



## Campaign for a Commercial-Free Childhood

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June 24, 2009

Mr. Jon Leibowitz  
Chairman, Federal Trade Commission  
600 Pennsylvania Avenue NW  
Washington, DC 20580

Dear Chairman Leibowitz,

Children as young as preschoolers face an annual barrage of advertising for sexualized and violent PG-13 blockbusters. We request that the Federal Trade Commission (“FTC” or “Commission”) ensure that PG-13 movies are not marketed to young children. Over the past two years, parents, a broad coalition of advocacy groups, and the Commission staff have all urged the Motion Picture Association of America (“MPAA”) to develop an explicit policy that would ensure that PG-13 films are marketed in ways consistent with the rating. To date, the MPAA has refused these requests. As a result, PG-13 films—including movies with significant violent content—are consistently marketed in a manner that contradicts the “Parents Strongly Cautioned” message accompanying their PG-13 rating.

It is important to note that MPAA ratings have become increasingly more lenient over time. A 2004 study found strong evidence of “ratings creep”; a PG-13 movie in 2003 was likely to have significantly more violence and sexual content than a PG-13 movie ten years earlier.<sup>1</sup> In other words, many of the PG-13 films that are routinely marketed today to children as young as seven—and often marketed to preschoolers—are films that would have been rated R fifteen years ago.

Two years ago, the Campaign for a Commercial Free Childhood (“CCFC”) wrote to your predecessor, Chairman Majoras, to express our concerns about the ways in which the PG-13 film *Transformers* was being marketed to young children. Now, two years later, upon the release of a second PG-13 *Transformers* movie, *Transformers: Revenge of the Fallen*, PG-13 movies continue to be marketed heavily to young children, including preschoolers. The Commission’s exhortation to the movie industry to address this problem through self-regulation has failed. It is for this reason that CCFC requests the FTC take further action to stop these harmful practices.



<sup>1</sup>Thompson, Kimberly M., and Fumie Yokota. “Violence, Sex, and Profanity in Films: Correlation of Movie Ratings with Content.” *MedGenMed* 2004; 6(3): 3.

## Background

On June 28, 2007, CCFC wrote to the Commission to express our concerns about the numerous ways that the film *Transformers*—rated PG-13 by the MPAA for “intense sequences of sci-fi action violence, brief sexual humor, and language” —was being marketed extensively to children as young as two through licensed toys, food promotions, and advertising on children’s television programming. We noted, for instance, that the film was being advertised on children’s television programs such as *Jimmy Neutron* (at that time rated TY-Y: appropriate for all children). We also noted that all of the 129 new *Transformers* toys and games released in conjunction with the film had an “age-recommended” younger than thirteen and ninety percent had an age recommendation of five or younger. These toys, as well as *Transformer* Burger King Kids Meals and Kraft *Transformer* Lunchables, were advertised on television for young children as well, often with clips from the film or exhortations to see the movie.<sup>2</sup>

On January 8, 2008, Mary Engle, Associate Director of the FTC's Division of Advertising Practices, responded on behalf of the Commission to CCFC's letter.<sup>3</sup> She noted that the FTC had previously found that the “target marketing of PG-13-rated films under 13 [was] common,” and that the FTC had “recommended that the movie industry address both the placement of advertising in children’s media and the licensing of toys and other children’s products.”<sup>4</sup> The letter further stated that “marketing of violent movies, including movies rated PG-13, directly to children constitutes an ‘end run around the parental review role underlying the ratings.’”<sup>5</sup>

After noting that “the Commission has repeatedly advocated vigorous self-regulation as the most viable approach to addressing concerns about marketing violent entertainment to young children,” the letter states:

[W]hile the staff recognizes that both the MPAA and individual studios currently consider the placement of PG-13 movies on a case-by-case-basis, the staff nevertheless believes that the industry should assess its current approach to determine whether it is adequate to ensure that PG-13 movies are marketed in a manner consistent with their rating. A more explicit policy, incorporating objective criteria, would provide better guidance to industry members and to ensure that PG-13 movies are marketed in a manner consistent with their rating.<sup>6</sup>

On January 17, 2008, a coalition of nineteen advocacy groups—including CCFC, the Parents Television Council, the National Institute for Media and the Family, the Benton Foundation, and Office of Communication of the United Church of Christ, Inc.—urged the MPAA to comply with the FTC’s request and develop a comprehensive policy for the marketing of PG-13 films. In a letter to MPAA President Glickman, the coalition urged the MPAA to adopt a policy including the following measures:

- Restricting the television advertising of PG-13 movies to programs where fifty-percent of the audience is thirteen or older or adopt a 9:00PM watershed for the advertising of PG-13 films.

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<sup>2</sup> CCFC’s letter to the FTC, June 28, 2007, posted online at <http://commercialfreechildhood.org/pressreleases/transformersftcletter.pdf>.

<sup>3</sup> Engle, Mary, letter to Campaign for a Commercial Free Childhood, January 8, 2008. Available online at <http://commercialfreechildhood.org/pdf/mengleletter.pdf>.

<sup>4</sup> Ibid., 2-3.

<sup>5</sup> Ibid., 5.

<sup>6</sup> Ibid.

- Insisting that any toys released in conjunction with a film carry an age recommendation consistent with the film’s rating.
- Prohibiting any restaurant tie-ins (including toy giveaways) or other food promotions aimed at young children for PG-13 movies.

### **The MPAA/CARU Referral Agreement**

While the MPAA did not respond directly to the Coalition letter, on March 4, 2008, the MPAA and Children’s Advertising Review Unit (“CARU”) announced a new referral agreement. In the two years preceding this referral agreement, CARU had publicly cited nine instances in which PG-13 movies were advertised to younger children.<sup>7</sup> But because CARU has no power to penalize film distributors, these public citations were the extent of their enforcement action. The new agreement was designed to refer infractions discovered by CARU to a body that could actually sanction film distributors:

Under the terms of the agreement, if CARU finds an advertisement for a film rated PG-13, R or NC-17 in any medium primarily directed to children under 12, CARU will take steps to determine whether the advertisement was placed there unintentionally. If this is the case, CARU will ask the advertiser to pull the ad and to make sure the placement does not reoccur. If the advertiser complies, CARU will close its inquiry. If the placement was intentional, CARU will refer the matter to the MPAA Advertising Administration to determine whether the film is appropriate to be advertised to children.<sup>8</sup>

The MPAA/CARU referral agreement has fallen short in several important respects. First, the MPAA still has not done what the FTC urged it to do: adopt an explicit policy, incorporating objective criteria, for the marketing of PG-13 films. There is no way, therefore, to evaluate the MPAA’s marketing guidelines for PG-13 films or to ascertain whether film companies are following them. Instead, both CARU and the MPAA appear to evaluate the marketing for each film on a case-by-case basis.

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<sup>7</sup> CARU, “CARU Reviews Advertising for ‘Wild Hogs,’” news release, June 7, 2007.

<http://www.caru.org/news/2007/wildhogs.pdf>. Retrieved on June 22, 2009.

CARU, “CARU Reviews Ad for ‘Stop the Yard,’” news release, March 9, 2007. <http://www.caru.org/news/2007/stomp.pdf>.

Retrieved on June 22, 2009.

CARU, “CARU Reviews Ad for ‘X-Men: The Last Stand,’” news release, December 20, 2006.

<http://www.caru.org/news/2006/xmenmovie.pdf>. Retrieved on June 22, 2009.

CARU, “CARU Refers Lions Gate to FTC,” news release, December 20, 2006.

<http://www.caru.org/news/2006/lionsgate2.pdf>. Retrieved June 22, 2009.

CARU, “CARU Reviews Advertising for ‘Click,’” news release, October 4, 2006.

<http://www.caru.org/news/2006/clickpress.pdf>. Retrieved June 22, 2009.

CARU, “CARU Reviews Advertising for ‘Pirates of the Caribbean,’” news release, September 18, 2006.

<http://www.caru.org/news/2006/PiratesRelease.pdf>. Retrieved June 22, 2009.

CARU, “CARU Reviews Advertising for ‘Superman Returns,’” news release, August, 2006.

<http://www.caru.org/news/2006/supermanreturns.pdf>. Retrieved June 22, 2009.

CARU, “CARU Reviews Advertising for ‘Ultimate Avengers,’” news release, May 25, 2006.

<http://www.caru.org/news/2006/lionsgate.pdf>. Retrieved June 22, 2009.

CARU, “CARU Reviews Advertising for ‘Goblet of Fire,’” news release, May 25, 2006.

<http://www.caru.org/news/2006/goblet.pdf>. Retrieved June 22, 2009.

<sup>8</sup> CARU, “New Referral Agreement on Film Advertising,” news release, March 4, 2008.

<http://www.caru.org/news/2008/CARU-MPAA-PRelease030408.pdf>. Retrieved June 22, 2009.

Second, CARU focuses only on advertising in media, with a focus on television advertising.<sup>9</sup> It does not address the marketing of PG-13 movies to younger children through promotions such as fast food toy giveaways or through the sale of licensed merchandise. Nor does CARU consider television advertising for licensed merchandise or food promotions to be marketing for the films. For example, Burger King regularly advertises its toy giveaways for PG-13 movies on children's television, but has never been cited by CARU or referred to the MPAA for this practice.

Another problem with the CARU-MPAA arrangement is that by the time CARU conducts an investigation and refers an advertiser to the MPAA, and MPAA has finished its own investigation, the advertisements are no longer running. For instance, advertising for the film *Twilight* (Rated PG-13 for some violence and a scene of sensuality) began as early as November 3, 2008, and the film was released on November 21, 2008. CARU did not refer the film's advertising to the MPAA until January 26, 2009.<sup>10</sup>

The biggest problem, however, is that the MPAA takes no public action against companies that market PG-13 movies to young children. Since the announcement of the CARU/MPAA agreement, CARU has referred fifteen PG-13 movies or DVDs to the MPAA that were being intentionally advertised in media primarily directed to children under 12. In none of these instances has the MPAA publicly sanctioned or even reprimanded the offending film company.

Moreover, it seems that the CARU/MPAA agreement is not working out. A June 17, 2009, report in *BNET Advertising* concluded that the relationship between CARU and MPAA is non-functional, noting that "CARU has sent out a stream of press releases indicating it believes that sexy, violent movies are being wrongly advertised to kids—and the MPAA, per its agreement with CARU, has done nothing about it. ...CARU acts as the ad industry's voluntary police force, but agrees to defer to any industry that has its own self-regulatory procedure for advertising. MPAA has one, and it has a whole different set of standards than CARU's. Thus MPAA members are essentially immune from CARU, under CARU's own rules."<sup>11</sup>

We do not know if the MPAA has issued sanctions privately. But we do know that the MPAA's action, or lack thereof, has done nothing to dissuade film companies from targeting their PG-13 movies to young children. In fact, in 2008, three films—*Iron Man*, *Indiana Jones and the Kingdom of the Crystal Skull*, and *The Incredible Hulk*—were referred to the MPAA by CARU during their theatrical release and again several months later when they were released on DVD. Clearly, Paramount Pictures and Universal Studios felt they had nothing to fear from the MPAA if they promoted their PG-13 blockbusters to young children.<sup>12</sup>

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<sup>9</sup> CARU's website describes its role to "review and evaluation of child-directed advertising in all media, and online privacy practices as they affect children." <http://www.caru.org/about/index.aspx>. Retrieved June 23, 2009.

<sup>10</sup> CARU, "CARU Refers Advertising for Summit Entertainment's 'Twilight' to MPAA for Further Review," news release, January 26, 2009. <http://www.caru.org/news/2009/4955PR.pdf>. Retrieved June 23, 2009.

<sup>11</sup> Edwards, Jim. "CARU Snookered by MPAA on Advertising Violent or Sexy Movies to Kids," *BNET Advertising*, June 17, 2004, <http://industry.bnet.com/advertising/10002639/caru-snookered-by-mpaa-rules-on-advertising-violent-or-sexy-movies-to-kids/>.

<sup>12</sup> CARU, "CARU Refers Advertising for Paramount's 'Iron Man' to MPAA for Further Review," news release, May 20, 2007. <http://www.caru.org/news/2008/CARU-Ironman.pdf>. Retrieved June 22, 2009.

CARU, "CARU Refers Advertising for Paramount's 'Indiana Jones' to MPAA for Further Review," news release, June 24, 2008. <http://www.caru.org/news/2008/CARU-4862PR.pdf>. Retrieved June 22, 2009.

CARU, "CARU Refers Advertising for Universal Pictures' 'The Incredible Hulk' to MPAA for Further Review," news release, July 2, 2008. <http://www.caru.org/news/2008/CARU-4871PR.pdf>. Retrieved June 22, 2009.

Any company that chooses to market a PG-13 movie in a manner consistent with the rating, by not advertising on children's television or selling toys to preschoolers, would be putting itself at a significant competitive disadvantage.

### **PG-13 Movies Targeted to Young Children in 2009**

Anticipating another summer run of violent, blockbuster PG-13 movies, the Campaign for a Commercial-Free Childhood began monitoring how and where PG-13 films rated for violence were marketed. So far, we have tracked marketing for four PG-13 films released since May 1<sup>st</sup>:

*X-Men Origins: Wolverine*

20<sup>th</sup> Century Fox

Release Date: May 1, 2009

Rated PG-13 for intense sequences of action and violence, some partial nudity.

*Star Trek*

Paramount Pictures Corporation

Release Date: May 8, 2009

Rated PG-13 for sci-fi action and violence, and brief sexual content.

*Terminator Salvation*

Warner Brothers

Release Date: May 21, 2009

Rated PG-13 for intense sequences of sci-fi violence and action, and language.

*Transformers: Revenge of the Fallen (Dreamworks)*

Paramount Pictures Corporation

Release Date: June 24, 2009

Rated PG-13 for intense sequences of sci-fi action violence, language, some crude and sexual material, and brief drug material.

Beginning with the marketing of *X-Men Origins*, which premiered on May 1<sup>st</sup>, we monitored ads for violent PG-13 films shown on television between the hours of 6:00AM and 8:00PM, the times when young children are most likely to be watching. Our monitoring included ads for the films themselves as well as ads for licensed toys and fast food promotions. Most of the ads were shown on television stations aimed at children including Nickelodeon, Nicktoons and others. We have enclosed a detailed list of the ads, when and where they ran, and the programs during which they aired.

From March 17<sup>th</sup> through June 14<sup>th</sup>, a total of 2,734 commercials for these PG-13 films, their licensed toys, and related fast food promotions were aired between 6:00AM and 8:00PM, on children's channels.

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CARU, "CARU Refers Advertising for Paramount's 'Iron Man' DVD to MPAA for Further Review," news release, December 29, 2008. <http://www.caru.org/news/2008/4950PR.pdf>. Retrieved June 22, 2009.

CARU, "CARU Refers Advertising for Paramount's 'Indiana Jones' DVD to MPAA for Further Review," news release, December 29, 2008. <http://www.caru.org/news/2008/4949PR.pdf>. Retrieved June 22, 2009.

CARU, "CARU Refers Advertising for Universal's 'Incredible Hulk' DVD to MPAA for Further Review," news release, December 29, 2009. <http://www.caru.org/news/2008/4933PR.pdf>. Retrieved June 22, 2009.

These do not include ads for branded food products such as *Transformers Revenge of the Fallen* M&Ms<sup>13</sup> and *Star Trek Movie* Eggos,<sup>14</sup> which are targeted to children and may have aired as well.

We expect that more PG-13 films will be heavily marketed to children this year. For example, *G.I. Joe: Rise of the Cobra*, scheduled for release in August, has not yet been rated, but is likely to receive a PG-13 rating for violence. According to Hasbro's G.I. Joe website, the toy company is launching "dozens" of G.I. Joe action figures. Descriptions of the toys include phrases such as "Perfect for collectors and young ones new to the G.I. Joe regiment (G.I. Joe Movie Combat Heroes); "With the Snake-Eyes Katana style sword which features special lights, sound, and a secret dart launcher hidden in the handle, and Snake Eyes Mask kids can play the part of their favorite Ninja Hero (G.I. Joe Movie Snake Eyes Role Play Set)."<sup>15</sup>

In our tracking of the four films already released, we found extensive marketing to young children on television, through toy marketing, and through cross-promotions.

## Toy Marketing

In addition to being advertised on children's television, these PG-13 films are marketed by means of licensed toys—which are also advertised on television. In its 2000 report on marketing media violence, the FTC identified toys, clothing, and fast food as the primary means of marketing films to children ages two to eleven.<sup>16</sup> While the MPAA has said publicly that it does not consider ads for licensed toys as marketing for films,<sup>17</sup> this stance contradicts the regulations described in the MPAA's Advertising Handbook, which states that advertising subject to regulation by the MPAA includes "novelties, copy for exploitation tie-ins and cross promotions."<sup>18</sup>

We found that from March 7<sup>th</sup>, when we began monitoring ads for these four films, through June 14<sup>th</sup>, 915 ads for their licensed toys ran before 8:00PM. Of these ads, 622, or 68 percent, were shown before 5:00PM, when the youngest children are even more likely to be watching. It's important to note that ads for *Transformer* movie toys are still being aired, so the final count will be even higher. For the toy giant Hasbro, revenue from toys associated with the new *Transformer* film is estimated at \$510 million.<sup>19</sup>

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<sup>13</sup> June 4, 2009 "Pub M&M's Transformers: Revenge of the Fallen" [video]. <http://www.youtube.com/watch?v=Zl-KT4BPcCg&feature=related>. Retrieved June 22, 2009.

<sup>14</sup> Kellogg's™ Eggo™ Star Trek Plate Offer Accessed June 22, 2009 from <http://www2.kelloggs.com/Promotion/PromotionDetail.aspx?PID=16536>.

<sup>15</sup> "Hasbro to deploy new G.I. JOE toys prior to 'G.I. Joe vs. Cobra' saga landing in theaters." [http://www.hasbro.com/gijoe/en\\_US/discover/news/HASBRO-TO-DEPLOY-NEW-GI-JOE-TOYS.cfm](http://www.hasbro.com/gijoe/en_US/discover/news/HASBRO-TO-DEPLOY-NEW-GI-JOE-TOYS.cfm). Accessed June 22, 2009.

<sup>16</sup> Federal Trade Commission, *Marketing Violent Entertainment to Children: A Review of Self-Regulation and Industry Practices in the Motion Picture, Music Recording & Electronic Game Industries*, September 2000, p. 17. <http://ftc.gov/reports/violence/vioreport.pdf>. Accessed June 22, 2009.

<sup>17</sup> Brodesser-Akner, Claude. "MPAA Says It Won't Block Marketers' Movie PromoPlans," *Advertising Age's Madison and Vine*, May 16, 2008.

<sup>18</sup> MPAA's Advertising Handbook, states that advertising subject to regulation by the MPAA, p.7.

<sup>19</sup> Associated Press. "Analyst Says 'Transformers' Should Boost Hasbro," June 19, 2009. <http://www.forbes.com/feeds/ap/2009/06/19/ap6565475.html>. Accessed June 22, 2009.

## Cross-Promotions of PG-13 Movies and Fast Foods

PG-13 films are also marketed to children by means of cross-promotions with fast foods. In its recent Report to Congress on Marketing Food to Children and Adolescents,<sup>20</sup> the FTC noted that “[c]ross-promotions were widespread in 2006, tying foods and beverages in all of the covered categories to about 80 movies, television shows, and animated characters that appeal primarily to children.”<sup>21</sup> The report cites two PG-13 rated films, *Pirates of the Caribbean: Dead Man’s Chest* and *Superman Returns*, as examples of movies:

[P]romoting QSR [quick service restaurant] children’s meals, frozen waffles, fruit and fruit snacks, breakfast cereals, popcorn, lunch kits, candy, carbonated and non-carbonated drinks, pasta, snack chips, and milk. Superman and the *Pirates* characters appeared in ads on television, in movie theaters, on the Internet, and on packaging and in-store displays. Companies created special limited edition snacks, cereals, frozen waffles, and candies based on the movies. Children or adolescents could go online to play “advergames” related to the characters and their stories and to enter contests or sweepstakes using special codes obtained from food packages or beverage containers.<sup>22</sup>

The Report found that cross-promotions of this type are a huge business: “A little more than \$208 million, representing 13 percent of all reported youth marketing, was devoted to cross-promotion.”<sup>23</sup> This figure does not include the cost of the toy premiums, which the FTC estimates cost QSRs more than \$360 million, at 40 cents per toy.<sup>24</sup> The Report further found that “QSRs in particular were apt to use toys linked to cross-promotions of new movies ... as a means of marketing the ‘kids’ meals’ to children.”<sup>25</sup>

Of the four 2009 PG-13 films marketed to children, two—*Star Trek* and *Transformers*—are being cross-promoted with Burger King Kids Meals. *Star Trek*/Burger King Kids Meal ads began airing on May 4<sup>th</sup> and aired until May 31<sup>st</sup>. Of the 487 ads that aired before 8:00PM, 349—more than two-thirds—aired before 5:00PM. One of the ads shows a family with two prepubescent children and includes a clip of the actual film.<sup>26</sup>

The *Transformer*/Burger King kids meal ads, or what Burger King calls the “National Kids Television advertising spots that will turn Burger King dining on its head,” were slated to begin airing on June 22<sup>nd</sup>.<sup>27</sup> In addition, *G.I. Joe: Return of the Cobra* plans to partner with Burger King for a Kids Meal promotion, in which each Burger King Kids Meal will contain one G.I. Joe movie toy. Ads for the promotion are slated to be aired beginning July 27.<sup>28</sup>

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<sup>20</sup> Federal Trade Commission, *Marketing Food to Children and Adolescents: A review of industry expenditures, activities, and self-regulation*, July 2008, Available at <http://www.ftc.gov/os/2008/07/P064504foodmktngreport.pdf>

<sup>21</sup> Ibid, p. 36-37.

<sup>22</sup> Ibid, p. ES-4.

<sup>23</sup> Ibid, p. ES-3.

<sup>24</sup> Ibid, p. 20.

<sup>25</sup> Ibid, p. 34.

<sup>26</sup> YouTube.com, “Burger King Commercial – Star Trek XI (2009) – Kid’s Meal” [video], May 13, 2009. [http://www.youtube.com/watch?v=bUvnnM6\\_Ou4](http://www.youtube.com/watch?v=bUvnnM6_Ou4). Accessed June 22, 2009..

<sup>27</sup> Burger King Press Release; <http://www.reuters.com/article/pressRelease/idUS88050+04-May-2009+BW20090504>. Accessed June 21, 2009. As of yet we do not have data on the number and placement of ads for the promotion, but we will forward that information to the FTC when we obtain it.

<sup>28</sup> Burger King Press Release; <http://www.reuters.com/article/pressRelease/idUS88050+04-May-2009+BW20090504>. Accessed June 21, 2009

Number of Ads Aired on Children's Television Channels for PG13 Movies and Related Toys and Fast Food Between 6:00AM and 8:00PM from March 17 to June 14, 2009					
Film	Date	Product	Time	Channels	#Airings
X-Men Origins: Wolverine	3/17/09 to 6/14/09	Movie	Before 8 PM	Nickelodeon, Cartoon Network	355
X-Men Origins: Wolverine	3/17/09 to 6/14/09	Movie	Before 5 PM	None	None
X-Men Origins: Wolverine	3/30/09 to 6/14/09	Toys	Before 8 PM	Nickelodeon, Cartoon Network, Nicktoons, Disney XD	299
X-Men Origins: Wolverine	3/30/09 to 6/14/09	Toys	Before 5 PM	Nickelodeon, Cartoon Network, Nicktoons, Disney XD	197
Transformers: Revenge of the Fallen	5/24/09 to 6/14/09	Movie	Before 8 PM	Nickelodeon, Cartoon Network, Nicktoons, Disney XD	154
Transformers: Revenge of the Fallen	5/24/09 to 6/14/09	Movie	Before 5 PM	None	None
Transformers: Revenge of the Fallen	6/1/09 to 6/14/09	Toys	Before 8 PM	Nickelodeon, Cartoon Network, Nicktoons, Disney XD	194
Transformers: Revenge of the Fallen	6/1/09 to 6/14/09	Toys	Before 5 PM	Nickelodeon, Nicktoons, Disney XD	123
Star Trek	3/28/09 to 6/14/09	Movie	Before 8 PM	Nickelodeon, Cartoon Network, Nicktoons	723
Star Trek	3/28/09 to 6/14/09	Movie	Before 5 PM	Nickelodeon, Cartoon Network	4
Star Trek	5/04/09 to 6/14/09	Burger King Star Trek Kids Meal	Before 8 PM	Nickelodeon, Cartoon Network, Nicktoons, Disney XD	487
Star Trek	5/04/09 to 6/14/09	Burger King Star Trek Kids Meal	Before 5 PM	Nickelodeon, Cartoon Network, Nicktoons, Disney XD	349
Star Trek	5/11/09 to 6/14/09	Toys	Before 8 PM	Nickelodeon, Cartoon Network	347
Star Trek	5/11/09 to 6/14/09	Toys	Before 5 PM	Nickelodeon, Cartoon Network	264
Terminator	5/22/09 to 6/14/09	Movie	Before 8 PM	None	None
Terminator	5/22/09 to 6/14/09	Movie	Before 5 PM	None	None
Terminator	5/22/09 to 6/14/09	Toys	Before 8 PM	Nickelodeon, Cartoon Network	175
Terminator	5/22/09 to 6/14/09	Toys	Before 5 PM	Nickelodeon, Cartoon Network	88

These cross-promotions are not limited to toys and television ads. Burger King will be handing out Kmart coupons for *Transformers* toys and footwear with its Kids Meals. Kmart will have *Transformer* destination boutiques. In addition, M&M Mars is promoting two events at New York stores and has

produced special, limited edition *Transformer* Movie M&Ms.<sup>29</sup> M&M also has a *Transformers* game on its website:<sup>30</sup>



While the M&M website does ask for an age in order to enter, and refuses entry if an age under thirteen is entered, we were easily able to exit the site, re-enter, and get into the site by entering a different, older, age. Burger King’s website for kids, Club BK, which “was created for children under 13,”<sup>31</sup> is also offering coupons for *Transformer* toys and an opportunity to play a *Transformers* game online.<sup>32</sup>



<sup>29</sup> Brodesser Akner, Claude and Natalie Zmuda. “Kmart, Burger King, and Mars partner with Transformers, and each other,” *Advertising Age, Madison and Vine*. June 17, 2009. [http://adage.com/madisonandvine/article?article\\_id=137398](http://adage.com/madisonandvine/article?article_id=137398). Accessed June 22, 2009.

<sup>30</sup> M&Ms, <http://www.mms.com/us/transformers/>. Accessed June 22, 2009.

<sup>31</sup> BurgerKing Club BK, “Is Club BK<sup>SM</sup> for kids of a certain age?” <http://www.clubbk.com/HelpFaqs/Default.aspx>. Accessed June 23, 2009.

<sup>32</sup> BurgerKing Club BK. “Transformers” Play the new Transformers Free Mission City. <http://www.clubbk.com/Toys/Default.aspx>. Accessed June 22, 2009.

In addition, The Cartoon Network has launched a Transformers sweepstakes for children as young as four.<sup>33</sup> The grand prize is a “Hasbro Transformers Revenge of the Fallen Movie Action Figures Prize Pack.” The Cartoon Network sweepstakes’ website also features interviews with cast members from the movie and links directly to the film’s homepage.



## Conclusion

It is clear that self-regulation has failed. Despite the urging of the FTC, parents, advocacy groups, and CARU, the MPAA has refused to develop and enforce an explicit policy for the marketing of PG-13 movies. As a result, PG-13 films—including movies with significant violent content—are consistently marketed in a manner that contradicts the “Parents Strongly Cautioned” message accompanying their PG-13.

Marketing PG-13 films to young children sends an extremely confusing message to parents. Are they to believe the fine print of a PG-13 rating that “Some material may be inappropriate for children” or the countless ads and promotions aimed at young children that effectively proclaim this a must-see movie for children of all ages? Such marketing increases the chances that young children will be exposed to media material and messages that may not be suitable for them, such as messages that glorify violence. In addition, even if parents do not allow their young children to see PG-13 movies, they cannot shield them from the barrage of cross-promotions involving the movies and unhealthy foods and beverages.

CCFC respectfully requests that the Commission take additional action to protect children and to help parents by ensuring that PG-13 movies are marketed in ways consistent with their ratings.

Respectfully submitted,

Susan Linn, EdD  
Director, CCFC

Alvin F. Poussaint, MD  
On behalf of the CCFC Steering Committee

cc: David Vladeck, Director, Bureau of Consumer Protection, FTC  
Mary K. Engle, Associate Director, Division of Advertising Practices, Bureau of Consumer Protection, FTC

<sup>33</sup> Cartoon Network, Transformers: Revenge of the Fallen Toy Sweepstakes eligibility guidelines, [http://www.cartoonnetwork.com/promos/200906\\_transformers/rules.html](http://www.cartoonnetwork.com/promos/200906_transformers/rules.html). Accessed June 23, 2009.