

Advertisement: RumChata promotional materials

Advertiser: Agave Loco LLC

Complainant: Industry member

Complaint Summary:



The complainant believes that the RumChata promotional materials featuring miniature cereal boxes and a miniature cereal bowl being distributed to on-premise establishments for use as “table tents” and as a shot glass, respectively, violate Responsible Content Provision Nos. 2 and 3 of the DISCUS Code.

Responsible Content Provision Nos. 2 and 3 provide, respectively, that “[t]he content of beverage alcohol advertising and marketing materials should not primarily appeal to individuals below the legal purchase age” and “[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.”

In that regard, the complainant stated that “[t]he two cereal boxes use cartoon-like imagery alluding to cereal products such as Froot Loops and Count Chocula that currently are marketed, or have been in the past, primarily to children.” The complainant notes that “[t]he recipes for ‘Loopy Fruit’ and ‘Count Chocolate’ ‘cereal shooters’ depicted on the boxes are closely associated with these well-known children’s cereal brands.”

Code Review Board Decision:

In responding to the complaint, the advertiser stated that “the promotional materials produced by Agave Loco were not intended to market to or primarily appeal to individuals below the legal purchase age. Our general market research and feedback from adult consumers indicates that, to the extent these materials have special attractiveness to any age group, these materials appeal to adults with a nostalgic connection to the past.”

The advertiser stated that “the promotional materials mentioned [in the complaint] were intended for adults of legal purchase age who choose to drink. In other words, these materials were never intended to market Agave Loco’s products to underage individuals.” The advertiser also stated that “Agave Loco’s RumChata® product is a dairy-based

product. Accordingly, many of our customers of legal age naturally compare RumChata® to the flavored milk left over after eating various types of breakfast cereal.” The advertiser further stated that “[t]here is a strong nostalgic component to these customers’ attachment to Agave Loco’s product, which developed organically among our fan base. Agave Loco created the materials in question as a response to that sentiment.”

The advertiser noted that “[o]ur company’s research shows that adults constitute a growing proportion of cereal consumption. In fact, baby boomers are now the largest pro-rata consumers of cereal. Large cereal companies have used similar nostalgia-based campaigns to promote their products. For example, General Mills has used special promotional boxes with retro designs to promote certain brands, even for sweetened cereals like Lucky Charms.” The advertiser emphasized that “the promotional materials in question were only distributed to licensed accounts, which enforce applicable laws regarding entry and access by underage individuals.”

After careful consideration of the complaint and the advertiser’s response, the Code Review Board found that the combined RumChata promotional materials featuring miniature cereal boxes (table tents) with miniature cereal bowls (shot glasses) violated Responsible Content Provision Nos. 2 and 3 of the DISCUS Code. The Board concluded that the cereal box/table tents used in the promotion violated the Code because of the cartoon-like imagery together with the allusions to cereal products, such as Froot Loops and Count Chocula, that primarily are marketed to individuals under the legal purchase age and the recipes for “Loopy Fruit” and “Count Chocolate” “cereal shooters” depicted on these marketing materials that also are associated with individuals under the legal purchase age.

Action by Advertiser:

The advertiser agreed to discontinue use of the cartoon-style promotions that were the subject of the complaint and discarded all copies of these marketing materials. With the assistance of its distributors, the advertiser also retrieved the cereal box/table tents used in the RumChata promotion from all retail accounts.

In addition, the advertiser committed to distribute copies of the DISCUS Code to all of their marketing and sales personnel, as well as to the vendors responsible for the design of Agave Loco promotional materials. Further, the advertiser also will emphasize with their marketing and sales personnel that point-of-sale materials and other promotions should not include cartoon figures that primarily appeal to individuals below the legal purchase age.

Status:

Responsive action taken.