

Advertisement:

Casamigos Tequila marketing materials

Advertiser:

Casamigos Spirits Company (Non-Council member)

Complainant:

Industry member

Complaint Summary:

The complainant believes that marketing claims made by co-founder of Casamigos Tequila, Mr. George Clooney, in the March 21, 2017 VinePair publication (<https://vinepair.com/booze-news/george-clooney-claims-his-tequila-wont-give-you-a-hangover/>) run afoul of Responsible Content Provision Nos. 15 and 16. The complainant also believes six advertisements from the Casamigos Tequila Instagram page run afoul of the Code as outlined below.

Advertisement No. 1



In that article, Mr. Clooney states that Casamigos Tequila is “hangover-free” and “we could drink all day long and not be hungover in the morning.” The complainant believes that these statements “encourage excessive consumption of alcohol ‘all day long’ and further irresponsibly claim that Casamigos Tequila provides its drinkers with a curative and therapeutic quality, in that it prevents hangovers.”

Advertisement No. 2



Responsible Content Provision No. 15 provides that “[b]everage alcohol advertising and marketing materials should not....in any way suggest that intoxication is socially acceptable conduct, and they should not promote the intoxicating effects of beverage alcohol consumption.” Responsible Content Provision No. 16 provides that “[b]everage alcohol advertising and marketing materials should not contain any curative or therapeutic claim except as permitted by law.”

Advertisement No. 3



Regarding Advertisement No. 1, the complainant states that “[t]he advertisement compares the amount of calories in tequila to those in a banana and further states, ‘choose wisely.’ In doing so, the advertisement irresponsibly conveys that Casamigos Tequila has a curative quality in providing health benefits that are similar to, or better than, those of a banana, and therefore may be an appropriate nutritional substitute.” For these reasons, the complainant believes this advertising execution violates Responsible Content Provision No. 16.

Advertisement No. 4



Advertisement No. 5



Advertisement No. 6



Advertisement No. 2, the complainant states that its reference to a "Tequila Diet" is irresponsibly suggestive of a period of time in which a person only consumes tequila. The complainant points to the statement that "I'm on the Tequila Diet. So far I've lost 2 days" "further suggests that, due to the excessive consumption of tequila, one's health has deteriorated so much that s/he has not been conscious for two days." For these reasons, the complainant believes this advertising execution violates Responsible Content Provision Nos. 14 and 15. Responsible Content Provision No. 14 provides that "[b]everage alcohol advertising and marketing materials should portray beverage alcohol products and drinkers in a responsible manner."

Regarding Advertisement No. 3, the complainant states that "[t]he advertisement irresponsibly portrays a person over consuming tequila by placing a tequila bottle inside the sound opening of a trumpet so that the 'trumpet player' can drink it directly and continuously from the bottle." For these reasons, the complainant believes this advertising execution violates Responsible Content Provision Nos. 14 and 15.

Regarding Advertisement No. 4, the complainant notes that "[t]he advertisement portrays a woman wearing nothing more than underwear hitting a golf ball off of a tee, while a male golf pro consumes alcohol and watches closely with the caption written by Casamigos for this execution stating 'Dress code by #Casamigos,' which further highlights the women's bare body." The complainant states that this advertisement "is contrary to contemporary standards of good taste and is offensive to women, especially as the man is fully dressed while the woman is scantily clad."

For these reasons, the complainant believes this execution violates Responsible Content Provision Nos. 23, 24, 25, and 27, which provide, 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;" "should not contain

any lewd or indecent images or language;” and “should not rely upon sexual prowess or sexual success as a selling point for the brand.”

Regarding Advertisement No. 5, the complainant notes that “[t]he advertisement portrays a boxer holding a trophy, which they are using as a cup for Casamigos Tequila, with the caption written by Casamigos stating ‘Breakfast of Champions,’ which irresponsibly suggests that those who drink tequila will become winners and successful.” The complainant also notes that the advertisement “further suggests that one should consume alcohol while engaging in an inherently dangerous and high-impact sport such as boxing.”

For these reasons, the complainant believes this advertising execution violates Responsible Content Provision Nos. 14, 17 and 20. Responsible Content Provision No. 17 provides that “[b]everage alcohol advertising and marketing materials should contain no claims or representations that individuals can attain...athletic success...or status as a result of beverage alcohol consumption.” Responsible Content Provision No. 20 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.”

Regarding Advertisement No. 6, the complainant notes that “[t]he advertisement portrays an office worker filling his/her cup with Casamigos Tequila from a water cooler that has been filled with Tequila instead of water [and] it is irresponsible to depict an office worker overconsuming by filling up a cup of tequila while at work.” For these reasons, the complainant believes this advertising execution violates Responsible Content Provision No.14.

Code Review Board Decision:

In response to the complaint, the advertiser stated apropos of the VinePair article that “the complainant incorrectly alleges Casamigos advertised its product as ‘hangover-free.’ The Distilled Spirits Council Code of Responsible Practices (the ‘Code’) applies to advertising, including ‘brand advertising, consumer

communications, promotional events, packaging, labels, and distribution and sales materials.’ The complainant references a statement made to a reporter, recounting a conversation between company founders. Such a statement is not advertising or used to market the beverage within the meaning of the Code.”

The advertiser further noted that “[w]ith regards to the complainants remaining allegations, Casamigos respectfully disagrees. The social media posts referenced in the complaint are clearly not intended to be taken literally but are intended to be humorous and consistent with current industry trends and practices.”

After careful deliberation of the complaint and the advertiser’s response, the Code Review Board found that Casamigos Tequila Advertisements Nos. 1, 2, 4, 5, and 6, as well as the marketing claims made by Mr. Clooney in the March 21, 2017 VinePair publication, violate the Responsible Content Provisions of the Council’s Code as described below.

The Code Review Board found that the statements made in the VinePair publication fall within the scope of the Code and constitute advertising/marketing claims about Casamigos Tequila. In making this determination, the Board noted statements made by a founder or co-founder of a brand during an interview are viewed as marketing that brand and that the article used quoted language that presumably was accurate. Given that the Code applies to such statements, the Code Review Board concluded that the statements that Casamigos Tequila is “hangover-free” and “we could drink all day long and not be hungover in the morning” violate Responsible Content Provision Nos. 15 and 16 because they encourage excessive consumption and irresponsibly claim that consumption of Casamigos Tequila prevents hangovers, a curative and therapeutic claim.

In evaluating the advertisements subject to the complaint, the Board noted that the Council’s Code does not have a “humorous” exception to the application of its provisions.

The Board concluded that Advertisement No. 1 violates Responsible Content Provision No. 16 when the image and tagline (“A BANANA HAS 105 CALORIES, CASAMIGOS HAS 64, CHOOSE WISELY”) are viewed together, conveying that, in choosing wisely, it is wise to choose Casamigos Tequila over a banana since the former has less calories and is a better choice. The Board noted that, if the advertisement stated the calories for these two products without more, there may not have been a violation of Responsible Content Provision No. 16.

The Board concluded that Advertisement No. 2 stating “I’m on the Tequila Diet. So far I’ve lost 2 days.” violates Responsible Content Provision Nos. 14 and 15 because this advertising execution conveys that tequila should replace meals and that losing two days on this diet does not portray beverage alcohol products and drinkers in a responsible manner.

The Board determined that Advertisement No. 3 does not violate Responsible Content Provision Nos. 14 and 15. Although there were concerns expressed about the image in conjunction with the tagline “work hard/play hard,” the Board noted that product was not being consumed since the bottle served as a trumpet mute and that the middle valve on the trumpet was depressed indicating that the individual was blowing out of the trumpet to produce sound, rather than consuming the tequila.

The Board found that Advertisement No. 4 violates Responsible Content Provision Nos. 23, 24 and 27 when its image and tagline “[a] hole in one tequila bottle” are taken together. In making this decision, the Board noted that the female model appeared to be in her underwear and the male model fully dressed, kneeling in front of her with his line of sight at her groin area. These depictions in conjunction with the tagline referenced above are degrading to women, do not reflect contemporary standards of good taste and use sexual prowess as a selling point for the brand. The Board did not find this advertising execution a violation of Responsible Content Provision No. 25 in terms of being lewd or indecent.

The Board found that Advertisement No. 5 depicting a bottle of tequila being poured into a trophy together with the tagline “Breakfast of Champions” violates Responsible Content Provision No. 14. In making this determination, the Board concluded that waking up and having a “trophy cup” of tequila where the bottle appears to be half full as conveyed in this advertising execution did not portray beverage alcohol products and drinkers in a responsible manner.

The Board did not find a violation of Responsible Content Provision No. 17 since the advertisement made no claims about achieving athletic success as a result of beverage alcohol consumption. The Board also did not find a violation of Responsible Content Provision No. 20 since a trophy would be awarded after the conclusion of any activity requiring a high degree of alertness or physical coordination, not while engaging in such activity.

Regarding Advertisement No. 6 featuring an office worker filling a cup of tequila from the office water cooler, the Board concluded that this advertisement violates Responsible Content Provision No. 14 because it is irresponsible to depict an office worker filling up a cup of tequila from a water cooler at work.

Action by Advertiser:

No responsive action taken.

Status:

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