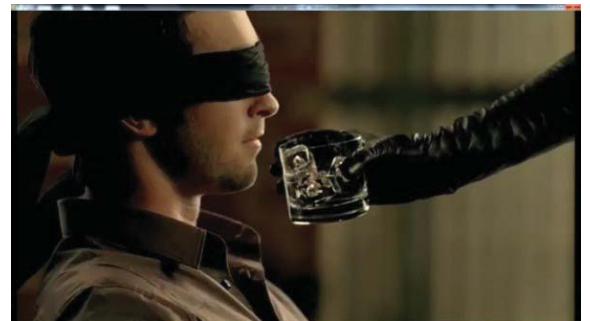


**Advertisement:** Tequila Avi3n video

**Advertiser:** Avi3n Spirits, LLC (joint venture of Avi3n Tequila, LLC and Pernod Ricard USA (DISCUS member))

**Complainant:** Member of the public

**Complaint Summary:** The complainant states that “[t]he commercial showed a man and a woman engaging in sexual bondage and pain, and using hot wax in a sadomasochistic manner. I’m sure I’m not alone in the opinion that this smutty commercial has no business being on TV, especially in an attempt to sell alcohol... I read your Code of Responsible Practices, and to me, this Avi3n tequila commercial is a blatant violation of Good Taste, and Sexual Prowess. I hope that you will see fit to take proper action to remove this disgusting commercial from the airwaves.”



The complainant believes that this video runs afoul of Responsible Content Provision Nos. 23 and 27 of the DISCUS Code, which provide, respectively, that beverage alcohol advertising and marketing materials “should reflect generally accepted contemporary standards of good taste” and “should not rely upon sexual prowess or sexual success as a selling point for the brand.”

**Code Review Board Decision:** In responding to the complaint, the advertiser stated that the Tequila Avi3n advertisement was a “play” upon the classic feeling and stereotype that tequila has to burn or cause pain when consumed. The advertiser disagreed that the advertising depicted a male and female model “engaging in sexual bondage” or “in pain.” The advertiser believes that no bondage was depicted in the advertisement, rather the female model was blindfolding the male model in the advertisement while conducting a blind smell test of Tequila Avi3n. The advertiser also stated that the candles held by the female model were burning at a distance from the male model and therefore were not causing any pain, sexual or otherwise, and were not used “in a sadomasochistic manner.” The advertiser also believes that the advertisement did not

rely upon sexual prowess or sexual success, pointing to the female model leaving the premises after the blind smell test.

The advertiser stated that the advertisement is airing on the National Hockey League cable network that has a 21 years of age and older demographic audience that exceeds the 71.6% voluntary placement standard of the DISCUS Code. The advertisement is age gated on YouTube, whereby an individual must register his/her month, day and year of birth before accessing the advertisement to affirm that he/she is of legal purchase age.

After careful consideration of the complaint and the advertiser's response, the Code Review Board did not find the advertisement in violation of Responsible Content Provision Nos. 23 and 27 of the DISCUS Code. In that regard, the Board concluded that the advertisement did not rely upon sexual prowess or sexual success as a selling point for the brand given that the female model left the scene after the blind smell test of the product and there was no sexual activity in the advertisement. The Board concluded also that the advertisement did not exceed contemporary standards of good taste.

**Action by Advertiser:** None required.

**Status:** Not Applicable.