

## **Ethical Issues in Food Marketing towards Children**

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### **Author's Note**

The citations are in the APA style since the paper cites many psychological sources and news events. In addition, the author who double majors in IT and Accounting is also the most familiar with the APA style. If the content is accepted by the review committee and the paper must be reformatted in the Chicago style, please kindly inform the author via email at [quynht.dang@gmail.com](mailto:quynht.dang@gmail.com).

### **Abstract**

An increasing number of companies are paying closer attention to producing their goods more responsibly, keeping in mind their own sustainability and the sustainability of the planet. How their products are consumed, however, usually is not addressed. That responsibility is delegated to consumers, who are assumed to have the necessary information to make responsible consumption decisions and the ability to process that information effectively. This is a tenuous assumption, especially when one takes into account the power of advertising to shape consumers' perceptions of and desire for a product. Think about food, for example. Can consumers evaluate effectively the difference between 'organic' meat and produce and their (by inference) 'non-organic' meat and produce? Should consumers be expected to understand how the dizzying array of ingredients in food, especially processed foods, might be affecting their health? Sure, consumers might be told that a food is 'good for you,' but how do they really know for sure, and can they really trust the producer? It is likely that even a highly health-conscious consumer would have difficulty. So imagine how hard it would be to make healthy choices for children toward whom a wide range of tasty foods with dubious health benefits is marketed. It may be good for business to entice children (and their parents) to purchase these foods, but is it really ethical for companies to sell products that can hurt children's health?

This paper examines the marketing tactics of three giant food companies: McDonald's, Mondelez, and Orion. It will examine how McDonald's Happy Meals and Orion Choco Pie have used toy premiums to entice young children. McDonald's is argued to play a role in spreading this childhood obesity because they use artifice to work around the laws restricting promotion of unhealthy foods and use step counter Happy Meal premiums as a "leanwashing" campaign. In addition, the paper will show how Oreo and Orion Choco Pie have used "emotional marketing" to manipulate young children so the food companies can exploit them as life-long customers. In the process, the paper challenges our views of what responsible production and consumption should be.

### Introduction

Children-directed advertising of foods high in salt, saturated fat, sugar and calories to children is unethical for many reasons. It plays a large role in the increasing prevalence of childhood obesity in the U.S. It undermines parents' efforts of implementing a healthy diet for their children. Some marketing campaigns exploit young children's cognitive limitations and "pester power," which is unfair and hence unethical.

This paper examines three prominent companies in the food industry: McDonald's, Mondelez and Orion. It details how McDonald's Happy Meals and Orion Choco Pie have used toy premiums to entice young children. McDonald's play a role in spreading this childhood obesity because they use artifice to work around the laws restricting promotion of unhealthy foods and use step counter Happy Meal premiums as a leanwashing campaign.

In addition, Oreo and Orion Choco Pie have used "emotional marketing" to promote its nutrient-poor sweets to young children. The Advertising Research Foundation distinguishes "informational marketing" (which provides rational benefits and reasons to buy a product) from "emotional marketing" (which is designed to make the consumer "feel good" about a product) (as cited in Harris & Graff, 2012, p. 216). Binet and Field analyzed 880 advertising campaigns and also concluded that the most effective advertisements have little or no rational content (as cited in Harris & Graff, 2012, p. 216). Oreo and Orion Choco Pie's emotional marketing is argued to have manipulated young children so the food companies can exploit them as life-long customers.

The discussion of this topic is prompted by the increasing prevalence of childhood obesity and the under-regulation of food marketing directed at children the United States. In Vietnam and other developing countries, emotional marketing of children's foods and beverages has only been praised as smart from a business standpoint but not condemned from an ethical perspective. These ethical issues should be put up for public debate in every country.

### A Big Picture of Marketing Expenditures on Children's Foods

The Federal Trade Commission (FTC) published reports on food marketing to children and adolescents in 2006, 2008, 2012, analyzing marketing techniques and expenditures, and nutritional data. The FTC has not done any follow-up study since 2012.

According to the FTC's 2012 report, this series of investigative reports was commissioned by Congress and was prompted by concerns about the steep increase in the rate of childhood obesity (p. ES-1). The series began with requiring 44 major food and beverages marketers to submit 2006 data (FTC, 2012, p. ES-1). Throughout the series of investigations, the 2006 data served as a baseline for measuring the impact of industry efforts (p. ES-1). The FTC found that in 2006 the food industry spent \$2.1 billion marketing to youth (defined as ages 2-17). Then, in 2009, the FTC was able to collect data from the same 44 companies and four additional food companies. In 2009, these 48 major companies spent \$1.79 billion on marketing to youth – a 19.5% drop (inflation-adjusted) compared to 2006 (FTC, 2012, p. ES-2).

However, it did not mean the food industry was less aggressive about marketing food to children; their marketing efforts simply became more cost-effective and sophisticated. These companies spent 19.5% less on youth-targeted TV ads, while spending 50% more on new media, including online and viral marketing. Also, of the \$1.79 billion marketing expenditures in 2009, about \$1 billion was directed to children ages 2-11 and about \$1 billion was directed to teenagers ages 12-17, with \$263 million overlapping these two groups.

Noticeably, when promoting food and beverage products for youth ages 2-17, these companies dedicated their marketing efforts to all audiences, including adults aged 18 and above. In fact, among all audiences, these food companies spent \$9.65 billion in 2009 and \$9.69 billion in 2006 on marketing for children's and teen's products (FTC, 2012, p. ES-2). In other words, in 2009, only 18.5% of all-audiences marketing expenditures for kids' products (\$1.79 billions of \$9.65 billion) were directed to youth ages 2-17, the final consumers; whereas, a whopping 81.5% of overall promotional expenditures were spent on the adult audience. In 2006, only 21.6% of all-audiences marketing expenditures were for youth-oriented products (\$2.1 billion of \$9.69 billion), while 78.4% of the total budget was directed to adults. A primary reason might be children and teens eventually rely on adults to buy these youth-oriented products.

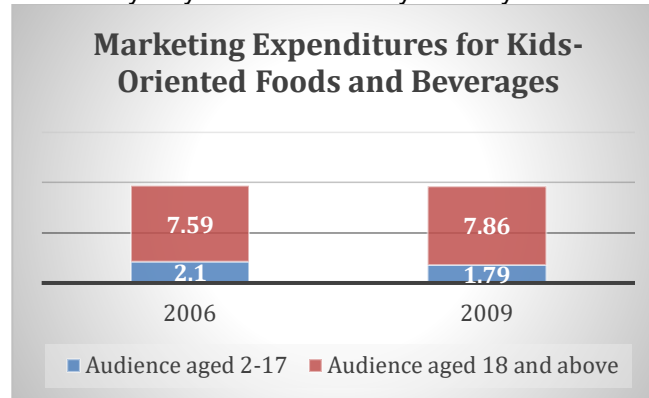


Figure 1. Breakdown of Marketing Expenditures for Children's Foods. 2006 Total: \$9.69 billion, 2009 Total: \$9.65 billion. (Source: FTC, 2012, pp. ES-1 & ES-2)

#### Childhood Obesity: An Epidemic in the U.S.

It is argued that marketing of unhealthy foods is linked to childhood obesity. As mentioned above, the FTC's series of investigative reports was commissioned by Congress due to concerns about the steep increase in the rate of childhood obesity. The section will discuss why childhood obesity is considered an epidemic in the U.S.

Body mass index (BMI), expressed as weight in kilograms divided by height in meters squared ( $\text{kg}/\text{m}^2$ ), is a widely accepted measure used to determine overweight and obesity. The Centers for Disease Control and Prevention (CDC) defines childhood overweight as a BMI at or above the 85<sup>th</sup> percentile and below the 95<sup>th</sup> percentile for children of the same age and sex, while childhood obesity is defined as a BMI at or above the 95<sup>th</sup> percentile. Based on these definitions, Ogden, Carroll and their colleagues from the Division of Health and Nutrition Examination Survey (NHANES) have been using survey data to monitor the national prevalence of childhood overweight and obesity in the United States. From 2007 to 2010, childhood obesity affected 17% of children and adolescents aged 2-19 in the U.S (Ogden, Carroll, Kit, & Flegal, 2012). Below is a brief overview of this epidemic.

#### Prevalence

Ogden & Carroll (2010) found that the increase in childhood obesity has occurred since 1976-1980 (p.1). In 1976-1980, among all U.S. children and adolescents aged 2-19, 5.5% were classified as obese. In the 2001-2002 period, after over two decades, the obesity rate nearly tripled to 15.4%. Six years later, in 2007-2008, the prevalence of obesity in children and adolescents grew to 16.9%.

Table 1. Prevalence of obesity among U.S. children and adolescents aged 2-19, for selected years 1963-1965 through 2007-2008

Age (in years) <sup>1</sup>	NHES 1963- 1965	NHANES 1971- 1974	NHANES 1976- 1980	NHANES 1988- 1994	NHANES 1999- 2000	NHANES 2001- 2002	NHANES 2003- 2004	NHANES 2005- 2006	NHANES 2007- 2008
	1966- 1970 <sup>2</sup>								
Total	(3)	5.0	5.5	10.0	13.9	15.4	17.1	15.5	16.9
2-5	(3)	5.0	5.0	7.2	10.3	10.6	13.9	11.0	10.4
6-11	4.2	4.0	6.5	11.3	15.1	16.3	18.8	15.1	19.6
12-19	4.6	6.1	5.0	10.5	14.8	16.7	17.4	17.8	18.1

Figure 2. Prevalence of Childhood Obesity in the U.S. from 1963 to 2008.

(Source: Ogden & Carroll, 2010, p. 5)

Ogden, Carroll, and their co-researchers published a follow-up study in 2012. They found that in 2009-2010, almost 32% of all children aged 2-19 were either overweight or obese, with 17% of all children falling in the obese category (Ogden et al., 2012, p. 485). The obesity percentage did not change, compared with 2007-2008.

Ogden & Carroll (2010) also noted that, between 1976-1980 and 2007-2008, obesity among preschool children aged 2-5 doubled from 5% to 10.4% (p.1). During the same 3-decade period, obesity among children aged 6-11 tripled from 6.5% to 19.6% and obesity among adolescents aged 12-19 nearly quadrupled from 5% to 18.1%. Looking closer at the numbers, one can notice that between 2001-2002 and 2007-2008, within 6 years, the rate of obesity for young children aged 6-11 soared by over 3%, from 16.3% to 19.6%.

### Consequences

Childhood obesity carries tremendous health risks, both immediate and long-term. The CDC warns that children with obesity are more likely to have high blood pressure, high cholesterol, heart disease, impaired glucose tolerance, insulin resistance, type 2 diabetes, breathing problems (e.g. asthma and sleep apnea), joint problems, fatty liver disease, and gallstones.<sup>1</sup> Also according to the CDC (2016), other effects of childhood obesity include behavioral challenges (low self-esteem and poor quality of life), psychological issues (anxiety, depression), and social problems such as bullying and stigma. In the long run, obese children are more likely to become obese adults, and it is alarming that the obesity and aforementioned disease risks are likely to be more severe in their adulthood (CDC, 2016). Children are prone to be trapped in this vicious circle. This paper will proceed to look at some causes of childhood obesity.

### Causes

According to the CDC (2016), obesity is a complex health issue which results from a combination of causes and contributing factors, including individual factors such as behavior and genetics. Behaviors include “dietary patterns, physical activity, inactivity and medication use” (CDC, 2016). Additional factors in the U.S. include the “community or environment, education and skills, and food marketing and promotion” (CDC, 2016).

In fact, food companies have been exerting a huge influence on many of these factors, such as eating habits, physical activity, environment, directly or indirectly.

#### Early childhood eating habits

Infancy and early toddlerhood are believed to be a critical window for introducing a wide variety of flavors to the baby, developing appreciation for healthy foods such as

<sup>1</sup> <https://www.cdc.gov/obesity/childhood/causes.html>

vegetables, and likely forming eating habits for life (Cernansky, 2019). However, many parents are incognizant of how food choices affect their toddlers. Pediatrician Nimali Fernando says some parents just “feed their kids what food companies tell them is kid food” (Cernansky, 2019). For example, some parents try to introduce “masked” vegetables to a baby by feeding them blended fruit-vegetable purees. However, in this manner, the baby is not learning to eat vegetables; he/she is learning to eat “fruit sugars” (Cernansky, 2019).

### **Leanwashing**

According to Karnani, McFerran, and Mukhopadhyay (2014), preceding medical research shows that a poor diet, rather than a lack of exercise, is the main determinant of obesity, but their research finds that only about half of lay people believe so. Karnani and his co-authors also find that people who mistakenly underestimate the harmful effects of a poor diet are more overweight than people who correctly believe a poor diet is the main cause of obesity. These researches assert that food and beverages companies have used marketing and corporate social responsibility campaigns to overemphasize the lack of exercise as the primary cause of obesity—they call this phenomenon “leanwashing.” Later on, this paper will illustrate how McDonald’s applied leanwashing when distributing step-counters with Happy Meals.

### **Environment**

This paper will subsequently examine how food companies affect the environment surrounding children through three marketing case studies: McDonald’s Happy Meals, Mondelez Oreo, and Orion Choco Pie.

Before examining their marketing campaigns, it is important to point out these campaigns utilize neuro-marketing to exploit the cognitive limitations of young children and even adults.

#### **Cognitive Limitations of Young Children**

Based on its research, the American Psychological Association (APA) believes that advertising aimed at children under 8 years old is “unfair and potentially harmful” (APA Task Force, 2004, p.9). In 2000, the APA appointed a task force to extensively review research literature on the effects of advertising on children. The APT Task Force published their findings in 2004 and summarized in its press release that children under the age of 8 are “unable to critically comprehend televised advertising messages and are prone to accept advertiser messages as truthful, accurate and unbiased . . . which can lead to unhealthy eating habits as evidenced by today’s youth obesity epidemic.” (APA, 2004, February). In other words, children under 8 years old tend to perceive advertisements as informational, truthful, and unbiased. They do not question what they hear or see.

The APA identifies two important cognitive tasks essential to a mature understanding of advertising messages: (1) the ability to distinguish between commercial and non-commercial content and (2) the ability to recognize the persuasive intent of advertising (APA Task Force, 2004, p. 5). Studies indicate that young children below the ages of 4-5 years cannot distinguish between commercial and non-commercial content, hence not possessing the first ability (p. 5). Empirical research evidence also clearly establishes that children under the ages of 7-8 years do not recognize the persuasive intent of advertising, therefore failing to demonstrate the second ability (p. 5). It is also worth noting that young children aged 2-5 do understand the implicit messages and brand image. Robinson, Borzekowski, and Matheson (2007) studied the effects of fast food branding and showed that preschoolers believed food in a McDonald’s wrapper tasted better than the same food without a McDonald’s package (as cited in Harris & Graff, 2012, p. 216).

## McDonald's Happy Meals: Toy Incentives and Leanwashing

### Happy Meals' Toy Premiums

Toys have actually been coupled with food for a long time. Klein (2018) states during 1950s, toys were already included in American breakfast cereals. In 1977, Bob Bernstein, a Kansas City advertising executive, created the Happy Meal for McDonald's (Applegate, 1988). Bernstein said, "we were inspired by reading cereal boxes... The first 12 Happy Meal boxes had puzzles, games, riddles and connect-the-dots games" (Applegate, 1988). According to Linda Kravitz, director of youth marketing for McDonald's in 1988, Happy Meal targeted customers aged 2 to 10 and McDonald's was also the first food company to advertise children's meals on TV (Applegate, 1988). These TV commercials did emphasize the pairing of colorful toys with the Happy Meal menu items.

Kravitz also said McDonald's rolled out the first national Happy Meal with the "Star Trek" theme in 1978. Ever since, the Happy Meal has usually been themed to promote a current family-oriented movie; this phenomenon is called "cross-promotion" or "crossover marketing." Toys connected with popular movies were such a successful promotion for McDonald's. In 1995, McDonald's ordered 750 million toys, more than any toys companies (Feder, 1996). Today, McDonald's reportedly serves 1.2 billion Happy Meals globally every year (Klein, 2018).

Since the first Happy Meals came out in 1978, four decades passed. The same children who enjoyed Happy Meals toys back then are now in their forties and fifties. Most likely a large number of those children have become life-time customers of McDonald's.

### Leanwashing with Step Counters

During a 9-day period promotion in the U.S. and Canada (August 9 to August 17, 2016), McDonald's packaged a step-counter wristband (inspired by FitBit) with its Happy Meals and Mighty Kids Meals<sup>2</sup>. Due to risk of skin irritation or burns to children, McDonald's was ordered by the U.S. Consumer Product Safety Commission (CPSC) to recall 29 million activity wristbands given out in the U.S and 3.6 million units in Canada.

It is also debatable whether McDonald's step-counter wristband promotion was intended to promote healthier lifestyles or it was just another artful marketing strategy. Pediatrician Jennifer Emond was skeptical of these toys, claiming that it is just a "common tactic used by food manufacturers – they promote their products alongside with healthy lifestyles" (Chen, 2016). Emond said this marketing strategy was not credible since it aimed to distract parents' attention from poor nutrition. Emond essentially claimed this activity wristband promotion was a blatant example of the "leanwashing" tactic mentioned above. The step counter was intended to make parents and their children "feel better" by focusing on the "energy-out side of the weight gain equation" rather than the calorie intake (Chen, 2016).

### Class Action Lawsuits against Happy Meals Toys

According to the FTC's 2012 press release, food companies had conducted consumer research to confirm the "pester power" phenomenon: child-targeted marketing drives children's food requests; children subsequently influence their parents' selection of product, store or restaurant. One company's research indicated that food ads and packaging were instrumental to children asking for a food product, and 75% of parents bought a food item for the first time per their child's request (FTC, 2012). Another

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<sup>2</sup> <https://www.cpsc.gov/Recalls/2016/McDonalds-Recalls-Step-iT-Activity-Wristbands/>

company found that at the stores, child-directed advertising through character-based themes brings in more sales revenues than parent-directed advertising (FTC, 2012).

In the legal cases below, Happy Meals toys have drawn kids—and with them their families—to McDonald's. The food company also stated, globally, family trips represent 30 percent of all visits to its restaurants (Baertlein, 2018).

In 2010, Monet Parham was a Sacramento mother of two girls aged 6 and 2 (York, 2010). Parham said she tried to cap the family's visits to McDonald's at once per month, but in the summer of 2010, their requests increased because "Shrek Forever After" came out, which prompted the girls to ask for weekly visits to collect all the toys related to the movie (York, 2010).

According to Rooney (2010), in June 2010, Parham and the Center for Science in the Public Interest (CSPI), a nutrition watchdog group, served McDonald's notice for its intent to sue over "unfair and deceptive marketing." The organization also claimed that the toys constituted a method of circumventing parental control and taught children unhealthy eating (York, 2010). In its notice letter, CSPI said "McDonald's toy-related promotions violated state consumer protection laws in four states and the District of Columbia" and gave McDonald's 30 days "to agree to stop the practice before a suit is filed" (Rooney, 2010). The center's litigation director, Stephen Gardner, wrote in a prepared statement, "McDonald's is the stranger in the playground handing out candy to children . . . It's a creepy and predatory practice that warrants an injunction" (Rooney, 2010).

McDonald's defended itself by saying that "its U.S. advertising campaign is focused on low-calorie Happy Meals" (Rooney, 2010). Its spokesman, William Whitman, said in a prepared statement: "McDonald's is committed to a responsible approach to our menu, and our Happy Meal offerings . . . We have added more choice and variety than ever before, a fact that has been widely reported and recognized." [to find out the outcomes of this lawsuit]

In 2011, Monet Parham, represented by the CSPI, filed a class-action lawsuit against McDonald's at the California Superior Court in San Francisco, accusing it unfairly using toys to lure children into its restaurant.<sup>3</sup> The lawsuit sought to stop McDonald's from using free toys to promote Happy Meals in the state of California. In April 2012, a San Francisco judge dismissed the lawsuit (Levine & Baertlein, 2012).

San Francisco's Healthy Food Incentive Ordinance prohibits toys with kids' meal purchases at fast-food restaurants if the food fails to meet nutritional criteria. McDonald's worked around the law by started selling toys for 10 cents to anyone who bought a Happy Meal in the San Francisco jurisdiction shortly before the ordinance became effective on December 1, 2011 (Klein, 2018).

According to *Global News*, in November 2018, McDonald's faced a class action lawsuit in Quebec for allegedly advertising Happy Meals to children (The Canadian Press, 2018). This lawsuit was initiated by Antonio Bramante, who has three young children and frequents McDonald's at least every two weeks at the children's encouragement (Handley, 2018). He states that the Happy Meals toys come out with the launch of children's movies and are often part of a series, which prompts the children to return to the restaurant to complete the collection.

According to this Quebec's Consumer Protection Act 1971, advertising must not "directly incite a child to buy goods or services." Three exceptions to this law are (1) advertising in children's magazines, advertising at children's entertainment events, and (3) advertising via store windows, displays, containers, packaging or labels (Handley, 2018). The plaintiff's court documents also state that McDonald's toys are displayed in

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<sup>3</sup> [https://cspinet.org/sites/default/files/attachment/mcdonald\\_scomplaint.pdf](https://cspinet.org/sites/default/files/attachment/mcdonald_scomplaint.pdf)

stands at the child's eye level, which is not covered by the law's exceptions, since McDonald's operates as a restaurant, not a store.

Lawyer Joey Zukran, who oversees the class action lawsuit, said it would cover anyone who has purchased a Happy Meal or individual toy at a McDonald's restaurant in Quebec for a child under 13 since November 15, 2013 (The Canadian Press, 2018). The Quebec Superior Court Justice Pierre-C. Gagnon authorized the suit to proceed on November 14, 2018. As of the writing of this paper, this lawsuit has not made progress since then.

### **The Role of Media Franchises: Cross-Promotion**

Disney and McDonald's had an exclusive cross-promotional deal from 1996 to 2006, reported by the Los Angeles Times to be worth \$1 billion to Disney (Baertlein, 2018, February 27). The deal allowed McDonald's to run 11 promotions a year linked to Disney movies and TV shows and operated restaurants inside its theme parks. This deal was inspired by Burger King's massive success with "Toy Story." In 1995, the sales of Burger King's Kids Club meals doubled during the "Toy Story" promotion; Burger King attributed the sales increase to adults accompanying kids who bought more expensive foods for themselves (Feder, 1996).

In an attempt to regulate foods associated with Disney characters, in 2006 Disney became the first media powerhouse to issue a voluntary nutrition guideline.<sup>4</sup> The guideline, based on the Federal Dietary Guidelines for Americans, assesses foods with three criteria: (1) consisting of healthy components (fruits, vegetables, whole grains, low fat dairy, or lean protein), (2) limiting the number of calories (a complete kid's meal contains 600 calories or less), and (3) limiting unhealthy nutrients (sodium, sugar, saturated fat, trans fat). The food items that meet these criteria will have a "Mickey Check" logo on them.

Since Happy Meals failed to satisfy these criteria, in 2016 Disney decided not to renew a 10-year partnership agreement with McDonald's (Wolh, 2018). However, after a 12-year hiatus, the two companies reunited with a non-exclusive deal in 2018, when McDonald's promised to meet Disney's nutrition standards by June; this time the duration and value of the partnership was not disclosed (Baertlein, 2018, February 27).

McDonald's Happy Meals would not have been successful without the franchising of cartoon characters. From an ethical viewpoint, cross-promotion in marketing food to children should be prohibited completely. Or at least, media franchises take actions to mitigate the negative impact of their collaborations.

### **Orion Choco Pie: Toy Incentives and Emotional Marketing**

Choco Pie was invented by Orion in Korea in 1973, inspired by the American moon pie. Choco Pie is a snack cake which consists of two small round layers of cake, with marshmallow filling in the center, dipped in a chocolate coating. There are 120 calories in a one-pie serving of Orion Choco Pie. The calorie breakdown includes 34% fat (4.5 grams of fat is equivalent to 40 calories, compared to 120 calories in total), 37% sugar carbs (11 grams of sugar is equivalent to 44 calories), and 3% protein (1 gram of protein is equivalent to 4 calories). Among the sweeteners are sugar, glucose syrup, and sorbitol.

Orion Choco Pie actually also has a copy: Lotte Choco Pie. Four years after Orion Choco Pie launched in South Korea, in 1978, Lotte Confectionery introduced the same chocolate-coated snack cake with the same name (Kim, 2013). In 1979, Lotte registered the Choco Pie trademark with the same Korean pronunciation and just one

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<sup>4</sup><http://cdn.media.thewaltdisneycompany.com/cdnmedia/photos/corporatecitizenship/programs/NGexternal121412.pdf>



Korean vowel different in spelling; Orion sued Lotte for trademark infringement but lost the lawsuit (Kim, 2013). In the 1980s, Orion brought another lawsuit against Lotte for copying its package design but they reconciled in court; years later, after Orion changed its package color from blue to red, Lotte package was also changed from black to red (Kim, 2013). Despite Lotte's copycat behavior, Orion still dominated 80% of the South Korean market (Kim, 2013). Orion has also been the long-time leader in the global market of this chocolate snack cake. In 2016, Orion sold 2.3 billion Choco Pies in 60 countries, generating a record global sales of \$480 billion Korean Won (403.46 million USD) (Lee, 2017). Marketing is believed to play a large role in Orion Choco Pie's besides its taste.



Lotte Choco Pie Vs Orion Choco Pie

Figure 3. Lotte Choco Pie versus Orion Choco Pie<sup>5</sup>

### Orion Choco Pie's Toy Incentives

Orion Choco Pie comes in a box of 6 or 12 individually packed chocolate sandwiches. In Vietnam, during certain promotional campaigns, Orion have offered one paper toy with each 12-pack box as incentives for children. It is noteworthy that although each big box includes one paper toy, these incentives are usually themed. For example, one long-standing promotion called "10 World Wonders" offers tiny paper models that resemble a collection of ten top man-made structures. This promotion started around 2005 and continues today.

According to the Orion Vietnam, in 2018 each paper toy was worth 4,000 VND<sup>6</sup>, equivalent to 17 U.S. cents. On Tivi.vn (the Vietnamese counterpart of Amazon), the a 12-pack Choco Pie box that includes one paper toy is listed at 52,000 VND with promotion and 58,000 VND (2.5 USD) without promotion<sup>7</sup>. So, the paper toy accounts for 7% of the regular-priced 12-pack box.

The present writer was in 5<sup>th</sup> grade in 2005 and experienced first-hand the popularity of Orion Choco Pie that stemmed from these paper toys. Many primary school children were obsessed with these toys and were competitive in obtaining the whole collection of 10 wonders. It seemed Orion distributed less paper models of certain wonders than others. Therefore, the primary way for children to acquire the entire toys collection was either nagging their parents to hoard 12-pack boxes of Orion Choco Pie or trading paper models with each other. When kids try to stockpile sugar-dense, nutrient-poor foods just for the toys and end up with so many of these foods lying around the house, they will most likely consume more of these foods more than they actually want.

<sup>5</sup> <https://youtu.be/xs9-gprwZs8>

<sup>6</sup> <http://www.khuyenmaihtcm.vn/san-pham/p/chocopie-hop-2-goi-66-gram-khuyen-mai-do-choi>

<sup>7</sup> <https://tiki.vn/banh-chocopie-hop-12-cai-396g-p8157210.html>

In the review section of the aforementioned Choco Pie listing on Tiki.vn, after one user reviewed the Choco Pie product in March 2019, another person followed up with a public comment to ask if the first poster could re-sell the paper toy and included her full name and phone number. She was probably not a young child. And given the minimal market value of a paper toy, possibly she was trying to obtain the Orion Choco Pie paper toy as a childhood memento or for some other child. Either way, this story illustrates the influence of two tactics of marketing to children: giving toys as incentives and emotional marketing.

### Emotional Marketing – “Choco Pie = Affection” Campaign

Orion’s success is largely attributed to its “Choco Pie = Love” branding strategy. “Love” is the global tagline of the chocolate-coated snack cake. The Korean package of Orion Choco Pie has the character 情 (Jeong, which means “love” or “affection”) occupy half of the front. The Vietnamese package has the word “Tình” (“love” or “affection,” but more in the sense of “caring” and “consideration”) take up less space but still stand out. While Orion Choco Pie has registered its trademark in South Korea as 초코파이 (Chokopai), the Chinese version of the brand is 好丽友派 (Hǎoliǒu pài – literally translated as “good beautiful friend pie”). The Chinese tagline is 仁 (Rén - “benevolence” or “humaneness”). The package for English-speaking markets does not reflect this concept – simply branded as Orion Choco Pie with no tagline at all.



Figure 4. Orion Choco Pie Packages.<sup>8</sup> (Top left: Korean. Top right: English. Bottom left: Chinese. Bottom right: Vietnamese)

After decades of running this branding strategy, consumers in China, South Korea, and Vietnam now associate Orion Choco Pie with “affection” and have been offering it as a gift to show their love. One can relate this marketing tactic to the way food companies package sweets with warm-hearted themes during holidays in the U.S. so people can gift them. The difference is that Choco Pie is perceived as a heart-warming gift instead of just a snack cake all year round.

Orion Choco Pie’s marketing strategy is also clearly reflected in a 60-second ad spot which was aired on the South Korean national TV in 2014<sup>9</sup>. Kim (2017) pointed out that in South Korea, there is a well-known saying that Choco Pie gives power to soldiers. And this commercial’s very first scene depicts soldiers marching then patrolling on a field with rifles in hands. Among the subsequent scenes, a young child greeted another child with a Choco Pie hidden behind his back as a surprise gift. Four children in primary

<sup>8</sup> Source: [http://www.koreatimes.co.kr/www/news/biz/2015/05/123\\_179203.html](http://www.koreatimes.co.kr/www/news/biz/2015/05/123_179203.html)

<sup>9</sup> 2014 Korean Commercial of Orion Choco Pie: <https://youtu.be/ygEK-JIGoL4>

school uniform passed a Choco Pie from hand to hand while sitting in the school yard. A high school student reached over the carrel to give a Choco Pie to another weary student during a late night study session in the library. And towards the end of this ad, a soldier was handing a fellow soldier a Choco Pie with a big smile. If young children watch this ad repeatedly, it is inevitable they will associate Choco Pie with the “sharing is caring” sentiment. And with this marketing strategy, it is very likely Choco Pie can bypass the parents’ guard over sugar-dense foods.



2014 초코파이 광고 60초 (나레이션-허정우)

Figure 5. 2014 South Korean TV Commercial of Orion Choco Pie

#### Oreo: Emotional Marketing

Oreo is currently a brand of Mondelez International, a publicly held corporation. According to a fact sheet released by Mondelez, Oreo cookies were invented at the original Nabisco bakery in Chelsea, Manhattan on March 6, 1912. The cookies are now officially sold to over 100 countries.

Oreo cookies are considered by nutritionists "energy-rich but nutrient-poor" (ERNP). According to the nutrition facts printed on the package of Nabisco Oreo Sandwich Cookies Family Size, three cookies have 160 calories and weigh 34 grams, including 14 grams of sugar. In other words, a regular "Original" Oreo has about 53 calories, and 41% of the cookie weight (14 of 34 grams) is plain manufactured sugar. Likewise, the package of "Double Stuf" Oreos says there are 140 calories in 2 cookies, meaning each "Double Stuf" cookie has 70 calories and 45% of the weight is sugar. In particular, the calorie breakdown of a "Double Stuf" cookie is 42% fat, 56% carbs, and 3% protein (fatsecret.com). The ten listed ingredients of the "Original" Oreo cookies are unbleached enriched flour, sugar, palm and/or canola oil, cocoa (processed with alkali), high fructose corn syrup, leavening (baking soda and/or calcium phosphate), salt, soy lecithin, chocolate, artificial flavor. Oreo cookies, along with potato chips and other laboratory foods, are labeled "junk foods" according to Grunberg, as cited in Drewnowski, 2015.

Oreo is not the first chocolate sandwich cookie, however. A 1986 New York Times article mentioned that Americans ate chocolate sandwich cookies in the 1800s (Greer, 1986). In fact, the Oreo is a copy of Hydrox, a sandwich cookie first sold in 1908 (Sales, 2018). And even though it was created second, the Oreo has been dominant in the market. Mondelez's 2017 Fact Sheet claims that Oreo is the best-selling cookie brand of the 21st century, with over \$2 billion in global annual revenues (Mondelez, 2017).



Figure 5. Hydrox Cookie versus Oreo Cookie<sup>10</sup>

The packaged foods company Mondelez International was born in 2012, the result of a Kraft spinoff (Narula, 2015). According to the market research firm Euromonitor, retailers' revenues from Oreo cookies in 2014 was more than \$3 billion, with the retailers retaining over \$0.5 billion and Mondelez counting \$2.5 billion as gross sales revenues. To put this into perspective, Oreo sales were more than twice the global sales of Cheerios cereal (a General Mills brand), and five times the annual sales of Kraft Macaroni and Cheese (Narula, 2015). Also, in 2014, more than \$1 billion of Oreo's global revenue was generated in developing markets (Narula, 2015). The United States, China, Venezuela, Canada, and Indonesia are the top five countries in terms of 2016 sales (Mondelez, 2017).

Oreo experiments with "localized" flavors tailored to each country: green tea ice cream in China, orange and blueberry ice cream in Indonesia, etc. However, the flavors are not the driving force behind its revenues. Oreo's success is primarily attributed to its sophisticated marketing tactics, one of which is the global TV advertising campaign "Twist, Lick, Dunk."

In many countries, Oreo tries to appeal to the consumers' emotions by associating its cookies with family relationships (refer to Appendices C & D). Based on the TV commercials, two specific family relationships were their focus: relationship between father and daughter/son, and that between siblings (including twins, triplets). The Indian Oreo commercial features a father and his son doing the "twist, lick, dunk" ritual as part of family playtime. Localized versions of this commercial are also aired in many countries across the globe, such as the United States, the United Kingdom, South Africa, Vietnam, and South Korea (see screenshot exhibits). In the "South African Princess" commercial, a father and his little daughter share Oreo cookies under a cozy pretend "house" (a giant piece of cloth laid over chairs). In the Vietnamese version, Chi-Bao, a famous actor, plays the role of a dad hanging out with his little son; both wear superman capes, "flying" around the house before doing the Oreo ritual.

<sup>10</sup> Image Source: <https://www.foxbusiness.com/personal-finance/oreo-slapped-with-a-complaint-by-rival-for-hiding-its-cookies>





Figure 6. Vietnamese Commercial of Oreo<sup>11</sup>

In 2003, the Brazilian commercial “Triplets” came out. It featured three ballerina triplets performing the Oreo ritual with a twist (combining three glasses of milk into one), while Johan Strauss II’s “The Blue Danube” was playing in the background. The Middle East version showed twin girls sharing a “Double Stuf – 2x Cream” cookie during the Oreo eating ritual.

In all these “Twist, Lick, Dunk” commercials, it stood out that all the children featured are in the 3-9 age range. According to the 2006 study “The Media Family,” in a typical day, within the 4- to 6-year-old age group, 90% of them use screen media for an average of 2 hours every day; many of them regularly eat and go to sleep to TV (Rideout, Hamel, & Kaiser Family Foundation, 2006, p. 33). Since these commercials are rerun multiple times on TV daily, it is inevitable that the association of high-fructose-corn-syrup Oreo cookies with family values will be deeply drilled into these preschoolers.

In 2015, a 3-month brand equity study entitled “Young Love” was conducted among over 7,000 children ages 6-12 and their parents, evaluating brand awareness, love and popularity of 283 consumer brands across over 20 categories (Smarty Pants, LLC, 2015). According to this study, in 2015, Oreo was the “kids’ most loved brand” and it also ranked #3 among parents, making it the “most powerful family brand” of the year. In the same study, among the top ten most popular brands with kids were five other food brands: M&M’S (#2), Hershey’s (#5), Doritos (#6), Lay’s (#9), and Cheetos (#10). McDonald’s ranked #15. Although iPad was 2014’s #1 brand, it slipped to position #4 in 2015. While young children are mostly occupied with basic things like eating and playing, adolescents and adults are in a more mature stage of mental and social development and thus view the world from a different angle. Therefore, adults can underestimate the influence of food brands on young children or forget how they used to think or feel as children.

The 2015 Young Love Study attributed Oreo’s popularity to four elements: nostalgia, taste, never-ending product innovation, and a constant stream of new marketing campaigns that tries to resonate with American families (such as the relationship between parents and children). These elements have been reflected in the TV commercial described above.

Oreo also magnified the first and last elements in the campaign that celebrated its 100-year anniversary in March, 2012. This campaign theme was “Celebrate the Kid Inside.” It included TV commercials, print ads, social media presence and events across the U.S (Creative Bloq, 2013). In the TV spot “Commute,” which debuted on ABC’s “Good Morning America,” a group of children disrupted a morning train ride with trays of Oreo cookies and glasses of milk; eventually, the buttoned-up professional performed

<sup>11</sup> Vietnamese Commercial of Oreo: <https://youtu.be/bAHSELfQrvU>

the “Twist, Lick, Dunk” ritual and devoured the cookies<sup>12</sup>. Besides, through a pop-up in Los Angeles, Mondelez also tried to remind adults that Oreo cookies were an integral part of their childhood. Mondelez turned a storefront into a “Wonder Vault” – a giant “nostalgia-fueled” kitchen where all the home décor was enlarged to be 30 percent bigger than usual to adult visitors feel small again (Event Marketer, n.d). Visitors could further channel their inner child by using a stepstool to reach for Oreo cookies from a cookie jar atop the “Too-tall” countertop (Event Marketer, n.d.).

### Conclusion and Suggestions

Childhood obesity is an epidemic in the U.S. Children should be taught to consume unhealthy foods (foods high in salt, saturated fat, sugar and calories) in moderation to mitigate the risks of obesity and other health diseases. However, it is increasingly difficult for young children under 8 years old to refrain from unhealthy foods given their cognitive limitations and how the food industry has been bombarding them with toy incentives and crafty marketing tactics such as emotional marketing and leanwashing.

The paper examined how McDonald’s Happy Meals and Orion Choco Pie have used toys to entice young children and try to turn them as life-long customers. It is unethical in that many young children ask their parents to buy these energy-rich, nutrient-poor foods for the toy premiums, but not the foods themselves. McDonald’s also seems to conduct leanwashing when distributing step-counter wristbands with children’s Happy Meals to associate its brand with healthy lifestyle and divert people’s attention away from the poor nutritional values of its products.

The paper also illustrated how Oreo and Orion Choco Pie have used emotional marketing to promote its nutrient-poor sweets to young children. It is unethical because these brands try to associate themselves with profound values such as love, family ties, friendship, caring and sharing. Children under 8 years old are proven to not have the ability to recognize the persuasive intent of advertising (APA Task Force, 2004), and hence will most likely develop affinity for these nutrient-poor foods since these foods are aligned with the humane values they are taught.

The present writer suggests that the Federal Trade Commission pick up their investigation into the food industry. Research has shown that banning or restricting children-targeted advertising will deter marketing of unhealthy foods, thus help combat the epidemic of childhood obesity. Therefore, U.S. Congress should strengthen its regulations of food marketing to children. In particular, American lawmakers should push for regulations as stringent as the laws of Chile: restricting cartoon food packaging, regulating children-target advertising on TV and radio as well as in school communications, prohibiting toy incentives, and mandate cigarette-style warning labels on foods high in salt, saturated fat, sugar and calories (Jacobs, 2019).

Since food companies and lobbyists will come up with sophisticated ways to resist regulations and bypass laws, each of us should strive to do our best in our capacities to protect children. Adults, parents and schools should teach themselves as well as children to read nutritional labeling and to be critical of marketing campaigns. Media franchises should not engage in cross-promotion for foods that do not meet nutritional requirements. Agencies and governments should closely watch the food industry. And finally, echoing the American Psychology Association (APA Task Force, 2004, p. 10), psychologists and marketing professionals are urged not to engage in unethical marketing by employing psychological research to take advantage of young children’s underdeveloped minds.

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<sup>12</sup> Oreo TV Commercial “Commute.” [https://youtu.be/xasr-\\_Abs\\_o](https://youtu.be/xasr-_Abs_o)

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## APPENDIX A

### Oreo's Nutrition Facts

Nutrition Facts	
Serving Size	3 cookies (34g)
Servings Per Container	16.0
Amount Per Serving	
<b>Calories</b>	160.0 Cal
Calories From Fat	60.0 Cal
<b>% Daily Value</b>	
<b>Total Fat</b> 7.0g	<b>9.0%</b>
Saturated Fat 2.0 g	<b>10.0</b>
Trans Fat 0.0 g	
Polyunsaturated Fat 1 g	
Monounsaturated Fat 3 g	
<b>Cholesterol</b> 0.0 mg	<b>0.0</b>
<b>Sodium</b> 135.0 mg	<b>6.0</b>
<b>Potassium</b> 55.0 mg	<b>0.0</b>
<b>Total Carbohydrate</b> 25.0g	<b>9.0%</b>
Dietary Fiber < 1.0 g	<b>2.0</b>
Sugars 14.0 g	<b>28.0</b>
<b>Protein</b> 1.0 g	
Vitamin A	<b>0.0</b>
Vitamin C	<b>0.0</b>
Calcium 0.0	<b>14.0 mg</b>
Iron 8.0	<b>1.4 mg</b>
Vitamin D 0.0	<b>0.0 mcg</b>

(-) Information is currently not available for this nutrient.

\* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:\*\*

\*\* Percent Daily Values listed below are intended for adults and children over 4 years of age. Foods represented or purported to be for use by infants, children less than 4 years of age, pregnant women, or lactating women shall use the RDI's that are specified for the intended group provided by the FDA.

	Calories: 2,000	2,500
Total Fat	Less than 65g	80g
Sat. Fat	Less than 20g	25g
Cholesterol	Less than 300mg	300mg
Sodium	Less than 2400mg	2400mg
Potassium	3500mg	3500mg
Total Carbohydrate	300g	375g
Dietary Fiber	25g	30g

Calories per gram:  
Fat 9 • Carbohydrate 4 • Protein 4

Figure A1. Nutrition Facts of Oreo Original

Source: <https://www.walmart.com/ip/Nabisco-Oreo-Sandwich-Cookies-Family-Size-19-1-Oz/23658442>

Nutrition Facts	
Serving Size	2 cookies (29g)
Servings Per Container	15.0
Amount Per Serving	
<b>Calories</b>	140.0 Cal
Calories From Fat	60.0 Cal
<b>% Daily Value</b>	
<b>Total Fat</b> 7.0 g	<b>11.0</b>
Saturated Fat 2.0 g	<b>10.0</b>
Trans Fat 0.0 g	
Polyunsaturated Fat 1 g	
Monounsaturated Fat 3 g	
<b>Cholesterol</b> 0.0 mg	<b>0.0</b>
<b>Sodium</b> 90.0 mg	<b>4.0</b>
<b>Potassium</b> 35.0 mg	<b>1.0</b>
<b>Total Carbohydrate</b> 21.0 g	<b>7.0</b>
Dietary Fiber < 1.0 g	<b>2.0</b>
Sugars 13.0 g	
<b>Protein</b> < 1.0 g	
Vitamin A	<b>0.0</b>
Vitamin C	<b>0.0</b>
Calcium	<b>0.0</b>
Iron	<b>6.0</b>

(-) Information is currently not available for this nutrient.

\* Percent Daily Values are based on a 2,000 calorie diet. Your daily values may be higher or lower depending on your calorie needs:\*\*

\*\* Percent Daily Values listed below are intended for adults and children over 4 years of age. Foods represented or purported to be for use by infants, children less than 4 years of age, pregnant women, or lactating women shall use the RDI's that are specified for the intended group provided by the FDA.

	Calories: 2,000	2,500
Total Fat	Less than 65g	80g
Sat. Fat	Less than 20g	25g
Cholesterol	Less than 300mg	300mg
Sodium	Less than 2400mg	2400mg
Potassium	3500mg	3500mg
Total Carbohydrate	300g	375g
Dietary Fiber	25g	30g

Calories per gram:  
Fat 9 • Carbohydrate 4 • Protein 4

Figure A2. Nutrition Facts of Oreo Double Stuf

Source: <https://www.walmart.com/ip/Nabisco-Oreo-Double-Stuf-Chocolate-Sandwich-Cookies-15-35-Oz/17176255>

APPENDIX B  
Orion Choco Pie's Nutrition Facts

<b>Nutrition Facts</b>	
Choco-Pie - From Orion	
<input type="text" value="1"/> pack (28g)	
<b>Amount Per Serving</b>	
<b>Calories</b> 120	Calories from Fat 40
<b>% Daily Value*</b>	
<b>Total Fat</b> 4.5g	7%
Saturated Fat 3g	15%
<b>Sodium</b> 70mg	3%
<b>Total Carbohydrates</b> 19g	6%
Dietary Fiber <1g	2%
Sugars 11g	
<b>Protein</b> 1g	
<small>* Percent Daily Values are based on a 2000 calorie diet. Your Daily Values may be higher or lower depending on your calorie needs.</small>	

Figure B. Nutrition Facts of Orion Choco Pie  
Source: <https://taldepot.com/orion-choco-pie-11-8-oz-boxes-pack-of-24.html>

## APPENDIX C

### Screenshots of Oreo Commercials Depicting Parent-Child Relationships



Oreo Twist Lick Dunk TV Commercial

Figure C1. India (<https://youtu.be/Oe6lBGO6OSk>)



Quảng cáo Oreo Việt Nam

Figure C2. Vietnam (<https://youtu.be/bAHSElfQrvU>)



Oreo Cookie 'South African Princess'

Figure C3. South Africa  
(<https://youtu.be/KAhJ6cGGokQ>)



OREO Dippers

Figure C4. United States  
(<https://youtu.be/kJfo7qxnMcw>)



Oreo commercial Malaysia

(<https://youtu.be/Pn27LV0idMk>)

Figure C5. Malaysia



Oreo commercial UK 2012 - The Exploration to Daily

(<https://youtu.be/m0rKn7X7UWk>)

Figure C6. United Kingdom



Oreo Korea

(<https://youtu.be/B8oeWJhP-AA>)

Figure C7. South Korea

## APPENDIX D

### Screenshots of Oreo Commercial Depicting Sibling Relationships



Oreo Commercial (2009)

Figure D1. Japan (<https://youtu.be/BDan7ClvO3Y>)



Comercial de Oreo Bailarinas de Ballet | Trillizas Venezolanas | Triplets

Figure D2. Brazil (<https://youtu.be/Zsqt4whT-Pg>)



Oreo TV Commercial China 2011 喜刷刷 Double Fruit

Figure D3. China ([https://youtu.be/Ad\\_9g6J84x4](https://youtu.be/Ad_9g6J84x4))



Oreo Commercial - Sippy Cup Australia

Figure D4. Australia (<https://youtu.be/6-zKzp1WJgk>)



Oreo Commercial - Middle East

Figure D5. Middle East (<https://youtu.be/iGoZKMczY8>)