



Regarding Responsible Content Provision No. 15, the complainant states that “[t]he names of the flavors feature words like guzzler, slammer and smash and could be interpreted as not conveying responsible consumption.” The complainant also points to the usage of terms in SLRRRP advertising materials, such as “let’s get weird,” “level up” and “get rad,” that are associated with excessive and irresponsible consumption as running afoul of the above-referenced provision.

Regarding Responsible Content Provision No. 20, the complainant points to the “SLRRRP Alcohol Infused Gelatin Shots: Pool Party” promotional video as running afoul of this provision. The complainant states that the video “shows individuals engaging in activities, such as swimming and jumping into a pool, that require a high degree of alertness while consuming alcohol.”

Code Review Board Decision: In response to the complaint concerning Responsible Content Provision Nos. 2 and 3 regarding the marketing and packaging of SLRRRP, the advertiser stated “[w]e believe that the matter here is intent. The brand...logo is part of the brand identity. Our brand identity is a gelatin. Our Logo is representative of gelatin.”

The advertiser further stated that “SLRRRP [has taken] additional measures to ensure ‘adult’ content above and beyond TTB requirements. SLRRRP has taken extra, non-required measures to point out that this is an adult product. ‘You must be 21 to SLRRRP,’ ‘Not for Kids,’ and extra alcohol badging, ‘6X distilled Vodka’ are in top left hand corner of the label.” Further, the advertiser stated “[a]dditionally, to reinforce responsible drinking, we have added the ‘#SLRRRPRESPONSIBLY,’ hashtag next to our social media icons on the middle left of our labels and use the hashtag in over 50% of our social posts.”

Regarding the SLRRRP social media postings featuring animated animals, the advertiser noted that “SLRRRP has over 172 posts on social Media and the above represent 2 posts or 1% of total posts. As social media is more of a ‘what’s happening right now at the moment,’ we are obviously more than happy to make adjustments in the future and have

taken the posts down. I believe the intent is extremely important. These are actually animals that have color added to them and are not 'cartoon' graphics.”

Regarding the “Pool Party” promotional video, the advertiser stated that “[n]one of SLRRRP's marketing (specifically videos) show consumption of alcohol.”

Regarding the assertion that the terminology used to name some SLRRRP flavors (“guzzler,” “slammer,” and “smash”) conveys irresponsible consumption in violation of Responsible Content Provision No. 15, the advertiser stated that “[a]ll of the flavor names have been reviewed and approved by the TTB.”

Regarding the phrases “let’s get weird,” “level up” and “get rad,” the advertiser noted that “[t]his is on our ‘eye candy page’ and is in reference to all of our visual elements that we post, where the phrases are in context. Level up - This is in reference to the product being innovative - you do not have to make these at home - no more wasted time - reference materials on the webpage. This is all about intent and if things are taken out of context then it is easy to start drawing conclusions.”

In conclusion, the advertiser stressed that “SLRRRP's advertising and marketing budget is planned for all 21+ demographics and evaluations are done before marketing campaigns are created and money is spent. We use the DISCUS metric of 71.6% to help streamline and evaluate our audience. For all social media - we set our parameters to above 21 years old. We consistently police followers and remove anyone we can tell is under the age of 21. We use the insights provided by the platforms but do not have direct access to every user’s information. We have an extremely dedicated team of industry professionals and we strive to practice DISCUS standards in all of our marketing and advertising practices. It is our goal to be compliant and work with your team to be on the same page. We are happy to build a relationship and look at opportunities to improve and adjust our practices.”

After careful consideration of the complaint and the advertiser’s response, the Code Review Board found that various elements of the advertising, marketing

and packaging for SLRRRP violated Responsible Content Provision Nos. 2, 3, 15, and 20 of the DISCUS Code.

Regarding Responsible Content Provision Nos. 2 and 3, the Code Review Board found that, when viewed together, the labeling, packaging, and marketing for SLRRRP appear to invoke and share similar attributes with a well-known brand that is primarily aimed at children.

In arriving at its decision, the Board concluded that the label design on the SLRRRP packaging features a similar dripping font element with colors, such as orange, that are reminiscent of the Nickelodeon Slime brand's imagery. In that regard, the Board noted that, had another font been utilized without the dripping text element in the same colors, it may not have evoked the same connection with this brand and thus the primary appeal to children.

In response to the contention that the SLRRRP social media postings featuring animated animals violate Responsible Content Provision Nos. 2 and 3, the Code Review Board found that the image of the blue animated dinosaur with the SLRRRP cups in the foreground did primarily appeal to children in violation of the above-referenced provisions. The Board did not find the animated "hogzilla" image in violation of these provisions.

In reaching this determination, the Board noted that the use of a brightly colored dinosaur exclaiming "BLUE SLRRRP!," especially in an animated form, appeals primarily to individuals under the legal purchase age, while the "hogzilla" post did not have the same inherent appeal. The Board noted, however, that while the use of animated figures is not in and of itself a violation, caution should be exercised when using such images to ensure they do not primarily appeal to individuals below the legal purchase age.

Regarding the assertion that the terminology used to name some SLRRRP flavors ("guzzler," "slammer," and "smash") conveys irresponsible consumption in violation of Responsible Content Provision No. 15, the Code Review Board agreed in part. The Board found a violation in regard to the term "guzzler," as the

definition of "guzzle" means "to drink especially liquor greedily, continually, or habitually." The Board did not find that the terms "slammer" and "smash" or the phrases "let's get weird," "level up" and "get rad" by themselves connote irresponsible consumption.

Regarding the contention that the "Pool Party" promotional video shows individuals engaging in activities that require a high degree of alertness while consuming alcohol violates Responsible Content Provision No. 20, the Code Review Board agreed. In the Board's view, while the video does not show the explicit consumption of any SLRRRP product, the totality of the video would lead a reasonable person to understand that alcohol is being consumed by those swimming, an activity that requires a high degree of alertness.

In arriving at its decision, the Board took note of the effect of all circumstances together, including the opening scene of a person in the pool balancing an open container on their head, an individual jumping into the pool with the container, and an individual floating in the pool with the container in hand at multiple points in the video.

The Board urges caution when utilizing imagery in advertising materials to ensure that beverage alcohol consumption is not portrayed in connection with any activities that would require a high degree of alertness.

Action by Advertiser:

Upon receiving the complaint, the advertiser deleted the two social media postings featuring animated animals. After receiving the Code Review Board's decision, the advertiser agreed to revise the packaging, branding, product name, and logo found in violation of the Code, as well as remove the "Pool Party" promotional video from YouTube and their social media.

Status:

Resolved. Responsive action taken.