

Before the
FEDERAL TRADE COMMISSION
Washington, DC 20580

In the Matter of)
)
Supplement to Request for Investigation into)
Google's Unfair and Deceptive Practices in)
Connection with its YouTube Kids App)

Submitted by

Campaign for a Commercial Free Childhood
and
Center for Digital Democracy

Nicholas Garcia
Georgetown Law Student

Angela J. Campbell
Eric G. Null
Institute for Public Representation
Georgetown University Law Center
600 New Jersey Avenue, NW
Washington, DC 20001
(202) 662-9535

November 24, 2015

*Counsel for Campaign for a Commercial Free
Childhood and Center for Digital Democracy*

Table of Contents

I. Background	1
A. The children’s media marketplace is rapidly changing	3
B. How the YTK app has changed	7
II. Google’s recent changes <i>do not</i> remedy the RFI’s allegations of deceptive and unfair advertising practices	9
A. YTK continues to show videos that are deceptive and take unfair advantage of young children	9
B. Google’s revised representations to parents remain deceptive and misleading.....	10
1. The Parental Guide contains material misrepresentations	10
2. Google’s representations to parents are inconsistent with its representations to advertisers	12
3. Google misleads parents by suggesting that it has no control over commercial content posted by users	13
C. Google continues to show videos on YTK that violate the FTC’s Endorsement Guides	15
Conclusion	19
List of Exhibits.....	20

The Campaign for Commercial Free Childhood (CCFC) and Center for Digital Democracy (CDD), by their counsel the Institute for Public Representation, supplement their Request for Investigation of Google's YouTube Kids app (YTK) filed April 7, 2015 (April 2015 RFI). This supplement provides additional information regarding the children's media marketplace and YTK that shows the urgent need for FTC action. It also describes changes that Google made to YTK and shows that none of the changes alter our prior conclusions that YTK targets children with deceptive and unfair advertisements, that Google markets YTK to parents in a deceptive manner, and that sponsored videos shown on YTK violate the FTC's Endorsement Guides.

We ask that the FTC consider this Supplement in conjunction with the *Request for Investigation of Violations by Members of the Children's Food and Beverage Advertising Initiative of Pledges Not to Advertise Products to Children that Do Not Meet Uniform Nutrition Criteria* (CFBAI RFI), which we are also filing today. That filing provides many examples of commercials and promotional videos for food products available on YTK that violate the CFBAI pledges, violate YTK's own Ad Policy, and are unfair and deceptive to children. Thus, we ask the FTC to broaden its investigation of Google (now part of Alphabet) to include its relationships with multichannel video programmers (MCNs); food, beverage and toy companies; its major YouTube advertising and "unboxing" video partners; and companies that specialize in "influencer" and product placement marketing on YouTube. We also ask that the FTC promptly complete its investigation and take action to stop these deceptive and unfair marketing practices.

I. Background

It has been known since the early 1970s that young children have difficulty distinguishing between programming and commercials on television and do not understand that the purpose of commercials is to promote the sale of a product. Research has clearly established that most children experience difficulty discriminating between programs and commercials until

about 4-5 years of age.¹ Moreover, research has shown that age is positively correlated with an understanding of advertising's intent and that this ability typically emerges in its earliest form at about 7-8 years of age.² In fact, a recent study by Ofcom (the UK's communications regulatory entity) found that only 16% of children aged 8-11 and 31% of children aged 12-15 could correctly identify advertising displayed in Google search results, even when the ads were distinguished by a different background color and the label "ad."³

When parents and advocates complained about unfair and deceptive advertising practices on broadcast television in the 1960s and 1970s, both the FTC and FCC opened proceedings. The FCC ultimately adopted the *1974 Children's Policy Statement* that limited the amount of advertising and prohibited certain types of advertising practices in children's programming. In establishing these safeguards, the FCC recognized that the FTC had "far greater expertise in, and resources for, the regulation of false or deceptive advertising practices," and that the FTC had the authority to act on many of the promotional practices complained of, such as "use of program

¹ Dale Kunkel, *Children and Advertising: Content, Comprehension, and Consequences*, in HANDBOOK OF CHILDREN AND THE MEDIA 395, 403 (Dorothy & Jerome Singer eds., 2012); Dale Kunkel *et al.*, *Psychological Issues in the Increasing Commercialization of Childhood*, Washington, DC: American Psychological Association (2004), available at <https://www.apa.org/pi/families/resources/advertising-children.pdf>.

² Dale Kunkel, *Mis-measurement of Children's Understanding of the Persuasive of Advertising*, JOURNAL OF CHILDREN AND MEDIA, 4, 109-117 (2010); Dale Kunkel & Jessica Castonguay, *Children and Advertising: Content, Comprehension, and Consequences*, in HANDBOOK OF CHILDREN AND THE MEDIA 395, 403 (Dorothy & Jerome Singer eds., 2012). Even adults cannot always tell the difference between ads and editorial content. In the UK, the Advertising Standards Authority (ASA) investigated Mondelez and five "Oreo Lick Race" videos that had not prominently disclosed (1) that they were "marketing communications" from Mondelez and (2) that there was a commercial relationship between the "vloggers" and Mondelez. The ASA required Mondelez to make future videos' "commercial intent clear prior to consumer engagement." *ASA Ruling on Mondelez UK Ltd*, Advertising Standards Authority (Nov. 26, 2014), https://www.asa.org.uk/Rulings/Adjudications/2014/11/Mondelez-UK-Ltd/SHP_ADJ_275018.aspx#.VINHlr9Dx1B.

³ *Children and Parents: Media Use and Attitudes Report*, Ofcom (UK) (Nov. 2015), at 8, http://stakeholders.ofcom.org.uk/binaries/research/media-literacy/children-parents-nov-15/childrens_parents_nov2015.pdf.

talent to deliver commercials (‘host selling’) or comment on them (‘lead-ins and/or outs’); [and] the prominent display of brand name products on a show’s set (‘tie-ins’).”⁴ Nonetheless, the FCC concluded on “the basis of this proceeding . . . that an examination of the broadcaster’s responsibility to children is warranted in the areas of the overall level of commercialization and the need for maintaining a clear separation between programming and advertising.”⁵ The FCC observed that “any practice which is unfair or deceptive when directed to children would clearly be inconsistent with a broadcaster’s duty to operate in the ‘public interest’ and may be prohibited by the Commission.”⁶

As child audiences shifted from watching broadcast to cable television, the Children’s Television Act of 1990 (CTA) extended the children’s advertising limits and safeguards to cable television,⁷ and the FCC later extended these safeguards to include satellite-delivered children’s programming.⁸ The harm to children from unfair and deceptive marketing practices is the same regardless of whether the child is watching on a television set or on a tablet or smartphone. However, because the FCC lacks jurisdiction over children’s advertising on the Internet, only the FTC has the ability to prevent unfair and deceptive marketing on YTK by exercising its authority under Section 5 of the FTC Act.

A. The **children’s** media marketplace is rapidly changing

The children’s media marketplace is in the midst of a sea change. A recent study found that “in a majority of family households with tablets and smartphones, TV is no longer the first choice for entertainment.”⁹ Specifically, it found that 57% of parents said their child preferred a

⁴ 50 FCC2d 1, 7 (1974).

⁵ *Id.* at 8.

⁶ *Id.* at 12.

⁷ 47 USC §303a. These rules may be found at 47 CFR §73.670 (broadcast) and §76.225 (cable).

⁸ *Implementation of Section 25*, 19 FCC Rcd 5647, 5666-68 (2004) (codified at 47 CFR §25.7019(e)).

⁹ Robert Minor, *TV is Now the 2d Screen for Kids (Minor Study)*, DigitalContentNext (July 14,

device other than the TV to watch video content. And, if given a choice between dessert and the tablet, parents say more children would choose the tablet.¹⁰ This study is significant because it shows how the child audience is moving rapidly from cable and broadcast television to streaming on-demand programming on mobile devices. The author of the study notes that:

As TV content providers watch their audiences rapidly shift from traditional viewing to streamed and digital, this study shines a light on kids as the “canary in the coal mine,” showing a need to redefine audience reach expectations, programming and creative development, as well as measurement and monetization strategies sooner rather than later.

In effect, streamed content services are now eating into linear TV audience share, just as a large percentage of audience share shifted from broadcast to cable only a couple of decades ago – but at a more rapid pace.¹¹

This “rapid shift in kids and family viewing habits” from traditional appointment television to streaming video on demand platforms “is having a major impact in all areas of kids programming from development, funding and production to marketing, distribution and

2015), <https://digitalcontentnext.org/blog/2015/07/14/tv-is-now-the-2nd-screen-for-kids> (attached in Ex. A). Several other studies document that even the youngest children increasingly have access to a tablet or smartphone. A study by the BabyCenter found that “4 out of 5 parents allow their children (1 to 9 years of age) to use their smartphone or tablet, and 65 percent of children start playing with their parent’s smartphone or tablet before age 3,” and about half of the children “will have already received a tablet by age 5.” *Rise of the Tech-Tots: BabyCenter Uncovers a New Relaxed Attitude About Screen Time Among Millennial Parents*, BabyCenter (Oct. 20, 2015), <http://www.multivu.com/players/English/7337052-babycenter-technology-parenting>. Another study by Nielsen found that “[b]etween the ages of 2 and 4, at least 61% of kids use a tablet if one is available in the household, and 30% use a smartphone if it is available.” *Kids’ Audience Behavior Across Platforms*, Nielsen (Aug. 6, 2015), <http://www.nielsen.com/us/en/insights/reports/2015/kids-audience-behavior-across-platforms.html>.

¹⁰ Ex. A. The study was widely covered in the press. *See, e.g.*, Antony Crupi, *Televisions Are No Longer the Screen of Choice for Kids*, AdAge (July 6, 2015), <http://adage.com/article/media/study-9-10-americans-binge-viewers/299332>; Amanda Schupak, *For tablet-toting tots, TV is the new “time out,”* CBS News (July 8, 2015), <http://www.cbsnews.com/news/for-tablet-toting-tots-tv-is-the-new-time-out>.

¹¹ Ex. A.

acquisitions,” according to the October 2015 issue of Kidscreen magazine.¹² In fact, YTK has been called “the most significant event in the last 12 months of the entire children’s entertainment business.”¹³ Over ten million US families have downloaded YTK since its launch in February 2015.¹⁴ According to iKids, YTK is the second most popular free app for children.¹⁵ The app will also be launched in the United Kingdom and Ireland in the near future.¹⁶

YouTube’s global head of family and learning, Malik Ducard, recently gave the closing keynote at MIPJunior, the key global marketplace where kids media and related commercial merchandising, licensing and syndication opportunities are bought and sold.¹⁷ He talked about the success of the YTK app, noting that it is “consistently ranked . . . [as a] top 5 kids app in the app store, given an overall rating of 4 plus stars in Google Play, and according to App Annie, in terms of weekly active users, the YouTube Kids app is the number one app in the kids category

¹² Jeremy Dickson, *Windows of opportunity in an SVOD world?* kidscreen magazine, at 75 (Oct. 2015), available at <http://kidscreen.com/content/pdf/51695.pdf?b29836>.

¹³ Brendan Christie, *YouTube U: Lessons in the world of kids content*, kidscreen magazine at 86 (Oct. 2015) (quoting Richard Goldsmith, EVP of global distribution and international consumer products at The Jim Henson Company), available at <http://kidscreen.com/content/pdf/51695>.

¹⁴ Stuart Dredge, *YouTube Kids app launches in UK and Ireland for child-friendly videos*, Business Insider (Nov. 18, 2015), <http://www.theguardian.com/technology/2015/nov/18/youtube-kids-app-launches-in-uk-and-ireland>; see also *More for your Family*, YouTube Blog (Oct. 1, 2015), <http://youtube-global.blogspot.com/2015/10/more-for-your-family-in-youtube-kids-app.html> (attached in Ex. B).

¹⁵ Wendy Goldman Getzler, *Gotta hand it to under-fives, their iPhone video consumption is controlling app charts*, iKids (Oct. 15, 2015), <http://kidscreen.com/2015/10/15/gotta-hand-it-to-under-fives-their-iphone-video-consumption-is-controlling-app-charts>.

¹⁶ Dredge, *supra* note [14].

¹⁷ See *The Storyboard for your Success*, MIPJunior (Oct. 2015), http://www.mipjunior.com/RM/RM_MIPCOM/2015/pdf/mipcom-mipjunior-2015-brochure.pdf?v=635733287535789376. Ducard’s talk is available on YouTube at <https://www.youtube.com/watch?v=l73GfqAKN0E>. A blog of his talk is also available at <http://blog.mipworld.com/2015/10/youtube-kids-malik-ducard-mipjunior/#.VjjM1aLaNyo>. He talked about the importance of the child audience to YouTube, observing that “half of YouTube’s top 10 channels are for children, generating more than 1.8 billion monthly video views between them.”

in the app store – so it’s not bad for a seven month old.”¹⁸ Ducard also talked about how many of the videos on YTK were from other countries, allowing content partners to gain a global following and obtain lucrative toy-licensing and merchandising agreements.¹⁹

While YTK provides an outlet for diverse programming, it does a serious disservice to children and their parents to the extent it intentionally includes a substantial number of commercials and promotional videos. To give one recent example, by searching the phrase “force awakens,” in YTK, children can watch dozens of unboxing videos promoting toys and merchandise designed to promote the soon-to-be-released Disney film, “Star Wars: The Force Awakens.”²⁰

The *LA Times* describes the Disney marketing of “Star Wars: The Force Awakens” as a “major departure from the usual movie/toy tie-in,” and “an audacious marketing ploy to promote products tied to the upcoming film.” This article observes that that “mixing the power of YouTube stars with the oddly popular phenomenon of watching people open toy boxes online — underscores how mainstream entertainment giants are trying to adapt to the Internet and attract tech-loving young customers.”²¹ It adds:

“YouTube is something which allows a brand like Disney to have a very elaborate and detailed and extended infomercial,” said James Dix, senior media analyst at Wedbush Securities. “TV networks really can’t do that. They can’t just turn over a channel for 18 hours to a brand.”

That’s especially important as children increasingly gravitate toward tablets and smartphones instead of dolls and action figures,

¹⁸ Keynote: Malik Ducard, YouTube - MIPJunior 2015, <https://www.youtube.com/watch?v=l73GfqAKN0E> (3:00 mark).

¹⁹ *Id.* (6:25 to 9:00 minute mark).

²⁰ Ex. C. “Star Wars: The Force Awakens” will be released in December 2015.

²¹ Shan Li, *Disney using the force of unboxing videos to hype Star Wars merchandise*, L.A. Times (Aug. 26, 2015), <http://www.latimes.com/business/la-fi-disney-star-wars-20150826-story.html>.

analysts said. Traditional toymakers have to scramble to entice kids and their parents, and Disney is simply going where they are.²²

While Disney may be a leader in this type of marketing, we found hundreds of other unboxing videos representing a variety of brands on YTK.²³ It is deceptive to use unboxing videos to advertise to young children, and it is unfair to allow advertisers to market to children on YTK using techniques that they cannot lawfully use on broadcast, cable or satellite-delivered video.

B. How the YTK app has changed

In June 2015, Senator Nelson sent a letter to Google expressing “concern over news reports that YTK showed content inappropriate for children,” including “commercial advertising – some of which may masquerade as content.”²⁴ Sometime after receiving that letter, Google made changes to the YTK Ad Policy.

Initially, the YTK Ad Policy stated that

[a]ll advertisements in the YouTube Kids app must comply with the advertising policies outlined below as well as YouTube’s general advertising policies. This applies to both Google and partner-sold ads. Additionally, advertisements must comply with applicable laws and regulations (including any relevant self-regulatory or industry guidelines). All ads must be **pre-approved by YouTube’s policy team** prior to serving in the YouTube Kids app.²⁵

Google has since modified the YTK Ad Policy so that it no longer applies to “partner-sold ads,” but only to “Paid Ads”:

All advertisements *sold* in the YouTube Kids app must comply with the additional advertising policies outline below, as well as YouTube’s general advertising policies. All YouTube Kids *Paid Ads* must be **pre-approved by YouTube’s policy team prior to** being served in the YouTube Kids app. Additionally, advertisers

²² *Id.*

²³ *See, e.g.*, April 2015 RFI, at 6-8.

²⁴ Ex. D.

²⁵ Ex. E (bold in original).

must comply with applicable laws and regulations (including any relevant self-regulatory or industry guidelines).²⁶

This new language means that the Ad Policy applies only to the pre-roll advertisements labelled “Ad” and not to other commercial content readily-available on the YTK app, such as television commercials and promotional videos uploaded by YouTube users. It also means that only Paid Ads have to be pre-approved by the policy team.

The Parental Guide similarly explains that YTK allows “limited” paid advertisements: “When your child selects a video in the app, your child may see an ad intro followed by a video ad—marked with ‘Ad’—before the video you selected. These are paid advertisements (‘Paid Ads’).”²⁷ In response to the question “What kinds of advertising or commercials appear in YouTube Kids?”, the Parental Guide explains that Paid Ads are required to follow YTK’s Ad Policy and “exclude certain categories like food and beverages.” The Guide then states:

Videos uploaded by users are not Paid Ads so they are not subject to our advertising policies regardless of the nature of the content. Users often upload commercials and other promotional materials to their YouTube channels, and these videos may appear in the app. For example, a search for cookies may show a television commercial from a cookie company on a user’s channel – we would not consider this video a Paid Ad and it would not be subject to our Ads policies, which disallow Paid Ads for food.²⁸

Google also added at the end of the YTK app description in the App Store some “IMPORTANT NOTES ABOUT THE APP:”

-YouTube Kids contains paid ads in order to offer the app for free. Your child may also see videos with commercial content from

²⁶ Advertising on YouTube Kids, YouTube Help, <https://support.google.com/youtube/answer/6168681?hl=en> (bold in original, italics added to show changed language) (attached in Exhibit F).

²⁷ Ads in YouTube Kids, YouTube Kids Parental Guide, https://support.google.com/youtubekids/answer/6130541?hl=en&ref_topic=6130504 (attached in Ex. G, at G-5).

²⁸ Important information for grown ups about YouTube Kids, YouTube Kids Parental Guide, https://support.google.com/youtubekids/answer/6130561?hl=en&ref_topic=6130504 (attached in Ex. G, at G-1) (emphasis in original).

YouTube creators that are not Paid Ads. For more information, please check out our Parental Guide.

- Videos in the app's four categories – Shows, Learning, Music and Explore – are preselected from the millions of videos available on YouTube Kids using algorithms with an additional layer of human review.

- Videos found in Recommended and through Search are selected by algorithm without human review. Please note, no algorithm is perfect, and even a perfect algorithm is no substitute for a parent or guardian's judgment. You can restrict your child's experience by turning Search off in Settings.²⁹

On October 1, 2015, the YouTube official blog announced some additional changes to the YTK app. Most importantly, YTK is now available on the "big screen" by using Chromecast, Apple TV, games consoles or a SmartTV.³⁰

II. **Google's recent changes *do not* remedy the RFI's allegations of deceptive and unfair advertising practices**

The April 2015 RFI asked the FTC to investigate whether Google's YouTube Kids app violates Section 5 of the FTC Act, which prohibits unfair and deceptive marketing practices. We alleged that Google was engaging in three different types of deceptive or unfair marketing. We show below that the recent changes made by Google either do not solve the underlying problem, or replace one set of misrepresentations with others.

A. **YTK continues to show videos that are deceptive and take unfair advantage of young children**

In limiting its Ad Policy to "Paid Ads," Google claims that TV commercials and promotional videos are "videos uploaded by users" rather than "paid ads." Thus, while pre-roll ads are reviewed by humans and must meet certain requirements, every other type of ad on YTK is not reviewed, nor must it meet those requirements. This distinction fails to protect children

²⁹ YouTube Kids, iTunes, <https://itunes.apple.com/us/app/youtube-kids/id936971630?mt=8> (attached in Ex. H, at H-2).

³⁰ *Supra* note [9] (attached in Ex. B, at B-1).

because they are not capable of understanding the difference between content and advertising, much less the differences between different types of ads.³¹ Allowing such videos to persist on YTK is deceptive and unfair to children.

Moreover, Google's admission that it does not deem TV commercials and promotional videos to be ads effectively concedes that it makes no attempt to comply with the commercial limits and safeguards that apply to children's programming on broadcast, cable and satellite television. The fact that YTK is available on every screen in the home by means of Chromecast or Apple TV, underscores the need for the FTC to stop Google from engaging in deceptive and unfair practices and apply the same safeguards for children that apply to its competing providers of children programming.

B. Google's revised representations to parents remain deceptive and misleading

Google's revised ad policies, app descriptions, and its new Parental Guide include numerous misrepresentations to parents.³²

1. The Parental Guide contains material misrepresentations

Google assures parents in its Parental Guide and elsewhere that it takes precautions on its own to provide a safe place for children to explore and learn. Google gives the overall impression that children will not be exposed to excessive commercialization by describing the app as "designed for curious little minds to dive into a world of discovery, learning and

³¹ *See* pp. 1-3.

³² We note that the Parental Guide is difficult to find. There is no obvious link. We discovered two non-intuitive ways to find it. First, it can be accessed from the app store by clicking on the "YouTube Kids Support" link in the app store. Alternatively, it can be accessed from the app by opening the parental controls and clicking on "Turn off search to limit available video to the home screen. Learn more" in the box labelled "Content Controls" or by clicking the generic "Help" link in parental controls.

entertainment” and filled with “videos kids will love.”³³ It also tells parents that “Grown ups are in control.”³⁴

Google claims it “only show[s] Paid Ads that are approved as family-friendly and all Paid Ads undergo a rigorous review process for compliance with our policies.”³⁵ Google also states it “will remove videos from the YouTube Kids app where the creator has notified us of a *paid product placement or endorsement* in their video through YouTube’s paid product placement and endorsement notification tools.”³⁶ Google further assures parents that, even if they are worried about what their child may view on YTK, they can restrict the app and their child’s viewing experience by turning off the search function, which offers a “more restricted experience . . . allowing your child access only to pre-selected content.”³⁷ Thus, the app and the Parental Guide give parents the overall impression that children will not be exposed to excessive commercialization and that parents can control the type of content their children can view.

Google’s claims are misleading. Despite language to the contrary, YTK continues to show excessive amounts of commercial videos including endorsements, host-selling, program-length commercials, and product placements.³⁸ Google’s claim that it will remove paid product placements and endorsements has utterly failed to protect children. Google appears not to inform content creators that the purpose of the paid product placement notification is to remove the video from YTK. Rather, it represents that the purpose of notification is to prevent conflicts between the paid placement or endorsement and ads that YouTube sells on the creator’s

³³ Ex. H, at H-2.

³⁴ *Id.*

³⁵ Ex. G, at G-5.

³⁶ *Id.* (emphasis added).

³⁷ *Id.* at G-6. In the app’s settings, it also states “[t]urn off search to limit available videos to the home screen.”

³⁸ *See, e.g.*, Exs. C, I, K, M.

channel.³⁹ We have no way to know whether Google’s statement in the Parental Guide that it will remove paid product placements and endorsements from YTK is simply false, results from Google’s failure to enforce its rules requiring notification, or is due to ineffective filtering of videos about which it has been notified. Regardless of the reason, Google’s representation to parents that it will filter paid product placements and endorsements in YouTube Kids is deceptive.

Further, turning off the search function appears not to limit the potential commercial content viewable in the app. When viewing videos found on the home screen, the app makes video suggestions on the bottom of the screen, many of which include more commercial content.⁴⁰ Even with search turned off, YTK provides “recommended videos [that] are selected from the broad set of videos accessible from YouTube Kids,”⁴¹ and again those recommended videos can include commercial content otherwise inappropriate for children. Thus, Google makes misrepresentations when it states that merely turning off the search function protects children from viewing “content [parents] don’t want them to watch.”⁴²

2. Google’s representations to parents are inconsistent with its representations to advertisers

As discussed above, Google tells parents that videos uploaded by users to YouTube and then shown on YTK are not considered Paid Ads and are therefore not subject to the YTK Ad Policy. However, when addressing advertisers, Google offers them the opportunity to purchase longer ads and to create brand channels devoted to advertising. Specifically, Google urges advertisers to “[t]ake advantage of greater creative freedom and control. Create authentic,

³⁹ Paid product placements and endorsements, YouTube Help, <https://support.google.com/youtube/answer/154235?hl=en>.

⁴⁰ Ex. I.

⁴¹ Ex. G, at G-3.

⁴² Ex. G, at G-6.

breakthrough experiences - across screens. Be part of what matters in content and culture.” It boasts that

YouTube offers advertisers more tools to tell their stories. Unlike other video formats, we don’t constrain you to :15 or :30 seconds. Ads are always in the “A-position,” have “brand-exclusivity,” and see a longevity that far outlasts the typical :30-second spot. Plus, YouTube enables advertisers to build a home for video on the platform, with brand channels that give brands the flexibility to shape their audience’s experience.⁴³

Google lists several types of advertising “solutions” available on YouTube. The first is “Brand Channel.” With Brand Channel, marketers can “[s]et up your own video home on YouTube, where viewers can watch, enjoy and engage emotionally with your brand.”⁴⁴ We found many brand channels on YTK including Toys R Us, Lego and Barbie.⁴⁵ Thus, Google tells parents that the programming on these brand channels uploaded by advertisers are not paid advertising, while at the same time, it sells to “brand channels” as a form of advertising.

3. Google misleads parents by suggesting that it has no control over commercial content posted by users

Parents reading the Parental Guide could reasonably conclude that Google was doing all that it could to make sure advertising on YTK is appropriate for children. For example, it tells them

[w]e’ve taken a number of precautions to ensure that families searching in YouTube Kids will see results that are appropriate for younger audiences. We screen content available through Search using a mix of automated analysis and user input, and we are continuously making improvements based on new technology research and user feedback.⁴⁶

⁴³ Ex. J. includes screen shots made in October 2015. As of November 16, 2015, that specific link no longer functions.

⁴⁴ *Id.*

⁴⁵ *See* Ex. K.

⁴⁶ Ex. 6, at G-4.

In fact, however, it appears Google is not taking any precautions to ensure that videos uploaded by users do not advertise or promote products in categories such as food and beverages and video games that Google itself views as inappropriate for children.⁴⁷

Surely, it is not the case that Google lacks the technical ability to block commercial content from finding its way from YouTube to YTK. The sophistication of Google's algorithms is legendary.⁴⁸ Google has "built a dynamic search query blocker for YouTube Kids that blocks certain search terms from returning any results."⁴⁹ Its "engineers have dedicated (and continue to dedicate) tens of thousands of hours to creating and refining the system."⁵⁰

The YTK algorithm appears to work reasonably well in some situations. For example, searches with terms such as "sex" and "breast" result in a screen displaying the message, "Try searching for something else." It is implausible that Google could not tweak the algorithm to also block videos promoting products or brand names. The most likely reason that Google has not done so is that it profits from allowing promotional videos and brand channels to be viewed on YTK.

Indeed, Google has been very successful in both selling ads and reaching children. A report by eMarketer estimates that YouTube's worldwide ad revenue will reach \$9.5 billion in

⁴⁷ Advertising on YouTube Kids, YouTube Help, <https://support.google.com/youtube/answer/6168681?hl=en> (Ex. F) (see Restricted Product Categories). For examples of food and beverage promotions, see CFBAI RFI. For examples of promotions of inappropriate video games, see April 2015 RFI at 11.

⁴⁸ See, e.g., Jullian D'Onfro, *One of YouTube's engineering directors reveals his 'wildest dreams' for the site*, Business Insider, <http://www.businessinsider.com/youtube-engineer-christos-goodrow-on-recommendation-engine-2015-7>; *YouTube's Secret Algorithm – Computerphile*, YouTube (Apr. 24, 2014) (interview with Google's Director of Engineering Christos Goodrow says over a million lines of code), <https://www.youtube.com/watch?v=BsCeNCVb-d8>; Ex. D, at D-1 (Senator Nelson referencing Google's "considerable technical expertise").

⁴⁹ Letter from Susan Molinari, VP, Public Policy and Gov't, Google, to Senator Nelson, at 2 (Sept. 22, 2015) (attached in Ex. L, at L-2).

⁵⁰ *Id.* at L-1.

2015, a 25% gain from 2014.⁵¹ A recent study found that 48% of kids in the US ages 8 through 15 say they have seen something on YouTube they want to buy.⁵² Yet another study found that when a brand introduced a new ad to YouTube, it increased views of the ads that came before it.⁵³ This might explain the large number of vintage commercials we saw on YTK.

In sum, Google is well aware of the large amount of sponsored content on YouTube, and it decides, by using its own sophisticated algorithm, which videos from YouTube may be shown on YTK. Thus, Google misleads parents when it claims that user content is not “paid advertising” and implies that Google has no control over commercial content posted by users.

C. **Google continues to show videos on YTK that violate the FTC’s Endorsement Guides**

In the April 2015 RFI, we alleged that many videos on YTK appear to violate the FTC’s Endorsement Guide.⁵⁴ In May 2015, the FTC issued further guidance regarding the

⁵¹ Paul Verna, *YouTube Advertising: Why Google’s Platform Will Stay on Top*, at 3 (Aug. 2015) (“eMarketer Report”).

⁵² Ryan Scofield, *Kids Making YouTube Celeb Merch the New Band T-Shirt*, Kidsay (Oct. 14, 2015), <http://kidsay.com/youtube-celeb-merch>.

⁵³ The study by Visible Measures found that brands who advertise on YouTube benefit from both a “ripple effect” and “brand resonance.” A ripple effect occurs when releasing new video content drives views on older content for the same brand. Based on its database of over 15,000 online video ad campaigns, “Visible Measures identified brand campaigns that exhibited a ripple effect of as high as 45x (increase in viewership of portfolio content from the week prior-to to the week following the release of a new campaign).” It explains that the “combination of easily accessible brand channels, a seamless video recommendation experience, and search, provides YouTube with an advantage over Facebook when it comes to helping marketers benefit from the ripple effect of video promotion.” YouTube is also better for “brand resonance,” i.e., when a video has a greater “shelf life” and is watched by more people over an extended period of time due to online sharing, searching and other behaviors. This is because YouTube “focuses exclusively on video and is the world’s second largest search engine. These features provide consumers the ability to find content beyond promotion, driving resonance for branded video content.” Visible Measures, *Build Relationships with you Consumers by Optimizing for Ripple Effect + Brand Resonance*, Visible Measures (Sept. 30, 2015), <http://www.visiblemeasures.com/2015/09/30/video-advertising-will-trigger-a-ripple-effect-and-result-in-lasting-brand-resonance>.

⁵⁴ April 2015 RFI at 8-10.

Endorsement Guides, which clarified that disclosure is required when a video creator is paid by an advertiser or reviews a product received from an advertiser when that relationship is not reasonably expected by the audience.⁵⁵ Subsequently, the FTC filed a complaint against Machinima, the 4th ranked multi-channel network (MCN) on YouTube, alleging that Machinima engaged in deceptive advertising by failing to disclose that it had paid “influencers” to post YouTube videos endorsing Microsoft’s Xbox One gaming console and three games.⁵⁶ In announcing a settlement in the case, the Director of the Bureau of Consumer Protection said that “[w]hen people see a product touted online, they have a right to know whether they’re looking at an authentic opinion or a paid marketing pitch.”⁵⁷

There are few disclosures on videos on YTK, and as a result, viewers have no ability to determine whether they are looking at an authentic opinion or a paid marketing pitch. However, it is most likely the latter. Over the last year, YouTube has made a “transition from primarily user-generated video to professionally produced clips,” according to *eMarketer*.⁵⁸ The largest MCN, Disney-owned “Maker Studios,” works with major advertisers including Mattel, Pepsi, Electronic Arts, Universal, Sony Pictures, Warner Brothers, and, of course, Disney.⁵⁹ Maker Studios produces unboxing videos for popular YouTube channels available on YTK, such as DisneyCarToys, ToysReviewToys, and EvanTubeHD.⁶⁰

⁵⁵ 16 CFR §255.5; *see* Lesley Fair, *Answering your questions about endorsements*, FTC (May 29, 2015), https://www.ftc.gov/news-events/blogs/business-blog/2015/05/answering-your-questions-about-endorsements?utm_source=govdelivery. The revised frequently asked questions, *Endorsement Guides: What People are Asking*, is available at <https://www.ftc.gov/tips-advice/business-center/guidance/ftcs-revised-endorsement-guides-what-people-are-asking>.

⁵⁶ *Xbox One Promoter Settles FTC Charges that it Deceived Consumers With Endorsement Videos Posted by Paid ‘Influencers’*, FTC (Sept. 2, 2015), <https://www.ftc.gov/news-events/press-releases/2015/09/xbox-one-promoter-settles-ftc-charges-it-deceived-consumers>.

⁵⁷ *Id.*

⁵⁸ eMarketer Report, *supra* note [51] at 7.

⁵⁹ Partners, MakerStudios, <http://www.makerstudios.com/commercial#/partners>.

⁶⁰ *See* Ex. M.

The eMarketer report notes that the “vast majority of [the] material [from the MCNs] was supported by ads, or *funded directly by marketers who inserted brand messaging in the clips*, generating huge amounts of revenue for YouTube.”⁶¹ Yet, the vast majority of the programming on these channels on YTK and other videos endorsing products do not disclose any relationship between the marketer and the endorser.⁶²

We know that Google encourages advertisers to collaborate with YouTube creators in many ways. For example, Google Brandlab partners “with brands and their creative + media agencies to . . . help brands more effectively reach and engage their target consumers using Google’s tools and technologies.”⁶³ Google also promotes collaborations between brands and video creators on its blog “ThinkwithGoogle.” For example, “The Magic Behind Unboxing on YouTube” urges brands to use unboxing videos to promote food, electronics, toys and beauty/fashion products, especially during the holiday season.⁶⁴ To further assist advertisers in promoting their brands on YouTube by partnering with YouTube creators, Google has created a guide, the “YouTube Creator Playbook for Brands.”⁶⁵

⁶¹ *Id.* at 10 (emphasis added).

⁶² We saw only one video that disclosed any relationship between the reviewer and the seller of the products. In a six-minute video on EvanTubeHD, Evan is shown opening a big box full of “cool” new Star Wars toys related to *The Force Awakens*. Evan excitedly describes the toys in detail and plays with them. Near the beginning of the video, Evan says that the video is “brought to you by Target” and the phrase “All products and other consideration provided by Target” appears in small print in the upper left corner of the screen for about 20 seconds. *See* Ex. N. Even if parents might understand what this means, the intended audience of young children will not understand the significance of this disclosure.

⁶³ Google BrandLab, <https://brandlab.withgoogle.com>. *See also* Kim Larson, *Building a YouTube Content Strategy: Lessons from Google Brandlab*, ThinkwithGoogle (July 2015), <https://www.thinkwithgoogle.com/articles/building-youtube-content-strategy-lessons-from-google-brandlab.html>.

⁶⁴ *The Magic Behind Unboxing on YouTube*, ThinkwithGoogle (Nov. 2015), <https://www.thinkwithgoogle.com/articles/youtube-insights-stats-data-trends-vol7.html>.

⁶⁵ *The YouTube Creator Playbook for Brands*, https://think.storage.googleapis.com/docs/creator-playbook-for-brands_research-studies.pdf. The Playbook boasts that “Online video presents opportunities that television simply doesn’t. YouTube is patronized by a hyper-engaged, highly-

Google also encourages YouTube creators to work with advertisers. Google’s YouTube Partner Program “lets creators monetize content on YouTube in many ways, including advertisements, paid subscriptions, and merchandise.”⁶⁶ It explicitly permits creators to “include paid product placements or endorsements [in their] content only if they comply with [Google’s] advertising policies and any applicable legal and regulatory obligations.”⁶⁷ Google sells advertising on the partners’ channels and splits the advertising revenue with them, reportedly with Google retaining 45%.⁶⁸

Because the relationships between Google, MCNs, advertisers, content providers, brands, influencers, and product placement specialists are not public, we ask the FTC to investigate these relationships to determine responsibility for what appears to be widespread violations of its Endorsement Guide. To the extent that Google recruits and pays “influencers” to endorse products, and fails to enforce its policy that creators comply with any applicable legal and regulatory obligations, Google should be held responsible if the influencer fails to make the necessary disclosure.⁶⁹

connected younger audience who craves the two-way communication YouTube offers. And unlike TV, YouTube lives everywhere because it’s accessible on hundreds of millions of mobile devices globally.” *Id.* at 3.

⁶⁶ YouTube Partner Program Overview, YouTube Help, <https://support.google.com/youtube/answer/72851?hl=en>.

⁶⁷ Embedded third-party sponsorships and ads in YouTube content, YouTube Help, <https://support.google.com/youtube/answer/3364658?hl=en>.

⁶⁸ eMarketer Report, *supra* note [51](#) at 10.

⁶⁹

Q: My company recruits “influencers” for marketers who want them to endorse their products. We pay and direct the influencers. What are our responsibilities?

A: Because of your role in recruiting and directing the influencers, your company is responsible for any failures by the influencers you pay to adequately disclose that they received payments for their endorsements. Teach your influencers to adequately disclose their compensation for endorsements and take reasonable steps to monitor their compliance with that obligation.

Conclusion

It has been six months since we asked the FTC to investigate the deceptive and unfair advertising practices on YTK. Young children watching YTK are still being exposed to a large amount of deceptive and unfair commercial matter. Parents are continuing to be deceived despite changes made in Google's description of the App and Parental Guide. Google has admitted that it does not screen out commercials and promotional videos uploaded by "users," even where Google has received consideration, nor has Google employed effective measures to require disclosure where there are financial relationships between content creators and advertisers. Thus, it is essential that the FTC complete its investigation and use its enforcement power to stop these deceptive and unfair practices on YTK.

Respectfully submitted,

/s/Angela J. Campbell

Angela J. Campbell

Eric G. Null

Institute for Public Representation

Georgetown University Law Center

600 New Jersey Avenue, NW

Washington, DC 20001

(202) 662-9535

Nicholas Garcia
Georgetown Law Student

November 24, 2015

*Counsel for Campaign for a Commercial Free
Childhood and Center for Digital Democracy*

The FTC's Endorsement Guides: What People are Asking, FTC,
<https://www.ftc.gov/tips-advice/business-center/guidance/ftcs-revised-endorsement-guides-what-people-are-asking>.

List of Exhibits

- A. Robert Minor, *TV is Now the Second Screen for Kids*, DigitalContentNext, July 14, 2015
- B. *More for your family in the YouTube Kids app*, YouTube Blog, Oct. 1, 2015
- C. “Star Wars: The Force Awakens” Unboxing Videos found through YTK search function
- D. Letter from Senator Nelson to Google, June 16, 2015
- E. Advertising on YouTube Kids (Ad Policy), Mar. 23, 2015
- F. Advertising on YouTube Kids from YouTube Help. Revised Advertising Policy as of November 16, 2015.
- G. YTK Parental Guide
- H. Changes to description of YouTube Kids in iTunes app store between Feb. 25, 2015 and Oct. 2, 2015
- I. Promotional videos found with search function turned off
- J. ThinkWithGoogle – Browse Our Solutions
- K. Screenshots of brand channels on YTK: Toys “R” Us, LEGO, Barbie
- L. Letter from Google to Senator Nelson, Sept. 22, 2015 (in response to June 16 letter)
- M. Descriptions of channels under Maker Studios: DisneyCarToys, ToysReviewToys, EvanTubeHD
- N. EvanTubeHD video disclosing product endorsement

TV is Now the 2nd Screen for Kids

Robert Miner, CEO and Founder—Miner & Co.
Studio



In our [latest study](#) on kids' preferences in viewing TV content across devices and platforms, we find that in a majority of family households with tablets and smartphones, TV is no longer the first choice for entertainment, with 57% of parents saying their child prefers a device other than the TV to watch video content. Mobile devices offer versatility, simple user interface and a 'personal' viewing experience.

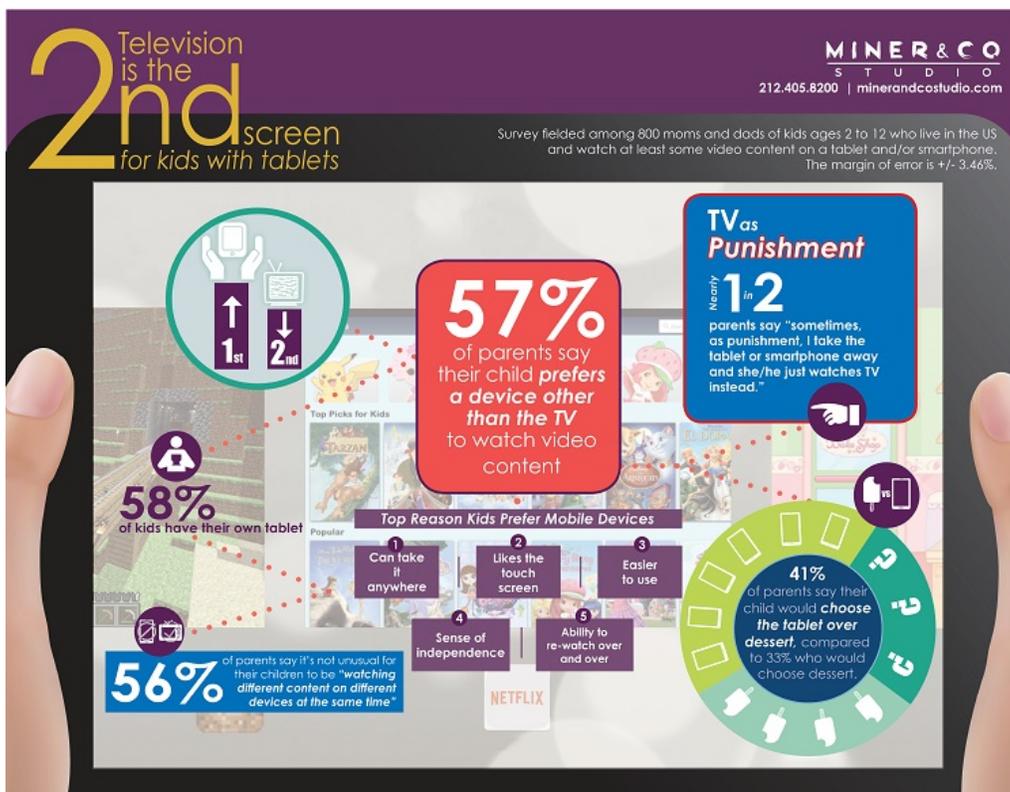
As such, in households where tablets and smartphones are accessible, they've now taken the lead with kids as the preferred way to enjoy, explore and discover video content. In fact, 58% of kids in households with tablets have their own, making it even easier for them to watch the video content they want to watch, whenever and wherever they want.

TV as Punishment?

TV has become the 'second' or even third screen of choice for many of these kids – so much so that nearly 50% of parents say that when their kids misbehave, to punish them, they take away their tablet and make them just 'watch TV instead' – creating a generation of kids for whom 'TV is punishment.'

Additionally, when given the choice between dessert or more time on their tablet, 41% of parents say their child would choose the tablet over dessert, compared to just 33% choosing dessert over the tablet.

More Please...



And, in true 'more is better' fashion, kids are not limiting themselves to just one screen at a time – 56% of parents say it's not unusual for their children to be watching different content on different devices at the same time – and 39% are, at times, watching the same content on different devices simultaneously.

This trend in media and platform preferences has implications for TV networks, cable and satellite companies, streaming services and content creators as they market and develop entertainment for the next generation.

Self-Directed Viewing is Here to Stay'

As TV content providers watch their audiences rapidly shift from traditional viewing to streamed and digital, this study shines a light on kids as the 'canary in the coal mine,' showing a need to redefine audience reach expectations, programming and creative development, as well as measurement and monetization strategies sooner rather than later.

In effect, streamed content services are now eating into linear TV audience share, just as a large percentage of audience share shifted from broadcast to cable only a couple of decades ago – but at a more rapid pace and without a solution in place to measure viewing on new and preferred platforms.

In a meeting with a major network client the other day, I was earnestly asked – 'Don't you think that when they grow up, they'll want to watch live TV just the way we do – or just turn the set on and channel surf?' my response was 'when they grow up, you'll want to provide them with access to your content however they want to access it – on any platform or device, at any time and on their own terms – and the time to figure out how you're going to do this is now.'

Robert Miner is the CEO and Founder of Miner & Co. Studio, an audience insights based strategic consultancy with a focus on trends, innovation, show concept development and brand positioning serving major television networks, content creators and digital video providers.

**Study included in-home ethnographies and a survey fielded among 800 moms and dads of kids ages 2 to 12 who live in the United States and watch at least some video content on a tablet and/or smartphone.*

YouTube Official Blog

What's happening on YouTube

More for your family in the YouTube Kids app

Posted: Thursday, October 1, 2015



It's been a busy few months for YouTube Kids. In February, we released our app, designed especially for kids, to bring to life the best family-friendly content on YouTube. Since then, families have downloaded YouTube Kids more than 8 million times, consistently ranked YouTube Kids in the top 5 kids apps in the App Store, given an overall 4+ rating on Google Play and watched [Stampy Cat](#) explore the world of Minecraft more than 54 million times.

Not bad for a seven-month old.

When we announced the app, we said YouTube Kids was our first step in reimagining YouTube for families. And we're always looking for ways to make it even better. So today we're sharing some new ways we're helping parents and kids enjoy the family content they love:

Discover new videos and watch in new ways

- **Watch YouTube Kids on the big screen:** Want to enjoy your favorite videos as a family? Now you can, using Chromecast, Apple TV, game consoles or a smartTV.
- **Explore new videos with guest-curated playlists:** Have a budding scientist or eager explorer on your hands? Find out what videos educators, celebs and other parents recommend with guest-created playlists. Playlists from [National Geographic Kids](#), [Kid President](#), and a [girl power-themed playlist](#) from Academy Award®-winning actor Geena Davis are already live—and more are coming soon from YouTube creators including [Vsauce](#) and [Amy Poehler's Smart Girls](#).
- **Enjoy new shows:** New videos are produced and uploaded to YouTube Kids every day—including exciting original shows and series from [HooplaKidz](#), [TuTiTu](#), [SciShow Kids](#), [DreamWorksTV](#) and more.

Q

YouTube Spotlight

YouTube
23M

Labels

Archive

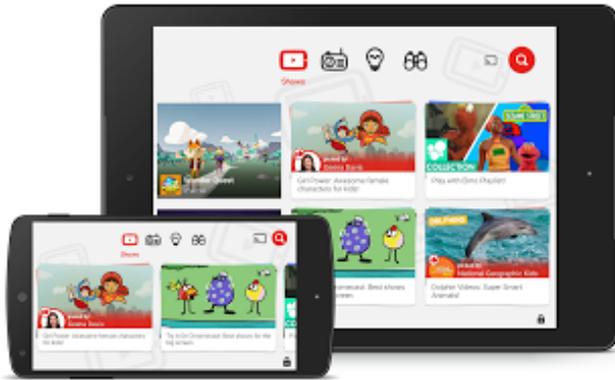
Feed

YouTube on

Follow @youtube

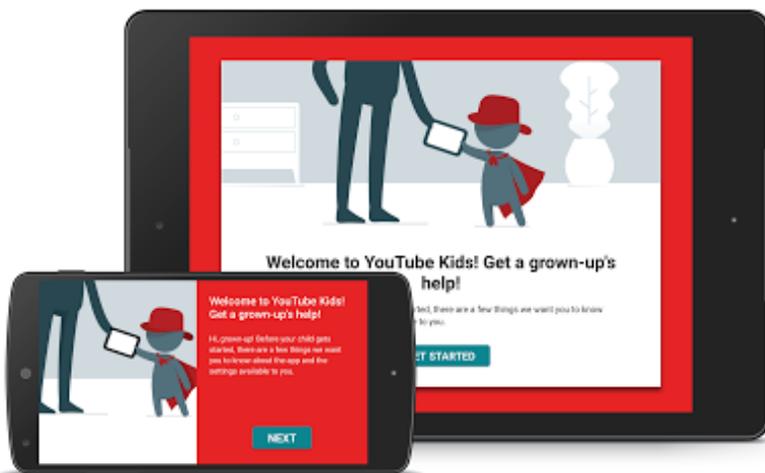
Follow

Learn more in the [YouTube Help Center](#).



Features just for parents

- **Learn how the app works:** We also want to make it easier to get started using the app. When parents open YouTube Kids, we'll explain upfront how our systems choose and recommend content and how to flag videos. We'll also prompt you to make a choice about how broadly you want your child to explore—turn search *on* to access millions of family-friendly videos, or turn search *off* to restrict your child's experience to a more limited set. Either way, parents decide the right experience for their family from the get-go. This will roll out on the app in the coming weeks.
- **Customize your passcode:** We've also heard some parents prefer a personal passcode, rather than a spelled-out code, so we've added this option to access parental controls.



We always try to make the videos available in the app family-friendly, but no system is perfect. So if you ever find a video you're concerned

about, please flag it. This helps make YouTube Kids better for everyone.

In fact, many of these updates are a result of the great feedback you've given us. As you explore YouTube's library, from "Twinkle Twinkle Little Star" to learning about the solar system, we're growing with you. And we're always excited to hear how we can better help your family explore, learn and sing along.

Posted by Shimrit Ben-Yair, mother of two and YouTube Kids Director of Product Management, who recently enjoyed learning about volcanoes on [SciShow Kids](#) and relaxing with Cosmic Kids Yoga's [Calming Playlist](#) with her kids.



force awakens



Star Wars The Force Awakens Battle Action Millennium Falcon Review



Star Wars The Force Awakens First Order Special Forces TIE FIGHTER from Hasbro



Star Wars: The Force Awakens - Trailer music - John Williams (mock up)

49

10:06

1:54



Star Wars - The Force Awakens: Poes X-wing Fighter Review.



BRAND NEW STAR WARS The Force Awakens STAR DESTROYER Micromachines Toy Review



Star Wars: Episode VII - The Force Awakens Teaser #2 Full Music (Edited Version)

05

10:01

6:24



force awakens



GIANT EGG SURPRISE Opening Star Wars Episode 7 The Force Awakens Toys Worlds...



Ultimate Star Wars VII The Force Awakens Toy Haul



LEGO Star Wars Force Awakens Ships & Vehicles summary!



Star Wars: The Force Awakens at Toys R Us - Kids' Toys



STAR WARS Super TOY Unboxing!!! The Force Awakens Surprise Box!



GIANT STAR WARS PLAY-DOH Surprise with NEW The Force Awakens Toys & B

6:46

6:13



JOHN THUNE, SOUTH DAKOTA, CHAIRMAN

ROGER WICKER, MISSISSIPPI
 ROY BLUNT, MISSOURI
 MARCO RUBIO, FLORIDA
 KELLY AYOTTE, NEW HAMPSHIRE
 TED CRUZ, TEXAS
 DEB FISCHER, NEBRASKA
 JERRY MORAN, KANSAS
 DAN SULLIVAN, ALASKA
 RON JOHNSON, WISCONSIN
 DEAN HELLER, NEVADA
 CORY GARDNER, COLORADO
 STEVE DAINES, MONTANA

BILL NELSON, FLORIDA
 MARIA CANTWELL, WASHINGTON
 CLAIRE M. GASKILL, MISSOURI
 AMY KLOBUCHAR, MINNESOTA
 RICHARD BLUMENTHAL, CONNECTICUT
 BRIAN SCHATZ, HAWAII
 EDWARD MARKEY, MASSACHUSETTS
 CORY BOOKER, NEW JERSEY
 TOM UDALL, NEW MEXICO
 JOE MANCHIN III, WEST VIRGINIA
 GARY PETERS, MICHIGAN

DAVID SCHWIETERT, STAFF DIRECTOR
 KIM LIPSKY, DEMOCRATIC STAFF DIRECTOR

United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
 AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <http://commerce.senate.gov>

June 16, 2015

Mr. Larry Page
 Chief Executive Officer and Co-Founder
 Google Inc.
 1600 Amphitheatre Parkway
 Mountain View, CA 94043

Dear Mr. Page:

I am writing to express my concern over news reports that Google's YouTube Kids mobile application contains content inappropriate for children. The reports indicate that certain content on YouTube Kids includes explicit and profane language; discussions or jokes about mature subject matters such as child abuse, drug use, and pedophilia; demonstrations of unsafe behaviors; and alcohol advertisements. Furthermore, I am concerned that YouTube Kids may be failing to separate commercial advertising from free content programming in a manner understandable to children.

Google introduced its YouTube Kids application as a safe haven for children to access age-appropriate video content. I applaud the company's effort to create appropriate venues for children, who increasingly use online services for educational and entertainment purposes. However, in so doing, any such service must take great care to ensure that children are not unnecessarily exposed to inappropriate content, especially since parents may rely on the very notion that such a service is "for kids" and, thus, safe for their unfettered usage. Given Google's considerable technical expertise, the company can presumably and readily deploy effective filtering tools to screen for unsuitable content.

Furthermore, online children's services that feature commercial advertising – some of which may masquerade as content – should be clearly distinguished. Numerous studies have shown that children have difficulty understanding and discerning the difference between advertising and non-advertising video content. YouTube Kids should be sensitive to this well-known vulnerability.

As Ranking Member of the Senate Committee on Commerce, Science, and Transportation, which has jurisdiction over the Federal Trade Commission (FTC), I am committed to consumer protection, including protecting children from products and services that are deceptively marketed as being suitable for them. Section 5 of the FTC Act broadly prohibits "unfair or deceptive acts or practices." Moreover, the FTC enforces the Children's Online Privacy Protection Act (COPPA), which requires online services for children 12 years old and

younger to acquire parental consent before collecting any online information. As parents seek out safe and appropriate online venues for their children, it is critical that services designed and marketed for children are, in fact, appropriate for the kids who will undoubtedly use them.

In order to help me understand Google's safeguards with regard to YouTube Kids, I request that you answer the following questions:

1. How does Google determine what content can be included on YouTube Kids?
Within this context, specifically:
 - a. What policies and procedures govern the inclusion of videos on the application?
 - b. What factors determine whether content is suitable for children?
 - c. For what age range must the content be suitable?
 - d. What steps, such as filtering, does Google take to ensure that unsuitable content does not appear in search results on YouTube Kids? Do these steps apply to new content uploaded to YouTube Kids?
2. What are Google's policies and procedures with regard to consumer complaints on the suitability of content already on YouTube Kids?
 - a. How long after content is flagged does Google assess its suitability?
 - b. How does Google remove content that is deemed unsuitable for YouTube Kids and ensure that it continues to be inaccessible on YouTube Kids?
3. What policies and procedures govern how Google determines the suitability of advertisements and whether they can appear on YouTube Kids?
4. What policies and procedures does Google use, if any, to distinguish advertisements and paid content from unpaid content on YouTube Kids?

Thank you for your prompt attention to this matter.

Sincerely,

A handwritten signature in blue ink that reads "Bill Nelson". The signature is fluid and cursive, with a long horizontal stroke at the end.

Bill Nelson
Ranking Member

CC: The Honorable John Thune, Chairman

YouTube Kids Advertising Policy, March 23, 2015

Search YouTube Help

Sign in

 YouTube Help Ad policies

Advertising on YouTube Kids

All advertisements in the YouTube Kids app must comply with the advertising policies outlined below as well as YouTube's general [advertising policies](#). This applies to both Google and partner-sold ads. Additionally, advertisements must comply with applicable laws and regulations (including any relevant self-regulatory or industry guidelines). **All ads must be pre-approved by YouTube's policy team prior to serving in the YouTube Kids app.**

Ad Format Requirements

- Format: At this time we only accept the in-stream video ad format in YouTube Kids.
- Maximum time length: 30 seconds for non-skippable and 60 seconds for skippable.
- Destination URLs: Destination URLs and outbound links (including call-to-action overlays and infocards) are disabled from the app. Ads in YouTube Kids will not be clickable.
- Site-served: All ads must be hosted on YouTube. Third-party served ads are prohibited.

Ad Targeting and Data Collection

- We prohibit interest-based advertising in YouTube Kids.
- Ads with remarketing or other tracking pixels are prohibited.

Restricted Product Categories

Ads for the following products are prohibited in YouTube Kids.

-
- Age Sensitive Media Content
-
- Beauty and Fitness
-
- Dating or Relationship
-
- Food and Beverages
-
- Products related to consumable food and drinks are prohibited, regardless of nutrition content.
-
- Illegal or Regulated Products
-



Advertising on YouTube Kids

All advertisements sold in the YouTube Kids app must comply with the additional advertising policies outlined below, as well as YouTube's general [advertising policies](#). YouTube Kids advertising policies may evolve over time. We encourage you to check back often to read the latest updates. **All YouTube Kids Paid Ads must be pre-approved by YouTube's policy team prior to being served in the YouTube Kids app.** Additionally, advertisers must also comply with applicable laws and regulations (including any relevant self-regulatory or industry guidelines). You can read more about our ad format requirements below.

What is a Paid Ad in YouTube Kids?

To provide an experience free of charge, YouTube Kids is ad-supported with limited advertising. When you select a YouTube video in the app, you may see an ad bumper followed by a video ad- marked with an "Ad" disclaimer- before the video you selected. These are paid advertisements ("Paid Ads").

Content uploaded by users to their channels are not considered Paid Ads. For example, a search for "trains" could result in a TV commercial for toy trains uploaded by a user or a toy train company, none of which are Paid Ads. Likewise a search for "chocolate" can show a user-uploaded video on making chocolate fudge even though we do not allow paid advertising for chocolatiers.

Ad Format Requirements

- Format: At this time we only accept the in-stream video ad format in YouTube Kids.
- Maximum time length: 15 seconds for non-skippable and 60 seconds for skippable. This excludes the 3 second ad bumper that may play before the Paid Ad.
- Destination URLs: Destination URLs and outbound links (including call-to-action overlays and infocards) are disabled from the app. Ads in YouTube Kids will not be clickable.
- Site-served: All Paid Ads must be hosted on YouTube. Third-party served ads are prohibited.

Ad Targeting and Data Collection

- We prohibit interest-based advertising in YouTube Kids.
- Paid Ads with remarketing or other tracking pixels are prohibited.

Restricted Product Categories

Paid Ads for the following products are prohibited in YouTube Kids.

Important information for grown ups about YouTube Kids

We built the YouTube Kids app with a younger audience in mind. It provides a safer version of YouTube, including both popular children's videos and diverse new content, in a way that is easy for kids to use and highly visual. Before your child gets started, there are a few things we want to make sure you understand:

How are videos available in YouTube Kids selected?

YouTube Kids uses filters powered by algorithms to select videos from YouTube. We continually work hard to make our algorithms as accurate as possible in order to provide you with a safer version of YouTube. However, no algorithm is perfect. This means your child might find content you don't want him or her to watch. If this happens, please [flag the video](#) -- we use these flags to improve the app for everyone. Also, there are tools and settings described below that you can use to further control your child's experience.

How does a child discover videos in YouTube Kids?

Videos in YouTube Kids can be discovered in several ways:

- **Turn Search On:** Turning [Search on](#) allows your child to find and watch millions of videos available in YouTube Kids. These videos are available in the app after being selected by an algorithm trained to return relevant and appropriate results. Videos available through search are not subject to human review.
- **Turn Search Off:** You can turn [Search off](#) if you prefer to restrict your child's experience to a more limited set of videos. With search off, your child can't search for new content but they can watch videos on the homescreen, which includes videos selected by the app, and those the app recommends based on what they've watched or searched.
- **Videos Selected by the App on the Homescreen.** Videos selected by the app on the homescreen are grouped in four [categories](#) ("Shows," "Music," "Learning" and "Explore"). These videos are selected by the app using a mix of automated systems and some human review, and may be ranked by our systems based on what your child has watched or searched. These videos represent only a subset of the millions of videos available in YouTube Kids.
- **Recommended Videos.** All recommended videos are selected by our algorithm without human review. Recommended videos, which show both when Search is on or off, will be generally presented as an additional category on the homescreen after multiple videos have been watched in YouTube Kids. Recommended videos may also appear in the four categories of videos on the homescreen and as suggestions for your child to watch, after they've watched videos on the homescreen or they've searched for a video. Recommended videos are based on what has been watched or searched in the app and always draw from the complete set of videos that are available in YouTube Kids.
- **Resetting Recommended Videos.** You can always reset recommended videos by clearing the app's watch history in [parental settings](#). When you turn Search off, the app automatically resets recommended videos by clearing the watch and search history in your app; with Search off, recommended videos will be based only on the videos watched since Search was turned off, but will continue to select videos from the broad set of videos accessible from YouTube Kids.

What parental controls are available in YouTube Kids?

We've included features for you to tailor the YouTube Kids experience. You can set a [timer](#) to limit how much time a child spends on the app. Other controls include [turning off search](#), [clearing watch and search history](#) and [other features](#). Please visit [here](#) for more info.

What kinds of advertising or commercials appear in YouTube Kids?

- We allow limited paid advertisements ("Paid Ads") in the app so that we can offer it for free. When your child plays a video in the app, your child may see a Paid Ad, which would be marked with "Ad" and preceded by an ad intro. These Paid Ads must follow our [advertising policies](#), which for example exclude certain categories like food and beverages. Learn more about [Ads in YouTube Kids](#) and our [advertising policies](#).
- Videos uploaded by users are not Paid Ads so they are not subject to our advertising policies **regardless of the nature of the content**. Users often upload commercials and other promotional materials to their YouTube channels, and these videos may appear in the app. For example, a search for cookies may show a television commercial from a cookie company on user's channel -- we would not consider this video a Paid Ad and it would not be subject to our Ads policies, which disallow Paid Ads for food.

Was this article helpful?

YES

NO

Search YouTube Kids Parental Guide Help



Sign in

YouTube Kids Parental Guide

YOUTUBE KIDS PARENTAL GUIDE

Video categories

At the top of YouTube Kids, you'll see icons for video content by category:

-  **Shows** includes kid-friendly programming from popular YouTube creators.
-  **Music** includes songs to sing and dance along to, including nursery rhymes, popular music videos for kids, and clips from their favorite musicals.
-  **Learning** includes everything from ABCs and 123s to science lessons and language arts so children can engage, grow and learn.
-  **Explore** includes content that helps your child discover the world around them, develop new hobbies, and explore topics they're interested in.

The app selects the videos in these categories from the millions of videos available in YouTube Kids using our algorithms plus some human review.

If your child has watched multiple videos in the YouTube Kids app, your child may see recommended videos in these four categories as well as on an additional category that appears with recommendations based on viewing and search history. [Learn more about recommended videos.](#)

Was this article helpful?

YES

NO

Search YouTube Kids Parental Guide Help



Sign in

YouTube Kids Parental Guide

YOUTUBE KIDS PARENTAL GUIDE

Recommended videos

YouTube Kids gets better with every video watched. When your child has watched multiple videos in the app, the app may recommend videos in the homescreen as well as show them in an additional  Recommended icon. Recommended videos include videos based on watch and search history, draw from all the videos accessible from YouTube Kids and selected by our algorithm without human review. You can always reset recommended videos by clearing watch and search history in [parental settings](#). The app automatically resets recommended videos by clearing watch and search history every time you turn Search off; with Search off, recommended videos will be based only on the videos watched since the time Search was turned off. Whether Search is on or off, however, recommended videos are selected from the broad set of videos accessible from YouTube Kids.

We've taken a number of precautions to ensure that families using YouTube Kids will see videos that are appropriate for younger audiences. We screen Recommended content using a mix of automated analysis and user input, and we are continuously making improvements based on new technology, research, and user feedback. Please remember, YouTube handles tremendous breadth, depth and scale of content -- so while we work hard to get it right, sometimes your child may find content in the app that you may not want them to watch. If this happens, you can notify YouTube by [flagging the video](#).

Was this article helpful?

YES

NO



Sign in

YouTube Kids Parental Guide

YOUTUBE KIDS PARENTAL GUIDE

Search in YouTube Kids

Your child can search for videos, by using the  magnifying glass in the upper corner of the app and typing in their query. To do a voice search, your child can tap the  microphone icon on the search page and speak the query.

Videos in search results are selected by our algorithm without human review. We've taken a number of precautions to ensure that families searching in YouTube Kids will see results that are appropriate for younger audiences. We screen content available through Search using a mix of automated analysis and user input, and we are continuously making improvements based on new technology, research, and user feedback. YouTube handles tremendous breadth, depth and scale of content -- so while we work hard to get it right, sometimes your child may find content in the app that you may not want them to watch. You can turn off Search using the parental settings, if you would like to restrict your child's experience to a more limited set of content. Please keep in mind that regardless of the status of Search in your app, there is a chance that your child will find content that you don't want them to watch. If this happens, you can notify YouTube by [flagging the video](#). We use these flags to improve the app for everyone.

Blocked search results

When searching in YouTube, your family may encounter the following error message: "Try searching for something else!" In order to provide a family-friendly environment, we block results for search queries that are likely to return mature results. Due to the broad range of content available on YouTube, occasionally search queries may be blocked that are not necessarily inappropriate for younger audiences. If this happens, please [send us feedback](#).

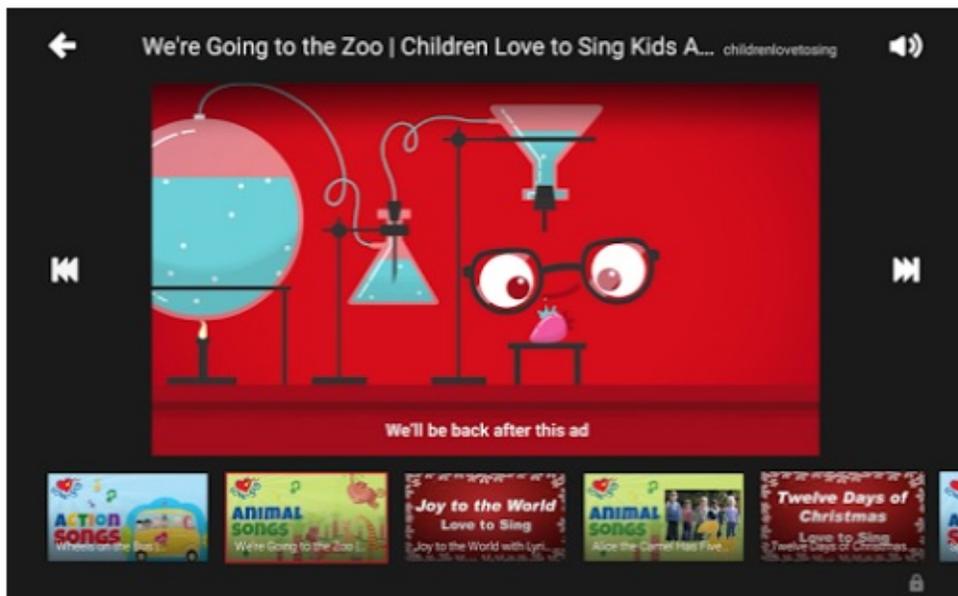
Was this article helpful?

YES

NO

Ads in YouTube Kids

To provide an experience free of charge, YouTube Kids is ad-supported with limited advertising. When your child selects a video in the app, your child may see an ad intro followed by a video ad—marked with “Ad”—before the video you selected. These are paid advertisements (“Paid Ads”). We only show Paid Ads that are approved as family-friendly and all Paid Ads undergo a rigorous review process for compliance with our policies. Paid Ads won’t include any click-throughs to websites or product purchase flows. Learn more about our [advertising policies](#). Ad intros are short animated messages that appear before a Paid Ad to help a child understand that a Paid Ad will be played before their chosen video.



Videos uploaded by users to YouTube are not Paid Ads and therefore they are not marked as an Ad nor are they subject to our advertising policies. This may also include content about or from companies who may have also purchased Ads in the app. For example, a search for trains could result in train cartoons, songs and videos of real trains, as well as a TV commercial for toy trains uploaded by a user or a toy train company, none of which we consider as Paid Ads, as they are not part of the YouTube Kids advertising program. Likewise, a search for chocolate can show a user-uploaded video on making chocolate fudge even though we do not allow paid Ads for chocolatiers. Learn more about [Videos on YouTube Kids](#).

We will remove videos from the YouTube Kids app where the creator has notified us of a paid product placement or endorsement in their video through YouTube’s paid product placement and endorsement notification tools.

Search YouTube Kids Parental Guide Help



Sign in

YouTube Kids Parental Guide

YOUTUBE KIDS PARENTAL GUIDE

Videos in YouTube Kids

We've built the YouTube Kids app to be a family-friendly place for kids to explore their imagination and curiosity. Videos available in the app are determined by a mix of algorithmic filtering, user input and human review. Videos in YouTube Kids can be discovered in three ways. Some videos are pre-selected, while others are discovered by your child through search. The app can also recommend videos to your child based on what your child has watched. The pre-selected content goes through an additional level of quality control through some human review. Search and Recommended videos are selected by our algorithm without human review. Though our system has been tuned and tested rigorously, no algorithm is perfect, and even a perfect algorithm would not replace a parent's judgement. This means that it's possible that your child may find content in the app that you may not want your child to watch. If this happens, you can notify YouTube by [flagging the video](#). We use these flags to improve the app.

For a more restricted experience, you can turn [search off](#), allowing your child access only to pre-selected content. Turning search off reduces the chance of your child finding content you don't want them to watch.

We also will remove videos from the YouTube Kids app where the creator has notified us of a paid product placement or endorsement in their video through YouTube's paid product placement and endorsement notification tools.

Was this article helpful?

YES

NO

.....

.....

Paid product placements and endorsements

You may include paid product placements or endorsements in your video content. All product placements will need to conform to our [ad policies](#). You will also have to comply with any applicable laws and regulations (be sure to check because in some cases paid placements may not even be allowed). YouTube may disable videos with paid product placements and endorsements in certain cases.

What do we mean when we talk about paid product placements?

Paid product placements can be described as pieces of content that are created [specifically] for a third party and/or where that third party's brand, message, or product is integrated directly into the content. A typical example of a paid product placement is one in which a marketer pays you (or provides other non-monetary advantages or incentives) to specifically mention their product or brand in what would normally be the editorial part of the content.

What do we mean when we talk about endorsements?

Endorsements can be described as pieces of content created for an advertiser or marketer that contain a message that consumers are likely to believe reflects the opinions, beliefs, or experiences of the content creator or endorser. A typical example of an endorsement is one in which a marketer pays a creator, celebrity or athlete to promote, use, review or even just experience their product or service and/or where the marketer has had editorial influence over your content, has included their brand or logo in your content or has paid for your creation of such content or the ability to upload their content into your channel.

Do I need to notify YouTube if a video has a paid product placement, endorsement, or other commercial relationship?

Yes, you can notify us by checking the appropriate box in your video's Advanced Settings tab.

The screenshot shows the 'Advanced settings' tab for a video. Under the 'Content' section, the checkbox for 'This video contains a paid product placement, endorsement, or other commercial relationship' is checked. Other visible settings include 'Comments', 'Category', 'Video thumbnail', 'Video language', 'Recording date', '3D video', 'Video statistics', and 'Content description'.

Do I need to notify anyone else about any commercial relationship connected to my video?

Maybe. Different jurisdictions have various requirements for creators and marketers involved in paid product placements and endorsements. For example, paid product placement may not be allowed in certain types of content or may not be allowed for certain types of products or services. Where your content does include paid product placements or endorsements we don't want viewers to feel misled and that means being upfront and honest about any commercial relationship that might have influenced or contributed to your content – be that editorially or financially. So, be sure to check your local rules and use our tools to help you comply with your legal and regulatory requirements.

Will YouTube still run ads against these videos?

In some cases a paid product placement or endorsement can create a conflict with ads that YouTube otherwise sells and serves to monetized videos. For example, if you upload a video with brand mentions and product placements for Car Company A, then it would present a conflict to sell ad space around that video to Car Company B. To protect the value we offer advertisers, in these situations YouTube may disable monetization and promotion on videos with such product placements.

Does this mean I can burn Video Ads (pre-rolls, mid rolls and post rolls) into my videos?

No, YouTube's [Ads Policy](#) does not allow you to burn advertiser-created and supplied Video Ads into your content or other commercial breaks where YouTube offers similar ad formats. If you have an advertiser interested in serving ads specifically against your content, please work with your partner manager to facilitate the transaction. See more information on our [policies around third party embedded sponsorships](#).

This policy does not apply to videos created by or for brands and uploaded to the brand's YouTube channel.

The marketer or sponsor wants to have a title card before or after the video with their brand name and product information. Is this ok?

We allow static title cards and end cards where there is a paid product placement or endorsement for the purpose of disclosing this relationship or other sponsor or marketer attribution for the underlying content. These title cards and end cards can be graphical and contain the sponsor or marketer's logo and product branding.

Title cards should be 0:05s or less and static. If they are placed at the beginning of the video (0:01s), the card must be co-branded with the creator's name/logo.

End cards are also allowed within the last 0:30s of the video and must be static only.

Is this open to all users?

Yes, as are all of these [tools](#) which you may wish to consider to help satisfy any disclosure obligations so your viewers understand when they're watching content which includes paid product placements, endorsements, and/or sponsorships.

Additional resources

For further information you can check out the [FTC \(United States\)](#) and [CAP \(United Kingdom\)](#).

Share this:

Was this article helpful?

Description of the YouTube Kids app from the iTunes app store on 2-25-15

2/25/2015

YouTube Kids on the App Store on iTunes

iTunes Preview
Overview Music Video Charts

YouTube Kids

By Google, Inc. [View More by This Developer](#)

Open iTunes to buy and download apps.



[View in iTunes](#)

+ This app is designed for both iPhone and iPad

Free

Category: [Entertainment](#)

Released: Feb 23, 2015

Version: 1.0

Size: 45.0 MB

Language: En

Seller: Google, Inc.

© Google Inc. 2015

Rated 4+

Made for Ages 5 and Under

Compatibility: Requires iOS 7.0 or later. Compatible with iPhone, iPad, and iPod touch. This app is optimized for iPhone 5 and iPhone 6.

Customer Ratings

Current Version:
★★★★ 389 Ratings

More by Google, Inc.



YouTube
[View In iTunes ▶](#)



Chrome – web browser by Go...
[View In iTunes ▶](#)



Google
[View In iTunes ▶](#)

Description

The official YouTube Kids app is designed for curious little minds to dive into a world of discovery, learning, and entertainment. This free app is delightfully simple and packed full of age-appropriate videos, channels and playlists. YouTube Kids features popular children’s programming, plus kid-friendly content from filmmakers, teachers, and creators all around the world.

DESIGNED FOR KIDS
We’ve taken out the complicated stuff and made an app even little ones can navigate — that means big buttons, easy scrolling, and instant full-screen.

VIDEOS KIDS WILL LOVE
Kids can enjoy favorites like Sesame Street, Thomas & Friends, and Dreamworks, online hits like Mother Goose Club, TuTiTu, and Super Simple Songs, plus anything else they’re into — music, gaming, science, crafts, and more.

VIDEOS PARENTS CAN FEEL GOOD ABOUT
We’re as focused on kids’ safety as you are, so we’ve built the YouTube Kids app to be a family-friendly place to explore.

When your child browses the app’s home screen, they’ll find a vast selection of kid-appropriate channels and playlists. When families search in the app, we use a mix of input from our users and automated analysis to categorize and screen out the videos that make parents nervous.

And for added peace of mind, parents can quickly notify YouTube if they see anything questionable directly from the app.

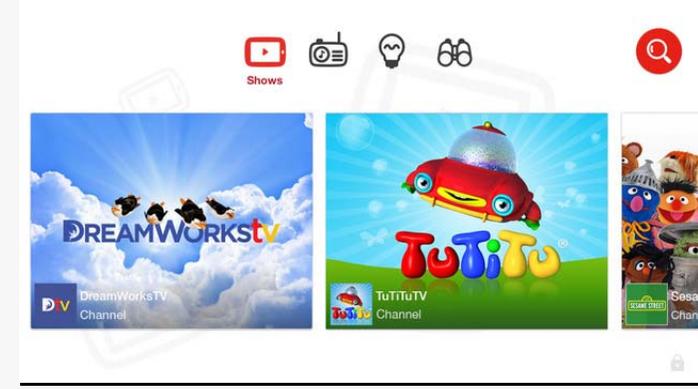
SETTINGS FOR PARENTS
You can turn off search for an even more contained experience. Or set the built-in timer to let your kids know when it’s time to stop watching (so you don’t have to). The app puts these settings behind a grown-ups-only lock, out of kids’ reach.

YouTube Kids. Made for curious little minds.

[YouTube Kids Support ▶](#) [Application License Agreement ▶](#)

Screenshots

iPhone | iPad



<https://itunes.apple.com/us/app/youtube-kids/id936971630?mt=8>

1/2

Description of the YouTube Kids app in the iTunes app store on 11-17-15

iTunes Preview

[Overview](#) [Music](#) [Video](#) [Charts](#)

YouTube Kids

[View More by This Developer](#)

By Google, Inc.

Open iTunes to buy and download apps.

Description

The official YouTube Kids app is designed for curious little minds to dive into a world of discovery, learning and entertainment. This is a delightfully simple (and free!) app, where kids can discover videos, channels and playlists they love.

We work hard to offer a safer YouTube experience, but no automated system is perfect. If you ever find a video you're concerned about, please flag it. This helps make YouTube Kids better for everyone. For more important notes about the app, please see below.

DESIGNED FOR KIDS

To make exploration easy, videos in the app are split into four categories: Shows, Music, Learning and Explore. We also took out the complicated stuff to make an app even little ones can navigate -- that means big buttons, easy scrolling, and instant full-screen. And when the whole family wants to enjoy their favorite videos together, everyone can watch on the big screen with Chromecast, Apple TV, game consoles, or smart TVs.

VIDEOS KIDS WILL LOVE

Kids can enjoy favorites like Sesame Street, Thomas & Friends and Talking Tom, online hits like Mother Goose Club, TuTiTu and Stampylonghead, plus anything else they're into -- sports, animals, gaming, crafts and more.

GROWN-UPS ARE IN CONTROL

We know that every family is different, so we've included features that let grown-ups tailor the YouTube Kids experience to their family's needs. Settings are found behind a grown-ups-only lock where you can turn off search for a more restricted experience or set a built-in timer to let kids know when it's time to stop watching so you don't have to.

For more information about the app and settings, please read our Parental Guide.

IMPORTANT NOTES ABOUT THE APP

- Parental setup is needed to ensure the best experience possible for your child.
- YouTube Kids contains paid ads in order to offer the app for free. Your child may also see videos with commercial content from YouTube creators that are not paid ads. For more information, please check out our Parental Guide.
- Videos in the app are selected by our automated systems. Please note, no system is perfect, and it is possible that your child may find something you don't want them to watch. If your child finds a video that you feel is inappropriate, please flag the video and it will be reviewed as soon as possible.
- You can restrict your child's experience by turning search off in the set-up flow or by accessing the settings behind the "grown-ups only" lock. This means your child can't search for content, which reduces the chances that they will encounter a video you don't want them to watch.
- Whether search is on or off, the app will recommend videos selected by our automated systems from the broad set of videos accessible in YouTube Kids.

[YouTube Kids Support](#) [Application License Agreement](#)

What's New in Version 1.36

We've added more information to help you better understand how the YouTube Kids app works. Please take a moment to launch the app and make sure to choose your settings!

Screenshots

[iPhone](#) | [iPad](#)

This app is designed for both iPhone and iPad

Free

Category: [Entertainment](#)

Updated: Nov 11, 2015

Version: 1.36

Size: 58.9 MB

Language: English

Seller: Google, Inc.

© Google Inc. 2015

[Rated 4+](#)

Made for Ages 5 and Under

Compatibility: Requires iOS 7.0 or later. Compatible with iPhone, iPad, and iPod touch.

Customer Ratings

Current Version:
36 Ratings

All Versions:
2118 Ratings

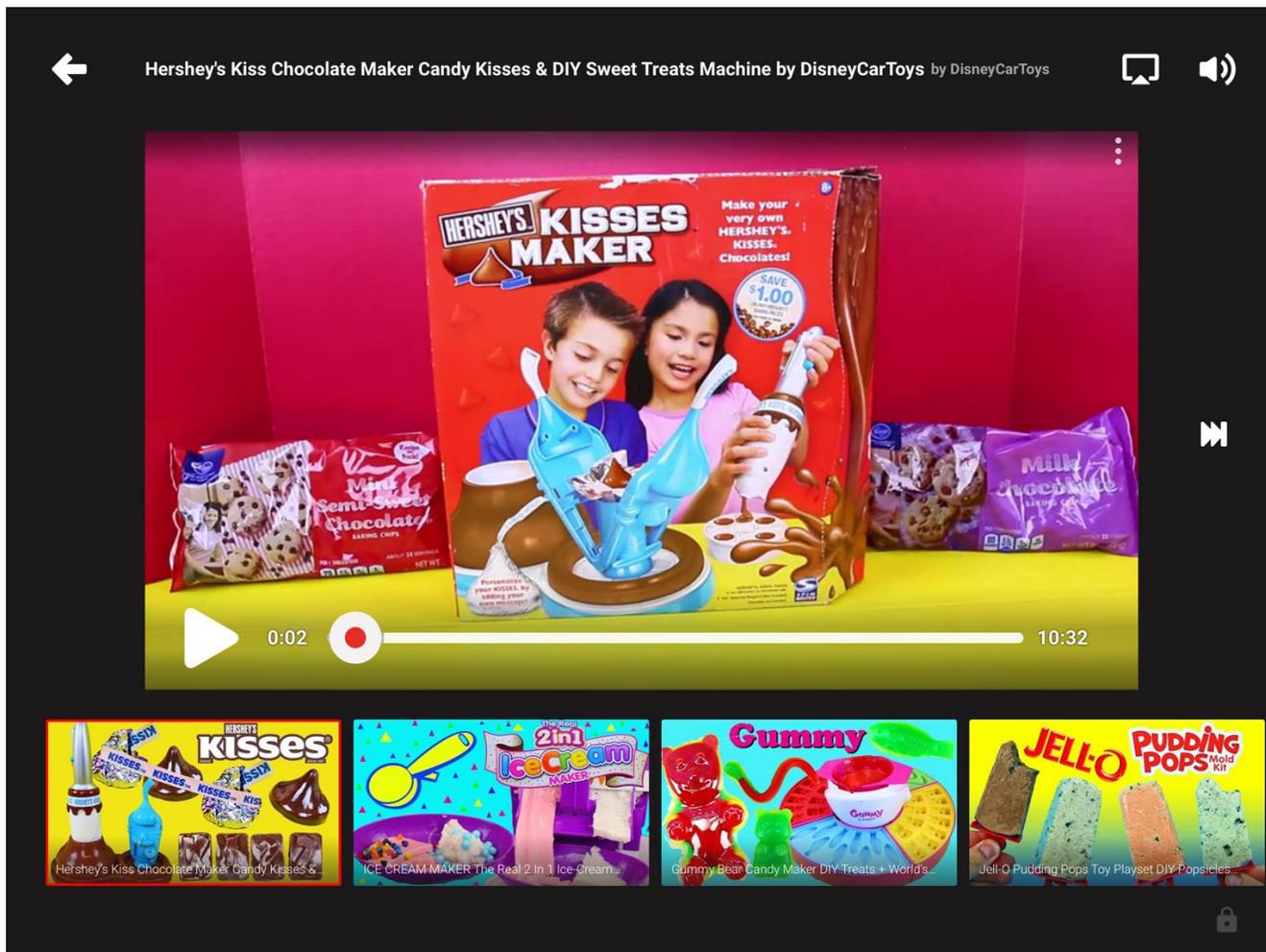
More by Google, Inc.

[YouTube](#)
[View In iTunes](#)

[Google Drive - free online sto...](#)
[View In iTunes](#)

[Snapseed](#)
[View In iTunes](#)

The following screen shots are of content discovered without the use of the search function, and with a clean prior watch history. These videos, and many more with similar content, are either accessible directly from the home screen, or are automatically recommended based on watching videos from the home screen.



← INSIDE OUT CHALLENGE x 2 - Movie Night Fun w/ Playdoh & Clothes (FUNnel Vision Disney Sillyness) by FUNnel Vision



Chase: "Maybe we just umm cook play doh with a... play doh"

0:20,15 18:24

INSIDE OUT CHALLENGES EPIC MOVIE NIGHT FUN!
INSIDE OUT CHALLENGE x 2 - Movie Night Fun w/ Playdoh & Clothes

THE PICTONARY The Pictionary Challenge | Brooklyn

The Not My Arms Makeup Challenge | Brooklyn

FAMILY GYMNASTICS Family Gymnastics Challenge | Bratisley

← SMOOTHIE CHALLENGE! Super Gross Smoothies - GOTTA DRINK IT ALL! by EvanTubeHD



0:05 11:21

GYMNASTICS Challenge | Bratisley

TIN CAN CHALLENGE | Bratisley

SMOOTHIE CHALLENGE! Super Gross Smoothies

PIZZA CHALLENGE

Cotton Ball Challenge

Exhibit J

PRODUCT

Browse Our Solutions

[Learn More](#)

THE RUNDOWN

Take advantage of greater creative freedom and control. Create authentic, breakthrough experiences - across screens. Be part of what matters in content and culture.

[G+](#) [Twitter](#) [Facebook](#) [LinkedIn](#) [Email](#) [Print](#)

YouTube offers advertisers more tools to tell their stories. Unlike other video formats, we don't constrain you to :15 or :30 seconds. Ads are always in the "A-position," have "brand-exclusivity," and see a longevity that far outlasts the typical :30-second spot. Plus, YouTube enables advertisers to build a home for video on the platform, with brand channels that give brands the flexibility to shape their audience's experience.

OUR SOLUTIONS

Brand Channel

Set up your own video home on YouTube, where viewers can watch, enjoy and engage emotionally with your brand.

WHERE YOUR BRAND IS THE STAR

MORE LIKE THIS

UNDEFINED Industries

Topics

MICRO-MOMENTS
Micro-Moments

CAMPAIGN
Cheetahpult

TrueView

Pay only when someone chooses to watch your video, so your ad budget is always well-spent.

Brand Lift

Google's Brand Lift helps you improve your digital brand campaigns by allowing you to measure the metrics that matter. Going beyond impressions and clicks, Brand Lift measures the actual impact of your campaign on brand awareness, ad recall and brand interest.

YouTube Analytics

See and measure how well viewers like your videos, then learn to improve your results.

Mobile Ads

Untitled x Browse Our Solutions - Th x Newsletter Sign-up - Th x
 https://www.thinkwithgoogle.com/products/youtube-solutions.html

Mobile Ads
 Get on the move! Put your YouTube video on smartphones, tablets and mobile devices.

Homepage Ads
 For incredible impact, be the only advertiser on the YouTube home page for 24 full hours.

In-Stream
 Promote your video in a classic TV-like ad format as viewers watch videos on YouTube.

Display Ads
 Put your message in text or graphics on the videos and topics where your customers like to spend time.

Parental Guide Ads.PNG Show all downloads...

Untitled x Browse Our Solutions - Th x Newsletter Sign-up - Th x
 https://www.thinkwithgoogle.com/products/youtube-solutions.html

Display Ads
 Put your message in text or graphics on the videos and topics where your customers like to spend time.

Custom Solutions
 Partner with The ZOO, Google's in-house creative team, to understand and exploit the power of Google products.

MOST POPULAR

- TOOL**
The Customer Journey to Online Purchase
- ARTICLE**
Video Micro-Moments: What Do They Mean for Your Video Strategy?
- RESEARCH STUDY**
Your Guide to Winning the Shift to Mobile
- ARTICLE**
Winning Omni-Channel Shoppers in Their Micro-Moments

THINK NEWSLETTER *Stay on top of the latest and greatest* [Sign up now](#) About Think with Google

Parental Guide Ads.PNG Show all downloads...

Exhibit K

←  Toys'R'Us
43,005 subscribers

🔍

Strike
Toys'R'Us Commercial | Stock Boy | Holiday 2015
0:11

Barbie | The Making Of The Toys'R'Us Great Big Book of Awesome!
0:37

NERF | The Making Of The Toys'R' Big Book of Awesome!
0:37

liday
Toys'R'Us Commercial | "Jennifer & Robbie"
0:31

TMNT | The Making Of The Toys'R'Us Great Big Book of Awesome!
0:49

Toys'R'Us Times Square Star War Opening
0:31

←  LEGO
1,000,047 subscribers

🔍

LEGO® Club Show: Adventures of Max: Halloween
1:25

LEGO® News Show: Episode 2 - Halloween Edition with the Scooby Doo Gang
2:10

LEGO® Scooby Doo - Trick and Treat - Motion
0:16

LEGO® Dimensions - HAPPY HALLOWEEN! Which villain is your favorite?
3:13

LEGO® DUPLO® - DIY - How to Build your own Halloween Ghost!
0:16

LEGO® Scooby-Doo - "Impossible Imp" Stop Motion Mini Movie
0:16

🔒

←  Barbie
906,515 subscribers

🔍

Barbie Joins the Adventure for the Treasure | Barbie
1:20

Barbie Brasil Channel
0:30

Barbie™ & Her Sisters in The Great Pup Adventure™ Official Trailer | Barbie
0:30

Barbie International Channel
0:30

Barbie France Channel
0:30

Puppy Play Time! | Barbie
0:30

🔒



September 22, 2015

The Honorable Bill Nelson
Ranking Member
Committee on Commerce, Science, and Transportation
United States Senate
Washington, DC 20510-6124

Dear Senator Nelson:

Thank you for your letter concerning news reports about YouTube Kids. We appreciate the opportunity to explain how this new mobile app works and YouTube's efforts to design a family-friendly experience that is enriching, educational, and entertaining.

YouTube Kids is designed to give families the benefit of YouTube's core strength: diversity of content. Today, there are scores of websites and apps offering videos with a limited range of content specifically designed for children. YouTube Kids is different by design, in that it offers access to millions of family-friendly videos with new content being uploaded all the time. This breadth of content allows parents and their children to move seamlessly from a video about Thomas the Tank Engine to a video montage of actual trains. Similarly, after watching a Paddington Bear cartoon on YouTube Kids, users can find videos to learn about real bears.

Bringing the magic of YouTube to an app for children requires an enormous technological investment. YouTube has more than one billion videos, with more than 400 hours of video uploaded to YouTube every minute. To enable the right kind of discovery, YouTube Kids makes content available by an automated process. This system is constantly learning, evolving, and improving. YouTube engineers have dedicated (and continue to dedicate) tens of thousands of hours to creating and refining the system. This automated system is used to screen all content before it becomes eligible for YouTube Kids.

Of course the content available by searching within the app is not curated by humans, and we do not pre-review the videos by hand. We have developed user flags so that parents can let us know if they discover anything in YouTube Kids that they do not want their child to watch. YouTube quickly manually reviews any videos that are flagged that have not already been manually reviewed. If the video is deemed inappropriate for YouTube Kids, it is removed from the app within hours.

Recognizing that no system to exclude videos from the entire body of YouTube is or can be perfect, YouTube also built a dynamic search query blocker for YouTube Kids that blocks certain search terms from returning any results, simply returning the message "Try searching for something else!"

Finally, for parents who want their children to have a more restricted experience, YouTube Kids gives parents the option to turn search off through a setting behind a parental lock, and a timer to limit time spent in the app.

You also asked about advertising in YouTube Kids. The YouTube Kids advertising policy, which governs paid advertisements on YouTube Kids, reflects three core principles: (1) maintain an appropriate viewing environment for children and families; (2) prohibit interest-based advertising or third-party tracking or data collection in the app; and (3) use ad formats that maintain a closed environment that YouTube controls. For more information, please see "Advertising on YouTube Kids" at <https://support.google.com/youtube/answer/6168681?hl=en>. Our ads also have audio "bumpers" to clearly distinguish them from unpaid content.

From its inception, YouTube Kids has clearly labeled all paid advertisements for the duration of those advertisements, so they are distinctive to the user, and to be clear that they are ads, not general YouTube content.

We hope this letter addresses your questions. YouTube Kids is committed to delivering enriching, educational, and entertaining content appropriate to kids. We are continually working to improve the app, refining our technology every day, and constantly improving our automated content selection system. YouTube Kids expects to roll out more changes this fall, and we would welcome the opportunity to brief you or your staff on them.

Sincerely,

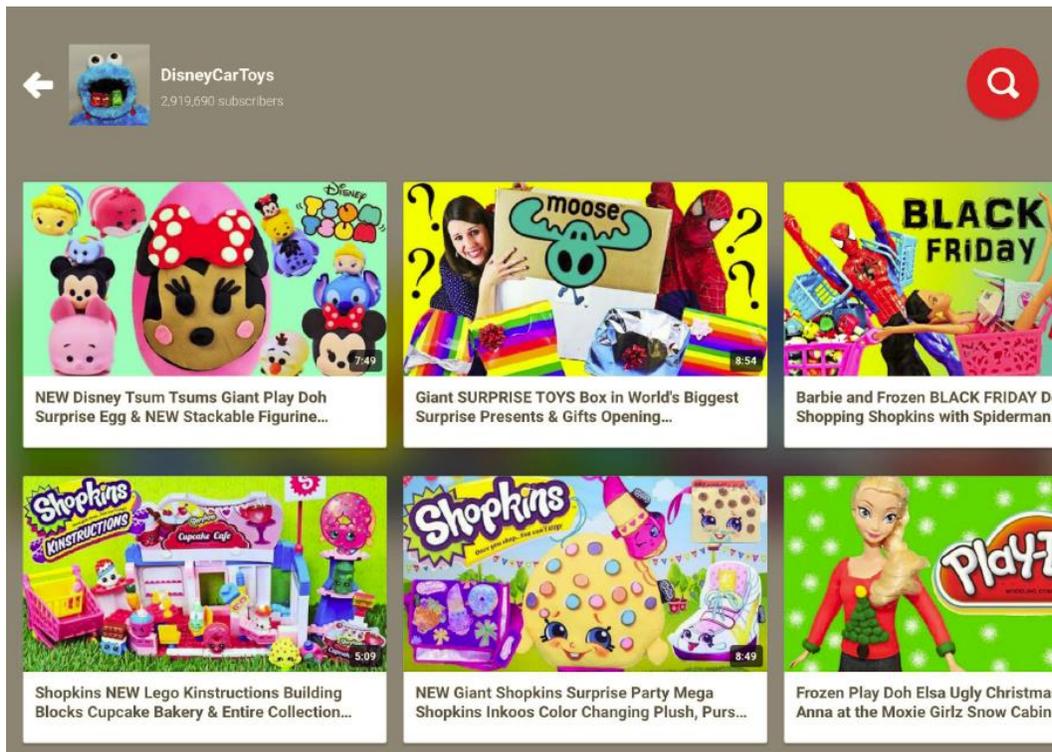
A handwritten signature in black ink that reads "Susan Molinari". The signature is written in a cursive, flowing style.

Susan Molinari
Vice President, Public Policy and Government
Relations, Americas

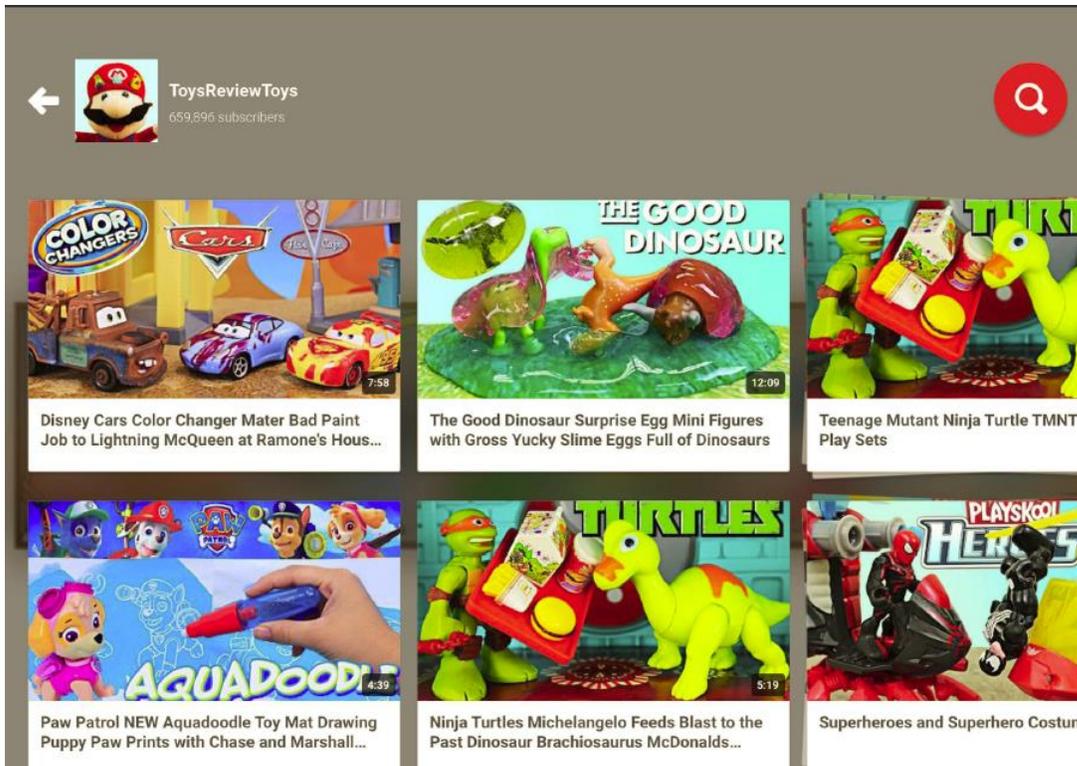
cc: The Honorable John Thune, Chairman

Exhibit M

DisneyCarToys describes itself as “DisneyCarToys is a fun kid friendly toy channel. Sandra and Spidey make toy videos, giant surprise toys videos, doll parodies, surprise eggs opening, toy reviews and unboxing videos daily for toddlers, preschoolers and school children. I feature top toys from popular Disney movies like Frozen and Cars 2 plus TV shows like Mickey Mouse Clubhouse and Peppa Pig. I love doing Frozen Barbie episode parodies with my Elsa and Disney Princess Anna dolls. I'm known for unique Play Doh videos. You'll also find funny Cookie Monster, Sofia The First, Orbeez, Disney Cars Toys Lightning McQueen and Mater videos. My favorite Disney Princess is Ariel from The Little Mermaid, favorite Disney Car is Lightning McQueen, favorite superhero is Spiderman. I love Barbie especially 1990s Barbie playsets. <https://www.youtube.com/user/DisneyCarToys/about>. Reportedly, this channel mostly shows earned \$4.9 in 2014. Rob Wile, *The highest YouTube earner of 2014 made nearly \$5 million just by opening Disney toy packages*, Fusion, Jan. 16, 2015, available at <http://fusion.net/story/38924/the-highest-youtube-earner-of-2014-made-4-9-million-just-by-opening-disney-toy-packages/>.



“Toys reviewing other toys! ToysReviewToys is a friendly kid channel, fun for both kids and parents! I feature top toys from popular franchises like Mickey Mouse Clubhouse, Cars, Frozen and more. I make parodies and adventures with other franchises like Peppa Pig, Teenage Mutant Ninja Turtles, and superheros like Batman, Superman and Spiderman. I teach how to build toys with legos, duplo legos, mega bloks and play doh. Here you'll even find old favorites like Cookie Monster and Super Mario. You can also find other videos including Barbie and Disney Frozen Elsa and Anna parodies at my wife's channel DisneyCarToys. So come on, click on a video and imagine!” Description from <https://www.youtube.com/user/toysreviewtoys/about>.



The nine-year old Evan reportedly earns more than \$1 million per year from his video reviews. He has a dedicated sales team negotiates deals with brands to feature products in his videos. May Kamath, *Meet the 9 year-old kid who makes a cool million opening toys on YouTube*, techworm.net (April 8, 2015), available at <http://www.techworm.net/>

The image shows a screenshot of the EvanTubeHD YouTube channel page. At the top left, there is a back arrow, the channel logo 'EvanTubeHD' with a cartoon character, and the subscriber count '2,201,618 subscribers'. At the top right, there is a red search icon. Below the header, there are six video thumbnails arranged in a 2x3 grid. Each thumbnail includes a title, a description, and a video duration. The videos are: 1. 'CEREAL UNBOXING & SURPRISE DISNEY SPOONS!!!' (3:29), 2. 'Video Game Action at NINTENDO HEADQUARTERS! Holiday Event 2015' (5:13), 3. 'SMOOTHIE CHALLENGE! Super Gross Smoothies - GOTTA DRINK IT ALL!' (5:13), 4. 'SUPER TOY REVIEW!!! Unboxing Hulk Smash RC, Meccanoid G15, Star Wars Hot Wheels,....' (6:19), 5. 'PIZZA CHALLENGE with Chef EvanTubeHD! GROSS Secret Recipe!' (12:07), and 6. 'CHUBBY BUNNY CHALLENGE! Marshm Stuffing Contest!' (12:07). A lock icon is visible in the bottom right corner of the page.

EvanTubeHD
2,201,618 subscribers

CEREAL UNBOXING & SURPRISE DISNEY SPOONS!!!
3:29

Video Game Action at NINTENDO HEADQUARTERS! Holiday Event 2015
5:13

SMOOTHIE CHALLENGE! Super Gross Smoothies - GOTTA DRINK IT ALL!
5:13

SUPER TOY REVIEW!!! Unboxing Hulk Smash RC, Meccanoid G15, Star Wars Hot Wheels,....
6:19

PIZZA CHALLENGE with Chef EvanTubeHD! GROSS Secret Recipe!
12:07

CHUBBY BUNNY CHALLENGE! Marshm Stuffing Contest!
12:07

Exhibit N

← STAR WARS Super TOY Unboxing!!! The Force Awakens Surprise Box! by EvanTubeHD

All products and other consideration provided by Target



▶ 0:10 6:12 evantubehd.com

STAR WARS SUPER UNBOXING! STAR WARS Super Toy Unboxing!!! The Force...

TOYFAIR SPIDER-MAN TRANSFORMERS STAR WARS TRANSFORMERS EYE MASKS MARVEL

LEGO STAR WARS SLAVE 1 LEGO Star Wars UCS Set 73060

LEGO STAR WARS MILLENNIUM FALCON - LEGO Star Wars Set 796...

🔒