

Advertisement:

901 Silver Tequila video advertisements

Advertiser:

DIAB Importers LLC
(Non-DISCUS member)

Complainant:

Industry Member

Complaint Summary:

The complainant believes that the “Let them Eat Cake” video advertisement violates Responsible Content Provision No. 27 of the DISCUS Code, which provides that “beverage alcohol advertising and marketing materials should not rely upon sexual prowess or sexual success as a selling point for the brand....[and] advertising and marketing materials should not contain or depict...overt sexual activity.” The complainant states that the last frames of the video depicting a woman being undressed by a man after he drinks the product followed by her gasping once he has slid her dress down her body violates this provision of the DISCUS Code.

More particularly, the complainant points to the last segments of the advertisement as relying upon sexual prowess/success as a selling point for the brand and also suggesting overt sexual activity insofar as the man in the advertisement is pulling down the woman’s dress and simultaneously begins kneeling down directly in front of her as he disappears from the last shot while she is saying “[t]urn your Attention therefore first to your remotest Provinces; that as you get rid of them.” The next camera shot then drifts down to the area just below the woman’s navel as her head falls back and she gasps right after she states “the next may follow in Order.”

Regarding the “Risk and Peril” commercial, the complainant believes that the 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.” The complainant believes the advertisement is contrary to contemporary standards of good taste in that the scenes in the video depict a woman in a dominatrix-style suit carrying a whip with men in the advertisement bound and/or gagged.

The complainant states that these screen shots in the advertisement implying bondage are in poor taste and also points to the PRNews Wire release regarding the 901 Silver Tequila “Tequila Is Liberty” advertising campaign, which describes the woman depicted in the video as “feeling at liberty to make others writhe in submission to achieve her dreams.” For all of the above reasons, the complainant believes that this advertisement runs afoul of Responsible Content Provision No. 23.



Although the lines spoken by the women depicted in these advertisements are derived, respectively, from works by Benjamin Franklin and John Stuart Mill, the complainant notes that these facts are of no matter given the visuals and their implications in the two videos referenced above.

Code Review Board Decision:

In responding to the complaint, the advertiser states that “[w]e are concerned that, although the allegations are serious, the complainant does not appear to have characterized certain of the activity in the videos correctly. In addition, the complainant appears to have overlooked the connection between the actresses’ lines and their actions and to be dismissive of the dramatic role played by the words from two of our heritage’s most prominent 18th century Enlightenment philosophers, Benjamin Franklin and John Stuart Mill, which inform and underpin the meaning of the videos.”

Regarding the “Risk and Peril” video that is part of the “Tequila Is Liberty” advertising campaign, the advertiser states that it relies upon the translation of statements from these philosophers into a contemporary social context, which “juxtaposes statements about political liberty which informed the thought of the American Founding Fathers with the role of the contemporary American woman, who has struggled to achieve the liberty represented by political, social, economic and gender equality.”

Further, the advertiser believes that the “Risk and Peril” video “contrasts Mr. Mill’s statements regarding men being free to act upon their own inclinations, but at their own risk and peril” to the contemporary business world where “women are frequently in charge (as metaphorically demonstrated by the crop the actress wields and the restraints upon the actors).”

Further, the advertiser maintains that “the statements in the video directly inform its meaning: that in today’s world, women are no longer subjected to men. Thus, we believe the video relays a powerful feminist message.”

Accordingly, the advertiser states that “the fact that she wields a crop and her colleagues have their wrists bound and their mouths taped is metaphoric; it is cinematographic shorthand for the fact that the political and economic tables have turned and in contemporary American society, true liberty now belongs to women. Men who ignore the role now accorded to women in business, politics and society do so at their own ‘risk and peril.’”

In that context, the advertiser disagrees with the complainant’s assertion that the video does not reflect generally accepted contemporary standards of good taste. In that regard, the advertiser stated that “[t]he setting of the video is a corporate boardroom; the production values are exceptionally high; the actress is dressed in beautiful and expensive business attire; the actors are similarly clothed in business suits; and the riding crop, taped mouths and bound wrists are metaphoric props that underpin the complex philosophical statement about modern life that the video is making. Not only are the images consistent with those seen on an everyday basis in contemporary American digital and print media, but they are considerably more aesthetically sophisticated and tasteful than the average film and print images seen in mainstream movies, advertisements and videos.”

Regarding the “Let Them Eat Cake” advertisement video, the advertiser states that “lines from the work of Benjamin Franklin, and in particular his ‘Rules By Which a Great Empire May Be Reduced to a Small One,’ which contains the well-known adage that a great empire is most easily diminished like a cake, that is, at the edges. It is a modest treatise providing ironic advice on how a political leader may divest himself of troublesome regions that have become difficult to govern. Its

general advice is to the effect that the outposts of an empire should effectively be held at arm's length from the main body politic – that they should not be accorded equality of rights or treatment, so that they may be more easily subjugated or divested.”

Further, the complainant believes that “the video in question is a clever play on the words and themes in that treatise such that it lends itself to numerous interpretations.” The complainant states that “[t]he plain meaning of the text is, of course, a statement regarding the handling of one's political dominions. In the context of the video itself, it becomes a more complex statement about the shifting nature of the relationship between men and women. The term ‘cake’ may have a discernable double meaning, but all of the phrases in the quote lend themselves to various interpretations. The reference to remote provinces could perhaps be considered anatomical, but it could equally be an oblique nod to the psychological distance between men and women, which we sometimes colloquially acknowledge when we say that members of the opposite sex are ‘from another planet.’ And given the proximity of the couple in the video, the references to geographic remoteness are an additional layer of irony.”

In addition, the advertiser states that “the phrase that ‘the next may follow in order’ admits of several possible interpretations and calls into question what it means, in a relationship, to lead or to follow. Relationships are by definition exercises in compromise, and romantic tactics are not dissimilar to those of politics. Without belaboring the point unduly, we wish to point out that the text functions as a more complicated statement that politics is a metaphor for the relationship between the sexes than the allegations in the complaint would seem to acknowledge.”

Regarding Responsible Content Provision No. 27, the advertiser states that the complainant may find the final frames in the video provocative but the advertiser does not believe they violate either portion of the provision.

The advertiser states that “[f]irst, we believe it is inherent in the definition of ‘sexual prowess or sexual success’ that the activity portrayed be in some manner unilateral, that is, that in order to violate the provision the advertising must suggest that consumption of the beverage in question will enhance one's sexual chances or enable one to ‘get lucky,’ to use the proverbial phrase. In other words, the provision prohibits an advertisement from relying upon the implication that an alcoholic beverage will somehow enable sexual conquest that would otherwise not be achievable. The depiction of the relationship in the video does not fall into such a category because the relationship is bilateral, and the accompanying text affirms such an interpretation. Indeed, it would be difficult to determine whether either character is relying upon ‘prowess’ or demonstrating ‘success,’ as their interaction is mutual.”

Further, the advertiser states that “we believe that the conduct in the video cannot be characterized as ‘overt sexual activity.’ Indeed, the video itself turns on the fact that the amorous gestures are oblique and implicit. The artistic message of the video would have been subverted and undermined had there been any overt sexual activity, as its aesthetic merit lies partly in what is not seen, not said, and not done. For these reasons, therefore, we respectively submit that this video does not violate Provision 27 of the Code of Responsible Practices, nor does the Risk and Peril video violate Provision 23.”

In conclusion, the advertiser notes that the ‘Tequila Is Liberty’ videos in question are “meant to make deliberate artistic statements about the nature of freedom and the ways in which politics is a metaphor for the relations between the sexes; in no way are they meant to offend the Code of Responsible Practices. Rather they are

an important aspect of [the director's] First Amendment freedom of expression as an artist and social commentator.”

After careful consideration of the complaint and the advertiser's response, both video advertisements were found in violation of the DISCUS Code.

Regarding the “Let Them Eat Cake” advertisement video, the Board concluded that this advertising execution ran afoul of Responsible Content Provision No. 27 because of the depiction of the woman in the advertisement being undressed by a man after he drinks the product followed by her gasping once he has slid her dress down her body, disappearing from the screen as the camera's focus drifts down below the woman's navel.

Although the lines spoken by the woman depicted in the advertisement are derived from Benjamin Franklin's “Rules by Which a Great Empire May Be Reduced to a Small One,” the Board did not consider this fact to be germane given the visual content of the advertisement and the use/delivery of Benjamin Franklin's words in this video.

The Code Review Board was split regarding whether or not the “Risk and Peril” advertisement was in violation of Responsible Content Provision No. 23 of the DISCUS Code. As a consequence, pursuant to the Code's procedures, the Outside Advisory Board was polled regarding their respective views about the “Risk and Peril” video. The Outside Advisory Board concluded that the “Risk and Peril” advertisement violated Responsible Content Provision No. 23 of the Code because of its depiction of individuals bound and gagged, evocative of S & M activities. It was noted that, within the context of a commercial advertisement, the use of the “Risk and Peril” visuals to sell a brand exceeded standards of good taste.

Action by Advertiser:

In response to the Code's decisions, the advertiser agreed to withdraw the “Let Them Eat Cake” and “Risk and Peril” video advertisements from the 901 Silver Tequila website. The advertiser subsequently revised the “Let Them Eat Cake” advertisement video only to the extent that the segment with the gasp was removed. The “Risk and Peril” commercial was revised only to the extent that the whip was not cracked into the actress' palm. Consequently, the advertiser did not fully address the respective decisions of the Code Review Board and Outside Advisors regarding the two advertisements. No further action was taken by the advertiser once the advertiser was informed that the concerns raised by the Code Review Board and the Outside Advisors were not addressed in the revised executions.

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.