

# Gaming

## State Law Approaches to Address Digital Food Marketing to Youth

Digital games are a popular way to market foods and beverages to children and teens. Games used to market foods fall into two main categories: (1) food and beverage company-produced advergimes for children and (2) the integration of food and beverage marketing into the videogaming experience of older children and teens.

### Kids: Advergimes

Advergimes target children and are defined by the Federal Trade Commission (FTC) as “games designed to promote a particular product...[that are] sometimes based on television commercials, using similar or expanded storylines, and tend[] to use animated depictions of the food or proprietary characters associated with particular brands.”<sup>1</sup> Advergimes are featured on food company websites and also come in the form of mobile apps that children can play on smartphones, iPod Touch devices, and tablets. The FTC’s 2012 report of food industry marketing expenditures found that “[a]dvergimes...were often a key focus on child- or teen-oriented websites.”<sup>2</sup> Companies spent an estimated \$676 million to produce advergimes in 2009.<sup>3</sup> Advergimes also are promoted on retail food packaging to prompt a purchase or a purchase request to a parent.

A 2009 study of food and beverage brands that maintain designated children’s areas online found that 85% of the websites examined featured advergaming.<sup>4</sup> Here we focus on the tactic of tying advergimes to codes on retail food packaging to drive purchases and consumption of unhealthy food and beverage products.



### What is the harm?

Child-development experts and public health experts have voiced concern that advergimes “instill brand loyalty in children by inserting the brand within a form of entertainment, blurring the line between advertising and entertainment.”<sup>5</sup> Advergimes have been found to increase child preference for featured branded products and increase children’s brand memory.<sup>6</sup> This is likely because advergimes use fun and engagement to increase brand exposure and to instill brand loyalty through repetitious exposure to company products, logos and spokescharacters. A 2011 study found that food company websites with advergimes resulted in youth visiting 77% more pages; spending 88% more time per visit on sites with advergimes; and visiting such sites 17% more often than other sites.<sup>7</sup> Food-related advergimes most heavily advertise candy, cereals and fast food.<sup>8</sup>

The effect of playing advergimes on child eating behavior also has been found to be harmful. A 2011 study of the impact of playing advergimes on child snacking behavior found that after playing a junk food-themed advergime, children’s consumption of unhealthy snack food increased by 56% as compared to playing a fruit-themed game, and 16% more than playing a game featuring no food.<sup>9</sup> This translated to an additional 77 kcal of snacking after playing the junk food advergime and 25 kcal after playing the fruit game. Playing advergimes featuring unhealthy food also decreased children’s fruit and vegetable snacking.<sup>10</sup>

A 2013 study conducted in the Netherlands tested the impact of playing advergimes on the caloric

intake of children.<sup>11</sup> The study found that playing advergames featuring food, including games featuring fruit, cued children to eat. While marketers design their advergames to promote consumption of one particular food product, the study found that the actual effect of food-themed advergames was that children ate not only brand-specific food but also whatever other energy dense products were available to them in greater quantities than they did after playing non-food themed games.<sup>12</sup> The study findings were consistent with prior research into the impact of television commercials on eating behavior. Researchers noted, however, that when children play advergames the marketing exposure to the food brand is longer than watching a 30-second television ad and that this likely is part of the reason why the study found such strong effects on food intake from advergames.<sup>13</sup> The health harm of increased food consumption after playing advergames is compounded by the fact that the actual act of playing an advergame is a sedentary behavior.

### Advergames are material to the purchase of unhealthy foods

Beyond creating opportunities for brand exposure to build brand loyalty online or via an app, the integration of advergames into food product packaging makes advergames directly material to product purchases. A study examining the content of 77 major child-directed food marketing websites in 2005 found that 39% of the websites integrated direct inducements to purchase food and beverage products into their advergaming marketing strategy. In exchange for a purchase or series of purchases, “[c]hildren were offered special rewards on the Web sites, such as access to ‘secret’ site locations, the chance to play special games, or the opportunity to obtain product-related merchandise.”<sup>14</sup>



**Figure 1: Description of McDonald’s Happy Meal mCodes**

Another approach taken by 20% of the websites analyzed was to induce a purchase by tying a product purchase “directly to the quality of the Web site experience.”<sup>15</sup> This is typically done by placing codes or virtual tokens on retail food product packaging to be entered on the food marketing website in order to “unlock” exclusive content or to access additional levels of game play. Food companies reported to the FTC that they offer “codes found in or on food packages—enabling [players] to advance to higher levels.”<sup>16</sup> For example, each McDonald’s Happy Meal package contains an “mCode” to enter on [www.McWorld.com](http://www.McWorld.com) to gain access to special features.<sup>17</sup> Children are prompted to visit McWorld on the product packaging and prompted to enter mCodes on the website (Figure 1). Food industry market research submitted to the FTC also revealed that “[promotions] that were simple and easy to access, or offered instant gratification, such as using a code to play a game online, were appealing to kids....”<sup>18</sup> Thus, advergames are an effective marketing tool to drive purchases of unhealthy food products.

### Despite self-regulatory action, advergames remain commonplace

Children perceive advergames as a form of entertainment as opposed to marketing. Since 2010, food-related advergames produced by four different food companies have been cited by the Children’s Advertising Review Unit (CARU), a self-regulatory body of the Council of Better Business Bureaus, for running afoul of its guideline against blurring the line between advertising and content.<sup>19</sup> The practice, however, remains ubiquitous and relatively unchanged. CARU enforcement action

involving advergames centers on the websites where advergames are accessible to children as opposed to the retail packages directing children to the advergames. The remedy for a CARU violation involving an advergame under the CARU self-regulatory framework has been to include the language “this is advertising” on the website. The disclaimer itself may be above the reading level of many young children and/or beyond their comprehension. The Kellogg Company’s frootloops.com website was cited by CARU for failing to adequately disclose that its advergames were in fact advertising.<sup>20</sup> The company added a grey rectangle stating “This is advertising from Kellogg’s” to satisfy CARU’s guidelines (Figure 2). The disclaimer was placed in the lower right hand corner outside of the main viewing area of the advergame and the use of grey stands in sharp contrast to the electric color scheme of the rest of the content on the website. Moreover, the actual substance of the game appears to remain unchanged.



**Figure 2: Frootloops.com after it was cited by CARU.**

**Advergames are an unfair and deceptive marketing practice**

Direct inducements to purchase unhealthy foods and beverages tied to advergames are unfair when used to market to children. Unfairness standards vary from state to state, and the federal standard adopted by many states defines an unfair act as a trade practice that “causes or is likely to cause substantial injury

to consumers which is not reasonably avoidable by consumers themselves and not outweighed by countervailing benefits to consumers or to competition.”<sup>21</sup> When determining whether an act or practice is unfair, courts “may consider established public policies as evidence to be considered with all other evidence. Such public policy considerations may not serve as a primary basis for such determination.”<sup>22</sup>

Advergames present a health risk to children because playing advergames cues children to eat more unhealthy food than they would otherwise. Research with actual children found that junk-food themed games resulted in an average increase of 77 kcal from snacking. Even what may seem like small increases in calorie consumption by children can have a major impact on their health. Researchers calculate that a reduction in 64 kcal per day is needed to reduce elementary school-aged children to obesity levels of the year 2000.<sup>23</sup> Moreover, the very act of playing an advergame is a sedentary behavior linked to an unhealthy weight status.<sup>24</sup>

Advergames are material to the purchase of unhealthy food products because they include direct inducements on retail food packaging and/or on food company websites to purchase products in exchange for some perceived benefit to the target child consumer. Direct inducements to purchase linked to advergames are not reasonably avoided by children because they do not recognize the inducement as marketing but rather an opportunity to play an entertaining game or to access something special on a website or a mobile app. The health harm caused by playing advergames—the powerful cuing effect on eating behavior—cannot be avoided by children because it is deeply subconscious. Advergames present no countervailing benefit to consumers or competitors. Advergames also offend the established consumer protection law principle prohibiting deceptive marketing to consumers under the guise of entertainment or news—in other words marketing in ways that a reasonable member of the target audience

likely will not recognize as marketing.<sup>25</sup> Advergaming violates this established consumer protection principle because children perceive advergaming as entertainment and not as marketing. Direct inducements to make food product purchases tied to advergaming also are deceptive because children do not recognize advergaming as a form of marketing. This means that they are likely to be misled into wanting to purchase products in order to play games.

A perceived barrier to protecting children from unfair and deceptive marketing like the tying advergaming to direct inducements to purchase unhealthy foods and beverages is that parents make the ultimate purchase decision for many child-oriented food products. Marketing tactics that are designed to get children to nag their parents to purchase products are commonly referred to as pester power marketing. For a detailed analysis of how state consumer protection law can be used to address pester power marketing please refer to [PHAI's Pester Power Marketing Legal Issue Brief](#).

Food-themed advergaming has been repeatedly cited by CARU, yet remain commonplace and relatively unchanged. Advergaming's detrimental impact on child health is supported by sound research. The FTC's review of food marketing expenditures found extensive use of advergaming by food marketers. State action to address this unfair and deceptive practice is warranted.

### **Teens: Food Marketing Integrated Into the Videogaming Experience**

Gaming presents a particularly lucrative opportunity for marketers to reach the teen market. Gaming takes place on multiple platforms such as computers, mobile devices (smartphone, iPod Touch, tablet, etc.), handheld game consoles (Nintendo 3DS) and internet-enabled game consoles like Nintendo's Wii, Sony's PlayStation, and Microsoft's Xbox. The games themselves come in the form of apps, downloads, online streaming or physical media for gaming systems such as portable game

cartridges or discs. Two-thirds of U.S. households play computer or video games,<sup>26</sup> and in 2011, U.S. sales of games, hardware, and other accessories topped \$24 billion.<sup>27</sup> In 2013, global sales are projected to reach \$66 billion.<sup>28</sup> More than 82% of teens consider themselves "gamers,"<sup>29</sup> and nearly one-third of all players are under 18,<sup>30</sup> up from one-quarter in 2010.<sup>31</sup> Among 13-24-year-olds, gaming is the most popular content accessed online.<sup>32</sup> In the U.S., 40% of all time spent using mobile apps is spent playing games.<sup>33</sup> Food and beverage companies can establish multi-faceted relationships between their products, the games themselves, and the sub-culture of gaming enthusiasts known as "gamers." These relationships benefit all the industries involved, driving young gamers' engagement not only with food and beverage products, but also with the games and related accessories.

### **What is the harm?**

Recent research into the impact of gaming on child and adolescent health demonstrates a connection between electronic games, being overweight and obesity.<sup>34</sup> A 2004 Swiss study found a nearly two-fold increase in the risk of obesity for every hour children in grades 1-3 spent playing electronic games daily.<sup>35</sup> A 2011 study conducted in Denmark, found preliminary evidence that playing a video game for one hour is accompanied by a greater caloric intake in adolescent males when compared to relaxing in a comfortable chair for an hour.<sup>36</sup> Interestingly, subjects who had played electronic games ate more without feeling increased sensations of hunger and appetite.<sup>37</sup> Given the large percentage of teens that play online games, there is great potential for unhealthy food and beverage marketing exposure while gaming. Food marketing integrated into the gaming experience may have an even greater impact on caloric intake--prompting more purchases and consumption of foods high in calories and low in nutritional value.

## Techniques employed to target young game players

### Innovative cross-promotions immerse junk food products & brands into gaming culture

Food and beverage companies maximize their appeal to the young gamer demographic by investing in key aspects of gaming culture. PepsiCo’s Mountain Dew has long marketed itself as “game fuel.” In 2011, the company released “Game Fuel: Citrus Cherry” to cross-promote the release of the popular first-person shooter game “Call of Duty: Modern Warfare 3.”<sup>38</sup> Dr. Pepper sponsors Major League Gaming, a professional gaming organization, and an Internet-based reality series about gamers who have their home gaming systems replaced with the newest gaming consoles and large flat-screen TVs.<sup>39</sup> Energy drink companies and brands also market to gamers. Coca-Cola’s NOS energy drink sponsors Major League Gaming,<sup>40</sup> and devotes an entire section of its website to gamers.<sup>41</sup> Using the tagline, “NOS Fuels Gamers,” the webpage includes news on upcoming games and player events and tips on how players can maximize their performance in various games.

In 2012, Frito Lay leveraged the popularity of the Xbox gaming console and the Super Bowl to market Doritos through its “Crash the Super Bowl” campaign. The “Crash” campaign is a yearly event in which fans use a website to vote for their favorite, fan-created Doritos commercials, and the winning commercial airs during the Super Bowl. The brand developed a platform that allowed gamers to readily engage with the campaign by voting for commercials using their Xbox systems.<sup>42</sup>



**Figure 3: In-game Soda Advertising**

### In-game advertising

In-game advertising incorporates food and beverage brands and products into game content, including product placement, branding, billboards and other signage within the universe of the game.<sup>43</sup> Dr. Pepper inserted promotional posters and billboards prominently into terrain used in the “Skate 2” game for the Xbox 360 (Figure 3).<sup>44</sup> The Dr. Pepper promotional content was meant to highlight the brand’s sponsorship of Major League Gaming, a professional gaming organization.<sup>45</sup>

### Promotional games and game spaces

Some brands have gone beyond in-game branding to develop their own promotional games. Red Bull produces its own heavily branded games like the mobile app “Red Bull Kart Fighter III”<sup>46</sup> (Figure 4), and the Xbox game “Red Bull Crashed Ice Kinect.”<sup>47</sup> In 2013, Red Bull exploited consumers’ desire to “actively interact and engage with brands on their television”<sup>48</sup> through a part of its the “World of Red Bull” promotion for Xbox Live. Users of the site were greeted with video banners promoting Red Bull when they entered the Xbox Live “online marketplace” area.<sup>49</sup> The banners led players who clicked them to a heavily branded online content hub featuring streaming videos starring Red Bull-sponsored athletes. Click-throughs on the video banners resulted in an average of nearly 15 minutes in the hub, prompting industry press to laud the company for its “brilliant engagement.”<sup>50</sup>



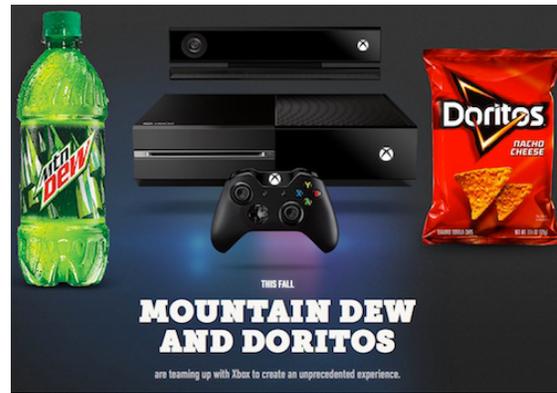
**Figure 4: Red Bull Kart Fighter 3 App**

### Product purchases to unlock game content

Food and beverage companies incentivize gamers' purchase of their products by offering codes, keys, or access to online portals that unlock game content. Mountain Dew and Doritos, brands that "pair perfectly"<sup>51</sup> with gaming culture, used this strategy in 2011, as part of a multi-platform "Rank up your game" promotion. Packaging for both products included codes that consumers could redeem for "double experience points . . . for perks like more powerful weapons" in the popular "Call of Duty: Modern Warfare 3" game.<sup>52</sup> Other brands that target gamers by offering access to extra content include Burger King, which sponsored an extra level in Electronic Arts's (EA) "Fight Night Round 3,"<sup>53</sup> and Slim Jim, which<sup>54</sup> used a multi-platform campaign that included packaging with codes unlocking extra content embedded in three popular EA games. For example, in the racing game "Need for Speed Most Wanted," players could enter a code from a Slim Jim package to obtain an extra car model to drive.<sup>55</sup> Slim Jim representatives described the campaign as evidence of the company's "insight into what interests [young snackers]," which ensures that these snackers remain "loyal to the brand."<sup>56</sup> A marketing professor commented that Slim Jim's recent promotion is "good for the game and good for the brand and good for the consumer."<sup>57</sup>

### Sweepstakes for hardware giveaways

Gaming-themed sweepstakes are another food marketing tactic. Taco Bell's "Unlock the Box" promotion, for example, gave customers a chance to win a "PlayStation Vita" handheld game system<sup>58</sup> by purchasing a "\$5 Buck Box," a high-fat, high-calorie meal offering combinations of 3 to 4 different Taco Bell entrees, as well as a soft drink.<sup>59</sup> The sweepstakes inspired considerable engagement among gamers, including discussion threads on the popular GameSpot site titled "I've been eating nothing but Taco Bell 5 Buck Boxes every day."<sup>60</sup>



**Figure 5: Mountain Dew, Doritos, Xbox Promotion**

In the Fall of 2013, PepsiCo's Mountain Dew and Doritos brands will cross-promote the release of the latest version of the Xbox gaming system in what is being billed as one of "the biggest gaming [promotions] in brand history."<sup>61</sup> Doritos and Mountain Dew have partnered with Xbox - forming what one reviewer jokingly called "the holy trinity of gaming piety"<sup>62</sup> - for a campaign that offers gamers a chance to win a branded Xbox One console, as well as special edition Doritos and Mountain Dew products (Figure 5).<sup>63</sup>

### Retail Displays



**Figure 6: PepsiCo Retail Display for Release of Call of Duty**

Gaming-themed retail displays for snacks and beverages typically coincide with the release of a new version of a game. A common pairing is the game, a salty snack and a caffeinated beverage. For example, PepsiCo cross-promoted Mountain Dew, Doritos and the release

of a version of Call of Duty using retail displays in Target stores (Figure 6). Retail displays allow food companies to directly link gaming to the point of purchase in a very powerful way. A retailing specialist described the genius of these in-store displays as follows: “When a new video game...comes out, gamers often lock themselves down and spend long periods of time tackling the new game. They need munchies and caffeine and this display of PepsiCo. products gives...gamers a one-stop shop for all their gaming needs.”<sup>64</sup>

### **Gaming Represents an Under-Examined Segment of the Food-Marketing World**

Gaming is a huge segment of youth entertainment that has been infiltrated by food and beverage marketing for items of poor nutritional quality. The number of games, gaming apps and gaming platforms makes monitoring of food marketing in the gaming world a real challenge for state regulators. Future efforts to monitor food marketing and to protect young consumers from harmful food marketing should take care to include gaming.

**Endnotes**

<sup>1</sup> FED. TRADE COMM’N, A REVIEW OF FOOD MARKETING TO CHILDREN AND ADOLESCENTS: FOLLOW-UP REPORT 70 (December 2012), <http://www.ftc.gov/os/2012/12/121221foodmarketingreport.pdf>.

<sup>2</sup> *Id.*

<sup>3</sup> Jennifer L. Harris et al., *US Food Company Branded Advergaming on the Internet: Children’s Exposure and Effects on Snack Consumption*, 6 J. CHILDREN MEDIA 51, 52 (2012).

<sup>4</sup> Anna E. Henry & Mary Story, *Food and Beverage Brands that Market to Children and Adolescents on the Internet: A Content Analysis of Branded Web Sites*, 41 J. OF NUTRITION EDUC. AND BEHAVIOR 353, 355 (2009).

<sup>5</sup> *Id.* at 357.

<sup>6</sup> Jennifer L. Harris et al., *US Food Company Branded Advergaming on the Internet: Children’s Exposure and Effects on Snack Consumption*, 6 J. CHILDREN MEDIA 51 (2012).

<sup>7</sup> *Id.*

<sup>8</sup> *Id.*

<sup>9</sup> *Id.*

<sup>10</sup> *Id.*

<sup>11</sup> Frans Folkvord et al., *The Effect of Playing Advergaming that Promote Energy-Dense Snacks or Fruit on Actual Food Intake Among Children*, 97 AM. J. CLINICAL NUTRITION 239 (2013).

<sup>12</sup> *Id.* at 243.

<sup>13</sup> *Id.* at 244.

<sup>14</sup> Elizabeth Moore & Victoria J. Rideout, *The Online Marketing of Food to Children: Is It Just Fun and Games?* 26 J. PUB. POLICY & MKTG. 202, 214 (2007).

<sup>15</sup> *Id.*

<sup>16</sup> FED. TRADE COMM’N, A REVIEW OF FOOD MARKETING TO CHILDREN AND ADOLESCENTS: FOLLOW-UP REPORT 70 (December 2012), <http://www.ftc.gov/os/2012/12/121221foodmarketingreport.pdf>.

<sup>17</sup> McWorld, *Frequently Asked Questions about McWorld on HappyMeal.com*, [http://www.happymeal.com/en\\_US/downloads/faq.pdf](http://www.happymeal.com/en_US/downloads/faq.pdf).

<sup>18</sup> FED. TRADE. COMM’N, A REVIEW OF FOOD MARKETING TO CHILDREN AND ADOLESCENTS: FOLLOW-UP REPORT 88 (December 2012), <http://www.ftc.gov/os/2012/12/121221foodmarketingreport.pdf>.

<sup>19</sup> Press Release, Children’s Advertising Review Unit, *CARU Recommends Spangler Revise ‘Dum Dum’ Website to Clearly Disclose That Games, Activities are Advertising; Company Agrees to Do So* (Dec. 17, 2010), <http://www.caru.org/news/2010/CARUDumDumPR.pdf>; Press Release, Children’s Advertising Review Unit, *CARU Recommends Topps Modify Website to Clearly Disclose Advertising, Company Does So* (Mar. 30, 2011), <http://www.ascreviews.org/2011/03/carurecommends-topps-modify-website-to-clearly-disclose-advertising-company-does-so-2/>; Press Release, Children’s Advertising Review Unit, *CARU Recommends Kellogg Modify ‘Froot Loops’ Website to Better Disclose Advertising Within Games, Activities* (Aug. 27, 2012), <http://www.ascreviews.org/2012/08/carurecommends-kellogg-modify-froot-loops-website-to-better-disclose-advertising-within-games-activities/>; Press Release, Children’s Advertising Review Unit, *CARU Recommends IHOP Modify ‘IHOP.com’ Website to Better Disclose Advertising Within Game* (Sept 12, 2012), <http://www.ascreviews.org/2012/09/carurecommends-ihop-modify-ihop-com-website-to-better-disclose-advertising-within-game/>.

<sup>20</sup> Press Release, Children’s Advertising Review Unit, CARU

Recommends Kellogg Modify ‘Froot Loops’ Website to Better Disclose Advertising Within Games, Activities (Aug. 27, 2012), <http://www.ascreviews.org/2012/08/carurecommends-kellogg-modify-froot-loops-website-to-better-disclose-advertising-within-games-activities/>.

<sup>21</sup> Federal Trade Commission Act, 15 U.S.C. § 45(n) (2006).

<sup>22</sup> *Id.*

<sup>23</sup> CALORIC CALCULATOR, [www.caloriccalculator.org](http://www.caloriccalculator.org) (last visited Sept. 11, 2013).

<sup>24</sup> Leonard H. Epstein et al., *A Randomized Trial of the Effects of Reducing Television Viewing and Computer Use on Body Mass Index in Young Children*, 162 ARCHIVES OF PEDIATRICS & ADOLESCENT MED. 239 (2008).

<sup>25</sup> For an excellent summary of case law related to stealth marketing see Center For Digital Democracy, et al., *Complaint and Request for Investigation of PepsiCo’s and Frito-Lay’s Deceptive Practices In Marketing Doritos to Adolescents*, (Oct. 19, 2011), [http://digitalads.org/sites/default/files/publications/digitalads\\_ftc\\_complaint\\_2011.pdf](http://digitalads.org/sites/default/files/publications/digitalads_ftc_complaint_2011.pdf) (last visited September 12, 2013).

<sup>26</sup> Entertainment Software Association, *Essential Facts About the Computer and Video Game Industry: 2010 Sales, Demographic and Usage Data 4* (2010), [http://www.theesa.com/facts/pdfs/esa\\_essential\\_facts\\_2010.pdf](http://www.theesa.com/facts/pdfs/esa_essential_facts_2010.pdf).

<sup>27</sup> *Id.* at 11.

<sup>28</sup> Alan Feuer, *Seeking to Be Both NFL and ESPN of Video Gaming*, N.Y. TIMES, Aug. 9, 2013, at MB1, available at <http://www.nytimes.com/2013/08/11/nyregion/seeking-to-be-both-nfl-and-espn-of-video-gaming.html?pagewanted=1&r=0&hp>.

<sup>29</sup> Initiative Media, *In-Game Advertising*, [http://www.initiative-newsroom.de/wp-content/uploads/2010/07/Initiative\\_In-Game\\_Advertising\\_FINAL.pdf](http://www.initiative-newsroom.de/wp-content/uploads/2010/07/Initiative_In-Game_Advertising_FINAL.pdf), (last visited Aug. 9, 2013).

<sup>30</sup> Entertainment Software Association, *Essential Facts about the Computer and Video Game Industry: 2012 Sales, Demographic, and Usage Data 11* (2012), [http://www.theesa.com/facts/pdfs/esa\\_ef\\_2012.pdf](http://www.theesa.com/facts/pdfs/esa_ef_2012.pdf).

<sup>31</sup> *Id.* at 4.

<sup>32</sup> Google, *Hyper connected Teens* (2012), [http://nnsahc.org/images/uploads/10\\_HyperConnectedTeens.pdf](http://nnsahc.org/images/uploads/10_HyperConnectedTeens.pdf).

<sup>33</sup> Dan Laughlin, *The Gamification of Mobile Games*, FLURRY BLOG (Dec. 13, 2012), <http://blog.flurry.com/bid/92377/The-Gamification-of-Mobile-Games>.

<sup>34</sup> Munni Ray & Kana R. Jat, *Effect of Electronic Media on Children*, 47 INDIAN PEDIATRICS 561,563 (2010); Margaret Schneider, et al., *Media Use and Obesity in Adolescent Females*, 15 OBESITY 2328, 2333 (2007); Maria M. Carvalhal et al., *Overweight and Obesity Related to Activities in Portuguese Children, 7-9 Years*, 17 EUROPEAN J. PUB. HEALTH 42, 44-45 (2006); Jorge Mota et al., *Obesity, Physical Activity, Computer Use, and TV Viewing in Portuguese Adolescents*, 17 PEDIATRIC EXERCISE SCIENCE 113, 119 (2006); but see Elizabeth Wack & Stacey Tanleff-Dunn, *Relationships Between Electronic Game Play, Obesity, and Psychosocial Functioning in Young Men*, 12 CYBER PSYCHOLOGY 241, 243-244 (2009), available at <http://online.liebertpub.com/doi/pdf/10.1089/cpb.2008.0151> (study of college-aged males finding that electronic game play was not directly linked to obesity, decreased academic performance, or social impairment and acknowledging that the study findings

were contrary to research on electronic gaming and young children).

<sup>35</sup> Nicolas Settler et al., *Electronic games and Environmental Factors Associated with Childhood Obesity in Switzerland*, 12 *OBSESITY RESEARCH* 896, 901 (2004).

<sup>36</sup> Jean-Phillippe Chaput et al., *Video Game Playing Increases Food Intake in Adolescents: A Randomized Crossover Study*, 93 *AM. J. CLIN. NUTR.* 1200 (2011).

<sup>37</sup> *Id.*

<sup>38</sup> Steve Tanner, *Review: Mountain Dew Game Fuel 2011 - Tropical*, *BEVREVIEW* (Oct. 18, 2011), <http://www.bevreview.com/2011/10/18/mountain-dew-game-fuel-2011-tropical/>.

<sup>39</sup> Major League Gaming, *Premiere! Dr. Pepper Ultimate Gaming House*, <http://tv.majorleaguegaming.com/video/premiere-dr-pepper-ultimate-gaming-house-season-4-episode-2--WjBxb1B-NZ2liS2c=>, (last visited Aug. 12, 2013).

<sup>40</sup> Major League Gaming, *NOS: Performance Center*, <http://www.majorleaguegaming.com/nos> (last visited Aug 12, 2013).

<sup>41</sup> NOS Energy Drink, <http://www.drinknos.com/gaming.do> (last visited Aug. 12, 2013).

<sup>42</sup> Karl Greenberg, *Doritos Goes Viral for "Crash" Campaign*, *MEDIAPOST NEWS* (Jan. 6, 2012), <http://www.mediapost.com/publications/article/165320/doritos-goes-viral-for-crash-campaign.html> - axzz2ZF3zwhK7.

<sup>43</sup> Josh Larson, *6 Steps to Market Your Brand in Games*, *iMEDIA CONNECTION* (Sept. 6, 2006), <http://www.imediaconnection.com/content/11093.asp>.

<sup>44</sup> Initiative Media, *In-Game Advertising* (2010), [http://www.initiative-newsroom.de/wp-content/uploads/2010/07/Initiative\\_In-Game\\_Advertising\\_FINAL.pdf](http://www.initiative-newsroom.de/wp-content/uploads/2010/07/Initiative_In-Game_Advertising_FINAL.pdf).

<sup>45</sup> *Id.*

<sup>46</sup> Redbull.com Team, *Red Bull Kart Fighter 3 About to Launch*, *REDBULL BLOG* (Aug. 7, 2013), <http://games.redbull.com/int/en/blog/red-bull-kart-fighter-3-about-to-launch>.

<sup>47</sup> XBOX, *Red Bull Crashed Ice Connect* (2013), <http://marketplace.xbox.com/en-US/Product/Red-Bull-Crashed-Ice-Connect/66acd000-77fe-1000-9115-d80258411253>.

<sup>48</sup> Christopher Heine, *Red Bull's Xbox videos Garner 14-Minute Engagement Rate: Uses its Roster of Athletes to Get Brilliant Results*, *ADWEEK* (Aug. 9, 2013, 8:31 PM), <http://www.adweek.com/videowatch/red-bulls-xbox-videos-garner-14-minute-engagement-rate-151781>.

<sup>49</sup> *Id.*

<sup>50</sup> *Id.*

<sup>51</sup> Stuart Elliott, *Dude, This Video Game Promotion is Sweet*, *MEDIA DECODER BLOG* (Aug. 24, 2011, 1:00 PM), <http://mediadecoder.blogs.nytimes.com/2011/08/24/dude-this-video-game-promotion-is-sweet/>.

<sup>52</sup> *Id.*

<sup>53</sup> Josh Larson, *6 Steps to Market Your Brand in Games*, *iMEDIA CONNECTION* (Sept. 6, 2006), <http://www.imediaconnection.com/content/11093.asp>.

<sup>54</sup> Andrew Adam Newman, *Slim Jim Gives Snackers Something to Play For*, *N.Y. TIMES*, Oct. 11, 2012, at B3, available at [http://www.nytimes.com/2012/10/12/business/media/slim-jim-and-ea-give-snackers-something-to-play-for.html?\\_r=0&adxnnl=1&adxnnlx=1374520810-WMs1lePtFrHwG5vAVvib4w](http://www.nytimes.com/2012/10/12/business/media/slim-jim-and-ea-give-snackers-something-to-play-for.html?_r=0&adxnnl=1&adxnnlx=1374520810-WMs1lePtFrHwG5vAVvib4w).

<sup>55</sup> *Id.*

<sup>56</sup> *Id.*

<sup>57</sup> *Id.*

<sup>58</sup> Steve Watts, *Taco Bell Giving Away PlayStation Vitas*, *SHACK*

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<sup>64</sup> Admin, *Target Watch: Video Games, Doritos, and Mountain Dew*, *SINS BLOG* (AUG. 31, 2013), <http://sinsblog.com/2011/11/23/target-watch-video-games-doritos-and-mountain-dew/>.