

**BEFORE THE
SUBCOMMITTEE ON CONSUMER PROTECTION, PRODUCT SAFETY, AND
INSURANCE**

**OF THE
SENATE COMMITTEE ON COMMERCE, SCIENCE & TRANSPORTATION**

**HEARING: AN EXAMINATION OF CHILDREN'S PRIVACY: NEW
TECHNOLOGIES AND THE CHILDREN'S ONLINE PRIVACY PROTECTION
ACT**

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**TESTIMONY OF
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Chairman Pryor, Senator Wicker, and members of the subcommittee. My name is Kathryn Montgomery, and I am a Professor in the School of Communication at American University. I appreciate the opportunity to testify before you today about the Children's Online Privacy Protection Act (COPPA). During the 1990's, while president of the nonprofit Center for Media Education (CME), I played a leadership role in the passage of COPPA, working with a coalition of education, health, and consumer groups that included the National PTA, the Consumer Federation of America, the National Education Association, and the American Academy of Pediatrics. As you know, Congress passed the law in 1998 through the strong bi-partisan leadership of Sen. John McCain (R-Ariz.), Rep. Ed Markey (D-Mass), and then-Sen. Richard Bryan of Nevada. I worked closely with these congressional leaders and with other members, as well as with the Federal Trade Commission and the White House, on the legislation. I also collaborated with a broad spectrum of industry stakeholders—including advertising trade groups, online content providers, and children's media companies—to craft a statute and a set of regulations that would successfully balance our collective interests in nurturing the growth of e-commerce, while protecting the privacy of our children.

For the past decade, COPPA has served as an effective safeguard for young consumers under the age of 13 in the online marketing environment. Though the law took effect in the early formative period of Internet marketing, it was purposely designed to

adapt to changes in both technology and business practices, with periodic reviews by the FTC to ensure its continued effectiveness. With the current expansion of digital media platforms and the growing sophistication of online data collection and profiling, however, it is now critically important that the intent of COPPA be fully implemented to protect young people from new commercial practices in today's digital media environment.

As I document in my book, *Generation Digital: Politics, Commerce and Childhood in the Age of the Internet*, the emergence of the World Wide Web ushered in a host of online marketing and data collection practices that raised fundamental privacy concerns for children. The business model of one-to-one marketing, combined with the increasing value of children as a target market for advertisers, created a perfect storm for marketers who wanted to use the Internet to take advantage of young people. Numerous commercial websites offered prizes and other incentives to encourage children to supply personal information about themselves. For example, one site targeted at “young investors,” urged children to provide an astonishing amount of financial information, including any gifts they might have received in the form of stocks, cash, savings bonds, mutual funds or certificates of deposit. Another site, set up to promote the movie *Batman*, encouraged children to “be good citizens of Gotham” and fill out the “census.”¹ Some of these practices were so disturbing that the Center for Media Education enlisted the help of Georgetown University Law Center's Institute for Public Representation to file a complaint with the FTC in 1996. The commission found our complaint persuasive and, with the urging of our coalition and others, began examining the children's online data collection commercial market.² The FTC's internal research played a key role in documenting the rampant spread of data collection and the failure of self-regulatory promises by industry. The commission's report, released just months prior to passage of COPPA, provided crucial evidence of the need for this important law.³

Congress made a wise decision in 1998 to enact COPPA. I believe the law has been a clear legislative success. It was a balanced and sensible solution to a challenging problem. It established a level playing field by creating a law that applied to every commercial player—from the largest children's media companies to the smallest start-ups. And it sent a strong signal to the growing online marketing industry: If you are going to do business with our nation's children, you will have to follow some basic rules.

Because decades of research documented younger children’s particular vulnerabilities to advertising and marketing, the law was narrowly tailored to apply only to commercial websites that were targeted at children under the age of 13, or where there was actual knowledge by the website operator that the user was under that age. In keeping with fair information principles, a key intent of the law was to minimize the collection of personally identifiable data from children, and to eliminate the practice of offering prizes and other incentives to encourage such data collection.⁴

No law is perfect, as everyone in this body is well aware. In the case of COPPA, children who are under 13 can lie about their age when visiting sites that are not intended for them. Parents are not always willing or able to be involved in the day-to-day online navigations of their children. But because the legislation was passed during the early stages of Internet e-commerce, COPPA established a clear set of “rules of the road” to help guide the development of the children’s digital marketplace. As a result, some of the most egregious data collection practices that were becoming state of the art in the online marketing environment were curtailed. A study in the *Journal of Consumer Affairs* found that more than ninety-five percent of the top 100 children’s websites in the United States post privacy policies complying with COPPA’s requirements for information collection and use.⁵ And by establishing a safe-harbor mechanism, the law created a system whereby self-regulatory guidelines—developed and implemented by a number of entities—operate within a framework of clear government rules and enforcement authority by the FTC. We are pleased that the commission has taken the initiative to examine and respond to specific cases, cracking down on those practices that violated the statute.⁶

Recent developments in the online marketing arena, however, pose new challenges that warrant the attention of the FTC and Congress. The Web has matured, thanks especially to broadband and mobile technologies. As a result, not only has the digital marketplace grown dramatically, it has become an even stronger presence in the lives of young people. Today’s children are growing up in a ubiquitous digital media environment, where mobile devices, instant messaging, social networks, virtual reality, avatars, interactive games, and online video have become ingrained in their personal and social experience. Members of this generation of young people are, in many ways, living

their lives online. As *Advertising Age* reported, “more than 16 million children aged 2 to 11 are online, making for a growth rate of 18% in the period 2004 to 2009—the biggest increase among any age group, according to Nielsen.” The same report explains that according to a Nielsen Online survey conducted in July 2009, “Time spent online for children ages 2 to 11 increased from about 7 hours to more than 11 hours per week, or a jump of 63% over five years.”⁷

The online marketing practices we originally identified in the 1990s have been eclipsed by a new generation of tracking and targeting techniques. For example, mobile marketing—combining text messaging, mobile video, and other new applications—is one of the fastest growing digital commerce platforms throughout the world, and a particularly effective way to reach and engage children.⁸ As a recent Kaiser Family Foundation study noted, “Over the past five years, there has been a huge increase in [cell phone] ownership among 8- to 18-year-olds: from 39% to 66%.... During this period, cell phones... have become true multi-media devices: in fact, young people now spend more time listening to music, playing games, and watching TV on their cell phones (a total of :49 daily) than they spend talking on them (:33).”⁹ According to the latest industry data, roughly half of all children use a mobile phone by age 10, and by age 12, fully three-fourths of all children have their own mobile phone.¹⁰ As one media executive commented, the mobile phone is “the ultimate ad vehicle... the first one ever in the history of the planet that people go to bed with.”¹¹ Mobile advertising will increasingly rely on interactive video and become firmly embedded in “mobile social networks.” Advertising on mobile devices will be especially powerful, since it will be able to target users by combining both behavioral and location data.¹² Ads on mobile phones will be able to reach young consumers when they are near a particular business and offer electronic pitches and discount coupons.¹³

Behavioral targeting uses a range of online methods—including cookies and invisible data files—to learn about the unique interests and online behaviors through the tracking and profiling of individual users. Through a variety of new techniques, marketers use this data to create personalized marketing and sales appeals based on a customer’s unique preferences, behaviors, and psychological profile.¹⁴ Recent advances in behavioral targeting are enabling marketers to more accurately predict and influence

user behavior. For example, “predictive behavioral targeting” combines data from a number of different sources and makes inferences about how users are likely to behave in their response to marketing messages. Increasingly, behavioral profiles incorporate information from outside databases.¹⁵ Social media platforms are also embracing behavioral targeting, helping to drive “robust advertising response and conversion.”¹⁶

Last year, a broad coalition of consumer, children, and privacy groups urged the FTC to ensure that new technologies involving mobile phones and data collection incorporate COPPA relevant safeguards. These groups also want the FTC to determine how behavioral marketing impacts children covered by COPPA, by analyzing, for example, the stealth data collection process delivered by online games, virtual worlds, and age-relevant social sites.¹⁷ In its current review, the commission must ensure that its regulations implementing COPPA include the full range of Internet-enabled or connected services, including the increasingly ever-present cell phones children use, along with Web-connected gaming devices and online, interactive video.¹⁸ Congress intended COPPA’s basic framework to be flexible, anticipating that the FTC would have to ensure that the law’s implementation would cover new ways of collecting personal information from children.¹⁹ That’s why I strongly support the FTC asking, in its recent *Federal Register* notice, whether COPPA’s definition of personal information should be revised to include the latest methods of identifying and targeting online consumers, covering the so-called “cookies” that are used for interactive marketing data collection, as well as “mobile geo-location information.”²⁰ As the February 2009 FTC staff report on online privacy acknowledged, “in the context of online behavioral advertising, the traditional notion of what constitutes PII [personally-identifiable information] versus non-PII is becoming less and less meaningful and should not, by itself, determine the protections provided for consumer data.”²¹ I also support ensuring that parents have reasonable and effective methods to “review or delete personal information” in their children’s online file.

Without question, digital media play a critically important role in the positive development of children and youth, helping them become better educated and providing a foundation for their engagement as citizens.²² But, there are also risks and dangers online, as many of us are aware. When COPPA was created, one of our concerns was to ensure

that the ability to identify, track, and target a child—whether online or off—was mediated through congressional safeguards mandating parent involvement. And while young people—and adults—today are being continually urged to make more of their personal information available in real-time, including their location, research indicates the few people understand how that information is collected and used. Even young adults, according to a new study released just last week, want to ensure their privacy is secured online. The study, conducted by scholars from UC Berkeley and the Annenberg School for Communication, University of Pennsylvania, found that “large percentages of young adults (those 18-24 years) are in harmony with older Americans regarding concerns about online privacy, norms, and policy.... [Y]oung-adult Americans have an aspiration for increased privacy even while they participate in an online reality that is optimized to increase their revelation of personal data.”²³ As those responsible for the welfare of our children, adults must provide reasonable safeguards for protecting their privacy, especially to help them maneuver through an increasingly complex commercial online data collection marketplace.²⁴

Some people suggest that children are now so fully steeped in online technologies that they have become savvy about Internet marketing, and thus need no protections.²⁵ But while children and youth have embraced new technologies, they cannot be expected to understand the subtle, often covert ways that online marketers are collecting, compiling, and analyzing user data. Nor should youth be held accountable for the public health implications of the new marketing environment. Over the last several years, I have closely examined these developments, helping direct a project examining how digital marketing targets both children and adolescents for food and beverage products linked to the country’s youth obesity crisis.²⁶

Finally, while passage of COPPA established an important framework for safeguarding our youngest consumers in the digital marketplace, adolescents have no such protections. Neither the online industry nor the Federal Trade Commission has adequately addressed the special privacy issues raised for adolescents. Because of their avid use of new media, adolescents are primary targets for digital marketing.²⁷ Today’s teens are being socialized into this new commercial digital culture, which resonates so strongly with many of their fundamental developmental tasks, such as identity

exploration, social interaction, and autonomy.²⁸ Many teens go online to seek help for their personal problems, to explore their own sexual identities, to find support groups for handling emotional crises in their lives, and sometimes to talk about things they do not feel comfortable or safe discussing with their own parents. Yet, this increased reliance on the Internet subjects them to wholesale data collection and profiling. The unprecedented ability of digital technologies to track and profile individuals across the media landscape, and to engage in “micro” or “nano” targeting, puts these young people at special risk of compromising their privacy. Teens may be internalizing and normalizing these invasive practices that have been so integrally woven into their everyday actions and experiences.

As child advocacy and health groups explained in an April 2008 filing with the FTC, “although adolescents are more sophisticated consumers than young children are, they face their own age-related vulnerabilities regarding privacy.” The prevailing formula embraced by industry and endorsed by regulators is rooted in the concept of “notice and choice.” It is based on the expectation that consumers will read the privacy policies that online companies post on their websites, and if they don not like the terms, they will “opt out.” But most privacy policies offer no real choice; instead the policies are presented as a “take-it-or-leave-it” proposition. Surveys have shown that most adults don’t read, nor can they readily understand, the often confusing, technical legalese that characterizes these policies.²⁹ For under-aged youth, these challenges are further complicated. As the children’s coalition filing points out, “...adolescents, who have less education and are less likely to make the effort to read privacy policies,” are “more willing to forgo learning about or protecting against behavioral advertising practices... in order to move quickly and freely access websites and socially interact.”³⁰ Social networks have created privacy settings that create a false sense of security for teens. While young people may believe they are protecting their privacy, they remain totally unaware of the nature and extent of data collection, online profiling, and behavioral advertising that are becoming routine in these online communities.

Recent research within the fields of neuroscience, psychology, and marketing has identified key biological and psychosocial attributes of the adolescent experience that may make members of this age group particularly susceptible to interactive marketing and data collection techniques.³¹ A number of scholars have challenged the notion that

cognitive defenses enable adolescents to resist advertising (particularly in new media) more effectively than younger children.³² Rather than communicating rational or factual appeals, many digital marketing techniques are forms of “implicit persuasion” that promotes “subtle affective associations,” often circumventing a consumer’s explicit persuasion knowledge.³³

In addition to its review of COPPA, the FTC should develop specific recommendations for protecting the privacy of adolescents as part of its broad new initiative on online privacy.³⁴ Child advocacy and health groups, for example, have called for an expanded definition of “sensitive data” to include the online activities of *all* persons under the age of eighteen, as well as a prohibition against “the collection of sensitive information for behavioral advertising purposes.”³⁵

I hope this committee will send a message to the FTC, as you review the record, that COPPA remains a valuable safeguard for children online, but the rules for implementing it need updating to account for the latest developments in digital marketing. I also urge the committee to encourage the FTC to protect the privacy of adolescent consumers.

¹ Kathryn Montgomery, *Generation Digital: Politics, Commerce, and Childhood in the Age of the Internet* (Cambridge, MA: MIT Press, 2007); Kathryn Montgomery and Shelly Pasnik, *Web of Deception: Threats to Children from Online Marketing* (Washington, DC: Center for Media Education, 1996).

² Federal Trade Commission, “FTC Staff to Survey Consumer Privacy on the Internet,” 26 Feb. 1998, <http://www.ftc.gov/opa/1998/02/webcom2.shtm>; Federal Trade Commission, “Privacy Online: Fair Information Practices in the Electronic Marketplace,” May 2000, www.ftc.gov/reports/privacy2000/privacy2000text.pdf (both viewed 26 Apr. 2010).

³ Federal Trade Commission, “Privacy Online: A Report to Congress,” June 1998, <http://www.ftc.gov/reports/privacy3/priv-23a.pdf> (viewed 26 Apr. 2010).

⁴ The FTC’s COPPA rule applies to “Operators of commercial web sites and online services directed to children under 13 that collect personal information from them; operators of general audience sites that knowingly collect personal information from children under 13; and operators of general audience sites that have a separate children’s area and that collect personal information from children under 13.” Federal Trade Commission, “Children’s Online Privacy Protection Act,” <http://www.ftc.gov/privacy/privacyinitiatives/childrens.html> (viewed 26 Apr. 2010).

⁵ Anthony D. Miyazaki, Andrea J. S. Stanaland, and May O. Lwin, "Self-Regulatory Safeguards and the Online Privacy of Preteen Children," *Journal of Advertising* 38, n. 4 (Winter 2009): 79, 83; Andrea J. S. Stanaland, May O. Lwin, and Susanna Leong, "Providing Parents with Online Privacy Information: Approaches in the US and the UK," *Journal of Consumer Affairs* 42 n. 3 (Fall 2009): 474, 484-85.

⁶ See for example, Federal Trade Commission, "Iconix Brand Group Settles Charges Its Apparel Web Sites Violated Children's Online Privacy Protection Act," 20 Oct. 2009, <http://www.ftc.gov/opa/2009/10/iconix.shtm> (viewed 26 Apr. 2010).

⁷ Beth Snyder Bulik, "The On-Demand Generation," 12 Apr. 2010, http://adage.com/digital/article?article_id=143220 (viewed 26 Apr. 2010).

⁸ E. Burns, "U.S. Mobile Ad Revenue to Grow Significantly through 2013," *ClickZ*, 25 Feb. 2009, <http://www.clickz.com/3632919> (viewed 4 Aug. 2009).

⁹ Kaiser Family Foundation, "Daily Media Use Among Children and Teens Up Dramatically from Five Years Ago," 20 Jan. 2010, <http://www.kff.org/entmedia/entmedia012010nr.cfm> (viewed 7 Apr. 2010).

¹⁰ Pete Blackshaw, "A Pocket Guide to Social Media and Kids," Nielsen Wire, 2 Nov. 2009, <http://blog.nielsen.com/nielsenwire/consumer/a-pocket-guide-to-social-media-and-kids/> (viewed 16 Mar. 2010).

¹¹ A. Klaassen, "Why Google Sees Cellphones as the 'Ultimate Ad Vehicle,'" *Advertising Age*, 8 Sept. 2008, http://adage.com/mobilemarketingguide08/article?article_id=130697 (viewed 4 Aug. 2009).

¹² Center for Digital Democracy and U.S. PIRG, "Complaint and Request for Inquiry and Injunctive Relief Concerning Unfair and Deceptive Mobile Marketing Practices," Federal Trade Commission Filing, 13 Jan. 2009, http://www.democraticmedia.org/current_projects/privacy/analysis/mobile_marketing (viewed 7 June 2009).

¹³ A. Johannes, "McDonald's Serves Up Mobile Coupons in California," *PROMO Magazine*, 26 Oct. 2005, http://promomagazine.com/incentives/mcdis_coupons_102605/ (viewed 4 Aug. 2009).

¹⁴ David Hallerman, "Behavioral Targeting: Marketing Trends," eMarketer, June 2008; I. Khan, B. Weishaar, L. Polinsky, *et al.*, "Nothing but Net: 2008 Internet Investment Guide," 2008, https://mm.jpmorgan.com/stp/t/c.do?i=2082C-248&u=a_p*d_170762.pdf*h_-3ohpnmv (viewed 23 Mar. 2009).

¹⁵ "About Acxiom," http://www.acxiom.com/about_us/Pages/AboutAcxiom.aspx (viewed 7 June 2009).

¹⁶ "ValueClick Media Launches Predictive Behavioral Targeting," 21 July 2008, <http://phx.corporate-ir.net/phoenix.zhtml?c=84375&p=irol-newsArticle&ID=1177051>; Acxiom, "Digital Marketing Services," http://www.acxiom.com/products_and_services/digital/Pages/DigitalMarketingServices.a

spx; “24/7 Real Media Launches Social Media Targeting to Improve Ad Performance and Response,” 27 Apr. 2009, http://www.247realmedia.com/EN-US/news/article_445.html (all viewed 7 June 2009).

¹⁷ “Comments of American Academy of Child and Adolescent Psychiatry, the American Academy of Pediatrics, the American Psychological Association, Benton Foundation, Campaign for a Commercial Free Childhood, Center for Digital Democracy, Children Now, and the Office of Communications of the United Church of Christ. Online Behavioral Advertising Principles,” Federal Trade Commission filing, 11 Apr. 2009, http://www.democraticmedia.org/news_room/letters/Letter_re_behavioral_advertising_comments; Center for Digital Democracy and U.S. PIRG, filing with the Federal Trade Commission concerning “Online Behavioral Advertising Principles,” 11 Apr. 2008, <http://www.democraticmedia.org/files/FTCFilingApr08.pdf>; Federal Trade Commission Staff Report, “Beyond Voice, Mapping the Mobile Marketplace,” Apr. 2009, 3 <http://www.ftc.gov/reports/mobilemarketplace/mobilemktgfinal.pdf> (all viewed 26 Apr. 2010).

¹⁸ Federal Trade Commission, “FTC to Host Public Roundtable to Review Whether Technology Changes Warrant Changes to the Children’s Online Privacy Protection Rule,” 19 Apr. 2010, <http://www.ftc.gov/opa/2010/04/coppa.shtm>; Federal Trade Commission, “FTC Seeks Public Comment on Program to Keep Web Site Operators in Compliance With the Children’s Online Privacy Protection Rule,” 6 Jan. 2010, <http://www.ftc.gov/opa/2010/01/isafe.shtm> (both viewed 26 Apr. 2010).

¹⁹ See, especially, Section 1302980(F) of COPPA.

²⁰ Federal Trade Commission, “COPPA Rule Review: 2010,” http://www.ftc.gov/privacy/privacyinitiatives/childrens_2010rulereview.html (viewed 26 Apr. 2010).

²¹ Federal Trade Commission, “Federal Trade Commission Staff Report: Self-Regulatory Principles For Online Behavioral Advertising,” Feb. 2009, pp. 21-22, <http://www.ftc.gov/opa/2009/02/behavad.shtm> (viewed 26 Apr. 2010).

²² MIT Press, “The John D. and Catherine T. MacArthur Foundation Series on Digital Media and Learning,” <http://mitpress.mit.edu/catalog/browse/browse.asp?btype=6&serid=170>; John D. and Catherine T. MacArthur Foundation, “Building the Field of Digital Media and Learning,” http://digitalllearning.macfound.org/site/c.enJLKQNiFiG/b.2029199/k.94AC/Latest_News.htm; Kathryn Montgomery, Barbara Gottlieb-Robles, and Gary O. Larson, “Youth as E-Citizens: Engaging the Digital Generation” (Washington, DC: American University, 2004), <http://www.centerforsocialmedia.org/ecitizens/index2.htm> (all viewed 26 Apr. 2010).

²³ Chris Jay Hoofnagle, Jennifer King, Su Li, and Joseph Turow, “How Different are Young Adults from Older Adults When it Comes to Information Privacy Attitudes and Policies?” 14 Apr. 2010, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1589864 (viewed 26 Apr. 2010).

²⁴ Joseph Turow, Jennifer King, Chris Jay Hoofnagle, Amy Bleakley, and Michael Hennessy, “Americans Reject Tailored Advertising and Three Activities that Enable It,” 29 Sept. 2009, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1478214; Center for Digital Democracy, U.S. PIRG, and World Privacy Forum, “In the Matter of Real-time Targeting and Auctioning, Data Profiling Optimization, and Economic Loss to Consumers and Privacy, Complaint, Request for Investigation, Injunction, and Other Relief: Google, Yahoo, PubMatic, TARGUSinfo, MediaMath, eXelate, Rubicon Project, AppNexus, Rocket Fuel, and Others Named Below,” Federal Trade Commission filing, 8 Apr. 2010, <http://www.democraticmedia.org/real-time-targeting>; Center for Digital Democracy and U.S. PIRG, “Complaint and Request for Inquiry and Injunctive Relief Concerning Unfair and Deceptive Mobile Marketing Practices,” Federal Trade Commission filing, 13 Jan. 2009, http://www.democraticmedia.org/files/FTCmobile_complaint0109.pdf (all viewed 26 Apr. 2010).

²⁵ Alice E. Marwick, Diego Murgia Diaz, and John Palfrey, “Youth, Privacy, and Reputation (Literature Review),” Berkman Center Research Publication No. 2010-5, Mar. 2010, p. 10, http://papers.ssrn.com/sol3/papers.cfm?abstract_id=1588163 (viewed 27 Apr. 2010).

²⁶ Jeff Chester and Kathryn Montgomery, “Interactive Food & Beverage Marketing: Targeting Children and Youth in the Digital Age,” Berkeley Media Studies Group, May 2007, <http://www.digitalads.org/documents/digiMarketingFull.pdf> (viewed 26 Apr. 2010).

²⁷ Kathryn C. Montgomery and Jeff Chester, “Interactive Food and Beverage Marketing: Targeting Adolescents in the Digital Age,” Special supplement to *Journal of Adolescent Health* (September 2009): 1-12.

²⁸ S. Harter, “Processes Underlying the Construction, Maintenance and Enhancement of the Self-concept in Children,” *Psychological Perspective on the Self* 3 (1990): 45-78; U. Uhlenborff, “The Concept of Developmental Tasks,” *Social Work & Society* 2, n. 1 (2004): 54-63; J. Hill, “Early Adolescence: A Framework,” *Journal of Early Adolescence* 3, n. 1 (1983): 1-21; K. Subrahmanyam and P. Greenfield, “Online Communication and Adolescent Relationships,” *The Future of Children* 18, n. 1 (2008): 119-146.

²⁹ Institute for Public Representation (on behalf of the American Academy of Child and Adolescent Psychiatry, the American Academy of Pediatrics, American Psychological Association, Benton Foundation, Campaign for a Commercial Free Childhood, Center for Digital Democracy), filing with the Federal Trade Commission concerning “Online Behavioral Advertising Principles,” 11 Apr. 2008, p. 6, <http://www.democraticmedia.org/files/Children's%20Advocacy%20Groups%20%20Behavioral%20Advertising%20Comments%20FINAL.pdf> (viewed 15 June 2008).

³⁰ Institute for Public Representation FTC filing, pp. 7, 9.

³¹ C. Pechmann, L. Levine, S. Loughlin, *et al.*, “Impulsive and Self-conscious: Adolescents’ Vulnerability to Advertising and Promotion,” *Journal of Public Policy & Marketing* 24, n. 2 (2005): 202-221. Frances M. Leslie, Linda J. Levine, Sandra E.

Loughlin, and Cornelia Pechmann, “Adolescents’ Psychological & Neurobiological Development: Implications for Digital Marketing,” June 2009, http://digitalads.org/documents/Leslie_et_al_NPLAN_BMSG_memo.pdf (viewed 27 Apr. 2010).

³² S. Livingstone and E. J. Helsper, “Does Advertising Literacy Mediate the Effects of Advertising on Children? A Critical Examination of Two Linked Research Literatures in Relation to Obesity and Food Choice,” *Journal of Communication* 56, n. 3 (2006): 560-584.

³³ A. Nairn and C. Fine, “Who’s Messing with My Mind? The Implications of Dual-process Models for the Ethics of Advertising to Children,” *International Journal of Advertising* 27, n. 3 (2008): 447-470.

³⁴ Federal Trade Commission, “Exploring Privacy: A Roundtable Series,” <http://www.ftc.gov/bcp/workshops/privacyroundtables/index.shtml> (viewed 27 Apr. 2010).

³⁵ Institute for Public Representation FTC filing, 13.