

A Consumer Guide to Alcohol Advertising Complaints

The current self-regulatory system used to monitor alcohol industry marketing and advertising practices actually places the burden on parents and other adults to complain about individual ads.

Individual complaints can help remove singularly offensive local advertising such as billboards, and group complaints leading to press coverage have resulted in success in isolated cases. However, these efforts do little to reduce the overall volume of alcohol advertising reaching young people.

But until systemic changes are made, local action can make a difference. At best, community-based complaints can result in the alcohol advertising in question being removed. It can demonstrate when alcohol companies are not following the voluntary marketing codes. It can also demonstrate to policymakers that there is public concern about whether self-regulation is working to protect youth. Here are recent examples of successful complaints:

- A resident of Syracuse, New York e-mailed digital photos of a Goldschlager billboard featuring models who appeared to be younger than 21 to the Distilled Spirits Council of the United States (DISCUS) Code Review Board. After a meeting of the review board, the Diageo representative wrote, “it became clear to us that some believed the models in the ads appeared too youthful,” and agreed to pull both print ads and outdoor advertising for the campaign.
- A community group in Columbus, Ohio had a single Colt 45 billboard removed after complaining to Pabst that the content demeaned young African-American women.
- The National Liquor Law Enforcement Association (NLLEA) raised objections to an ad created for The Boston Beer Company, the maker of Sam Adams Beer. The ad depicted a youthful host holding a bottle of Sam Adams Light Beer behind his back when the police appear at his door in response to a noise complaint. The association complained that “the ad depicts Sam Adams Light Beer being consumed in an illegal environment” and that “the young man speaking with the officer hid his beer behind his back, indicating to viewers that he was quite possibly under the age of 21 and risking arrest if he was discovered holding the beer.” After repeatedly asking The Boston Beer Company to stop airing the ad, the NLLEA issued a press release and took the story to *The Boston Globe*. The ad was pulled shortly thereafter.

Complaints like these can call public attention to alcohol industry violations of the voluntary code. Otherwise, policymakers have no reason to believe current advertising is

unacceptable to their constituents.

Filing a complaint is not difficult, but it can be confusing initially.

Step 1: Determine which standards apply to the offending ad.

Specific codes were created by the distilled spirits, beer and wine trade associations: the Distilled Spirits Council of the United States (DISCUS), the Beer Institute, and the Wine Institute. Each code varies. You can read them by following the links below.

If you know the brand name but are uncertain what type of alcoholic beverage was advertised, select the name from this table.

Brand Web sites can provide important information on the manufacturer's corporate name and address and the type of alcoholic beverage. You will need this information to complete your complaint.

Complaints should be sent directly to the manufacturer, although you should also file your complaint with the appropriate trade association. Not all distillers, brewers or vintners are members of the trade associations, however.

If you know which trade association code covers the product advertised you will find the full text of the code at one of these three links:

Distilled spirits (or hard liquor): <http://www.discus.org/industry/code/code.htm>

Beer: <http://beerinstitute.org/adcode.htm>

Wine: http://www.wineinstitute.org/communications/statistics/Code_of_Advertising.htm

Note that the distilled spirits code covers all beverages made by distilled spirits companies, including wine, beer and flavored malt beverages. For example, Diageo is primarily known as the marketer of Smirnoff Vodka and Johnnie Walker Whisky, but because it also produces Guinness Beer and Smirnoff Ice, a flavored malt beverage, these products are subject to the provisions of the distilled spirits code.

After determining the type of product, the applicable codes, and the code violation, decide the focus of your complaint.

Step 2: Is your objection to the advertisement based on the placement, content, or both?

ADVERTISING PLACEMENT

Advertising placement refers to the location, publication or programming that carries an alcohol ad. Product placement within entertainment programming is a

separate concern.

Outdoor advertising placement: The various guidelines do not have a common definition of outdoor advertising or billboards. Billboards are generally considered to be exterior, fixed advertising. The codes make no distinction between freestanding and attached signs. However, your community may define billboards according to size constraints or structural features, and this information may be helpful in your complaint.

The most frequently used standard in the industry's code is that outdoor advertising may not be placed within 500 feet—about one-tenth of a mile—of schools, churches and playgrounds.

DISCUS: “Beverage alcohol advertising should not be placed on any outdoor stationary location within five hundred (500) feet of an established place of worship or an elementary school or secondary school except on a licensed premise” (DISCUS, *Code of Responsible Practices*).

Beer Institute: “Billboard advertisements by brewers shall be located at least 500 linear feet from established and conspicuously identified elementary or secondary schools, places of worship, or public playgrounds” (Beer Institute, *Advertising and Marketing Code*).

Wine Institute: The Wine Institute does not address exterior advertising placement.

Measured Media: Television, radio and magazines are all forms of measured media. In those media it is sometimes possible to determine the age, gender and other demographic characteristics of the audience for a specific advertisement.

Of course, not all parents have access to TV ratings or other media measurements. Your sincere belief that a program or magazine has greater than 30% youth audience legitimizes a request for evidence of guideline compliance. Below are the specific guidelines from each code:

DISCUS: “Beverage alcohol advertising and marketing should be placed in broadcast, cable, radio, and print communications only where at least 70 percent of the audience is reasonably expected to be above the legal purchase age (determined by using reliable, up-to-date audience composition data).

- To facilitate these placement commitments, recognized electronic and print composition data should be reviewed on a regular basis (at least annually) in order to ensure that the audience composition data are current and appropriate.
- Internal, periodic after-the-fact audits of past placements should be undertaken to verify that past advertising placements were in compliance

with this Code and to take appropriate, corrective action for future placements” (DISCUS, *Code of Responsible Practices*).

Beer Institute: “Beer advertising and marketing materials shall only be placed in magazines, on television, or on radio where at least 70% of the audience is expected to be adults of legal purchase age. The brewer placing advertising or marketing materials in magazines, on television, or on radio shall conduct periodic after-the-fact audits, at least semi-annually, of a random portion of its placements. If a brewer learns that a placement did not meet the Code Standard it will take steps to prevent a reoccurrence. A placement will be considered reasonable if the audience composition data reviewed prior to placement met the percentages set forth above. What constitutes a reasonable basis for placement depends on the medium and available data for that medium. Buying guidelines for the implementation of this section will be distributed in conformance with the dissemination provisions of this code” (Beer Institute, *Advertising and Marketing Code*).

Wine Institute: “[W]ine and wine cooler advertising by code subscribers shall not ... [a]pppear in any media where more than 30% of the audience is underage (determined by using reliable, up-to-date audience composition data)” (Wine Institute, *Code of Advertising Standards*).

COMPLAINTS ABOUT IMAGES AND CONTENT

Content standards are more subjective and require examining the images, sounds and text in alcohol ads.

Content complaints require individual and intuitive evaluation of the meaning of words and images in an advertisement. Visit the [CAMY marketing gallery](#) to get a sense of current alcohol advertising. Don’t hesitate to ask another parent whether he or she agrees with your interpretation. The basic question is whether the ad in question falls into one of the following categories of imagery the alcohol industry has pledged not to portray:

- Drunk driving
- Excessive or irresponsible drinking
- Illegal drinking
- Intoxication
- Santa Claus
- Brand identification on toys, games or game equipment for youth
- Entertainers or others “intended to appeal primarily” to underage youth
- Models and actors who appear to be under 21 years of age
- Sexual passion, promiscuity or amorous activity resulting from drinking
- Illegal activity
- Religious symbols or themes
- Lewd or indecent language or images
- Drinking before or during an activity that requires a high level of alertness

- Claims or representations about social, personal, financial or athletic success.

The specific content guidelines applying to each type of alcoholic beverage may be found on the trade association Web sites listed above.

Step 3: Prepare your complaint.

Be as specific as you can about any ad placement you perceive to be inappropriate.

Describe where and how you saw or heard the ad.

Example: A billboard for Brand X Beer is across the street from Somerset Elementary School, 555 Main St., Smallville, KS.

Example: A full-page ad for Courvoisier appears on the back inside cover of the March 2004 issue of *XXL* magazine. I believe that more than 30% of the readers of *XXL* are under the age of 21.

Example: A TV commercial for Skyy Blue appeared during *Buffy the Vampire Slayer* on the UPN network at 8:30 p.m. on June 4, 2002. *Buffy* is a very popular TV program for young teens.

Include both content and placement information in content-based complaints. Even if your complaint is not about placement, the information will help identify the ad.

Tell the manufacturer what you observed and why you believe it violated the standard. Provide a description of the text or images with the reason you believe the ad is a violation of the code.

Example: The ad for Brand X Beer appearing on the January 3, 2004 broadcast of *Seventh Heaven* that uses video shot from a bicycle rider's perspective equates the freedom and excitement of riding a mountain bike with drinking beer and therefore appears to violate the voluntary advertising code.

Example: In your ad for Brand X Beer that aired during *Mad TV* on December 22 at 10:00 p.m. on Comedy Central, several of the youthful actors appeared intoxicated.

Example: The television ad for Brand X Beer that appeared on *Saturday Night Live* on December 13, 2003 carried numerous images of sexual foreplay. I found those images to be in very poor taste, lewd and indecent—in violation of your voluntary standards.

Illustrate your concern: A picture tells a thousand words.

Video or audio tape ads, photograph outdoor advertising and save magazines with offensive ads. When photographing a billboard, note the location and date. Photocopy magazine ads; leave offending ads in the magazines to preserve a record. Save original photographs and ads; send copies in your complaint.

Be clear about your expectations. Do you want the ad off the air immediately? Or a billboard immediately removed? Make your expectations clear. The industry can't meet your expectations until you articulate them.

Step 4: Complaints need to be filed with the appropriate trade association and, where possible, the manufacturer.

Using the manufacturer information you have gathered send a copy of your complaint to both the manufacturer and the applicable trade group:

Distilled Spirits Council of the United States
DISCUS Code Review Board
1250 Eye Street, N.W., Suite 400
Washington, D.C. 20005
<http://www.discus.org>

Beer Institute
122 C Street, N.W., Suite 750
Washington, D.C. 20001-2150
<http://www.beerinstitute.org>

Wine Institute
425 Market St. Suite 1000
San Francisco, CA 94105
<http://www.wineinstitute.org>

The Coors Brewing Company has established a toll-free number to receive complaints in addition to adopting Beer Institute guidelines: 1-800-328-6785.

This Web site outlines the specific procedures Coors has set up for evaluating complaints: <http://www.coors.com/community/ace.asp>

Your research and observations are the building blocks of a simple six-part letter:

Dear *Manufacturer of the Product*:

1. I recently saw an ad for *product name* which I believe to be in violation of your advertising code.
2. The ad appears *placement information for identification or as the reason for the complaint*.
3. The ad *state the reason you believe the ad is objectionable—specific details of placement or content*.

4. A copy/photograph/tape of the ad is enclosed. *Not required, but very compelling.*
5. *Requested action.* I ask that you cease *publication/airing/use* of this ad immediately.
6. Please advise me of your disposition of this complaint.

Sincerely,

Don't forget to include your address and daytime telephone number.

Step 5: Make your complaint effective.

It takes lot of work to report a single violation for just one of the hundreds of thousands of alcohol advertisement placements that occur each year and to have an ad barred from future use. Sharing the information you gathered allows your complaint to work as hard as you did preparing it.

Keep a copy of your complaint for future reference, along with original copies of the ad itself.

Send a copy of your complaint to the consumer reporter at your local TV station or newspaper. If you do not receive a prompt response to your complaint, ask for their help.

If the complaint is about outdoor advertising, mail a copy to your town councilmember, alder or another local elected official.

Send a copy of your complaint to your Congressional representatives and the Federal Trade Commission:

You can find your Congressional representatives' names and addresses at the following Web sites:

U.S. Senate: <http://www.senate.gov/>

U.S. House of Representatives: <http://www.house.gov/writerep/>

Federal Trade Commission: <http://www.ftc.gov>

600 Pennsylvania Avenue, N.W.

Washington, D.C. 20580

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