

**ARE OUR CHILDREN PROTECTED FROM  
ADVERTISED SUGAR PRODUCTS  
ON TELEVISION?**

by

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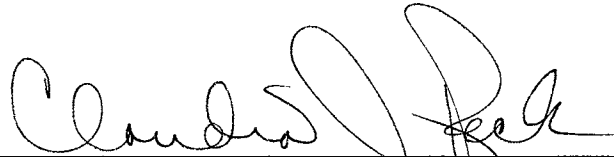
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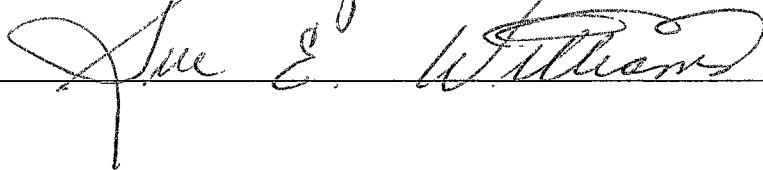
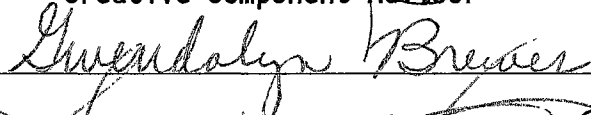
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Are Our Children Protected From Advertised  
Sugar Products On Television?

INTRODUCTION

If one views television directed at children, especially Saturday morning programs, the overall package in the form of program and commercial content is quite disturbing. One focus of concern is the seemingly excessive amount of advertisement for highly sugared products and the effect of such commercials directed at children which show no apparent control over content and quantity. Similarly other aspects of child-directed advertising and programming create concern, including: full length cartoon shows with a commercially available product as the main character (Jem, GI Joe); and extraterrestrial creatures of unknown origin (the Horde, Ghostbusters); and few if any offsetting advertisements or announcements for healthful and nutritious foods. Specifically, the advertisements for food products mainly target cereals, beverages, and snacks. Those advertisements as well as all children's advertisements have compelling ingredients, not necessarily facts, which draw the undivided attention of youngsters. My 2 year old son can be totally captivated, as if there were some magical spell cast, for the entirety of an advertisement. As a parent, it seems evident that marketers have put much effort into the science of attracting a young person's attention and it leads me to question whether a similar effort

has been expended to study the effects of the advertisers science. A mornings viewing is gorged with foods consisting mostly of sugar and hollow calories with no countervailing advertisements for wholesome foods. There is awareness of public outcry regarding the content of commercial television and its effects upon children. There is also recognition of public concern groups who speak of the disservice of the advertisers and broadcasters and all for improvement through legislation. But, what has changed over time? If there is legislation to regulate the industry, it hardly seems evident. Vance Packard (1986) writes that the selling barrage does more than influence children's brand preference. It helps shape their concept of life. It is important as a parent and as a consumer to investigate to see how our children are being protected.

## NATURE OF THE PROBLEM

In researching the subject of advertising and children, it is readily apparent that much attention had been paid to the subject by concerned people. A plethora of information is available. My area of concern was the physical health issue rather than the psychological effects of television. The separation of the two is difficult because, the advertising deluge encompasses both areas. It is essential to include, in my study, research accomplished on non-food products. It was found that the early framework for the concern of TV effects upon children was laid for other than food products. To gain the proper perspective of children's advertising, both aspects must be considered because they are historically and causally linked. The early concern which established a need for research in regard to children began in earnest within the last 20 years. To more fully comprehend the issue, it is necessary to look at this 'children's movement' from its inception; however, the history of children's television advertising policy does not take on strength until 1970. It was then that a grass-roots organization named Action for Children's Television (ACT) formed in response to widespread concern about the impact of television violence on children. But, its focus and influence quickly expanded to encompass all dimensions of children's television viewing. As one of ACT's founders later noted, "It became clear that the villain was not violence but commercialism" (Kunkel &

Watkins, 1987). Today ACT is still the child's strongest proponent in all areas of children's television.

To more clearly understand the impact of this statement about commercialism being the villain, an article in Advertising Age (Television-A \$ 1.6 billion medium, 1963) explains ... "The economic base of the medium is clear. Advertising pays the entire freight. The medium is wholly dependent on advertisers for its sustenance." It is true that consumers ultimately pay through increased prices; however, the point is that the television industry is subservient to the purse of the advertising industry.

As regulatory agencies, like the Federal Communications Commission (FCC) and Federal Trade Commission (FTC), became involved with the children's movement researchers also became increasingly interested in exploring the effects of television on youth. The 1970s produced both rhetoric by the federal agencies and needed research to answer the tough legal questions concerning TV regulation. The proposals of regulatory agencies to regulate programming and advertising were met with much opposition by big business lobbyists. In the Federal Trade Commission's (FTC) proposal of 1978, the primary goal was to reduce the amount of sugar children eat (Pertschuk, 1982). Pertschuk who was then Chair of the FTC describes his realization of this task in his book:

Perhaps the clearest insight was to come from a public-opinion expert enlisted by the cereal manufacturers in their noble crusade to preserve advertising to five year olds. He told me without unneeded embellishment, You hit the "money nerve."

And a Washington lawyer of that elegant breed known as "rain-makers" said, "You woke the sleeping giant" (p.55).

Various sources concerning regulation of programming and advertising to children speak only of legislative proposals, not of enacted law restricting advertisers or broadcasters. During the most aggressive periods of congressional and regulatory agency activity, i.e., the 1970s, the heart of television policy -- determination of program content -- remained with the broadcaster. It is largely a corporate decision-making process that leads to the setting of standards and choosing of amount, content, and format of programs and advertising (Stipp, Hill-Scott & Dorr, 1987). The industry which includes the broadcasters and advertisers are confident that adequate protection is provided for the special audience of children. Seymour Banks,(1975) writes ... "A substantial apparatus of non-government regulation of children's advertising is alive and well" (p.7). However, are the motives of this consistent with those of concerned parents? The question becomes, in an industry governed by profit motives, can it be trusted to self-regulate?



## PURPOSE AND OBJECTIVES

The purpose of this study is to identify protection, from a profit motivated industry, being provided to children in the area of advertising of sugared products by the television medium. Since advertising began on television 40 years ago, a great deal of investigation has gone into the field of advertising by the marketers and industry. Much of that specifically targets products directed at children. By the end of the 1970s, \$600 million was spent annually on TV advertising directed to children (Pertschuk, 1982). Food and beverages are television's most frequently advertised products and it is estimated that a moderate TV-watching child potentially sees between 8,500 and 13,000 food and beverage commercials each year (Council on Children, Media, & Merchandising, 1977). Areas of concern related to these commercials and advertising practices for which legislative proposals have been produced include: nutritional habits, obesity, and dental cavities. The high sugar content of certain foods, when eaten in quantity, can be damaging to youth. The principle reason for this concern is that sugar readily contributes to tooth decay which as stated in The FTC Staff Report on Television Advertising to Children:

...that tooth decay is pandemic in the United States, being so serious and widespread that only one American adult in 160 has a full set of undecayed teeth.

Other reasons for concern with the amount of sugar promoted to children on television include evidence that at the present U.S. levels of consumption (more than a third of a pound of sugar per day for every man, woman, child, and infant) some persons are probably consuming so much sugar as to exclude from their diet essential nutrients, and that heavy consumption of sugar probably contributes to obesity and may contribute to heart disease (Ratner, et al., 1978, p.32).

The following report will discuss some of the research on the cause and effect relationship of advertising directed at children. It will look at the premises used by the regulatory agencies to enact protective laws. There will also be a historical review from which a recommendation for change and progress can be made by looking at the shortcomings of the past. The primary objectives for this study are as follows:

1. To determine if the present nature of regulation in the marketplace for children's food advertising is adequate.
2. To suggest a recourse if present regulatory efforts do not adequately protect children.

## REVIEW OF LITERATURE

### Unfair and Deceptive

Many agencies at all levels of government are involved with regulating business practices for the purpose of protecting the consumer's welfare. The two most commonly referred to federal agencies that have dealt with the affairs of children in programming or advertising are the Federal Communication Commission (FCC) and the Federal Trade Commission (FTC).

The FTC was created by Congress to enforce the FTC Act of 1914 which is the broadest federal law dealing with consumer deception in the industry. It was also given the specific authority to prosecute for misleading advertising when only the consumer interest was involved (Swagler, 1978).

The FTC is the agency that is charged with monitoring advertising. It has established standards as a base for judgements. It is important to cover these, as the sum total of the regulatory activity during the 1970s and early 1980s was based on these criteria. The three classifications of advertisements, according to Swagler, (1978) include: "informative, ads that provide significant information; puffing, ads that ballyhoo the product without really saying anything about it; and misleading, ads that either directly or implicitly misrepresent the product" (p.123). A selling practice can be deceptive or misleading in one of two ways: either because it misleads by what it tells or because

it misleads by what it does not tell about the product. The FTC uses something called an "average man concept" whereby an ad is not considered deceptive if an average man can recognize the intent of the message (Swagler, 1979). This measurement was remiss in that it did not consider the child as a consumer. Since a child does not possess the same abilities as an adult he or she could not detect deceptive advertising. It was this concept, however, that was used as a standard to judge children's advertising as other than fair. " Because children lack the necessary adult cognitive abilities to defend against skillful persuasion, questions have been raised about the fairness of television advertising directed toward children" (Kunkel & Watkins, 1987,p.368).

## Advertising Effects

Television is an integral part of the everyday life of children in the United States. According to 1986 estimates, children aged two to five years average slightly more than four hours of television viewing each day or about 28 hours per week. Children aged 6 to 11 watch almost as much television, averaging about 27 1/2 hours per week. Overall, by the time the average youth has graduated from high school, he or she has spent more time watching television--about 15,000 hours--than any other single activity except sleeping (Kunkel & Watkins, 1987).

Until the 1970s advertising had been analyzed mainly from a sellers perspective; however, the increased awareness of the child as a special audience commenced the field of research in that area to open up. In order to answer the tough questions the FTC and FCC had to ask, it was important to know exactly how a child was affected by TV's programming or advertising.

Many of the studies of children and advertising over the past two decades have used applied research rather than using a theoretical base. For example, a study on purchase-influencing at supermarkets by Galst and White, (1976) looked at how purchases were related to the reinforcement value of television commercials and to the amount of TV children were exposed to at home. The major finding was that the more a child worked to maintain commercials on a TV monitor, by pressing a button on a specially designed video recorder, as compared with the program narrative, and the more commercial television he or she watched at home, the greater the number of purchase-influencing attempts directed at his

or her mother at the supermarket. Cereals and candy were the most heavily requested items and were also the food items most frequently advertised in commercials directed at children. The findings of this study were supportive of a causal relationship between advertisements and children's food requests and preferences but that further research would be needed.

A second study, attempted to determine if TV messages for snack and breakfast foods influenced children's preferences. When offered a choice of highly sugared or more wholesome snack and breakfast foods, first graders' choices reflected their TV exposure experience. Those who viewed commercials for highly sugared foods opted for more advertised and non-advertised sugared foods. Those who viewed pro-nutrition Public Service Announcements (PSA) chose more fruits, vegetables, etc. A 24-minute animated program, "Junk Food" was most effective, as opposed to a lecture, in reducing the number of sugared foods selected (Goldberg, Gorn, & Gibson, 1978).

The ability of three, four, and five year old children to correctly identify videotaped TV segments as programs and commercials was examined by Levin, Petros and Petrella (1982). The results indicate that, when a task requiring minimal verbal responding is used, preschoolers demonstrate an awareness of commercials as distinct from programs. However, the children's ability to identify commercials on television does not imply that they understand the intent and motives of commercials. They may only be aware of the difference due to jingles or rapid pacing clues. The researchers suggest that the separation device used by broadcasters to delineate commercials and programs is

superfluous. The separation device is either a pause in verbalization or a blank screen as dictated by the National Association of Broadcasters (NAB) in response to early legislative proposals. The public may be better served by the FCC and NAB if efforts were directed toward educating young viewers about the purposes and proper evaluation of TV advertising.

An article by Quisenberry (1982) provides a careful and thorough analysis of research on the effects of television commercials on children. The author reviews over 30 studies that parents and educators will find most useful in their day-to-day work with children. While many of the studies do not lead to direct implication for home or school, the information they provide will increase parents' and teachers' awareness of certain aspects of commercials' influence on children. The author summarizes her study with the following main points. Children's TV commercials are generally quite effective in accomplishing their main objective, selling products. Children's TV commercials include information, content, and formats useful in language learning and development, but parents and teachers are not using these resources. And, a significant factor in a child's reaction to commercials is the value structure of the adults with whom the child has meaningful interaction.

Wartella (1984) suggests a different way to determine the influence of advertising. Research during the past decade has focused on children's comprehension of television advertising and the role of cognitive factors in determining advertising's effect on children. Public policy debates regarding the appropriateness of advertising to

children certainly added to the cognitive bias in research. Because of certain failures in previous research the data compiled by Wartella (1984) suggests that a new model of children's responses to television advertising needs to augment the previous cognitive oriented model. Although a 1974 study described by Wartella deals with non-food research it clearly shows a fundamental problem to the approach of cognitive understanding. The study looked at the impact of TV advertisements on boys' Christmas products. Boys with strong cognitive and attitudinal defenses toward advertised toys and games showed a total breakdown of defenses after a media blitz during the week before Christmas. The study was at best ambiguous regarding the role of cognition as a defense to advertising, and suggested that understanding the selling intent is not always a defense. Such findings suggest a need to expand the model of persuasion implicit in past research. Wartella states that these new areas should be examined: the appeal of the brand advertised; and the child's affective response to the advertisement's execution, as well as the context of the advertisement and the presence or absence of various production techniques used in the ad to enhance children's emotional arousal.

Two articles from the Journal of Advertising Research (Feldman & Wolf, 1974; Banks, 1975) had parallel views on the subject of advertising and children and were opposed to government regulation of the industry. Feldman and Wolf (1974); Banks, 1975) that if the allegations were true, that TV commercials directed at children had negative affects upon their beliefs and behavior, then the advertising industry would surely want to alter the content of such commercials or ban them. A brief study of the



charges by critics of television commercials suggests that they have been raised without a clear conceptual framework and with no relation to what is known about the effects of advertising or to what is known about child development. Both articles conclude that additional research is necessary to discover exactly how children are affected by advertising. They use Piaget's concept of child development, which says that children pass through defined levels of cognitive development with a constant order of succession but the stages are attained at different ages depending upon the child's capability and motivation. This concept is used to support the authors' idea that one can not regulate the children's industry when one can not know exactly what the effects are on the child and when they occur. They agree that the children are a special audience and are deserving of some level of protection. There is a substantial apparatus non-governmental regulation of childrens' television advertising extant (Banks, 1975). And until there is directly supportive evidence of the ill-effects of advertising it will have to suffice the needs of children.

The articles of Banks (1975) and Feldman and Wolf (1974) are important for their view of the need for future relevant research. When the FTC finally dropped its crusade to protect children from unfair advertising, one reason was that there was not enough proof of the ill-effects of advertising. There was substantial evidence of a deceptive nature directed to children but no feasible remedy could be devised based upon relevant research. As stated by Goff and Goff, (1982, p.47):

Concerns over candy and other sugared products were

also addressed by the staff [FTC]. However, the contradictory evidence "with respect to the effect of sugared product advertising on the nutritional attitudes of children under 12" was considered "inconclusive" by the staff. Further, the staff concluded that no valid and reliable methodology existed "for determining the cariogenicity of individual food products." Since neither nutritional nor dental health issues could be resolved by the staff no further rulemaking on these issues could be justified (p.47).

Burr and Burr (1977) found that almost all children in their study were influenced by television advertising and that parents, in turn, are influenced by their children to buy the products. The parents in the study commented that the cereal products being promoted primarily on the basis of prize/premium appeal were junk foods. The children's product request was only to get the prize and very often no one in the family would eat the food. This article illustrates parental concern over the effects of advertising on television due the volume and content of the material directed at the children. It documents that children watch a lot of television (22 hours per week) and that their purchase decision is swayed by the various appeals used by marketers. The study documents ill-effects of advertising on children but as in other studies can not justify that the industry should be regulated. Pertschuk (1982) describes a quote in his book from the Washington Post:

But what are the children to be protected from? The

candy and sugar-coated cereals that lead to tooth decay? Or the inability or refusal of their parents to say no? The food products will still be there, sitting on the shelves of the local supermarket after all, no matter what happens to the commercials. So the proposal, in reality, is designed to protect children from the weaknesses of their parents,--and the parents from the wailing insistence of their children. That, traditionally, is one of the roles of a governess--if you can afford one. It is not a proper role of government (p.70).

Young (1986) looks to a new approach of research in examining children's advertising of sugared products in Great Britain. He states that research which flourished during the 1970s in the U.S. questioned the child's comprehension or lack of comprehension of commercial or persuasive intent. The old relationship was born out of a stimulus-response psychology by the commercial interests of advertisers or protective desires of consumers. Advertising (stimulus) was conceived of as impinging upon children who in turn behaved by buying (the response) and if this model was too simple then mediating constructs could be added, such as the child's attention to the stimulus or the dynamics of family purchasing decisions. The approach of advertising literacy is a rather different metaphor altogether with the child firmly at the center rather than some link in a chain of cause and effect. Consequently it cuts across the old rivalries between advertisers and consumer protection groups and provides the researcher with a theoretical

stance that, while not completely value-free, is relatively independent of both these groups' interests. Simply, whether you are for or against advertising you should be equally interested in how literate the child is in the media being used.

## Children's Crusade

In January 1970, the citizens group, Action for Children's Television (ACT) petitioned the Federal Communications Commission (FCC) with a rulemaking proposal designed to restructure commercial television for children. The changes in advertising policy sought by ACT initiated a controversy which is still unresolved. ACT's petition to the FCC made three proposals: 1) banning of sponsorship and commercials on children's programs; 2) prohibiting performer use or any other mention of products, services, or stores by brand name, during such programs; 3) daily programming totaling 14 hours per week (minimum) aimed at three specific children's age groups (McGregor, 1984). The FCC addressed the issue with a Notice of Inquiry (NOI) known as Docket 19142 resulting in the landmark 1974 Children's Television Report and Policy Statement which set forth detailed policies to guide broadcasters in serving the child audience. The new policies were not compulsory rules, but rather were established as guidelines designed to advise broadcasters more clearly to the standards by which they would be evaluated at license renewal time. In the meantime the broadcasting and advertising industries began a series of self-regulatory programs in an attempt to divert, delay, or dilute possible public policy action (Goff & Goff, 1982). As the policies set forth were not compulsory and compliance was left to industry self-regulation. In 1979 a second NOI was issued evaluating industry compliance and the Children's Television Task Force of the FCC reported that the industry had complied with the advertising guidelines but not

the programming guidelines of the 1974 Policy Statement. There was no significant increase in educational/informational programming for children. As a result of the non-compliance a 1980 Notice of Proposed Rulemaking was issued that set out five policy options ranging from entirely rescinding the 1974 guidelines to establishing specific quantifiable children's programming requirements. The broadcasting community protested the negative analysis of the Task Force and argued that in fact commercial television licensees were adequately serving the needs of the child audience. Second they argued that mandatory programming rules would constitute an unconstitutional infringement on licensees' press and free speech freedoms (McGregor, 1984).

Before a final position on the issues could be formulated, Ronald Reagan was elected President and the Chair of FCC was replaced. The era of deregulation meant an end to the efforts. The children's television proceedings remained on the back burner until late in 1982 when ACT filed a civil suit in United States District Court seeking to force the FCC to complete its work on the rule-making. On December 22, 1983 the FCC terminated one of the longest standing dockets (19142) pending at the agency formally ending its children's television proceeding leaving the viewing fate of the nation's youth to the economic realities of the commercial television marketplace (McGregor, 1984). In 1984 the original limitations set forth in the 1974 Policy Statement were removed (Molotsky, 1988) ending all restrictions to broadcasters.

The Wheeler-Lea Act amendments of 1938 to the Federal Trade Commissions Act expressly directed the Federal Trade Commission (FTC) to police food advertising (Pertschuk, 1982) and following the FCC's 1974

decision to deal with only the separation of programs and commercials the FTC became the regulatory center of the television advertising dispute. ACT, frustrated by the FCC's unwillingness to enact a ban on television advertising directed at children turned to the FTC. The FTC like the FCC favored a voluntary approach to improving commercial practices. Then in 1977 ACT petitioned the FTC to make a trade rule regulating television advertising of candy and other sugared products to children. The response of the FTC to these petitions surprised observers of the regulatory scene and infuriated the broadcasting, advertising, toy, cereal, and snack food industries (Goff & Goff, 1982). In 1978, the FTC Staff Report on Television Advertising to Children, an analysis of the issues, was made public. The report recommended that the FTC begin rulemaking proceedings under the 1975 Magnuson-Moss FTC Improvement Act. As stated in the FTC Staff Report (1978) it called for:

1. Bans on television advertising directed to audiences composed of substantial numbers of children too young to understand the selling purpose of, or otherwise comprehend or evaluate commercials.
2. Bans on television advertising for sugared products directed to children which pose serious dental health risks.
3. Advertising directed to, or seen by, audiences composed of a significant proportion of older children for sugared food products not included in paragraph (2) be balanced by nutritional and/or health disclosures funded by advertisers.

The charge of the FTC to regulate advertising deemed "unfair or deceptive" was supported by the Supreme Court. The Supreme Court has explicitly affirmed the Commission's broad powers to ban unfair or deceptive acts or practices. In *Jacob Siegel Co. v. FTC*, 327 U.S. 608, 612-613 (1946), the Supreme Court wrote that: "The Commission is the expert body to determine what remedy is necessary to eliminate the unfair or deceptive trade practices which have been disclosed. It has wide latitude for judgement and the courts will not interfere except where the remedy selected has no reasonable relation to the unlawful practices found to exist" (Ratner et al., 1978).

The broadcasting and advertising industries were opposed to the proposals. Joining these factions were the manufacturers of toys, sugared cereals, and other products of appeal to children. Because many of these product manufacturers were owned by powerful corporate conglomerates, the strength of the opposition grew much beyond the FTC's initial expectations. In 1978 this coalition of industries successfully brought suit against FTC Chairman Pertschuk barring him from participating in the children's advertising proceedings. Congress reacted to intense lobbying by rescinding the FTC's jurisdiction to regulate unfair advertising. The FTC Improvement Act of 1980 passed by Congress also reflected the success of lobby efforts. Among other things it created a congressional veto over FTC activities and expressly forbid the FTC to promulgate any rule in the children's advertising proceedings (Goff & Goff, 1982).



With the deregulatory atmosphere of the Reagan administration, intense capitol hill lobbying and negative editorial judgement the FTC terminated its proceedings in 1981.

## SUMMARY

It is remarkable that despite repeated attempts at governmental reform virtually no major changes in public policies affecting children's television programming have occurred.

During the early 1970s the FTC and the FCC favored a voluntary approach to improving children's commercial practices and attempted to involve both industry and consumer groups in the development of a children's advertising code. While the so-called "kidvid" debate continued in the FCC's forum, the broadcasting and advertising industries began "a series of self-regulatory programs in attempt to divert, delay, or dilute possible public policy action" (Goff & Goff, 1982). The advertising and broadcasting communities developed a voluntary code for television, spelling out what is acceptable and what is not acceptable in advertising directed at children. Various non-governmental agencies active in this reform include: the National Association of Broadcasters (NAB), the Association of National Advertisers, (ANA) the American Advertising Federation (AAF), the National Advertising Review Board (NARB) and the National Advertising Division (NAD) of the Council of Better Business Bureaus (CBBB). The NARB examines truth and accuracy in advertising and is administered by the CBBB and the NAD considers fairness, truth, and accuracy in children's commercials and hears complaints that are not accepted by the advertisers. As indicated here there is a seemingly "substantial" network in place to police the

television community, but can it be effective in guarding our children? It is like the fox guarding the hen house condition where those standing as protective vanguards to the children are also in a position to protect their own industry; an industry driven by the profit motive.

Petitioning of the FCC and FTC by grass-roots citizen groups such as ACT and the Center for Science in the Public Interest (CSPI) ushered in a decade of intense governmental action. Early in the fracas the commissions allowed the industry great latitude in policing their industry; however, in 1977 the FTC surprised observers of the regulatory scene with their response. ACT and CSPI petitioned to make a trade rule regulation banning television advertising of candy and other sugared products to children. The FTC responded by undertaking a broad inquiry into the full range of factual and legal issues raised by the petitions. Two months later the FTC voted to initiate the recommended rulemaking proceedings which banned a majority of television advertising directed at children. The decisive manner in which the FTC acted surprised and infuriated the broadcasting, advertising, toy, cereal and snack food industry. Unwittingly, the FTC, with this abrupt change in policymaking had rung the death knell for future governmental action in the children's arena. The Federal Trade Commission Improvements Act of 1980, the content of which reflects the success of industry lobby efforts, was passed on May 8, 1980. It expressly forbid the FTC... "to promulgate any rule in the children's advertising proceeding -- on the basis of a determination -- that such advertising constituted an unfair act or practice" (Goff & Goff. 1982 p.46).

ACT continues to work within the system to bring about change. It

has indicated that it will try to halt unfair and deceptive ads on a case by case basis, while also trying to reduce the amount of children's advertising on television. ACT also hopes to influence the emerging structure of cable television program services to provide non-commercial programs for children.

There is hope for the children's movement. A bill vetoed in November 1988 by President Reagan (Molotsky, 1988) had been overwhelmingly approved by Congress to reimpose restrictions on television programming aimed at children. The bill would have limited advertising during children's programming to 10.5 minutes an hour on weekends and 12 minutes an hour on weekdays. It would have required broadcasters to provide educational and informational programs for children as a condition of license renewal. The President cited his reason for not signing the bill as it would infringe upon First Amendment freedom of expression. This same bill will be reintroduced in 1989.

## CONCLUSION

Through this report, it seems evident that the health and well-being of our children rests primarily with parents. The FTC retains little power as a result of the FTC Improvements Act of 1980 to provide protective legislation for our children. The FTC can still deal with practices that involve deception but has no authority to bar "unfair" practices. The impact of the suspension of the commissions' authority is described by Senator Robert Packwood, the ranking Republican member of the Commerce Committee. He stated, " You're going to have a generation of kids with rotten teeth... because of this bill; henceforth any ad that is unfair alluring, any ad directed at our children that you can't prove is false is going to be allowed" (Pertshuk, 1982, p. 114). Thus, the public holds responsibility to promote laws into passage. Likewise the public will be responsible if business lobbyists overrule government for their own self interests. Is the marketplace better because of marketplace regulation? Can the marketplace be more trustworthy than the government? The answer is an unequivocal no. In my estimation the children's advertising industry is over-regulated: over-regulated by the industry itself. The lobbyists have become so strong with big money industry's backing that they are powerful enough to stymie government control. In 1989, a bill vetoed by President Reagan in 1988, will be reintroduced. This bill which would put limits on TV programming for children sailed unopposed through the House and Senate. Surprisingly the

NAB had supported the bill that President Reagan vetoed. Mr Edward O. Fritts, president of the NAB, commented that the bill charted some new territory but that it was preferable to a pending FCC proposed rule to limit over-commercialization of children's television. These new proposals do not deal with advertising of sugared products; however, they do show a renewed interest in children's protection. They show that the marketplace approach to regulation is not acceptable to all. One recourse is to let congressional representatives in Washington hear consumer concerns; especially those for children. We must also support grass-root concerns which actively seek to have their voices heard. It is much like the meat packing industry of the early 1900s. A parallel can be drawn between the inability of the government to correct a corrupt industry due to powerful control of lobbyists. It took a book to sway public opinion. Once the people were behind the cause there was no recourse for the politicians but to reform the system for the good of all. And that is where we stand today. If adequate protection is not there, whether perceived or real, ultimately the power and the right to change comes from within ourselves.

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