

**Advertisement:** Smirnoff vodka “Be There -- Foam Pool” television advertisement

**Advertiser:** Diageo  
(DISCUS member)

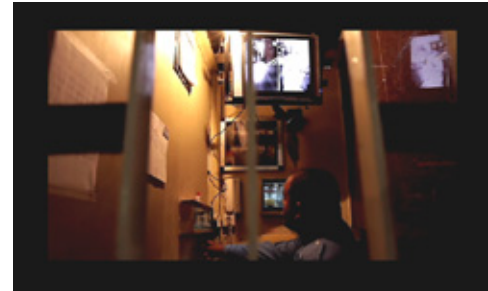
**Complainant:** Industry Member

**Complaint Summary:** The complainant believes that the television advertisement runs afoul of Responsible Content Provision Nos. 19, 21 and 23 of the DISCUS Code. There was a 30-second and 15-second execution of this advertisement.

The complainant states that “it is not legal to use abandoned, private property, particularly when possessing alcohol.” The complainant believes that this advertisement violates Responsible Content Provision No. 19, which provides that “[b]everage alcohol advertising and marketing materials should not imply illegal activity of any kind.”

Further, the complainant states that “showing a group of young people using an abandoned, empty pool, filling it with debris and repeatedly jumping/flipping into it is both anti-social and dangerous behavior.” The complainant believes that this advertisement violates Responsible Content Provision No. 21, which provides that “[b]everage alcohol advertising and marketing materials should not be associated with anti-social or dangerous behavior.”

In addition, the complainant states that, for the reasons mentioned above, “this commercial does not reflect generally accepted contemporary standards of good taste.” As a consequence, the complainant believes that this advertisement violates Responsible Content Provision No. 23, which provides that “[b]everage alcohol advertising and marketing materials should reflect generally accepted contemporary standards of good taste.”



**Code Review Board Decision:** In response to the complaint, the advertiser stated that the “foam pool” executions are part of the Smirnoff vodka “Be There” campaign. The advertiser stated that there was no breaking and entering into the pool area located on the roof of the building and that no illegal activities were depicted in the advertisement.

The 30-second execution begins with screen shots where the actors are provided entry by a security guard into the building to the rooftop pool. In both the 30-second execution and the 15-second execution, none of the models gained entry to the pool area illegally. No one accessed the pool area by trespassing the outer perimeter fence (the building’s security fence) to the pool area.

The advertiser also believes that the advertising executions did not depict anti-social or dangerous behavior because the pool was filled with foam prior to anyone jumping into the pool and no one was consuming any alcohol during those activities. Finally, the advertiser does not believe that the advertisement runs afoul of generally accepted contemporary standards of good taste.

After careful deliberation, the Code Review Board did not find the Smirnoff vodka television advertisement in violation of Responsible Content Provision Nos. 19, 21 or 23. Regarding Responsible Content Provision No. 19, the Board concluded that the individuals in the advertisement were not breaking and entering into the pool area and that the advertisement did not depict illegal activity demonstrated by the fact that the actors were admitted into the building (as depicted in the 30-second execution) and that, in both executions, no one was entering the pool area from the outside perimeter fence.

Although one individual jumped over a fence, the Board noted that it was the fence immediately surrounding the pool and not the building’s security fence around the pool area. Further, the dialogue in the advertisement suggests that some of the individuals depicted in the pool scene came from their respective apartments in the building and thereby had legal access to the pool.

Regarding Responsible Content Provision No. 21, the Board concluded that this advertisement was not associated with anti-social or dangerous behavior because the foam-filled pool is comparable to other venues where protective padding is provided to guard against injury.

Regarding Responsible Content Provision No. 23, the Code Review Board did not view the advertisement as inconsistent with contemporary standards of good taste for the reasons stated above.

**Action by Advertiser:** None required

**Status:** Not applicable