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May 18, 2007

Sean Riley
Christensen, Glaser, Fink, Jacobs,
Weil & Shapiro, LLP
10250 Constellation Boulevard
Nineteenth Floor
Los Angeles, CA 90067

Dear Mr. Riley,

We have received your letter dated May 17, 2007. We have carefully reviewed your claims and the research you cite, and we do not see anything that supports your claim that Campaign for a Commercial-Free Childhood (CCFC) has made defamatory statements against BabyFirstTV.

CCFC believed at the time it made the statements about BabyFirstTV, both its complaint to the FTC, and in its letter to cable companies, which is based on the complaint, that the statements were true and accurate. We continue to believe that today. Moreover, these statements are clearly protected by the First Amendment.

Your letter alleges states that the sentence, "BabyFirstTV is the subject of a Federal Trade Commission complaint for false and deceptive advertising," is categorically false, because the FTC has not filed any complaint against BabyFirstTV. However, the very next sentence in CCFC's letter states "The complaint, filed by the Campaign for a Commercial Free Childhood, is under review." Thus, the letter makes clear both that CCFC, not the FTC, filed the complaint, and that the FTC has not yet taken any action against BabyFirstTV.

Your letter next asserts that CCFC's statement that BabyFirstTV makes "false claims that its programming is educational for infants," and that BabyFirstTV "provides no research to support its acclaims" [sic] "are also untrue." While you admit that BabyFirstTV does not provide substantiation of its claims on its website or in promotional literature, you claim that

substantiation is publicly available. To support this claim, your letter quotes portions of a Report by the Kaiser Family Foundation.

We have reviewed the Kaiser Report and several of the studies cited in it, and continue to believe that substantiation for BabyFirstTV's claims is lacking. First, none of this research was conducted using BabyFirstTV's programming. Second, virtually all of the research concerns young children aged two or older. Because of the differing abilities and developmental stages of babies under age two and children over age two, research relating to older children is simply not applicable to babies. CCFC's letter makes clear that the false claims relate to claims about how the programming educates infant or babies.

To our knowledge, only one of the studies you cite even involved children under age two.¹ This study, which tracked 51 babies and toddlers aged 6 to 30 months, found a positive correlation between viewing certain programs (such as *Blue's Clues* and *Dora the Explorer*) and vocabulary acquisition, a negative correlation between other programs (such as *Barney & Friends* and *Teletubbies*) and no correlation with other programs (such as *Dragon Tales*, *Sesame Street*, and Disney movies). The authors concluded that "Research is still needed to determine both causality and whether the results hold outside such a homogeneous sample as the one reported in this article."² In any event, this study did not assess the effects on babies and toddlers of viewing BabyFirstTV. If there any studies that do assess the educational value of BabyFirstTV's program, CCFC would be happy to review them.

Given the lack of support for your claims, we believe that initiating legal action against CCFC or the members of its Steering Committee would be frivolous and subject your client to possible sanction.

Very Truly Yours,

/s/
Angela J. Campbell
Counsel for CCFC

cc: Dr. Susan Linn
Dr. Alvin F. Poussaint

¹ Deborah L. Linebarger and Dale Walker, *Infants' and Toddlers' Television Viewing and Language Outcomes*, 48 *American Behavioral Scientist* 624 (2005).

² *Id.* at 642.