, napkins, plates
- ◆ Coolers
- ◆ Food samples and taste tests¹²

This commitment does not apply to displays of foods and beverages that identify foods that are for sale; fundraising support; public service messaging; curriculum materials; items given to school administrators for their personal use; charitable donations, or sponsorships.

H. Advertising to Children Under Age Six

Participants commit not to engage in advertising primarily directed to children under age six.

I. Determining when Advertising is Child-Directed

The Core Principles apply to advertising in covered media that is primarily directed to children under age 13 (“child-directed advertising”).¹³

An advertisement will be deemed child-directed advertising when:

- (1) children ages 2-12 constitute 30% or more of the expected audience at the time the advertisement placement is purchased based on reliable third-party audience measurement data;¹⁴
- (2) targeting tools direct the digital advertisement to be served to users in a defined age demographic that includes ages 12 or younger or to content expressly designated or categorized as child-directed by the publisher or content creator;¹⁵ or
- (3) (a) the advertiser lacks reliable third-party audience measurement data showing children to be less than 30% of the expected audience; (b) the advertiser cannot demonstrate that reliable age-gating or age-targeting tools were used such that individuals under age 13 were expressly excluded from the audience;¹⁶ and (c) the content in which the advertisement is placed appears to be primarily directed to children based on an evaluation

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11 CFBAI has published additional information and guidance regarding the Core Principles, including the elementary and middle school commitment, on the CFBAI website at www.bbbprograms.org/programs/cfbai.

12 This commitment is not intended to interfere with the ability of schools to conduct food or beverage taste tests to assess what foods or beverages to offer for sale at school.

13 Participants are permitted to adopt definitions of child-directed advertising in their pledge that are more restrictive than these Core Principles. Assessment of a participant's program compliance will be based on the standards of these Core Principles.

14 Because audience measurement data for children is more readily available in the U.S. for children under age 12, CFBAI participants may apply a 27% audience threshold for children under 12 (as measured in media impressions) as a proxy for the 30% audience threshold for children under 13. Participants typically purchase most television advertising once annually, well in advance of when the advertising will air, on a daypart or time block basis. Advertising placed in purchased dayparts or time blocks will be evaluated for purposes of CFBAI pledge commitment compliance based on an analysis of the annualized audience composition data for the block of time purchased.

15 For example, content designated on YouTube as “Made for Kids” or content categorized by a video streaming platform as children's programming.

16 Advertisements permitted to be served to users whose age is unknown would not be deemed to expressly exclude individuals under age 13.

of multiple factors relating to the content, including but not limited to the subject matter, visual content, language used, difficulty of game play, kind of music or audio content, influencers featured, actions taken to restrict children's access to the site or content, and entertainment ratings or content identifiers that may be used to label child-directed content.¹⁷

Digital media often provides advertisers with tools to direct or "serve" an advertisement only to users identified as having certain characteristics (e.g., age) or to place an advertisement only on digital content having certain characteristics (e.g., news site).¹⁸ In digital advertising, participants commit to use one or more of the following tools, where available and appropriate, to avoid serving advertisements for foods that do not meet CFBAI's Uniform Nutrition Criteria to children:

- (1) age-based targeting of only users identified as age 13 or older and excluding all individuals under age 13 or whose age is unknown;
- (2) interest-based or behavior-based targeting of only consumers identified as having an interest not primarily associated with individuals under age 13 or exhibiting online behavior that is not reasonably associated with individuals under age 13; and
- (3) exclusion lists of sites, channels, or content known to be or identified as child-directed and/or filters that exclude keywords and topics likely to be of primary appeal to children.

Participants must be able to demonstrate their reasonable use of these digital advertising tools to the program administrator.

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17 This multi-factor analysis also applies in determining whether influencers or product integrations are child-directed when reliable audience data is unavailable or targeting tools have not been employed.

18 Information about a specific user, which may include a user's age, location, or interests, might be obtained directly from the user (such as when the user creates an account or profile) or inferred from the user's behavior or from information collected from the user's device. The Children's Online Privacy Protection Act prohibits the collection or use of personal information from children under age 13 without notice and parental consent.

III. Administration and Oversight

Company pledges are established in consultation with the BBB National Programs-administered CFBAI program.¹⁹

A. Monitoring and Enforcement

The program is responsible for monitoring company commitments. Monitoring includes independent monitoring of covered media and the review of advertising materials, product information, and other information as reasonably requested by the program administrator (submitted on a confidential basis) to confirm participant compliance. The program also responds to inquiries relating to compliance.

The program provides, by contract, for the expulsion of a company that does not comply with its pledge after being given notice and an opportunity to bring its conduct into compliance and notice of any expulsion to regulatory authorities such as the Federal Trade Commission under appropriate circumstances.²⁰

B. Public Reports

The program publicly issues reports detailing its activities, including information about any expulsions or notices of such to regulatory authorities.

C. Periodic Program Reviews

This, the Core Principles, 8th Edition, updates the Core Principles to reflect changes in digital media advertising. CFBAI recognizes that individual participants have chosen or may choose to adopt company-specific policies or commitments that go beyond the Core Principles and that they may reflect these additional policies in their individual CFBAI pledges.

The program will continue to conduct periodic reviews but recognizes the need for a reasonable interval between reviews to allow participants to implement and assess the operation of any program enhancements.

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

20 Under the contracts, BBB National Programs will give participants at least 30 days prior written notice before termination for cause and 60 days prior written notice for termination without cause. (The participants also have the right to terminate their participation upon prior written notice.) Specifically, when appropriate, BBB National Programs will notify a participant in writing of substantial noncompliance and give the participant a reasonable opportunity to bring its conduct into compliance. Upon termination of a participant, BBB National Programs may refer the matter to appropriate regulatory authorities. BBB National Programs will give a participant notice prior to making the termination and referral public.

BBB National Programs

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1st Edition, November 2006; 2nd Edition, November 2009; 3rd Edition, September 2010; 4th Edition, January 2014; 5th Edition, September 2021; 6th Edition, April 2022; 7th Edition, May 2024.