

**Advertisement:**

Three Olives Loopy Vodka marketing, advertising and packaging

**Advertiser:**

Proximo Spirits, Inc.

**Complainant:**

Industry member

**Complaint Summary:**

The complainant believes that the advertising, marketing and packaging for Three Olives Loopy Vodka run afoul of Responsible Content Provision Nos. 2 and 3 of the DISCUS Code of Responsible Practices for Beverage Alcohol Advertising and Marketing. These provisions 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...or portray objects, images...that primarily appeal to persons below the legal purchase age.”



Image 1

In that regard, the complainant states that “[t]he brand name, packaging and marketing of Loopy Vodka overtly reference Kellogg’s Froot Loops cereal. Kellogg NA Co., the maker of Froot Loops, specifically markets its Froot Loops brand to consumers under age 21 and children are the cereal brand’s target audience. For example, the official website for Kellogg’s Froot Loops cereal contains childish cartoon images and games for children. It includes a ‘games and fun’ section, a ‘color-ly sea adventure’ section where children can build a comic, and a ‘Fruity Passport’ game.” Image nos. 1 and 2 reflect these points.

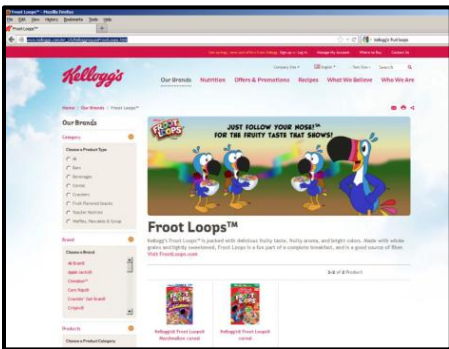


Image 2

The complainant notes that “Three Olives Loopy Vodka describes its flavor on the bottle as ‘[a] delicious imported English vodka flavored with the bright, juicy taste of ripe berries.’ However, the vodka bottle’s front artwork suggests Froot Loops as opposed to berries. The bottle design has prominent loops in colors that track the colors in Froot Loops, including orange and yellow, which are not colors commonly associated with berries,” as reflected in image no. 3. “Thus, the name ‘Loopy’ does not appear to refer to any flavor, but rather to Froot Loops cereal.”

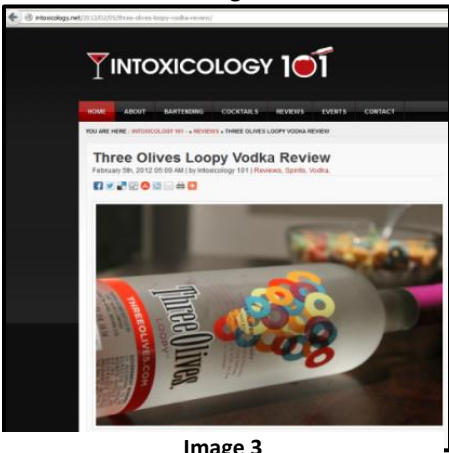


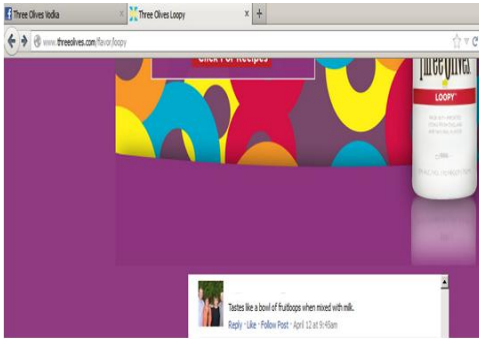
Image 3

The complainant also states that “Three Olives Loopy Vodka’s advertising and marketing make expressly clear that the brand name and labeling are meant to refer to Froot Loops cereal. By doing so, such advertising and marketing is directed primarily to those below the legal purchase age, the target audience for Froot Loops cereal.” The complainant notes that “Three Olives further markets and advertises its connection to Froot Loops cereal on the Loopy vodka official web page, where the brand invites fans to include Facebook comments to enhance the brand’s advertising.”



Image 4

The complainant points to various comments that have been posted for months on the “Three Olives Loopy” Facebook brand page, which include:



- *Breakfast Drink (May 16)*
- *Tastes like a bowl of fruitloops when mixed with milk. (April 12)*
- *I part Loopy and 1 part orange juice! tasted just like you were having a complete breakfast! :) (April 12)*
- *IT REALLY TASTES LIKE FRUIT LOOPS! (April 4)*
- *I tried this and enjoyed the flavor; it truly does taste like fruit loops! (April 4)*
- *The B.O.C. as a shot is like drinking the milk out of the cereal bowl :) :) (March 18)*
- *we had a shooter with milk...tasted exactly like the milk left after eating a bowl of fruit loops. (February 27)*

Regarding the above, the complainant notes that Three Olives Loopy Vodka, “which has control over comments on its official web page, has allowed comments linking the brand to Froot Loops as part of its overall strategy to market the brand as ‘Froot Loops’ vodka.”

Further, the complainant notes that Three Olives Loopy Vodka lists as its first recipe a drink called B.O.C. (“Bowl of Cereal”), which is made with equal parts of Three Olives Loopy Vodka and milk as reflected in image no. 4.

In sum, the complainant states that the “packaging, labeling and advertising of ‘Loopy’ vodka, including its brand name, are based on Kellogg NA Co.’s Froot Loops cereal, which is a product expressly directed towards those under the legal purchase age.” Therefore, the labeling, packaging and marketing materials for Three Olives’ Loopy Vodka, including its brand name, violate DISCUS Code Responsible Content Provision Nos. 2 and 3.

**Code Review Board Decision:**

In responding to the complaint, the advertiser stated that “Proximo is committed to the principle of marketing its products in a responsible manner to consumers of legal drinking age” and thanked the Board for bringing this matter to their attention.

After careful consideration of the complaint and the advertiser’s response, the Code Review Board found that the advertising, marketing and packaging for Three Olives Loopy Vodka violated Responsible Content Provision Nos. 2 and 3 of the DISCUS Code. The Code Review Board examined Loopy Vodka’s marketing, advertising and packaging, and agreed with the complainant that, taken and viewed together, the advertising, marketing and packaging of Loopy Vodka overtly reference Kellogg’s Froot Loops cereal, a cereal brand whose target audience is children.

In arriving at its decision, the Board noted that the artwork design on the Loopy Vodka bottle features prominent loops in colors tracking the colors in Froot Loops. In that regard, although Loopy Vodka is described on its label as “[a] delicious imported English vodka flavored with the bright, juicy taste of ripe berries,” the Board concluded that labeling images on the bottle are suggestive of Froot Loops as opposed to berries, pointing also to the fact that the name “Loopy” does not appear to refer to any flavor.

The Code Review Board also took into account that Three Olives Loopy Vodka’s website lists a drink recipe called B.O.C. (“Bowl of Cereal”), which is made with equal parts of Three Olives Loopy Vodka and milk, and the comments posted on Loopy Vodka’s Facebook page in response to Loopy Vodka’s invite to do so. In that regard, numerous comments linking the brand to Froot Loops on Loopy Vodka’s Facebook page, such as “[t]astes like a bowl of fruitloops when mixed with milk,” have been posted for months. Since no action has been taken to remove these comments, the Board concluded that Loopy Vodka chose not to disassociate itself with Froot Loops.

**Action by Advertiser:**

In response to the Code Review Board’s decision, the advertiser deleted all comments and mentions posted on the Three Olives Loopy Facebook page and on the Loopy Vodka official webpage referencing Froot Loops, including comments identified in the complaint and those of a similar nature. The advertiser hired an independent third-party company to accomplish this task and to run a program confirming the removal of any such comments or mentions on all the Three Olives page posts, wall postings, flavor and recipe posts. The advertiser also deleted the B.O.C. (“Bowl of Cereal”) drink recipe post and destroyed all remaining inventory of recipe cards referencing the B.O.C.

The advertiser committed to monitor all future postings and has created a Facebook “block list” to guard against the posting of similar comments/mentions on their webpages. This “block list” includes the following references: fruit loops, cereal, fruity loops, fruit loop, froot loop, froot loops, froot loopz, frooty loops, frooty loopz, breakfast, bowl, morning, and wake. The advertiser also has agreed to revise the packaging for Loopy Vodka that was a component part of the complaint as described above.

**Status:**

Resolved: Responsive action taken