

Advertisement:

Emodka vodka packaging and marketing materials

Advertiser:

Stoller Imports (non-Council member)

Complainant:

Members of the public

Complaint Summary:

The complainants believe that Emodka vodka's packaging and marketing materials run afoul of Responsible Content Provision No. 3 providing that "[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. Advertising or marketing material is considered to 'primarily appeal' to persons below the legal purchase age if it has special attractiveness to such persons beyond the general attractiveness it has for persons of legal purchase age."



Complainants point to photographs of the Emodka product and a toy ball, stating that "[t]his product's packaging simulates a toy, specifically a yellow ball with emoji faces which is in violation of the Code of Responsible Practices for Beverage Alcohol Advertising and Marketing." Complainants further state that "[i]t is apparent Emodka's packaging is very similar to the toy ball, making this product very appealing to underage youth. The clerk...told me that children were frequently interested in purchasing this product."



Photos left to right: Case of Emodka; Emodka with intoxication eyes (from bottom right of box), Image of intoxicated emoji on the internet?

The complainants relay that "[t]he packaging of Emodka has the appearance of a toy with images and cartoon-images that appeal to children putting it in violation of the Code of Responsible Practices. The packaging is small (under 3 inches) increasing the likelihood Emodka will be confused with a toy, however unintentional that confusion may be."

The complainants note "its special attractiveness emanates from its mimicking of a toy and its corresponding availability as the animated *The Emoji Movie* - a PG movie that was marketed to children and Common Sense Media rated for kids 6 and older

- in the theater (released July 28, 2017) and available for DVD and streaming purchase or rental (October 24, 2017).”

One complainant believes that Emodka's packaging and marketing materials violate Responsible Content Provision No. 15, which provides that “[b]everage alcohol advertising and marketing materials should not...portray persons in a state of intoxication or in any way suggest that intoxication is socially acceptable conduct, and they should not promote the intoxicating effects of beverage alcohol consumption.”

The complainant further states that “[s]ome of the images on the products also portray intoxication in violation of the Code. For example, please compare the packaging of one of the Emodka [products] with a similar image of an intoxicated Emoji found on the internet (found with the search ‘drunk emoji’). This packaging – a known symbol for a drunk person - surely promotes the intoxicating effects [of] the product.”

Code Review Board Decision: After careful consideration of the complaints, the Code Review Board found that Emodka vodka’s packaging and marketing materials violated Responsible Content Provision No. 3 of the Council’s Code. In that regard, the Board concluded that these materials primarily appeal to those below the legal purchase age insofar as they resemble a similar toy ball referenced by the complainants.

The Board also found a violation of Responsible Content Provision No. 15. In making this determination, the Board concluded that the packaging of one of the Emodka vodka products has an image that is used for an “intoxicated” emoji and can be found on the internet via a Google search for “drunk emoji.”

In light of the decision, the Code Review Board urged the removal of the Emodka vodka packaging and marketing materials that were found in violation of the Council’s Code from the marketplace.

Action by Advertiser:

The advertiser agreed to no longer import Emodka vodka and therefore will no longer carry this product after existing inventory is depleted.

Status:

Resolved. Responsive action taken.