

Advertisement: Pucker Vodka advertisement

Advertiser: Beam Global Spirits & Wine, Inc.
(DISCUS member)

Complainant: Member of the public, Vista, CA

Complaint Summary: The complainant believes that the placement of a Pucker Vodka advertisement during an “On E! Special” focusing upon Ms. Selena Gomez violates Responsible Placement Provision No. 3 of the DISCUS Code. Responsible Placement Provision No. 3 states that “[b]everage alcohol advertising and marketing should be placed in broadcast, cable, radio, print, and internet/digital communications only where at least 71.6 percent of the audience is reasonably expected to be of legal purchase age (determined by using reliable, up-to-date audience composition data).”

In particular, the complainant believes this placement is “extremely irresponsible. Selena Gomez rose to stardom on the Disney Channel, and is only 19. My 10 year old son and 13 year old daughter know more about her than anyone over 21 I know.”

Further, the complainant believes that, “[w]hile the E! Entertainment network may meet the criteria [demographic standard of the DISCUS Code] overall, I would like to see that applied to specific shows. Again, a biography about a teen Disney star is likely not aimed at an adult viewing population.”

Code Review Board Decision: In responding to the complaint, the advertiser stated that “Nielsen data as of August 3, 2011 shows that the E! Entertainment network’s audience is at least 81 percent legal purchase age (“LPA”). Further, Nielsen information confirms that the viewers of the ‘On E! Special’ series are at least 79 percent LPA. Based upon the most up-to-date audience composition data available, we had a reasonable expectation that at least 71.6 percent of the audience for the placement of the Pucker Ad would be above the legal purchase age.”

The advertiser states further that “initial Nielsen reports for the particular episode during which the Pucker Ad aired show a 73 percent LPA viewership. (“Initial” Nielsen reports show actual viewer demographics without DVR viewer information.) In summary, the most up-to-date actual Nielsen data available confirms that the network, series and episode on which the Pucker Ad aired were in fact well above the minimum percent LPA audience target set forth in the DISCUS Code.”

In addition, the advertiser notes that “[i]n making the assessment of which network our ads are to be placed, we look at Nielsen data for the prior two quarters to determine the demographics. We also consider how the network performs for the year in terms of ratings as well as demographics of specific dayparts. In making the assessment of which shows our ads are to be placed, we look at the Nielsen data

for the prior two quarters to determine the demographics. Further, different shows premiere at different times of the year so we also look at the quarter in which it will air if different than the past 2 quarters.”

After consideration of the complaint and the advertiser’s response, the Board found that the advertising placement was not in violation of the DISCUS Code.

Action by Advertiser:

None required

Status:

Not applicable