

Advertisement:

Absolut Juice packaging and marketing materials

Advertiser:

Pernod Ricard USA

Complainant:

Member of the public

Complaint Summary:

The complainant believes that the packaging and marketing materials for the Absolut Juice Apple brand described below violate Responsible Content Provision No. 2 of the DISCUS Code.



Responsible Content Provision No. 2 provides that “[t]he content of beverage alcohol advertising and marketing materials should not primarily appeal to individuals below the legal purchase age.”

The complainant states that “Absolut Vodka recently released a new product, ‘Absolut Juice,’ which comes in two varieties: (1) Absolut Juice Apple Edition; and (2) Absolut Juice Strawberry Edition. Many of their advertisements do not include the word ‘edition,’ and simply refer to the products as ‘Absolut Juice Apple’ and ‘Absolut Juice Strawberry.’...This product primarily appeals to underaged individuals in violation of Responsible Content Provision No. 2 of the DISCUS Code.”



The complainant notes that “[t]he name ‘Absolut Juice Apple,’ is troublesome because ‘apple juice’ is an entirely different product which is typically consumed by children. If Absolut Juice Apple were instead called ‘Absolut Apple Juice,’ it would clearly be in violation of the code; simply changing the order of the words on the bottle should not be enough to exonerate the brand from intense scrutiny from the Code Review Board.”



The complainant states that “[t]he three most prominent words on the bottle are ‘ABSOLUT JUICE APPLE,’ which appear in large, capital letters on the face of the bottle. The words ‘ABSOLUT JUICE,’ appear largest, at the top of the bottle. Then underneath, on a paper label, the word ‘APPLE,’ appears in smaller capital letters. These three conspicuous words are clearly meant to catch the consumers’ attention.”

The complainant further states that “[t]he name Absolut Juice suggests that the product is what it is called: a juice. This implication is strengthened by its advertisements which depict a hand squeezing fruit as juice flows out of the fruit and onto the hand. Absolut Juice is a Vodka product; however, it does not resemble Vodka. Absolut Juice Apple is colored in a way that resembles apple juice. The average consumer that sees an advertisement for this product would likely not know that it is Vodka (and rightfully so). The strange coloring of the product reinforces its association with apple juice. This connection is further bolstered by the images of apples on the label. The producer fails to make clear that Absolut Juice Apple is in fact a Vodka product. The word Vodka appears inconspicuously on the label in two locations. First, it appears in hardly legible cursive writing, then in small print at the bottom of the label.”

The complainant concludes by asserting that “[w]hile some of the facts mentioned above may not be sufficient on their own to constitute a violation of the DISCUS code, the Review Board should take a wholistic approach, analyzing the product (and its advertisements) in its entirety. A product named ‘Absolut Juice Apple,’ which is colored like apple juice, and contains images of apples on the label, should be considered a violation of the DISCUS code. This specific combination of factors makes this product distinguishable from other flavored spirits. The Distilled Spirits Council has a code which must be respected by its members...A consistent goal of the DISCUS code is to prohibit alcohol advertisements directed at an underaged audience. Absolut Vodka’s attempt to create alcoholic apple juice does not respect the code and should be considered a clear violation. Vodka should never be mistakable with fruit juice.”

Code Review Board Decision: In response to the complaint, the advertiser stated “[w]e have carefully reviewed the Complaint and are confident that neither our product labels nor advertising contain any primary appeal or special attractiveness to persons below the legal purchase age and therefore do not support a finding of a violation of the Code.”

The advertiser noted that “[t]he complainant contends that the name of the product, "Absolut Juice, Apple Edition", is so similar to "Apple Juice", a product they claim "is typically consumed by children," that such reference alone makes our products primarily appealing to children. Such conclusion is neither accurate nor logical.”

The advertiser stated that “‘Apple Juice’ is not part of the product name, nor are there prominent references made to ‘Apple Juice’ anywhere on the label. This is an important difference when arguing that ‘Apple Juice,’ in and of itself, primarily appeals to children. ‘Absolut Juice - Apple Edition’ carries a very different connotation to the intended audience - adults of legal purchase age. That along with the very prominent featuring of the brand ‘Absolut,’ which is well-known for its vodka (and flavored vodka products, such as Absolut Lime), along with the term ‘vodka’ (featured two times on the front label) and ‘35% abv’ makes it clear that this product is not ‘Apple Juice.’”

The advertiser further stated that “even if ‘Apple Juice’ was part of the product name, the term does not, in and of itself, primarily appeal or have special attractiveness to children. While some children drink apple juice, many adults of legal purchase age also drink apple juice, either alone or as an ingredient in both non-alcoholic and alcoholic beverages, demonstrating that it has broad appeal. In fact, apple juice has become such a popular flavor profile among those of legal purchase age that it currently ranks as the fourth highest selling vodka flavor in the U.S., a consumer insight that led us to dedicate an entire page of the Absolut website just to recipes that include apple juice as an ingredient.”

The advertiser further stated that “[p]erhaps most compelling, however, is that none of the labeling or advertising for these products contain any elements, cues or vignettes that would have an attractiveness - let alone special attractiveness -- to persons below the legal purchase age. To the contrary, the colors on the bottle are muted and no product or advertising illustrations ‘depict a child or portray objects, images or cartoon figures’ that primarily appeal - let alone

appeal at all - to persons below the legal purchase age. Moreover...other front label elements such as the terms 'vodka' and '35% abv' make it clear that the product is intended for adults above legal purchase age. The claimant's additional allegation that the product primarily appeals to those under legal purchase age because the product is 'colored like apple juice and contains images of apples on the label' is unreasonable, as many alcohol products on the market contain fruit visuals to indicate the flavor of the product, and some that contain juice are colored to reflect that ingredient."

The advertiser also relayed that "the complainant's letter also refers to the 'Strawberry Edition' variant as similarly appealing to children but provides no evidence or explanation as to why this flavor would be primarily appealing to those under legal purchase age. For the same reasons outlined herein relating to the 'Apple Edition,' we believe those arguments lack merit as well. Pernod Ricard is a longstanding member of the U.S. Distilled Spirits Council and takes very seriously its obligations under the Code. However, based on any reasonable review of these new Absolut products, there are no Code violations."

After careful consideration of the complaint and the advertiser's response, the Code Review Board did not find that the Absolut Juice Apple packaging and marketing materials violated Responsible Content Provision No. 2 of the Code. In the Board's view, nothing in the packaging or marketing materials suggested or included elements that primarily appeal or hold a special attractiveness to individuals below the legal purchase age.

Action by Advertiser: None required.

Status: Not applicable.