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# SEMI-ANNUAL CODE REPORT

Eighth Edition for the period January 2008 through June 2008

CODE OF RESPONSIBLE PRACTICES  
FOR BEVERAGE ALCOHOL  
ADVERTISING AND MARKETING

[www.discus.org](http://www.discus.org)

November 2008

The Distilled Spirits Council of the United States, Inc. (DISCUS) is a national trade association representing producers and marketers of distilled spirits and importers of wine sold in the United States. In 1973, DISCUS was formed as a result of the merger of three organizations — The Bourbon Institute, The Distilled Spirits Institute and The Licensed Beverage Industries, Inc. - that had been in existence for decades.

The members of DISCUS represent nearly 80% of all distilled spirits sold in this country. For this reporting period, DISCUS members were:

Bacardi U.S.A., Inc.

Barton Incorporated

Brown-Forman Corporation

Diageo

Imperial Brands, Inc.

Sidney Frank Importing Co., Inc.

Future Brands LLC

(joint venture of Beam Global Spirits & Wine, Inc. and  
The Absolut Spirits Company, Incorporated)

Luxco, Inc.

Moët Hennessy USA, Inc.

Rémy Cointreau USA, Inc.

Pernod Ricard USA

Suntory International Corp.

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## Open Letter to Interested Parties:

We are pleased to issue the eighth Report of complaint decisions by the Distilled Spirits Council's Code Review Board, the spirits industry's advertising compliance review body. This Report makes public Code Review Board actions for the period of January 1, 2008 through June 30, 2008. For this reporting period, the Board received complaints involving 12 advertisements subject to the DISCUS Code of Responsible Practices for Beverage Alcohol Advertising and Marketing.

The DISCUS Code provides for a Code Review Board that is charged with reviewing complaints about advertising and marketing materials in the marketplace. The Code applies to all of the distilled spirits, beer and wine brands marketed by DISCUS members and is followed by non-member distilled spirits marketers. Each complaint reviewed by the Board, whether lodged by a private citizen, third-party organization, government official, or an industry member, is given identical consideration and priority status. After receiving a complaint, the Board determines whether the advertisement is consistent with the provisions of the Code and, if a provision of the Code has been violated, the Board urges that the advertisement be revised or withdrawn.

Throughout the decades, there has been 100% compliance by DISCUS members with the Code Review Board's decisions and overwhelming compliance by non-DISCUS members. During this reporting period, however, there were a number of nonmembers that did not take responsive action. The Board continues to urge these advertisers in the strongest possible terms to revise or withdraw advertisements found in violation of the DISCUS Code.

While these noncompliant advertisements represent a fraction of total advertisements in the marketplace, it is important to note that effective self-regulation is not measured by the number of complaints but by the efficacy of the efforts taken to ensure compliance with the Code's provisions before an advertising execution ever reaches the marketplace.

As part of these efforts, DISCUS is hosting a Best Practices Media Summit in December for industry members, their media buyers and advertising agencies. The objective of this Summit is to exchange best practices and provide training about advertising content and placement methods to enhance industry-wide compliance with the Code.

Since the November 2006 Media "Buying" Summit focusing upon the Code's buying guidelines to meet the demographic audience standard of 70 percent 21 years of age and older (the legal purchase age), there has been a demonstrable decrease in the number of complaints on placements. We hope the December Summit will build upon that success and we intend to hold Best Practices Media Summits on a periodic basis as a part of our ongoing outreach efforts about the Code.

The Federal Trade Commission (FTC) issued its third report on the effectiveness of our industry's efforts at self-regulation in June 2008. In each of these comprehensive reviews over the last nine years, the FTC confirmed that self-regulation is working and concluded that the distilled spirits industry's advertising is directed to adults. In this latest report, the FTC found high levels of compliance with the industry's voluntary placement standard discussed above that requires advertising materials to be placed only where 70 percent of the audience is reasonably expected to be 21 years of age and older.

The FTC did not recommend a change in the 70 percent 21+ demographic standard noting that it is grounded in the 2000 Census data and that the "current 70 percent baseline standard has helped to ensure that alcohol advertising is not disproportionately directed to those below the legal drinking age, as recommended by the Surgeon General's Call to Action."

Our goal is to increase awareness of the Code by all means and to ensure compliance with its provisions in all venues. Issuance of this Report allows the public-at-large to better evaluate and appreciate our longstanding review process, which the FTC has pointed to as a model of self-regulation. More importantly, it serves as an effective tool to familiarize non-DISCUS member distillers with the provisions of the Code, as well as to educate cable companies, broadcasters, magazine publishers, and other media outlets about its provisions.

We urge State and Federal government officials and other interested parties to link to the DISCUS Code (<http://www.discus.org/responsibility/code/read.asp>) on their websites as a means to refer inquiries or concerns to the Code Review Board for rapid consideration. If you have any questions about the Code or the Code Review Board process, please do not hesitate to contact me (202/682-8870).

Sincerely,



Peter H. Cressy  
President/CEO  
Distilled Spirits Council

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## EIGHTH PUBLIC REPORT

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**Advertisement:** p.i.n.k. print and website advertising materials

**Advertiser:** The p.i.n.k. Spirits Company (Non-DISCUS member)

**Complainant:** Industry member



**Complaint Summary:** The complainant states that the p.i.n.k. advertising materials “clearly do not portray alcohol in a straightforward factual manner” and that the “use of the word 'caffeine' is clearly in violation of Code 29 as it promotes the potency of this alcohol product.” Responsible Content Provision No. 29 provides that “[b]everage alcohol advertising and marketing materials should not refer to the alcohol content of a beverage alcohol product except in a straightforward and factual manner or promote the potency of a beverage alcohol product.”

In addition, the complainant states that the tagline, “Make Love Last Longer,” is “unmistakably in violation of Code 25 since it is completely reliant upon sexual prowess as a selling point of the brand.” Responsible Content Provision No. 25 provides that “beverage alcohol advertising and marketing materials should not rely upon sexual prowess or sexual success as a selling point for the brand.” The complainant also believes that this advertisement runs afoul of the Code's Responsible Content Provision No. 21, which provides that “[b]everage alcohol advertising and marketing materials should reflect generally accepted contemporary standards of good taste.”

**Code Review Board Decision:** Regarding the “use of the word 'caffeine'” in the print advertisements and on the pinkspirits website, the advertiser stated that “p.i.n.k. spirits use of the word 'caffeine' in the [referenced] advertisements and on our website is purely factual and could not be any more straightforward. Our marketing materials simply state the product is infused with 'caffeine and guarana,' which are approved by the Tobacco, Tax and Trade Bureau 'TTB.' Furthermore, we make no statements that promote that potency of the product.”

Regarding the tagline “Make Love Last Longer,” the advertiser stated that “the advertisement was created for Valentine's Day, run only in the month of February 2008, and was intended to be a lighthearted and playful celebration of the holiday. The tagline refers to 'everlasting love,' as the copy at the bottom of the advertisement clearly states. The graphics that accompany the tagline further support this point. They are neither sexual nor suggestive of any sexual activity or sexual prowess. Furthermore, the advertisement does not refer to any sexual act or the act of 'making love.'”

After consideration of the complaint, the advertiser's response and the provisions of the Code, the Code Review Board did not find a violation of Responsible Content Provision Nos. 29 or 25. In that regard, the Board found that the reference to the alcohol content of the product to be straightforward and factual, and that the mere usage of the word "caffeine" was truthful. Concerning that point, the Tax and Trade Bureau had approved the use of the statement infused with "caffeine and guarana" in the advertising and website materials.

Regarding Responsible Content Provision No. 25, the Board did not find that the advertisement with the tagline "Make Love Last Longer" relied upon sexual prowess or sexual success as a selling point for the brand. This advertisement, however, with its tagline "Make Love Last Longer" and the accompanying text "flawlessly infused with flavorless caffeine and guarana. p.i.n.k. makes the perfect cocktail, with an inspiring boost. Experience everlasting love with p.i.n.k. vodka" couples the caffeine in the product with stimulating or energizing effects.

As confirmed by the advertiser, the advertisement, "Make Love Last Longer," was not approved by the Tax and Trade Bureau. In that regard, Responsible Content Provision No. 14 provides that "[b]verage alcohol advertising and marketing materials should not contain any curative or therapeutic claim except as permitted by law." The Board did find that this advertisement violated the Code in light of the textual statements of that advertisement as a whole imply that the consumption of p.i.n.k. Vodka will have a stimulating or energizing effect.

**Action by Advertiser:**

Advertiser immediately pulled the advertisement from its website upon learning the Code Review Board's decision.

**Status:**

Resolved: Responsive action taken

**Advertisement:** Sniper Vodka packaging  
**Advertiser:** Cracovia Brands, Inc.  
(Non-DISCUS member)

**Complainant:** Industry member



**Complaint Summary:** The complainant points to the gun-shaped bottle and asserts that the packaging, particularly in light of the product name, is inconsistent with Responsible Content Provision Nos. 16 and 19 of the DISCUS Code. Responsible Content Provision No. 16 provides that “[b]everage alcohol products should not be advertised or marketed in any manner associated with...violent...situations.” Responsible Content Provision No. 19 provides that “[b]everage alcohol advertising and marketing materials should not be associated with anti-social or dangerous behavior.”

**Code Review Board Decision:** After consideration of the complaint and the provisions of the DISCUS Code, the Code Review Board found that the use of a gun-shaped bottle and the packaging for Sniper Vodka, particularly in light of the product name, imply violent, anti-social activity and therefore violate Responsible Content Provision Nos. 16 and 19 of the Code.

**Action by Advertiser:** No further response from the advertiser once informed of the Board's decision.

**Status:** The Board continues to urge the advertiser in the strongest possible terms to revise these advertising and marketing materials in light of the Code's provisions.



**Advertisement:** St-Germain Delice De Sureau  
print advertisement

**Advertiser:** Cooper Spirits International, LLC  
(Non-DISCUS member)

**Complainant:** Third-party organization  
San Rafael, California

**Complaint Summary:** The complainant believes that the “woman sitting on a bar stool fondling her naked breast (in her hand is a cigarette) and the expression on her face (eyes closed) is clearly one of self-pleasure” is inconsistent with Responsible Content Provision Nos. 21, 22, 23, and 25 of the DISCUS Code.



Responsible Content Provision Nos. 21, 22, 23, and 25 provide, respectively, that “[b]everage alcohol advertising and marketing materials should reflect generally accepted contemporary standards of good taste;” “[b]everage alcohol advertising and marketing materials should not degrade the image, form, or status of women, men, or of any ethnic, minority, sexually-oriented, religious, or other group;” “[b]everage alcohol advertising and marketing materials should not contain any lewd or indecent images or language;” and beverage alcohol “advertising and marketing materials should not contain or depict...graphic or gratuitous nudity.”

**Code Review Board Decision:** In responding to the complaint, the advertiser stated that “St-Germain is an artisanal craft spirit, developed over an arduous 6-year period. We maintain a strong commitment to high-quality and traditional French authenticity. Everything we do is in the spirit of these basic tenets: quality and authenticity.”

The advertiser also stated that they “have worked very hard to create a marketing campaign in line with these ideals. The St-Germain 'Can-Can girl' is an antique image that is reflective of traditional French culture. It is a period piece reflective of France and is indicative of classic French art, much like that of an impressionistic nude painting or many of the other nudes that you may encounter in the world's finest museums. Because of this, we have found that the image is neither offensive, sexually driven, nor gratuitous, and is similar to that of non-sexually driven nudity, which is analogous to benign 'indigenous' nudity, as you would find in a harmless National Geographic television special.”

After consideration of the complaint, the advertiser's response and the provisions of the Code, the Code Review Board found that the advertisement violated Responsible Content Provision Nos. 25, 23 and 21 of the DISCUS Code. Specifically, the Board found that the advertisement with a partially clad model with bare breast exposed and the manner in which the model is posed constitutes gratuitous nudity, is sexually lewd and inappropriate in terms of generally accepted standards of good taste.

The Board understands that a St-Germain advertising campaign is running using this advertisement and is perplexed given the advertiser's pledge to comply with the provisions of the Code and withdraw this advertising campaign that was found in violation of the DISCUS Code.

**Action by Advertiser:**

No further response from the advertiser once informed of the Board's decision.

**Status:**

The Board continues to urge the advertiser in the strongest possible terms to revise these advertising and marketing materials in light of the Code's provisions.

**Advertisement:**

St-Germain print advertisement

**Advertiser:**

Cooper Spirits International, LLC  
(Non-DISCUS member)

**Complainant:**

Industry member

**Complaint Summary:**

The complainant believes that the advertisement showing two women groping each other's bare buttocks is inconsistent with Responsible Content Provision Nos. 21, 22, 23, and 25 of the Code.



Responsible Content Provision Nos. 21, 22, 23, and 25 provide, respectively, that “[b]everage alcohol advertising and marketing materials should reflect generally accepted contemporary standards of good taste;” “[b]everage alcohol advertising and marketing materials should not degrade the image, form or status of women;” “[b]everage alcohol advertising and marketing materials should not contain any lewd or indecent images;” and beverage alcohol “advertising and marketing materials should not contain or depict...graphic or gratuitous nudity.”

**Code Review Board Decision:**

After consideration of the complaint and the provisions of the Code, the Code Review Board found that the advertisement violates Responsible Content Provision Nos. 21, 22, 23, and 25 of the DISCUS Code. Specifically, the Board found that the advertisement with two women groping each other's bare buttocks is degrading to women, is sexually lewd, constitutes gratuitous nudity, and is inappropriate in terms of generally accepted standards of good taste.

The Board understands that a St-Germain advertising campaign is running using the advertisement that was the subject of an earlier complaint in conjunction with the advertisement subject to the instant complaint. The Board is perplexed given the advertiser's pledge to comply with the provisions of the Code and withdraw the campaign that was found in violation of the DISCUS Code at that time.

**Action by Advertiser:**

No further response from the advertiser once informed of the Board's decision.

**Status:**

The Board continues to urge the advertiser in the strongest possible terms to revise these advertising and marketing materials in light of the Code's provisions.

**Advertisement:** Silver Patrón print advertisement

**Advertiser:** The Patrón Spirits Company  
(Non-DISCUS member)

**Complainant:** Industry member

**Complaint Summary:** The complainant points to the depiction of Santa Claus in the advertisement as inconsistent with Responsible Content Provision No. 4 of the DISCUS Code, which provides that “[b]everage alcohol advertising and marketing materials should not contain the name of or depict Santa Claus.”



**Code Review Board Decision:** The Code Review Board found the advertisement in violation of Responsible Content Provision No. 4 of the DISCUS Code.

**Action by Advertiser:** The advertiser agreed not to run the advertisement again.

**Status:** Resolved: Responsive action taken

**Advertisement:** Hijos de Villa Tequila packaging and marketing materials

**Advertiser:** Mexcor Distributors  
(Non-DISCUS member)

**Complainant:** Industry member



**Complaint Summary:** The complainant points to the gun-shaped bottle and believes that the packaging is inconsistent with Responsible Content Provision Nos. 16 and 19 of the DISCUS Code. Responsible Content Provision No. 16 provides that “[b]everage alcohol products should not be advertised or marketed in any manner associated with...violent...situations.” Responsible Content Provision No. 19 provides that “[b]everage alcohol advertising and marketing materials should not be associated with anti-social or dangerous behavior.”

**Code Review Board Decision:** In responding to the complaint, the advertiser stated that each of their replicas of firearms packaged under the Hijos de Villa label is commemorative in nature. According to the advertiser, the “two replicas celebrate historical times of American history. This Hijos de Villa pistol is a replica of the pistol carried by most American U.S. officers during WWII. During WWII, hundreds of thousands of American Servicemen were killed defending American ideals....Commemorating and celebrating the firearm that was issued to our military during this saving grace cannot be associated with 'anti-social or dangerous behavior.'”

After consideration of the complaint, the advertiser's response and the provisions of the Code, the Code Review Board found that the use of a gun-shaped bottle and the depiction of the gun in the Hijos de Villa marketing materials imply violent, anti-social activity and therefore violate Responsible Content Provision Nos. 16 and 19 of the DISCUS Code. While the Board appreciates that the bottle shape was intended to be commemorative of historical moments in U.S. history, they determined that the bottle was nonetheless a gun and therefore inconsistent with the Code.

**Action by Advertiser:** No further response from the advertiser once informed of the Board's decision.

**Status:** The Board continues to urge the advertiser in the strongest possible terms to revise these advertising and marketing materials in light of the Code's provisions.

**Advertisement:** Café Bohême print advertisement

**Advertiser:** Kobrand Corporation  
(Non-DISCUS member)

**Complainant:** Third-party organization  
San Rafael, California

**Complaint Summary:**

The complainant believes that the model, which “appears to be in her lower teens,” is inconsistent with Responsible Content Provision No. 7. Responsible Content Provision No. 7 provides that, “[b]everage alcohol products should not be advertised or promoted by any person who is below the legal purchase age or who is made to appear to be below the legal purchase age....models and actors employed should be a minimum of 25 years old....”



The complainant states that the tagline “Hey, is it legal...,” in conjunction with the model's obviously being underage is implying that underage drinking is acceptable,” and believes that the tagline is inconsistent with Responsible Content Provision No. 17, which provides that “[b]everage alcohol advertising and marketing materials should not imply illegal activity of any kind.”

**Code Review Board Decision:**

In responding to the complaint, the advertiser stated that the model was born in 1980 and was 27 years of age at the time her image was photographed and the advertisement was published. The advertiser stated that the intent of the tagline, “Hey, is it legal for something to taste like this?,” was to suggest that to taste as good as Café Bohême and still be legal is surprising. The advertiser stated that the tagline is no different than numerous advertisements which use the words “sin” or “sinfully good” or the like to emphasize the taste of a particular product.

The advertiser also stated that the mention of the legality of Café Bohême reemphasizes the need for somebody to be of the appropriate legal age to purchase this product and not to encourage underage drinking.

After consideration of the complaint, the advertiser's response and the provisions of the Code, the Code Review Board did not find a violation of Responsible Content Provision Nos. 7 and 17 of the Code.

In arriving at its decision, the Board considered three components. The Board considered (1) the age of the model (27-years-old), (2) the photograph — which focused upon the model's mouth, as well as (3) the text copy in the advertisement — “Hey, is it legal for something to taste like this?” and “Introducing Café Bohême. A unique blend of gourmet coffee, premium French vodka with crème and a hint of vanilla. Based upon a considerable body of sampling research with consumers, resistance is apparently futile.”

The Board concluded that the advertisement did not imply that illegal, underage drinking is acceptable, but rather concluded that the taglines referred to the taste of the product itself. In the Board's view, the model in the advertisement

did not appear to be “in her lower teens” as stated in the complaint, but rather the Board concluded that the 27-year-old model reasonably appeared to be of legal purchase age.

This determination was based upon its assessment of the photograph of the lower portion of the model's face with its focus upon the model's mouth in the context of the advertisement's text copy referring to taste: “Hey, is it legal for something to taste like this?” and “A unique blend of gourmet coffee, premium French vodka with crème and a hint of vanilla. Based upon a considerable body of sampling research with consumers, resistance is apparently futile.” In the Board's view, the advertisement utilized the image of the model's face from the nose-down to point to the taste of the product as expressed in the above-referenced taglines, not to connote that “the model's obviously being underage” as stated in the complaint.

**Action by Advertiser:** None required

**Status:** Not applicable

**Advertisement:** Kahlua Belgian Milk Chocolate Bar

**Advertiser:** Pernod Ricard USA  
(DISCUS member)

**Complainant:** Public Official  
Augusta, Maine



**Complaint Summary:** The complainant believes that the Kahlua Belgian Milk Chocolate Bar implicates Responsible Content Provision No. 8 of the DISCUS Code, which provides that “[n]o brand identification, including logos, trademarks or names, should be used or licensed for use on clothing, toys, games, or game equipment, or other items intended for use primarily by persons below the legal purchase age.”

**Code Review Board Decision:** In responding to the complaint, the advertiser stated that the Kahlua trademark was licensed for use in this instance to sell “high-end” chocolate items. High-end chocolate is intended for sophisticated chocolate consumers with discerning tastes. The average price of the Kahlua Belgian Milk Chocolate Bar is about \$2.66 per bar; whereas mainstream chocolate bars generally have a retail price of less than \$1.00. The licensing agreement also has distribution parameters so that the Kahlua Belgian Milk Chocolate Bar was offered for sale where other high-end specialty candy is sold, such as Macy's and Bed Bath & Beyond.

In addition, the advertiser stated that the price-point for the Kahlua Belgian Milk Chocolate Bar from candydirect.com referenced in the complaint is \$31.95 for a 12-count box of 3 oz. bars. A specialty candy distributor, such as candydirect.com, sells chocolate bars in packages of 12 units. The three-month average (October, November and December 2007) for unique site visitors to candydirect.com well exceeded the 70% 21 years of age and older demographic standard of the Code.

After consideration of the complaint, the advertiser's response and the provision of the Code, the Code Review Board did not find a violation of Responsible Content Provision No. 8 of the DISCUS Code.

The Board concluded that the distribution channels and the price-point of the Kahlua Belgian Milk Chocolate Bar demonstrate that the product was intended for adult consumers and not intended for use primarily by persons below the legal purchase age.

**Action by Advertiser:** None required

**Status:** Not applicable



**Advertisement:**

ShotPak website advertising materials

**Advertiser:**

PPi Technologies Global  
Beverage Pouch Group  
(Non-DISCUS member)

**Complainant:**

Industry member

**Complaint Summary:**

The complainant points to a “ShotPak” news article entitled “ShotPak: A Product That Will Change Game Day Drinking Forever,” stating that the product is “easy to chug” and will “allow for pleasant inebriation” is being utilized by ShotPak to promote excessive drinking and, in doing so, runs afoul of Responsible Content Provision No. 13 of the DISCUS Code. Responsible Content Provision No. 13 provides that “[b]everage alcohol advertising and marketing materials should not depict situations where beverage alcohol is being consumed excessively or in an irresponsible manner.”



In addition, this article also states that “[i]f you've ever begrudgingly paid \$8 for a beer in a stadium, keep reading, I am about to change your life....[ShotPaks are]...easy to conceal. And they'll save you 600% on your gameday drinking expenses....we will say that a single person can handily sneak in at least 15 ShotPaks...significantly reducing your in-stadium beverage costs.” The complainant believes that these statements run afoul of Responsible Content Provision No. 17, which provides that “[b]everage alcohol advertising and marketing materials should not imply illegal activity of any kind.” In that regard, the complainant states that, as it is illegal to bring beverage alcohol products into most sporting venues, this ShotPak news article implies that ShotPaks would make it easier to engage in this illegal activity.

The complainant also points to the statement made on the “How Shotpak Came About” website page — “[t]hese shots are perfect to take with you tailgating, at concerts, to sporting events, on vacations, on a plane or on your next camping or boat trip” — as also inconsistent with Responsible Content Provision No. 17. According to the complainant, this statement implies that ShotPak products should be used for illegal consumption of beverage alcohol products not purchased while on an airplane and that the implication of this illegal activity is inconsistent with this Code provision. The complainant believes that the ShotPak webpage captioned “Where can you use it?” displaying snowboarding in one of the icons under this caption runs afoul of Responsible Content Provision No. 18. Responsible Content Provision No. 18 provides that “[b]everage alcohol advertising and marketing materials should not portray beverage alcohol being consumed by a person who is engaged in, or is immediately about to engage in, any activity that requires a high degree of alertness or physical coordination.” The complainant believes that snowboarding is a sport that requires a high degree of alertness and coordination, and associating the consumption of ShotPak while snowboarding runs afoul of this Code provision.

The complainant points to another ShotPak news article posted on the ShotPak site entitled “Take Your Best Shot – ShotPak,” which highlights ShotPak's use for illegal activity. Specifically, the complainant points to the reference to drinking the product while in line at a DMV. To that end, the article states: “Make a mental list of places where you thought, 'Wow. I could really use a drink right now.'...In line at the DMV?...No. And they frown on drinking in line at the DMV....My point is, there are plenty of places where having a drink would be a great idea, but where bringing glass bottles is either not convenient, not advised, or not allowed.” The complainant states that this reference implies illegal activity and runs afoul of Responsible Content Provision No. 17.

**Code Review Board Decision:**

In responding to the complaint, the advertiser noted that on January 1, 2008, the Beverage Pouch Group (BPG) completed a technology transfer agreement with ShotPak™ NV and that the advertiser now owns and distributes the ShotPak™ brand of products. The advertiser stated that “as we started to absorb our new brand we have addressed each item related to manufacturing distribution and advertising. On February 23rd the total website was taken down and revamped and all of the [Code Review Board's] complaints had been addressed by the time the site opened on the 27th of February, 2008.”

Regarding the article entitled “A Product That Will Change Game Day Drinking Forever” (a Rivalfish article), the advertiser stated that “until [the Code Review Board's] letter, BPG members had never heard of this article. The picture reflects a 2005 package. We have and use our own StandUp pouch for the ShotPak brands. As to the content of the article, to be absolutely fair it is written by an author unknown to BPG and who clearly states 'ShotPak™: A product that will change your game day drinking forever and it's a rare sight when we at Rivalfish go out to endorse a product....So we cannot be held accountable by third party interpretations. The article is not on our website.”

With regard to the statement made on the “How Shotpak Came About” website page, the advertiser stated that these comments have been totally changed.

In responding to the complaint regarding the ShotPak webpage captioned “Where can you use it?” displaying snowboarding in one of the icons, the advertiser stated that “[t]his borders on objectivity. The design of this advertisement is related for use at camping activities/concerts (where we might add our product in a pouch reduces the liability of the organizers as no one can be injured drinking from a pouch compared to glass for use at tailgate parties and then at sports functions like golf, football and snow boarding attended by the consumer. However, in respect to your request, we will remove snow boarding.”

In response to the complainant's assertion that the article entitled “Take Your Best Shot – ShotPak” highlights ShotPak's use for illegal activity, the advertiser stated that the article predates when the advertiser took over the company and separately emphasized that they would never be associated with illegal activity.

After deliberation, the Board found that the ShotPak website advertising materials as set forth above violated the DISCUS Code.

**Action by Advertiser:**

The advertiser shutdown the website to review and revise in response to the concerns raised by the Code Review Board.

**Status:**

Resolved: Responsive action taken.

In addition, in response to a complaint from a media representative in Los Angeles, California about the contents of ShotPak's/MySpace website, the Code Review Board immediately took action and the advertiser removed the materials forthwith. Additionally, if there is any new ShotPak MySpace website, the advertiser pledged that it will be designed pursuant to the Code's provisions.

**Advertisement:** Wide-Eye Schnapps print and website advertising materials

**Advertiser:** Barton Incorporated  
(DISCUS member)

**Complainant:** Industry member

**Complaint Summary:**

The complainant believes that the usage of the word “caffeine” in the Wide-Eye Schnapps advertisement and Wide-Eye website violate Responsible Content Provision No. 29 of the DISCUS Code. In that regard, the complainant states that these advertising materials “clearly do not portray alcohol in a straightforward factual manner” and that the “use of the word 'caffeine' is clearly in violation of Code 29 as it promotes the potency of this alcohol product.” Responsible Content Provision No. 29 of the DISCUS Code provides that “[b]everage alcohol advertising and marketing materials should not refer to the alcohol content of a beverage alcohol product except in a straightforward and factual manner or promote the potency of a beverage alcohol product.”



In addition, the complainant states that the Wide-Eye Schnapps advertisement depicts women “in a very lewd nature” and states that “both men are fixated on the woman as an object of desire” in the advertisement. The complainant believes that this advertisement runs afoul of Responsible Content Provision Nos. 21, 22 and 23 of the DISCUS Code providing, respectively, that beverage alcohol advertising and marketing materials “should reflect generally accepted contemporary standards of good taste;” “should not degrade the image, form, or status of women...” and “should not contain any lewd or indecent images or language.”

**Code Review Board Decision:**

In responding to the complaint with regard to Responsible Content Provision No. 29, the advertiser stated that the alcohol content of the product is addressed in a straightforward and factual manner. In addition, the advertiser stated that the use of the word caffeine is both truthful and TTB requires its use to be declared in the statement of composition on the label.

The advertiser also stated that they make no claims regarding the potency of the product nor how “caffeine” might affect an individual. Regarding Responsible Content Provision Nos. 21, 22 and 23, the advertiser stated that the manner in which the model is depicted, positioned and clad is not lewd or degrading to women and is in keeping with contemporary standards of good taste.

After consideration of the complaint, the advertiser's response and the provisions of the Code, the Code Review Board found: (1) no violation of Responsible Content Provision No. 29 regarding the alcohol content of the product or the usage of the word caffeine and (2) no violation of Responsible Content Provision Nos. 21, 22 and 23 regarding the Wide-Eye Schnapps advertisement.

**Action by Advertiser:** None required

**Status:** Not applicable

**Advertisement:** Cabana Cachaça print and website advertising materials

**Advertiser:** ABB Partners, LLC  
(Non-DISCUS member)

**Complainants:** Industry members

**Complaint Summary:**

The complainants believe that the depiction of the naked woman in the print advertisement and the sexually explicit and provocative video clips of a nude woman on the Cachaça website run afoul of Responsible Content Provision Nos. 21, 22, 23, and 25 of the Code.

Responsible Content Provision Nos. 21, 22, 23, and 25 provide, respectively, that “[b]everage alcohol advertising and marketing materials should reflect generally accepted contemporary standards of good taste;” “[b]everage alcohol advertising and marketing materials should not degrade the image, form or status of women;” “[b]everage alcohol advertising and marketing materials should not contain any lewd or indecent images;” and “beverage alcohol advertising and marketing materials should not rely upon sexual prowess or sexual success as a selling point for the brand...[and] should not contain or depict...graphic or gratuitous nudity...or sexually lewd or indecent images.”



**Code Review Board Decision:** In responding to the complaints, the advertiser noted that the photographer for this campaign “endeavored to create a beautiful, artistic, and cutting-edge campaign.” After consideration of the complaints, the advertiser's response and the provisions of the Code, the Board found that the advertising materials violate Responsible Content Provision Nos. 21, 22, 23, and 25 of the Code.

In the Board's view, these advertising materials contain lewd and indecent images, rely upon sexual prowess and sexual success as a selling point for the brand, and depict gratuitous nudity and sexually lewd and indecent images. The Board concluded that such a campaign could have been executed without relying upon sexually explicit and provocative images.

**Action by Advertiser:** No further response from the advertiser once informed of the Board's decision.

**Status:** The Board continues to urge the advertiser in the strongest possible terms to revise these advertising and marketing materials in light of the Code's provisions.

**Advertisement:** Belvedere Vodka print advertisement

**Advertiser:** Moët Hennessy USA, Inc.  
(DISCUS member)

**Complainant:** Industry member

**Complaint Summary:** The complainant believes that the advertisement runs afoul of Responsible Content Provision Nos. 25 and 21 of the DISCUS Code. In that regard, the complainant stated that the “ad clearly portrays women as sexual objects” and the “woman [in the advertisement] is placed so that her face is directly across the man's pelvis in a sexually suggestive lewd nature.” In addition, the complainant believes that the advertisement violates Responsible Content Provision No. 25 “because it markets alcohol solely on the dependence of sexual success and prowess as a selling point” and violates Responsible Content Provision No. 21 because it “is in poor taste.”



**Code Review Board Decision:** In responding to the complaint, the advertiser stated that “[t]he ['Lipstick'] ad is part of an overall print and media campaign for Belvedere, entitled 'Luxury Reborn'” and “the advertisements feature 'downtown' mavens in various late night social situations.” The advertiser stated that “[w]omen in this target group — even women outside this demographic who are still social and out on the town — will often take advantage of any reflective surface to check and/or reapply their makeup and lipstick throughout their evening out.” In shooting the campaign, the advertiser stated that they “tried a number of surfaces — from the belt buckle to a butter knife to polarized sunglasses. In the end we felt the belt buckle shot best represented the social atmosphere of a night out, in part because it was the only shot with two people in it.”

The advertiser stated that, “in the Lipstick Ad, the aspect of the image that is highlighted and in the forefront is the model's face. That is the focal point of the ad. The rest of the ad, including the belt buckle, is recessive. The overall image is there to show the social context, which includes the use of an available reflective surface and the presence of another person.”

After discussion, the Code Review Board did not find that this advertisement violated Responsible Content Provision Nos. 25 and 21 of the DISCUS Code. In that regard, the Board did not find that the advertisement relied upon sex as a selling point for the brand, nor was it found to be in bad taste. Concern was expressed that this advertising execution was very close to the line in terms of violating Responsible Content Provision No. 25 in that the advertising execution could imply or suggest gratuitous sexual overtones, and urged that these possible implications be taken into account in developing future advertising and marketing materials.

**Action by Advertiser:** None required

**Status:** Not applicable

## BACKGROUND

### HISTORY OF THE DISCUS CODE

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Within months of the repeal of Prohibition, leaders in the distilled spirits industry approved their first voluntary Code of responsible advertising and marketing practices. Throughout the decades, the Distilled Spirits Council's Code has embodied the high standards and commitment to responsibility that have been the touchstone of DISCUS member company advertising practices.

The provisions of the Code apply to every type of print and electronic media, including the internet and any other online communications, used to advertise or market beverage alcohol. These provisions also apply to every type of promotional or marketing activity or event, including all product placements.

By this Code, DISCUS members hold themselves to a standard higher than mandated by any law or regulation. Since October 27, 1934, the distillers' voluntary Code has been revised and updated as the marketplace and technology have changed. For example, the Code was revised in 1998 to include specific provisions regarding websites and other online communications.

Similarly, as society and social mores have changed, the Code has evolved. To that end, enhanced Code changes to the responsible content provisions include:

- More explicit provisions prohibiting depictions of excessive drinking and the use of sex as a selling point;
- Incorporation of responsible drinking statements in advertisements, marketing materials and promotional events, where practicable;
- Increased age requirement for models/actors in advertisements — must be at least 25 years old;
- Prohibiting advertising that associates drinking with “rite of passage” to adulthood.

Throughout its long history, the core principle of the voluntary DISCUS Code has been and remains to market our products to adults in a responsible and appropriate manner.

In addition to member company internal and external training sessions, each DISCUS member has established an internal process to ensure compliance with the Code. Consistent with the provisions set forth in the Code, this process includes a separate review of advertising and marketing materials by a company employee who is not in the marketing department or who is not involved in the development of the advertising or marketing materials to the extent possible given a company's size and organizational structure.

The Federal Trade Commission (FTC), the lead Federal agency with advertising oversight, has commended the DISCUS Code on several occasions. In its September 2003 Report to Congress entitled “Alcohol Marketing and Advertising,” the FTC concluded that the distilled spirits industry's advertising is directed to adults and that the distilled spirits industry's self-regulatory measures are “rigorous” and effective. As part of the Report, the FTC also examined the Code Review Board process, finding that the Board's actions “provide a critical review of spirits company compliance with the DISCUS Code.”

Many of the latest enhancements to the 2003 Code were developed in response to the FTC's suggestions to improve the self-regulatory system. For example, the 2003 Code includes the following new provisions: a 70% 21 years of age and older (the legal purchase age) demographic standard; post-audits of advertisement placements; and the establishment of an outside advisory board as part of its compliance and complaint process.

The FTC has pointed to the benefits of industry self-regulation, concluding that it is realistic, responsive and responsible; can deal quickly and flexibly with a wide range of advertising issues without the rigidity of government regulation; and is particularly suitable in light of the First Amendment issues that otherwise would be raised by government regulation of advertising.

In its June 2008 report, the FTC issued its third report on the effectiveness of our industry's efforts at self-regulation. In each of these intensive reviews over the last nine years, the FTC confirmed that self-regulation is working.

In addition, the FTC found “high levels of compliance” with the industry’s voluntary placement standard that advertising materials should be placed only where at least 70 percent of the audience is reasonably expected to be 21 years of age (the legal purchase age) and older and concluded that the distilled spirits industry’s advertising is directed to adults.

Specifically, the FTC found that more than 92 percent of all television, radio and print advertising placements met the 70 percent 21+ demographic standard and about 97 percent of total advertising impressions met the 70 percent standard. The FTC did not recommend a change in the 70 percent standard, noting that the current 70 percent baseline stan-

dard has helped ensure that alcohol advertising is not disproportionately directed to those below the legal drinking age, as recommended by the Surgeon General’s Call to Action, and is grounded in the 2000 Census data.

DISCUS members are committed to the responsible placement and content of their brand communications. Towards this end, DISCUS members voluntarily pledge to conduct their advertising and marketing in accordance with the provisions of the Code. DISCUS members recognize that it is not possible to cover every eventuality and therefore agree to observe the spirit, as well as the letter, of the DISCUS Code.



## CURRENT DISCUS CODE AND ORIGIN OF PUBLIC REPORT

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The enhanced Code reflects the determination of DISCUS member companies to be responsive to the changing technology and culture of modern times. The 2003 Code applies to all of the over 2,800 distilled spirits, beer and wine brands marketed by DISCUS members, and is followed by nonmember distilled spirits marketers.

The 2003 Code also incorporates several revisions to its content provisions, including more precise language regarding the sexual content of advertising, and also continues many of its longstanding prohibitions, such as not advertising or marketing in college newspapers.

The October 2003 Code revisions provide, among other things, that beverage alcohol advertisements be placed only in media where at least 70 percent of the audience is reasonably expected to be 21 years of age and older, the legal purchase age.

To implement these standards, the Code Review Board prepared detailed guidelines for the placement of advertisements in various media and for periodic, random after-the-fact audits of past placements to verify compliance with the demographic standard.

Since October 2003, the Board has reviewed and fine-tuned these guidelines to address general circulation magazines not measured by a syndicated data source by requiring third party independent demographic surveys of those magazines (effective October 1, 2006) and to provide for semi-annual audits of random past placements using one quarter of data where available. As described in a separate section of the Report, we now have a specific, detailed guideline for advertising and marketing materials placed on the internet/digital medium, effective January 1, 2008.

During this reporting period, we experienced an increase in queries regarding implementation of the guidelines to address general circulation magazines not measured by a syndicated data source, as well as an increased awareness of the guidelines in general. In that regard, we are being contacted more and more by individual magazines and other media outlets concerning how to comply with our protocols and we welcome these inquiries.

Consistent with our objective to direct our advertising to adults, DISCUS members have committed to the removal of their advertisements from the school library subscription copies of *Newsweek*, *People*, *Sports Illustrated*, *Time*, and *U.S. News & World Report* by securing special bindings of those publications, which we understand are the magazines most commonly-subscribed to by school libraries. As a consequence, DISCUS member companies voluntarily refrain from advertising on the inside and back covers of these magazines (premium advertising space), each of which exceeds the 70% demographic standard set by the DISCUS Code, if their covers cannot be segregated out for special bindings of school library subscription copies. This initiative became effective July 1, 2006 for subscription copies of these magazines destined for this venue.

Further, the Code provides for the issuance of semi-annual reports. For decades the Code Review Board has effectively addressed complaints about distilled spirits advertising but the decisions were never made public and, as a consequence, the rigor of the Board's review process and adherence to the Board's decisions were not widely known.

To make the distilled spirits industry's review process more transparent and understandable to the public, a decision was made in 2003 by DISCUS and its member companies to publish semi-annual public reports detailing complaints against specific advertisements, decisions of the industry's internal review board and actions taken by each advertiser.

This new transparency allows the public-at-large to better evaluate and appreciate our Code review process. In fact, industry regulators, watchdogs, critics, and the media have taken notice of the distilled spirits industry's approach to self-regulation, calling it a model for other industries, including food product manufacturers and the pharmaceutical industry.

In 2005, following the release of the first DISCUS Semi-Annual Report, the director of the FTC's alcohol advertising program told *The Washington Post* that self-regulation permits the spirits companies to "address things that couldn't be touched by a government agency because of the First Amendment." The director called this a "fabulous thing," noting that "[t]his is a far step above and beyond what other companies are doing."

In June 2006, the Semi-Annual Report was the recipient of the best “Business Ethics Communications” award by *PR News* Corporate Social Responsibility (CSR) Awards. The CSR Awards honor corporations and their partners that have implemented and executed highly successful CSR campaigns in the last 12 months. *PR News* called the CSR Awards “the global standard in corporate citizenship and communications worldwide.”

In May of that same year, DISCUS also was named a finalist in the American Business Awards<sup>SM</sup> “Best Corporate Social Responsibility Program” category for our public

reporting system. The American Business Awards<sup>SM</sup> program is the only national, all-encompassing business awards program honoring great performances in the workplace.

We believe we were the first private trade group representing American business to issue a report on the proceedings of how an industry regulates itself according to its internal Code. The overall objective of the Semi-Annual Reports is to encourage full compliance with the Code and Code Review Board decisions across the entire distilled spirits industry and to ensure that our longstanding commitment to responsible advertising is understood.

## INTERNET/DIGITAL BUYING GUIDELINE

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The DISCUS Code Review Board met with experts in the field, syndicated “internet” demographic data sources and various media companies to obtain their respective best thoughts in devising a “buying guideline” for this medium to implement the 70% 21 years of age and older demographic provisions of the Code. As a result of a host of meetings and discussions, the Board developed the internet/digital buying guideline set forth below that applies to advertising and marketing materials placed on that medium on and after January 1, 2008. Placements on this medium also are subject to the Code's provision for semi-annual after-the-fact audits of a random portion of past advertising/marketing placements. To the best of our knowledge, we were the first trade group to issue an internet/digital buying guideline that will be used across an entire industry.

The guideline was designed to anticipate many different scenarios and circumstances for the use of this medium. For example, for new websites not measured by a syndicated data source, the guideline provides that one could use the website's “registered user” database to place advertising or marketing materials to individuals 21 years of age and older viewing the website. Alternatively for new websites, the guideline provides for the option of obtaining from the publisher of the website an independent demographic survey using the most recent three-month site average of available audience data of unique visitors. If those options are not available, the bottom line would be no advertising on that new website. In many ways, the digital guideline is similar to the “unmeasured magazine” initiative whereby maiden/new publications intended for general circulation (even if it is a prototype of another magazine) require a third-party survey of subscribers before an advertisement placement. If there is nothing to measure, then there will be no ad placement pursuant to this Code initiative.

- i.) Scope: The internet/digital buying guideline applies to all paid and unpaid (including value-added) placements made by or under the control of the advertiser, including advertising on third-party websites, video advertisements, audio mentions, internet banners, pop-ups, sponsorships, user-generated content (including blogs), and other types of internet/digital advertising or marketing.
  - (b) Given that the methodologies and measurements of internet/digital media are evolving, this data source guideline will be reviewed as further developments warrant and, if appropriate, revised accordingly.
- ii.) Use of a syndicated data source: Purchase or place using “2 +” syndicated audience composition data, such as comScore or Nielsen//NetRatings, based upon the most recent three-month site average of available audience data of unique visitors (where seasonal fluctuations are evident, prior year data also should be taken into account if available).
  - (a) An advertiser consistently will use one of these syndicated data sources as its primary demographic measurement by brand and an alternate syndicated data source will be used only when the advertiser's primary source does not measure that particular medium.
  - iii.) Independent measurement of unmeasured medium: If the digital medium is not measured by a syndicated data source, the advertiser prior to purchasing or placing an advertisement or any marketing materials shall obtain from the publisher of the medium an independent demographic survey based upon the most recent three-month site average of available audience data of unique visitors conducted by a third-party research company using established research methods.
  - iv.) More specific data to meet the demographic standard: Where the average of the syndicated audience composition data or an independent third-party survey over the three-month time period (as described in subsection iii above) does not show a 70% 21 years of age and older (LPA) demographic, the advertiser can use the website's “registered user” database to place their advertising or marketing materials to users 21 years of age and older if the website has that capability.

- v.) Unmeasured medium with a “registered user” database: If the digital medium is not measured by a syndicated data source or an independent third-party survey as described in subsection iii above, but has a “registered user” database that can link a user to an age, the advertiser can use the website’s “registered user” database to place their advertising or marketing materials to users 21 years of age and older.
- vi.) “Limited edition” websites: For “one-time” only, event-specific and/or other similar websites, the advertiser shall review and evaluate comparable websites, the proposed content of the website in question, data provided by the publisher regarding the target audience, and any other relevant factor to project a reasonable expectation of the demographic audience prior to purchasing or placing an advertisement or any marketing materials.
- vii.) Compliance standard: A placement will be considered appropriate when the percentage of unique visitors reflected in the above-referenced data shows that the placement is in compliance with the Code.
- viii.) Post audits: A past placement will be considered appropriate where demographic data for the month(s) in which the placement ran shows an LPA audience composition that was in compliance with the Code.
- ix.) Post audit corrective measures for future placements: In the event that the post audit indicates that the placement did not meet the LPA demographic standard, the advertiser will, as soon as practicable, make schedule adjustments, cancellations, or other appropriate changes to comply with the standard in future placements.

## CODE REVIEW BOARD PROCESS

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Unique within the beverage alcohol industry, the DISCUS Code provides for a Code Review Board that has been operational for decades, charged with reviewing complaints about advertising material in the marketplace. Historically, the Code Review Board process has worked as follows:

- All complaints involving advertising and/or marketing materials of the distilled spirits, beer and wine brands marketed by a DISCUS member company and distilled spirits products of a nonmember company are forwarded to the DISCUS Code Review Board for their review and consideration. Complainants are afforded the option of anonymity in processing their complaint.
- Upon receipt of a complaint, the Code Review Board staff liaison notifies the advertiser and invites the advertiser to respond to the complaint and to participate in the Board's review of the complaint to answer any questions. DISCUS members are expected to respond forthwith. Non-DISCUS members have 15 business days to respond.
- The Code Review Board convenes to consider the complaint and the advertiser's response, and then deliberates and renders a decision. The Code Review Board proceeds in its deliberations usually within a week for DIS-

CUS member company complaints and after the time period noted above has elapsed for non-DISCUS member complaints even when the advertiser has not responded. Board members have no vote upon complaints lodged against their advertisements.

- The advertiser is notified of the Board's decision and, if a violation has occurred, the Board urges the advertiser to revise or withdraw the advertisement forthwith. The Board is available to answer questions or assist with compliance.
- The Code Review Board's decision and the advertiser's response are summarized in the Semi-Annual Report.

This process is reviewed periodically and may be revised when warranted.

For member company advertisements, historically the average time between receipt of a complaint and Code Review Board action has been a matter of days, but could take up to two to four weeks, a timeframe that also included responsive action by the advertiser. At present, the response time from receipt of a complaint to final resolution is on average less than a week. For non-DISCUS member companies, the process could take up to two months.

## HOW TO FILE A COMPLAINT

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If you have any questions regarding the DISCUS Code or a concern about a particular advertisement or marketing material subject to the Code, please contact the DISCUS Code Review Board, c/o Lynne Omlie, 1250 Eye Street, N.W., Suite 400, Washington, D.C. 20005 or email Lynne Omlie, the DISCUS Code Review Board staff liaison, at [lomlie@discus.org](mailto:lomlie@discus.org).

We request that complaints be made in writing, identify the provisions of the Code in question and provide an explanation for the basis of the complaint. The advertisement and/or marketing materials in question should be appended to the complaint to ensure that it is processed properly and expeditiously.

To access the DISCUS Code and its provisions: <http://www.discus.org/responsibility/code/read.asp>

## CODE REVIEW BOARD

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The Code Review Board is comprised of senior member company representatives elected by the DISCUS Board of Directors, and is chaired by one of those representatives, with DISCUS acting as the staff liaison. The current members of the Code Review Board are:

- Ms. Carolyn L. Panzer, Chairperson, Diageo
- Ms. Mary E. Barrazotto, Brown-Forman Corporation
- Mr. John R. Frank, Sidney Frank Importing Co., Inc.
- Mr. Michael Lurie, Barton Incorporated
- Mr. Thomas R. Lalla, Jr., Pernod Ricard USA
- Mr. Matt Stanton, Future Brands LLC
- Mr. Frederick J. Wilson, III, Bacardi U.S.A., Inc.

The main function of the Code Review Board is to review complaints and inquiries about particular advertising and/or marketing materials in terms of whether their content and placement are consistent with the Code's provisions. This undertaking not only encompasses DISCUS members' advertisements, but also extends to all distilled spirits advertising and/or marketing in the United States.

The Code Review Board also periodically reviews the Code to ensure that the Code's provisions reflect the evolving marketplace, technological changes and current social mores. Suggested revisions and/or expansions to the Code are offered and made consistent with the overriding principle of the Code — to market our products to adults in a responsible and appropriate manner.

## OUTSIDE ADVISORY BOARD

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The DISCUS Code provides for an Outside Advisory Board charged with the following functions: (1) to provide confidential, nonbinding guidance to DISCUS members about draft advertising copy and/or marketing materials prior to execution concerning whether these draft materials would be consistent with the Code (i.e., pre-vetting advice); and (2) to serve as tie-breakers in the event the Code Review Board cannot reach a majority decision about a particular advertisement or promotional execution under review.

Our three outside advisors are distinguished experts from government, academia and broadcasting:

Ms. Joan “Jodie” Bernstein, currently with the Washington, D.C. law firm Bryan Cave, has a distinguished history of government service. Ms. Bernstein served as Director of the Federal Trade Commission's Bureau of Consumer Protection from 1995 to 2001, where she was involved in every facet of advertising of the goods and services sold in the United States. In 2006, she was appointed to undertake a complete review of the Self-Regulatory Guidelines for the Children's Advertising Review Unit (CARU) of the Council of Better Business Bureaus. Most recently, Ms. Bernstein was the recipient of the Better Business Bureau International Torch award for Consumer Leadership for significantly advancing marketplace trust through her consumer advocacy initiatives and her outstanding leadership in the area of advertising self-regulation.



During her tenure at the FTC, Ms. Bernstein oversaw the FTC's 1999 Report to Congress on alcohol advertising and self-regulation. Ms. Bernstein played an important role in the creation of the National Advertising Review Council of the Better Business Bureaus, established in 1971, which has the responsibility of ensuring that national advertising is truthful and accurate.

Dr. Constantine “Deno” Curris, a leader among academic administrators, currently serves as the President of the American Association of State Colleges and Universities, a national association of over 400 public colleges and universities. AASCU, founded in 1965, is governed by an elected board of 15 university presidents and chancellors.



Dr. Curris has 41 years of service in higher education, including serving as President of Clemson University for over four years, University of Northern Iowa for 12 years and Murray State University in Kentucky for 10 years. Dr. Curris is a strong advocate for public higher education and its students, and a proponent of the qualitative strengthening of higher education institutions in order to meet public needs and expectations in the 21st Century. He has been and is actively engaged in addressing problems of alcohol abuse among college students.

Mr. Richard P. Gitter is a former network executive with 34 years of experience in the broadcast industry, including 30 years overseeing network advertising standards and compliance. Most recently, Mr. Gitter served as Vice President, Advertising Standards and Program Compliance for NBC where he reviewed commercials and programming to ensure compliance with Federal regulations and network policies. Mr. Gitter is a former member of the Board of Directors of the Council of Better Business Bureaus and the Radio Code Board of the National Association of Broadcasters.



## RECENT OUTREACH ACTIVITIES

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The major focus of Code Review Board activities during the period covered by the Report continues to involve outreach efforts about the provisions of the Code. These efforts were directed at familiarizing all interested parties with the Code and increasing awareness of the Code and the Code Review Board complaint process.

Over 1,000 copies of the seventh Semi-Annual Report with explanatory materials were sent to State Alcohol Beverage Control officials, the Attorneys General of each State, officials at colleges and universities across the country, Federal agency officials, members of Congress, State legislators, industry trade association leaders, non-DISCUS member distillers, other industry members, health officials, and advocacy groups. Additionally, materials regarding the Code and the Semi-Annual Report were sent to nearly 100 non-DISCUS member micro-distilleries to familiarize them with the provisions of the Code and the Code Review Board process.

These outreach efforts were supplemented by personal visits and presentations to various groups, such as meetings with the National Conference of State Liquor Administrators (NCSLA), the National Alcohol Beverage

Control Association (NABCA), government officials on both the Federal and State levels, and various industry trade association leaders.

As a result of our outreach efforts, twelve State Alcohol Beverage Commissions link to the DISCUS Code or DISCUS website, as do NCSLA and NABCA. The FTC also references the DISCUS Code on its new “We Don’t Serve Teens” website (<http://www.dontserveteens.gov>). By linking to the DISCUS website or hyperlinking directly to the DISCUS Code, it is easier for government officials and other interested parties to refer any inquiries or concerns about a particular advertisement to the DISCUS Code Review Board. To facilitate this process, we have provided language to utilize in linking to the DISCUS Code. We continue to urge Federal and State officials and other interested parties to include the Code (<http://www.discus.org/responsibility/code.asp>) on their websites. If an individual has a concern about a particular advertisement for a beer, wine or distilled spirits brand marketed by a DISCUS member or a distilled spirits advertisement of a non-DISCUS member, the Code Review Board welcomes the opportunity to review that advertisement.

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DISTILLED  
SPIRITS  
COUNCIL  
OF THE  
UNITED  
STATES

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