

# Children’s Food and Beverage Advertising Initiative

## Danone North America PBC Pledge

December 4<sup>th</sup>, 2020

Implementation date in the U.S.: January 1<sup>st</sup>, 2021

At Danone North America, we are committed to using our business as a force for good. Our global frame of action “One Planet. One Health” is grounded in the belief that the health of people and our planet are interconnected and interdependent. As a purpose-driven business and a Public Benefit Corporation, we have been committed to both social and economic value for decades. We are proud to be the largest Certified B Corporation in the world.

We strongly believe children should enjoy a healthy diet and active lifestyle from an early age in order for these habits to be sustained into adulthood. We also understand the critical role parents play in children's food choices and eating habits, which is why we are proud to be a part of the [Children’s Food and Beverage Advertising Initiative \(CFBAI\)](#), a self-regulation program created to improve food advertising to children under age 12. Through this partnership, Danone North America is restating its pledge on advertising and marketing to children. Not only was our pledge developed in accordance with [CFBAI’s Core Principles](#), but it goes beyond advertising and sets an industry-leading standard for marketing to children under the age of 12.

With a strong commitment to high-quality, nutritious great-tasting and innovative products, Danone North America has a long history of encouraging healthy eating and healthy living.

This document provides further detail on our pledge and our commitment to leading a food revolution.

### **I. Identifying Information**

#### 1. *Corporate Contact Information:*

DANONE NORTH AMERICA, PBC  
1 Maple Avenue  
White Plains, NY, 10605  
[www.danonenorthamerica.com](http://www.danonenorthamerica.com)

#### 2. *Individual(s) responsible for overall implementation of the Pledge:*

Philippe Caradec VP Public and Government Affairs 1 Maple Avenue White Plains, NY, 10605 <a href="mailto:philippe.caradec@danone.com">philippe.caradec@danone.com</a> +1-914-872-8616	Gina Bianchi Deputy General Counsel 1 Maple Avenue White Plains, NY, 10605 <a href="mailto:gina.bianchi@danone.com">gina.bianchi@danone.com</a> +1-914-872-8546
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### 3. *Entities covered by the Pledge:*

Products marketed and advertised by the following divisions of DANONE NORTH AMERICA, PBC in the United States of America:

- Yogurt
- Coffee House Creations
- Plant-Based Beverages and Foods
- Premium Dairy
- Vega

DANONE NORTH AMERICA, PBC commits that it will engage in marketing communications directed to children<sup>1</sup> under 12 years of age, in accordance with this pledge, only for products that meet the stricter of either the [CFBAI's Category-Specific Uniform Nutrition Criteria, 2<sup>nd</sup> ed.](#) or the nutrition criteria referenced in the Global [Danone Pledge on Marketing to Children of December 2019](#), hereafter referenced as the "Joint Danone & CFBAI Nutrition Criteria" (See Appendix).

DANONE NORTH AMERICA, PBC will provide information regarding such products to CFBAI prior to advertising them so that CFBAI can assess whether the products meet CFBAI's nutrition criteria and publicly indicate that the products qualify, and effectively monitor DANONE NORTH AMERICA, PBC's compliance with its Pledge.

## II. **Core Principles**

### 1. Advertising Primarily Directed to Children under age 12

DANONE NORTH AMERICA, PBC commits that all advertising primarily directed to children in covered media will be for foods that meet the Joint Danone & CFBAI Nutrition Criteria.

### 2. Covered media

The advertising commitment applies to the following media ("covered media"):

- Television
- Radio

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<sup>1</sup> Marketing Communications to Children: Refers to paid and unpaid communications developed by DANONE NORTH AMERICA, PBC with the intention of promoting its products to children under the age of 12 using TV, radio, print, cinema, online (on all digital platforms, including company-owned websites and company-owned social media profiles), DVD/CD-ROM, product placement, interactive games, mobile and SMS marketing.

As described in full details in section 3, DANONE NORTH AMERICA, PBC marketing communications are considered to be addressed to children under the age of 12 when these represent at least 30% of the audience. Where adequate data are unavailable, DANONE NORTH AMERICA, PBC will ensure that marketing communications for products that do not meet the nutrition criteria will not be designed to appeal primarily to children under the age of 12, based on the overall impression of the creative execution.

- Print
  - Cinema (advertising shown before G or PG movies)
  - Internet/Digital media, including but not necessarily limited to:
    - Danone North America, PBC-owned websites
    - Third-party websites, including display, banner, pop-up, audio or video advertising<sup>2</sup>
    - Mobile apps or mobile media, including advertising on phones, laptops, tablets, other personal digital devices, in whatever form, including email, text, IM or SMS messaging
  - Platforms (e.g., YouTube) that may have content or channels that are primarily directed to children<sup>3</sup>
  - Video and computer games that are primarily directed to children under age 12
  - DVDs of movies that are rated “G” whose content is primarily directed to children under age 12, and other DVDs whose content is primarily directed to children under age 12
  - Word of mouth.<sup>4</sup>
3. Licensed Characters, Celebrities, Influencers and Premiums.
- DANONE NORTH AMERICA, PBC commits to only use licensed characters, movie tie-ins, celebrities, influencers<sup>5</sup> and premiums primarily appealing to children under the age of 12 in conjunction with products that meet the Joint Danone & CFBAI Nutrition Criteria in marketing communications to children.
4. Packaging and Point of Sale
- DANONE NORTH AMERICA, PBC commits to use licensed characters, movie tie-ins, celebrities and premiums primarily appealing to children below 12 years of age only for marketing communication on packaging and at the point of sale<sup>6</sup>

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<sup>2</sup> User-generated content that is not under the control of DANONE NORTH AMERICA, PBC is not covered by the Core Commitments.

<sup>3</sup> As provided in CFBAI’s Core Principles, advertising on a platform that uses valid age verification to restrict access presumptively is not primarily directed to children under age 12.

<sup>4</sup> Word of mouth advertising refers to advertising primarily directed to children where a participant provides incentives (financial or otherwise), product samples or other support to individuals or groups who are not employees to encourage such individuals or groups to discuss the DANONE NORTH AMERICA, PBC’s branded foods or beverages.

<sup>5</sup> An influencer is a third-party endorser who shapes audience attitudes through, for example blogs, posts, tweets, and the use of other social media.

<sup>6</sup> Point of Sale does not include ordinary display of products in store/at point of sale, i.e. the display of products on shelves, at checkouts or in the aisles of the store, as well as materials that are not within the control of DANONE NORTH AMERICA, PBC in retail premises where DANONE NORTH AMERICA, PBC products may be sold by third

in connection with products that meet the Joint Danone & CFBAI Nutrition Criteria.

#### 5. Product Placements

DANONE NORTH AMERICA, PBC commits to not paying for or actively seeking to place its foods or beverages into third-party program or editorial content of any medium primarily directed to children under age 12 to promote the sale of those products.

#### 6. Product Integrations

DANONE NORTH AMERICA, PBC commits that the paid for or actively sought integration of their foods or beverages in any medium primarily directed to children under age 12, including in interactive games or other digital content, will promote only foods or beverages that meet the Joint Danone & CFBAI Nutrition Criteria.

#### 7. Marketing communications in Elementary and Middle Schools

DANONE NORTH AMERICA, PBC commits to not engage in product marketing communications 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 tests

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.

DANONE NORTH AMERICA, PBC commits to sponsor educational programs in Elementary and Middle Schools only where specifically requested by, or agreed with, the school administration. To the extent that Danone donates products to the schools as part of these programs, only products complying with the “Joint Danone & CFBAI Nutrition Criteria” can be used.

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parties. This packaging and point of sale commitment does not apply to Danone NA owned brand-equity characters.

### III. Definitions of Child-Directed Advertising

DANONE NORTH AMERICA, PBC will use the following criteria to define advertising primarily directed to children and to demonstrate compliance with CFBAI's Core Commitments.

Measured media. For measured media, DANONE NORTH AMERICA, PBC will define "advertising primarily directed to children" as advertising for which children ages 2-11 constitute at least 30% of the expected audience (the "audience threshold"). The audience demographics that determine compliance with this audience threshold will be measured in media impressions expected to be received by specific demographic groups at the time the advertising is purchased, based on reliable third-party information (e.g., Nielsen ratings for TV or comScore data for digital media).

DANONE NORTH AMERICA, PBC typically purchases television advertising once annually, well in advance of when the advertising will air, on a daypart or timeblock basis. Advertising placed in purchased dayparts or timeblocks will be identified as compliant for purposes of CFBAI based on an analysis of the annualized audience composition data for the block of time purchased.

Digital and online media. For "contextual advertising," which is served based on the content that is adjacent to the ad or in which the ad is placed, DANONE NORTH AMERICA, PBC will determine whether such content is child-directed based on an assessment of the composition of the audience for that content (if known) or, where reliable audience composition data is not available, an assessment of multiple factors related to that content.

Where audience composition is known, DANONE NORTH AMERICA, PBC will consider such advertising primarily directed to children if 30% or more of the audience for the site, app, or content in which the ad is placed are children under age 12. Where audience composition data is inadequate to make this determination, such advertising will be deemed primarily directed to children if the advertisement is placed in content that appears to be child-directed based on an evaluation of multiple factors related to that content, including whatever age demographics for the site or digital content may be available, an assessment of the overall nature of the content, including but not limited to the subject matter of the site or video, the visual content, the language used, the kind of music or audio content, the difficulty of game play, the influencer or influencers featured in the content, actions taken to restrict children's access to the site or content, and content identifier tools that indicate whether content is child-directed provided by platforms or content developers.

Other digital advertising (not "contextual advertising") is targeted to the audience for that ad in a variety of ways. DANONE NORTH AMERICA, PBC will meet its CFBAI commitments when placing such "targeted advertising" by using reliable age-targeting tools and/or other interest-based or behavioral factors to avoid serving ads for foods that do not meet the Joint Danone & CFBAI Nutrition Criteria. These tools include:

1. Age-targeting (based on cookie data or other age indicia) to audiences other than children;
2. Targeting based on interest-based or behavioral data to audiences other than children;
3. Blacklisting of specific sites, channels or other content that are directed to children; and
4. The use of relevant topic, keyword, or content classification or identification systems or filters provided by the platform owner or content developer (e.g., an app developer).

#### **IV. ADVERTISING TO CHILDREN UNDER SIX YEARS OLD**

DANONE NORTH AMERICA, PBC commits to not advertise any product regardless of the product's nutrient profile in television, radio, print and internet venues where children under 6 years of age represent 30% or more of the audience.

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# CFBAI - Danone North America PBC Pledge

## Appendix

### Joint Danone & CFBAI Nutrition Criteria, Implementation 1/1/2021

Product Category	Unit	Nutrients to Limit				Nutrition Components to Encourage	Notes
		Calories	Sat Fat	Sodium	Total and Added Sugars as indicated		
1. Juices	LSS (max 8 oz)	—	0 g	≤ 105 mg	No added sugars	≤ 6 oz maximum 100% F/V juice	<ul style="list-style-type: none"> <li>- A serving must contain 100% F/V juice or F/V juice blends OR 100% F/V juice diluted with water only; with or without carbonation</li> <li>- A serving must contain no more than 6 fl oz 100% juice</li> <li>- Sugars limited to those naturally occurring in F/V</li> </ul>
2. Milks	8 fl oz (240 ml)	≤ 150	≤ 2 g	≤ 200 mg	Total Sugars ≤ 27.6 g Added Sugars ≤ 10 g	1 c dairy <u>and</u> ≥ 10% DV calcium	<ul style="list-style-type: none"> <li>- For LSS &lt; 8 fl oz, NTL &amp; NCTE to be proportionately lower</li> </ul>
3. Yogurts and Yogurt-Type Products	6 oz (170g)	≤ 170	≤ 2 g	≤ 140 mg	Total Sugars ≤ 19.5 g Added Sugars ≤ 18 g	≥ ½ c dairy <u>and</u> ≥ 10% DV calcium	<ul style="list-style-type: none"> <li>- For LSS &lt; 6 oz, NTL &amp; NCTE to be proportionately lower</li> </ul>
4. Cheese and Cheese Products	LSS	≤ 80	≤ 3 g	≤ 240 mg	Total Sugars ≤ 11.5 g/100g Added Sugars ≤ 2 g	≥ ½ c dairy equivalent <u>and</u> ≥ 10% DV calcium	<ul style="list-style-type: none"> <li>- For LSS &lt; 1 oz, NCTE to be scaled to ≥ ½ c dairy equivalent and ≥ 10% DV calcium</li> </ul>