



November 21, 2008

Kevin J. Martin, Chairman
Federal Communications Commission
445 12th Street, SW
Washington, DC 20554

**Re: Sponsorship Identification Rules and Embedded Advertising,
MB Docket 08-90**

Dear Chairman Martin:

The Children's Media Policy Coalition, including the American Academy of Pediatrics, American Psychological Association, Benton Foundation, Children Now, National PTA, and the Office of Communications of the United Church of Christ, Inc. (collectively, CMPC), respectfully submits this letter to alert the Commission to the overwhelming support for an explicit ban on the use of embedded advertising during children's programming.

Recently, the FCC has asked for comment on whether it should codify its longstanding policies against the use of embedded advertising in children's programming.¹ CMPC strongly supports the adoption of this proposal. Moreover, we note that the media industry has not expressly opposed an explicit ban. Indeed, the National Association of Broadcasters has acknowledged that "there would be no harm in providing clarification that makes the existing prohibition explicit."²

For over thirty years, the FCC has recognized the substantial body of research documenting the inability of many children to distinguish commercials from programming or to understand the persuasive intent of advertising. In light of such evidence, both the FCC and Congress have instituted special safeguards to protect children from unfair and manipulative advertising techniques that might take advantage of these cognitive vulnerabilities by requiring clear separations between commercial

¹ *Sponsorship Identification Rules and Embedded Advertising*, MB Docket No. 08-90 (rel. June 26, 2008) at ¶16.

² *Comments of the National Association of Broadcasters*, MB Docket 08-90 (filed Sept. 22, 2008) at 11.

content and programming, and by adopting time limits on advertising and program-length commercials during children's programming.³

Codification of the existing FCC prohibition reflects an appropriate continuation of these longstanding policies. It would provide certainty to industry, and more importantly, ensure that children are protected from unfair advertising techniques during programming designed and produced specifically for them. Accordingly, CMPC, joined by the undersigned groups (see Attachment A), urge the Commission to promptly codify the prohibition on the use of embedded advertising in children's programming.

Respectfully Submitted,



Coriell Wright, Esq.

Institute for Public Representation
Georgetown University Law Center
600 New Jersey Avenue, N.W.
Washington, DC 20001
(202) 662-9535

Counsel for the Children's Media Policy
Coalition

³ 1974 *Children's Television Report and Policy Statement*, 50 FCC 2d 1 (1974); Children's Television Act of 1990, Pub. L. No. 101-437 (1990); *Policies and Rules Concerning Children's Television Programming, Report and Order*, 6 FCC Rcd 2111 (1991).

Attachment A

We support the comments of the Children's Media Policy Coalition and urge the FCC to promptly adopt rules prohibiting the use of embedded advertising in children's programming.

American Academy of Child and Adolescent Psychiatry

3615 Wisconsin Avenue, N.W.

Washington, DC 20016-3007

www.aacap.org

Anderson Partnership for Healthy Children

P.O. Box 1099

Anderson, CA 96007

www.ap4hc.org

California Pan-Ethnic Health Network

654 Thirteenth Street

Oakland, CA 94612

www.cpehn.org

California WIC Association

1107 Ninth Street

Suite 625

Sacramento, CA 95814

www.calwic.org

CANFit

2140 Shattuck Avenue, Suite 610

Berkeley, CA 94704

www.canfit.org

Center for Science in the Public Interest

1875 Connecticut Avenue, Suite 300

Washington, DC 20009

www.cspinet.org

Central California Regional Obesity Prevention Program

California State University, Fresno

2345 East San Ramon Avenue

Fresno, CA 93740-8031

www.csufresno.edu/ccchhs/institutes_programs/CCROPP/index.shtml

Common Sense Media

650 Townsend Street, Suite 375
San Francisco, CA 94103
www.common sense media.org

Free Press

501 Third Street NW, Suite 875
Washington, DC 20001
www.free press.net

Prevention Institute

221 Oak Street
Oakland, CA 94607
www.prevention institute.org

Shasta County Child Abuse Prevention Coordinating Council

2280 Benton Drive
Building C, Suite B
Redding, CA 96003
www.shastacapc.org

Tulare County Public Health

5957 South Mooney Boulevard
Visalia, CA 93277
www.tularehhsa.org