

Advertisement:

Adult Chocolate Milk website and print advertising materials

Advertiser:

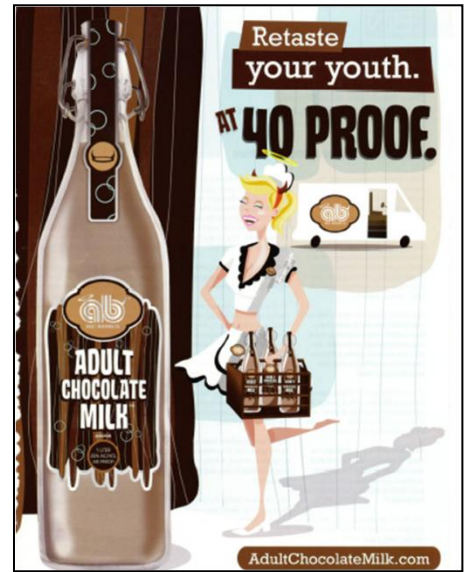
Adult Beverage Company
(Non-DISCUS member)

Complainant:

Industry member

Complaint Summary:

The complainant believes that the Adult Chocolate Milk website and print advertising materials violate Responsible Content Provisions Nos. 1, 2 and 3 of the DISCUS Code. Specifically, the complainant believes that these materials contain content and images (including cartoon figures) that primarily appeal to persons below the legal drinking age.



Responsible Content Provision No. 1 provides that “[b]everage alcohol advertising and marketing materials are intended for adults of legal purchase age.” Responsible Content Provision No. 2 provides that “[t]he content of beverage alcohol advertising and marketing materials should not primarily appeal to individuals below the legal purchase age.” Responsible Content Provision No. 3 provides that “[b]everage alcohol advertising and marketing materials should not depict a child or portray objects, images or cartoon figures that primarily appeal to persons below the legal purchase age.”



Code Review Board Decision:

Upon receiving the complaint and prior to the Code Review Board’s deliberations, the advertiser removed the images of the “cherubs” from its marketing materials and provided for an age affirmation mechanism, utilizing month, day and year, by any person seeking to enter the Adult Chocolate Milk website. (The Code Review Board applauded these measures.)

In responding to the complaint, the advertiser stated that the Adult Chocolate Milk marketing materials were designed to be nostalgic for adults with a “retro theme.” In addition, the advertiser stated its commitment to the DISCUS Code and to design all marketing and advertising materials to appeal to adults over the legal purchase age consistent with the DISCUS Code.

After careful deliberation, the Code Review Board did not find a violation of Responsible Content Provision Nos. 1, 2 and 3 of the DISCUS Code. In that regard, the Board did not find that these materials contain content and images that primarily appeal to persons below the legal drinking age. The Board noted, however, that particular care should be given for any associated advertising materials where a product may be perceived to hold particular appeal to those under the legal purchase age. The advertiser appreciates and recognizes this point.

Action by Advertiser:

None required

Status:

Not applicable