

For Immediate Release

## **CARU REVIEWS ADVERTISING FOR SUBWAYFRESHBUZZ.COM WEBSITE**

*Company Agrees to Bring Website into Compliance with Guidelines, COPPA*

*New York, NY – August 6, 2008* – The Children’s Advertising Review Unit (CARU) of the Council of Better Business Bureaus, Inc., has recommended that that Subway Franchisee Advertising Fund Trust (SFAFT), operator of the Website [www.subwayfreshbuzz.com](http://www.subwayfreshbuzz.com), modify the site to assure it is in compliance with CARU’s self-regulatory guidelines for children’s advertising and the federal Children’s Online Privacy Protection Act (COPPA.) The operator has agreed to do so.

CARU, the children’s advertising industry’s self-regulatory forum, reviewed the Website pursuant to CARU’s ongoing monitoring program.

The Subway Website, [www.subwayfreshbuzz.com](http://www.subwayfreshbuzz.com), presents adult and parent-based product information, as well as information about promotions. There is a section of the main Website devoted to a younger audience, [www.subwayfreshbuzz.com/kids](http://www.subwayfreshbuzz.com/kids).

The [subwayfreshbuzz.com/kids](http://www.subwayfreshbuzz.com/kids) section of the Website features information about “Fresh Fit For Kids” meals, contests, “Random Acts of Fitness for Kids,” as well as television commercials featuring children.

At the time of CARU’s review, the main site offered a click-through link from the adult section to the kid’s section and a promotion of Subway’s in-store Kid’s Pak premiums entitled “Rock Out With These Items In Each Meal.”

The premiums featured the musical act The Naked Brothers Band, which is popular with children under the age of 13.

CARU has long taken the position that, on a Website where there is a reasonable expectation that a significant number of children will be visiting, operators should employ age-screening mechanisms to determine whether verifiable parental consent or notice and opt-out is necessary. Additionally, CARU has required that screening questions be asked in a neutral manner so as to discourage inaccurate answers from children trying to avoid parental permission requirements.

Freshbuzz’s four hyperlinks led children to Subway’s main site where there were the following registration features, “Sign Me Up,” the text-messaging feature, “Buzz Me,” as well as the “Subway Team,” and “Win A Trip for 4 to the 2008 Little League Baseball World Series Sweepstakes.”

For the “Sign Me Up” and “Buzz Me” features, potential members were asked to enter personally identifiable information, including full name and email address. For the “Subway Team” and “Sweepstakes” visitors were required to submit full name, email address, street address, grade and school name. Each of these registration forms required potential members to check off a box certifying that they were “Over 13 years old.” CARU found the practice of requesting registrants to certify that they are over 13 years of age to be tantamount to providing a “tip-off” to children- a practice which is not in compliance with CARU’s Guidelines.

CARU recommended that the operator remove language that would potentially act to “tip-off” under-age children. CARU also recommended that the Website implement neutral age-screening

accompanied by a tracking mechanism at any registration area that appealed to children as well as areas of the Website that linked directly from the children's area of the Website.

To address CARU's concerns, the operator committed to remove the links from the Fresh Buzz Website to the "Sign Me Up," "Buzz Me," and "Subway Team" features on the main site. Additionally, SFAFT agreed to remove the "tip off" language and implemented neutral age screening at the registration area for the "Sweepstakes."

CARU noted in its decision that it is pleased SFAFT has implemented neutral age-screening at areas of the Fresh Buzz Website that might appeal to children and that any links to registration pages on the adult-oriented Subway.com have been removed from the Fresh Buzz Website.

In its operator's statement, SFAFT said it "shares CARU's goal of protecting children online, and appreciates CARU's important role in furthering industry best practices."

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*CARU's inquiry was conducted under NAD/CARU/NARB Procedures for the Voluntary Self-Regulation of National Advertising. Details of the initial inquiry, CARU's decision, and the advertiser's response will be included in the next NAD/CARU Case Report.*

**About Advertising Industry Self-Regulation:** The National Advertising Review Council (NARC) was formed in 1971 by the Association of National Advertisers, Inc. (ANA), the American Association of Advertising Agencies, Inc. (AAAA), the American Advertising Federation, Inc. (AAF), and the Council of Better Business Bureaus, Inc. (CBBB). Its purpose is to foster truth and accuracy in national advertising through voluntary self-regulation. NARC is the body that establishes the policies and procedures for the CBBB's National Advertising Division (NAD) and Children's Advertising Review Unit (CARU), as well as for the National Advertising Review Board (NARB) and Electronic Retailing Self-Regulation Program (ERSP).

NAD and CARU are the investigative arms of the advertising industry's voluntary self-regulation program. Their casework results from competitive challenges from other advertisers, and also from self-monitoring traditional and new media. The National Advertising Review Board (NARB), the appeals body, is a peer group from which ad-hoc panels are selected to adjudicate those cases that are not resolved at the NAD/CARU level. This unique, self-regulatory system is funded entirely by the business community; CARU is financed by the children's advertising industry, while NAD/NARC/NARB's sole source of funding is derived from membership fees paid to the CBBB. Funding for ERSP is derived from membership fees paid to the Electronic Retailing Association. For more information about advertising self regulation, please visit [www.narcpartners.org](http://www.narcpartners.org).