

Advertisement: Jim Beam Bourbon Twitter posts

Advertiser: Beam Suntory

Complainant: Member of the public

Complaint Summary: The complainant believes that a Jim Beam Bourbon promoted tweet violates Responsible Placement Provision No. 2, which states that “[b]everage alcohol products should not be advertised or marketed in any manner directed or primarily appealing to persons below the legal purchase age.”

The complainant states that “Jim Beam is running ads on Twitter promoting bourbon, targeted [at] users based on the criteria ‘men in the US.’ Twitter is capable of targeting ads by age ranges, and does so routinely.” The complainant further states that “[t]hese ads are ‘directed at’ underage users. Twitter allows advertisers to choose the age range their promotions will reach. Including all age ranges directs Twitter to deliver the ad to children, as well as adults. Recall that this is not mass media, but account-specific targeting. It's as though JB had sent postal mailings out addressed to people they know to be children -- even if they sent the same mail to adults, the ones sent to known children are still ‘directed at’ those children.”

Code Review Board Decision: In response to the complaint, the advertiser stated, “[a]s set forth in the Code's Responsible Content Provision No. 3, ‘[a]dvertising 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.’ As the Complaint did not reference or include any specific material, we presume the Complainant intends to assert that the placement of Jim Beam Bourbon advertising, rather than the content thereof, was directed to or primarily appeals to persons under the legal purchase age for alcohol (‘LPA’)...Beam emphatically disagrees with any assertion that Jim Beam Bourbon advertising on Twitter violates the provisions of the Code referenced in the Complaint, and we believe there is no

reasonable basis for a finding that a Code violation has occurred with respect to such advertising.”

Regarding the complainant’s assertion that Jim Beam’s promoted tweets on Twitter reached underage users, the advertiser stated that “[t]he Code’s Responsible Placement Provision No. 3 provides 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).’ As a platform, Twitter.com is well within this standard, as measured by comScore data. According to Twitter, in the most recent annual report from comScore, average audience composition from November 2016 to November 2017 was reported at 90.1% age 21+, far above the 71.6% standard.”

The advertiser further stated that “for the period of July 2017 through September 2017 (the most recent period for which post audit data is currently available), Beam executed six (6) paid social placement programs on Twitter promoting tweets from the Jim Beam Bourbon U.S. brand profile page (‘Paid Social Ads’). It is presumably these Paid Social Ads that are at issue in the Complaint. The Paid Social Ads reached actual audiences comprised of between 91.8% and 92.6% LPA adults, based on post audit comScore data. On the basis of the demographics of the platform in general and the actual audience of the Paid Social Ads in particular, it is clear that the Paid Social Ads cannot reasonably be deemed to have been directed to primarily appeal to persons under LPA....Contrary to the assertion in the Complaint, Beam has consistently and will continue to proactively take measures to ensure Beam content on Twitter is not delivered to users known to be under LPA.”

The advertiser relayed that “[i]n the course of responding to the Complaint, Beam became aware of the fact that Twitter recently upgraded its functionality to allow advertisers to further limit the access of persons under LPA to alcohol related advertisements. Effective January 19, 2018, Beam

has employed the most restrictive methods offered on Twitter. Henceforth, paid or promoted social campaigns for Beam's U.S. Twitter brand profiles will target only Twitter users who have identified themselves as LPA adults.”

The advertiser concluded “[i]n summary, the most up-to-date comScore data confirms that all Beam's tweets, advertising, placements, and other activity on Twitter reached audiences well above the minimum percent legal purchase age target audience required by the Code. The platform itself far exceeds the Council's requirement of 71.6% demographic compliance, and the demographics of the actual impressions of the Paid Social Ads exceed the general demographics of the platform, all of which demonstrate definitively that the Paid Social Ads were not directed to and did not primarily appeal to persons under LPA. In addition, Beam has taken proactive measures to ensure future programming on Twitter will employ even stricter age verification methods.”

After careful consideration of the complaint and the advertiser's response, the Code Review Board did not find the above-referenced Jim Beam Twitter execution in violation of Response Placement Provision No. 2. In arriving at its decision, the Board relied upon the information provided by the complainant to date and the fact that the use of promoted tweets is in compliance with the Code given that the Twitter platform meets the 71.6% demographic placement standard set forth in the Code. Further, the Board noted that these promoted tweets are “one-way” and do not require any interaction with the consumer; thereby, making them subject only to the demographic placement standard.

Action by Advertiser: None required

Status: Not applicable