

Consumerism 101

What's so bad about marketing to children?

By **Richard Gottlieb**

I believe I was about 6 years old when I first saw the television ad that promised a square inch of land in Alaska, "Absolutely Free!"

The black and white commercial was fantastic. It showed people panning for gold and doing other cool Alaskan things. Somewhere in a crevice of my brain lurked the entrepreneur I was to become as I thought about farming my square inch. Corn, I thought, I'll grow corn! All I had to do was send the coupon that came in a Quaker Oats box to the Klondike Big Inch Land Co. and I would become a landowner.

The problem was—and this was a big problem—my mother. She was a dangerous combination of indulgent and begrudging at the same time. She would buy me the cereal knowing full well that I would never eat it. On the other hand, she couldn't let it go to waste. So at breakfast every morning she would be gagging the stuff down, and in between gags she would re-

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mind me over and over about what a pain I was because all I really wanted was the prizes. She was, of course, absolutely correct.

I always promised to eat the cereal; promised that it really wasn't about the prize; and said I loved Quaker Oats. Once again, gullible but loving mother that she was, she bought me the cereal. I remember putting it on the table, opening it up, snaking my hand down to the bottom of the box, and dragging out the coupon along with pieces of oat stuck to my arm and hand.

Well, I got my certificate—and being 6 years old, I lost it immediately. I never, however, lost the memory of farming that square inch of land. It was a brilliant marketing campaign, as literally millions of gullible kids made their mothers buy Quaker Oats in order to send in for their square inch.

I bring this up because it was the first run-in with marketing that I remember. I had certainly been taken in, but I wasn't disillusioned. I'd just learned an important lesson: Don't fall for everything you see on television. That's a lesson that has held me in good stead to this day. Any time someone on television tries to convince me to buy a car, take out a loan, or go on a vacation, I look at the TV, frown, furrow my brow and think to myself, "Hmmm, is this that square inch of land all over again?"

You may be wondering why I'm talking about something that happened when I was 6 years old. Well, it's because I am getting tired of these books that attack the toy industry for marketing to kids. We already had to listen to Eric Clark in *The Real Toy Story: Inside the Ruthless Battle for America's Youngest Consumers*. Now we have Benjamin Barber's *Consumed: How Markets Corrupt Children, Infantilize*

Adults, and Swallow Citizens Whole. Barber says that product marketing is so dominant in our culture that children are reduced to focusing their lives around shopping and brands. Mr. Clark thinks we're a ruthless bunch, and Mr. Barber thinks we are both corrupting and infantilizing.

Well, there may be a few folks in the industry who are ruthless, corrupting and infantilizing, but, frankly, I think that by marketing to kids we're actually playing an important function in children's lives. We help them learn how to survive in a country that has a free market economy, free speech and the right for someone to try to get someone else to buy pretty much whatever they have to sell.

Prepped for success

So let me just say it: I am blatantly and unapologetically in favor of marketing to kids. Why? Because those kids are going to have to spend the rest of their

lives listening to every kind of marketing approach. Childhood is when they'll learn to cope with it. The stakes are low and the knowledge is priceless. We would do them no favors by sending them into the adult world unprepared for this.

So the next time one of your customers complains that her kid was suckered for a toy that didn't work like the commercial said it would, or that breaks immediately, or that quickly becomes obsolete, remember to, of course, give them a credit or replace the toy—but don't feel guilty. Though the child is disappointed, they're learning how to get by in the real world. They're learning that the process is not always pretty to watch, but it's better than the alternative.

Advertising to children is not just a lesson in the market economy. It is also the only way we have, at least at this moment in history, to let children and their parents know about toys that match up with their interests and desires. The absence of advertising to children would definitely hurt the industry, but it would hurt children even more. (I promise more on this topic in a future column.)

By the way, I just found out that those 1-square-inch-of-land deeds are going for \$40 a piece on the collector's market. Too bad I lost mine so quickly. I guess I'm *still* learning lessons from childhood.

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THE LEGAL DEPARTMENT

A Lesson From Pooh

I CRINGE WHEN I hear lawyers say things like "litigation is like war." Litigation is not like war. Certainly, passions get high, and there are often high stakes involved. But, at the end of the day, everyone goes home (unless you're in criminal court).

I like to think that litigation is more like sport. There is a winner and a loser, usually. There are rules, and there are neutral parties who enforce and interpret the rules. And there are consequences for breaking the rules. Just ask Stephen Slesinger Inc. (SSI), owner of rights to Winnie the Pooh.

In 1991, SSI sued Disney, claiming that Disney owed royalties to SSI under a license agreement to use Winnie the Pooh and its associated characters. In connection with that lawsuit, SSI hired an investigator to surreptitiously obtain Disney documents. These circumstances led an appellate court to conclude that SSI's tactics went far beyond what is permitted under the litigation rules.

What exactly did SSI's investigator do? The court concluded that he broke into Disney office buildings and secure trash receptacles to retrieve Disney documents; and trespassed into the secure facility of the company Disney hired to dispose of its confidential documents. Over the course of years, the investigator took thousands of Disney documents, some marked confidential and privileged.

SSI claimed not to have done anything wrong. According to SSI, all of the Disney documents were taken from publicly accessible dumpsters and no documents had been altered. SSI also concealed its actions, claiming Disney had provided the documents during the course of litigation.

Unsurprisingly, the trial court and appellate court rejected SSI's arguments. Not only had SSI wrongfully obtained Disney documents, the court found that SSI representatives had altered some of the Disney documents by removing "confidential" designations to make the documents appear not to be confidential. In the end, the trial court concluded that SSI had "tampered with the administration of justice and threatened the integrity of the judicial process." According to the appellate court, SSI's "pattern of misconduct was breathtaking." Both courts reasoned that SSI's misconduct was so egregious that the only sanction appropriate under the circumstances was to dismiss SSI's entire case against Disney.

The lesson here is that, when you litigate, make sure you and your lawyers play by the rules—just as you would in sports. Don't let your emotions turn you into one of the "bad guys."

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American consumers plan to spend an average of \$923.36 on holiday-related purchases this year, an increase of 3.7 percent from 2006. —The National Retail Federation's 2007 Holiday Consumer Intentions and Actions Survey