Marketing Adult Products to Kids: To Legislate or Not to Legislate

by Phyllis Raybin Emert

It’s early evening. You’re settled on the couch with your younger brothers and sisters. Popcorn, pretzels, and lemonade are handy for snacking. Your favorite family movie comes on television—The Wizard of Oz, Shrek, Toy Story—you name it. Mom and Dad come in to watch with you. Cut to a commercial. A kidnapped girl. A manic with a knife. A police chase. A woman in a shower. What’s going on here? An R-rated movie advertised during the family hour? Your brother is impressed. Your little sister turns annoyed. So is Senator Joseph Lieberman of Connecticut. Senator Lieberman, the former Democratic Party Vice-Presidential candidate, doesn’t think it’s right to advertise and promote adult-rated films (and videos and CDs) in time slots where kids will be watching. And, Senator Lieberman has sponsored legislation that, if it becomes law, will fine those who do just that. Jack Valenti, president and chief executive officer of the Motion Picture Association of America (MPAA), believes that such legislation would take away the right to freely advertise. Valenti believes it would violate the First Amendment to the U.S. Constitution by granting the government authority over freedom of expression. Such a
It may sound like a science-fiction movie, but it has already been done. Recently, scientists transferred the gene that keeps a flounder from freezing in ice cold water into a tomato, creating a tomato that can resist frost and grow in the winter. Imagine Jersey tomatoes all winter long. Don’t get too excited. Although this “smart” tomato was grown, it has not been sold yet.

An end to world hunger?

Supporters of genetically modified foods believe these foods are a solution to the world hunger problem. Additional benefits of the hybrid plants, supporters claim, are improved resistance to pests, increased crop yields, and the production of toxic chemical pesticides and a more productive use of available farmland.

In a 60 Minutes report titled, “What Have They Done to Our Food,” Hugh Grant of Monsanto, a multi-national research company and the developer of a genetically modified leaf potato, was interviewed. “Today, nearly the world’s food needs with a limited resource base that is not likely to expand significantly unless we destroy more rain forests and wetlands,” Grant said. “Simply to feed an increased population, the base will need to produce 60 to 100 percent more food in the next 30 years or so. Biotechnology is the single most promising approach to feeding a growing population while reducing damage to the environment,” he stated.

Grant also noted in the report that since new crops of “smart” plants have been launched, built-in pesticides, millions of galls of insecticides have not been needed.

Biotech companies, such as Monsanto, foresee still more potential benefits from genetically engineered foods. Some of the research currently being conducted is the development of pneumonia- and cancer-fighting tomatoes, a potato that prevents animal viruses, broccoli packed with cancer-fighting nutrients, vaccine-infused bananas and vitamin A-rich rice that could prevent blindness in undernourished children. The biotech industry maintains that in the 10 years since genetically engineered foods have been on the market, no evidence exists that they are harmful to humans. The scientific council of the American Medical Association reports no detectable long-term health effects from genetically modified foods.

James Maryanski, in charge of biotechnology for the Food and Drug Administration (FDA), claims the FDA is convinced that the genetically engineered foods currently on the market are safe for consumers. The FDA is the government agency that sets safety and quality standards for foods, drugs and other consumer products.

SO WHAT’S THE PROBLEM?

The potential benefits that could result from genetically altered food is not in question. However, organizations like the Center for Food Safety, the Food Alliance, as well as environmentalists, scientists and health groups believe that genetically modified foods are basically the same as all other crops violated any environmental laws. The judge further ruled that labeling foods as genetically altered was not required based on the FDA’s position that the new crops are not considered food additives. As a result, you as a consumer have no way of knowing whether or not the potato or corn chip you are nibbling has been genetically modified with Bt toxin.

Although many of the organizations dropped out of the lawsuit after the judge’s ruling, the Alliance for Bio-Integrity is continuing to appeal the decision. In addition, a movement by consumer groups is also underway to convince the U.S. Congress to pass legislation mandating long-term government testing and labeling of genetically modified food products.

Super pests

Environmentalists are also concerned that insects will become resistant to the pesticides in the biengineered plants and that eventually insects become immune. The fear also exists that the new traits in genetically modified plants could migrate into and destroy other plants.

The environmentalists foresee new generations of “super beetles” and “super weeds” that are immune to pesticides. The American Medical Association reports that while the BT toxin in corn effectively attacks plant pests, laboratory tests have shown it also destroys...
CONTINUED FROM PAGE 1

Bullying Facts

1. In 2019, an estimated 160,000 children miss school every day due to fear of attack or intimidation by other students.
2. About 1 in 5 students who report being bullied also report being physically assaulted.
3. Bullying is more likely to occur in schools where there are fewer adults or staff.
4. Bullying can have long-term effects on mental health, including anxiety and depression.
5. Students who are bullied are more likely to engage in risky behaviors, such as substance use and suicide.

CONTINUED ON PAGE 4
**Glossary**

allergic—causing an allergic reaction (i.e., sneezing, skin rash, itching, etc.).
appeal—a complaint to a higher court regarding the decision of a lower court.
censorship—blocking the distribution or publication of, for example, movies, plays, publications, etc., because of questionable (i.e., obscene, immoral) material.
escalate—to increase in intensity.
freedom of expression—a right guaranteed under the First Amendment to the U.S. Constitution and includes freedom of religion, speech and the press.
gene—an unit that controls the transmission of hereditary characteristics.
genetic modification—alteration of genetic material by introducing new genes into a life form.
immune—resistant to (in this case) insecticides or pesticides.
insecticide—an agent, usually a chemical, that kills insects.
mandatory—required.
minor—a person under 18 years of age.
pesticide—an agent used to destroy pests (i.e., insects).
plaintiff—person or persons bringing a civil lawsuit against another person or entity.

**Biotechnology Continued from page 2**

The larvae of the monarch butterfly and other butterflies and moths. As a result of the potentially deadly effect on monarch butterflies, in 2000, the Environmental Protection Agency (EPA) ordered American farmers to plant between 20 and 50 percent of their corn crop with seed that had not been altered.

What does the future hold for biotechnology?

Although the FDA continues to maintain that genetically modified foods are safe, in December 2001 it announced that it will propose required safety reviews of new genetically altered foods, but stands by its policy that labeling of these products is not required.

Food biotechnology is a new science that continues to advance rapidly. It has the potential not only for solving the problem of hunger throughout the world, but for improving the quality of our food supply as well. Just as we do not know all the possible future benefits of these foods, their effect on the long-term health of those who eat them and the environment is also still unknown.

In the meantime, stay tuned for other lawsuits in addition to the one under appeal now, and increased legislation urging for more testing and possibly labeling of these products.

**Marketing Continued from page 3**

accountable, just like any other company that misleads consumers. That’s not censorship, that’s common sense.”

What exactly would be illegal?

For one thing, if the legislation is passed and becomes law, you won’t see R-rated movie trailers shown in movie theaters before viewing a G-rated or PG-rated movie. It would also be illegal for R-rated movies or M-rated video games to be advertised in teen magazines such as Seventeen, Tiger Beat or Teen People. Commercials for these products would also not be allowed to air during television programs aimed at young adults or those under 17 years of age.

Similarly, it would be illegal for musical recordings that contain explicit content or come with a parental advisory label to be advertised in these venues. That has the music industry bristling.

“Music is unique,” said Hillary Rosen, president of the Recording Industry Association of America, in a prepared statement after the initial FTC report was released. “For the same reason that there is no rating system for books, the works of musical artists are not rated by age or content specificity—as it is virtually impossible to categorize words,” she said.

What about the movies?

Jack Valenti is similarly upset and believes the Media Marketing Accountability Act should be called “A Death Sentence Bill for Voluntary Film Ratings.”

Valenti believes the voluntary rating system, in effect since 1968, (see sidebar) is the best way to help parents evaluate what is suitable for their children and that the Media Marketing Accountability Act “violates the First Amendment to the Constitution, which guards creative works.”

Calling the legislation “fatally flawed,” Valenti claims that it actually punishes those who voluntarily rate their films, providing valuable information to parents, while giving those who do nothing, “a free pass.”

“Recent Supreme Court decisions clearly strike down any laws that deny advertisers the right to advertise,” Valenti says. “The High Court has said that the governmental interest in protecting children from harmful material doesn’t justify suppressing speech to adults.”

Senator Lieberman counters that the First Amendment is not a license to deceive.

“The entertainment industry cannot label their products for adults and target them to kids,” says Senator Lieberman. “And they cannot continue to undermine their ratings and undercut the authority of parents. All we’re asking is (for them) not to market material that they rate as inappropriate for children to children.”

Presently, the Media Marketing Accountability Act is being studied in the Senate Committee on Commerce, Science and Transportation, and the House of Representatives Subcommittee on Commerce, Trade and Consumer Protection.

**Crossword**

**ACROSS**

2. an agent, usually a chemical, that kills insects.
4. causing an allergic reaction (i.e., sneezing, skin rash, itching, etc.)
8. required.
9. a person under 18 years of age.

**DOWN**

1. an agent used to destroy pests (i.e., insects).
3. resistant to (in this case) insecticides or pesticides.
4. complaint to a higher court regarding the decision of a lower court.
5. to increase in intensity.
6. a unit that controls the transmission of hereditary characteristics.
7. blocking the distribution or publication of, for example, movies, plays, publications, etc., because of questionable (i.e., obscene, immoral) material.

**Voluntary Movie Rating System**

Following are the ratings used by the Motion Picture Association of America.

<table>
<thead>
<tr>
<th>Rating</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>G</td>
<td>General Audiences—Any age admitted</td>
</tr>
<tr>
<td>PG</td>
<td>Parental Guidance Suggested—Some material may not be suitable for children</td>
</tr>
<tr>
<td>PG13</td>
<td>Parents Strongly Cautioned—Some material may be inappropriate for children under 13 years of age</td>
</tr>
<tr>
<td>R</td>
<td>Restricted—Anyone under 17 years of age requires an accompanying parent or adult guardian</td>
</tr>
<tr>
<td>NC-17</td>
<td>No one under 17 years of age admitted</td>
</tr>
</tbody>
</table>

**Crossword Solution Below**

**Marketing**

Voluntary Movie Rating System

Continued from page 3

Senator Lieberman counters that the First Amendment is not a license to deceive.

“The entertainment industry cannot label their products for adults and target them to kids,” says Senator Lieberman. “And they cannot continue to undermine their ratings and undercut the authority of parents. All we’re asking is (for them) not to market material that they rate as inappropriate for children to children.”

Presently, the Media Marketing Accountability Act is being studied in the Senate Committee on Commerce, Science and Transportation, and the House of Representatives Subcommittee on Commerce, Trade and Consumer Protection.

**Crossword Solution Below**