

The New York Times

Tuesday, March 8, 2005

THE MEDIA BUSINESS

Advertising | Stuart Elliott

Hoping to show it can police itself, the liquor industry takes the wraps off its review board.

THE trade organization for the liquor industry is for the first time offering the public a look behind the scenes at how it handles complaints about advertising, like the one for a vodka that declared, "Remember: Tonight is only a success if it ends with breakfast."

The organization, known as the Distilled Spirits Council of the United States, plans to release today a report reviewing the rulings made by its code review board in the last year. Under what the council calls its code of responsible practices, the board is charged, as part of a self-regulatory process, with reviewing and ruling on criticism of the content of liquor ads.

A major goal of the council in ending its secrecy is to demonstrate that self-regulation works — the better to forestall intervention by outside regulators like the Federal Trade Commission. In responding to its critics, the commission has called on liquor marketers in recent years to sharpen their scrutiny of ads to avoid appeals to anyone under the legal drinking age.

Although the board has been making such decisions for decades, the council had not previously shared information with anyone other than the complainants and their targets. Now, the decisions will be available in printed form as well as online (at www.distilledspirits.org).

"We want the public, and public officials, to know we're serious about adding greater transparency to the process," Peter H. Cressy, the president and chief executive of the council, said in an interview yesterday in Midtown Manhattan. Mr. Cressy, who is based in Washington, offered a preview of the report in briefings with reporters.

The report, covering the period from Jan. 1 through Dec. 31, 2004, reviews the results of 15 complaints against liquor ads for brands that are both familiar, like Belvedere vodka, Hennessy Cognac and Patrón tequila, and less well-known, like Navan Cognac, Players Extreme vodka and Sex vodka.

The council plans to release such reports twice a year from now on, Mr. Cressy said.

Several complaints were about elements the critics deemed too sexually suggestive, like the vodka ad for a brand called Three Olives Cherry. The release of the report is indicative of the additional measures that liquor marketers are taking voluntarily to address growing criticism. Complaints have been mounting that ads for gin, vodka, Scotch, rum and other distilled spirits are all too often trying to appeal to underage drinkers or deliberately using provocative imagery to generate attention through shock value.

Some of the most outspoken critics of those sales tactics offered praise



An ad by Three Olives Cherry vodka was discontinued after complaints that it violated a code of responsible practices for alcohol advertising.

for the council's decision to share the report with the public, tempered with cautionary words.

Releasing the report "is a welcome step," said Jim O'Hara, executive director at the Center on Alcohol Marketing and Youth at Georgetown University in Washington, which monitors the liquor industry's marketing practices.

"At the same time," Mr. O'Hara said in a telephone interview yesterday, "more needs to be done, and can be done, by the alcohol beverage industry to reduce exposure to underage youth," adding that he hopes the council "will be a leader in such efforts."

Mr. O'Hara's counterpart at the Pacific Institute for Research and Evaluation in Calverton, Md., Robert I. Reynolds, echoed that assessment.

The council "is to be congratulated for recognizing the need for public disclosure of its process for handling complaints," Mr. Reynolds said in a statement, because it "contributes to building public trust in the integrity of alcohol industry self-regulation."

Still, Mr. Reynolds said, he would welcome "additional proactive steps" by the council to "help encourage expanded public participation in the complaint process."

There is a precedent for the self-regulatory approach. The advertising industry was able to avoid further federal regulation in the 1970's when organizations like the Ameri-

can Association of Advertising Agencies and the Association of National Advertisers began self-regulation — which continues to this day — under the aegis of the national advertising division of the Council of Better Business Bureaus.

One goal has been "to minimize the need for government involvement in the advertising business," said James R. Guthrie, president and chief executive of the National Advertising Review Council in New York, and another is to "increase public trust in advertising by maintaining credibility, truth and accuracy."

Mr. Guthrie also praised the release of the report as "doing the right thing." The ad review council has published the results of its rulings since it began in 1971, he said.

The new report will describe the complaints and the dispositions in detail. For example, the ad for Three Olives Cherry vodka, sold by White Rock Distilleries, showed a sultry woman half-dressed in a cowboy outfit, above text that included lines like "It's Friday night. Time to light the fuse," in addition to the "ends with breakfast" advice.

The complaint charged that the ad violated what the council calls its code of responsible practices for beverage alcohol advertising and marketing, which includes provisions against ads that "rely upon sexual prowess or sexual success as a sell-

ing point for the brand." After White Rock received a letter from the board about the complaint, the report said, the ad was immediately discontinued.

Another complaint described in the report was about an ad for Jägermeister liqueur, sold by the Sidney Frank Importing Company, which showed the words "Ride this" and a shot glass superimposed between the legs of a model dressed in denim and black leather.

The complaint charged that the ad violated the code's provisions calling for "good taste" as well as provisions against depicting "overt sexual activity." After the board ruled that the ad violated the code, the report said, the company withdrew the ad, even though it said it believed that the ad was appropriate.

Several complaints were about ads for liquor brands that appeared in Vibe magazine, which has many readers under the legal drinking age of 21. In the fall of 2003, the council tightened provisions of the code to call on members to advertise only in magazines with at least 70 percent of readership age 21 and older; the code previously required a readership of 51 percent age 21 and older.

Since the complaints were filed, the report said, Vibe has introduced a subscriber edition that is sent to a readership exceeding the 70 percent figure. Carol Watson, the publisher of Vibe in New York, confirmed that yesterday. She described the edition, which goes to about 460,000 of the magazine's 723,000 subscribers, as having a readership that is 92 percent age 21 and older.

Asked if Vibe expected to be the subject of any more complaints, Ms. Watson said, laughing, "I sure hope not." Vibe is published by Vibe/Spin Ventures, part of the Miller Publishing Group.