

**Advertisement:** Bacardi Cup Invitational Regatta marketing materials

**Advertiser:** Bacardi U.S.A.

**Complainant:** Member of the public

**Complaint Summary:** The complainant believes that the website ([www.BacardiInvitational.com](http://www.BacardiInvitational.com)) and social media accounts ([www.facebook.com/BacardiCupInvitational](http://www.facebook.com/BacardiCupInvitational) and [www.instagram.com/BacardiRegatta](http://www.instagram.com/BacardiRegatta)) associated with the 2018 Bacardi Cup Invitational Regatta run afoul of Responsible Content Provision Nos. 10, 14, 15, and 28.

According to the complainant, “[t]he website does not provide an Age Verification as suggested under the Website provision [in violation of Responsible Content Provision No. 10] and the incitement of ‘...an open bar where Bacardi rum will flow freely’ appears to be in contrast with paragraphs 14 & 15 of the Social Responsibility [provisions] along with paragraph 28 of the [Code regarding] Promotional Events: <http://bacardi.invitational.com/social-events/> and at <http://bacardi.invitational.com/bacardi-cup-invitational-regatta-press-release/>.” Additionally, the complainant believes that “the domain name Bacardi Invitational [is] not appropriate as it may induce the less experienced as an invite to drink.”

Responsible Content Provision No. 10 provides that “[a]ge affirmation mechanisms, utilizing month, day and year, should be employed for DISCUS member-controlled beverage alcohol advertising and marketing websites.”

Responsible Content Provision Nos. 14 and 15 provide, respectively, that beverage alcohol advertising and marketing materials “should portray beverage alcohol products and drinkers in a responsible manner” and “should not depict situations where beverage alcohol is being consumed excessively or in an irresponsible manner.”

Responsible Content Provision No. 28 states that “[o]n-premise promotions sponsored by DISCUS members should encourage responsible consumption by those adults who choose to drink.”

**Code Review Board Decision:** In response to the complaint, the advertiser stated, “[f]irst, it should be noted that the name of the event is the 2018 Bacardi Cup Invitational Regatta. The website is all about the 91st anniversary of the world-famous Bacardi Cup regatta sailed on the emerald-green waters of Biscayne Bay in Miami, Florida. This regatta originated in Havana, Cuba in 1927 and the Bacardi Cup has continued to evolve and change with the times, giving it continued growth and popularity in a sport that has seen numerous regattas come and go. In 1962, the series moved to Biscayne Bay and, in 2010, the event expanded to include other classes in addition to the Stars class. Recent sailing classes have included J70's, J80's, Vipers, VX One's, VX Evo's, Flying Tigers, Melges 20's, Melges 24's, A Cats and M32's.”

Regarding the complainant’s assertion concerning an age affirmation mechanism on the website, the advertiser relayed that “[we] did not provide an age affirmation on [the] website at the time of the complaint. This competitive sailing event was managed by our local Corporate Services & Community Relations Department. The initial failure to implement the age verification was an inadvertent oversight in the on-boarding of a new agency for the 2018 sailing event. This was immediately corrected to properly reflect an ‘age affirmation mechanism, utilizing month, day and year.’” The advertiser stated that they “have taken appropriate actions to ensure this does not occur in the future.”

Regarding the “open bar” language, the advertiser stated that the “allegation further claims that language such as ‘an open bar where Bacardi rum will flow freely’ is an incitement and in contrast with paragraphs 14, 15, and 28 of the Code. For context the two full sentences read: ‘As always, days on the water will be followed by hospitality and outdoor parties that only Bacardi can deliver, with great food, tropical music and an open bar with plenty of Bacardi rum. In keeping with tradition, your days on the water will be followed by hospitality and outdoor parties that only Bacardi can host, with plenty of great food, tropical music and an open bar where Bacardi rum will flow freely.’”

According to the advertiser, “[t]hese post events will host over 350 regatta participants. This language is mere puffery used as a metaphor for open waters flowing freely in the context of a regatta. Taken out of context, the language may appear at first glance to promote alcohol consumption. However, in the context of a regatta whereby sailing is considered a sport of leisure and relaxation, the language is used to mirror the verbiage typically used in a regatta setting.”

Further, the advertiser stated that “[t]here is nothing in this language to suggest that beverage alcohol products will be consumed in an excessive or irresponsible manner. The website does not portray persons in a state of intoxication, suggest that intoxication is socially acceptable conduct, or promote the intoxicating effects of beverage alcohol consumption. Lastly, the website does not encourage irresponsible consumption or promote drinking games that reward or encourage excessive or abusive consumption. We do not believe the above language is in violation of paragraphs 14, 15, and 28 of the Code.”

Regarding the allegation that the “Bacardi Invitational name is not appropriate as it may induce the less experienced as an invitation to drink,” the advertiser stated that “[i]n society, invitationals are typically used in golf, regatta, and tennis events whereby those who are issued an invitation *to compete* in the sport have met the qualifications set. Here, Bacardi USA has only invited top-tier one-design sailing boats from around the world. The competition is run by Twelve MKTG and organized by a professional sailor. Bacardi USA has in no manner invited individuals to drink. Bacardi USA’s focus is to put forth a professional sailing competition.”

The advertiser reiterated that “the event is officially and informally known as the ‘Bacardi Cup Invitational Regatta’ or the ‘Bacardi Cup,’ not the ‘Bacardi Invitational.’ The design of the logo places the language ‘Bacardi Cup’ in a black large font compared to a small red font for the ‘2018 Invitational Regatta’ wording. The ‘Bacardi Cup’ is the instant eye

drawing language. Thus, the use of the word invitational is part of typical competition event titles and not an invitation to drink.”

After careful consideration of the complaint and the advertiser’s response, the Code Review Board found that at the time of the complaint the [www.BacardiInvitational.com](http://www.BacardiInvitational.com) website did not employ an age affirmation mechanism in violation of Responsible Content Provision No. 10.

Regarding the assertion that the language "...an open bar where Bacardi rum will flow freely" violates Responsible Content Provision Nos. 14 and 15, the Board did not find a violation. The Board concluded that the language used did not portray beverage alcohol products and drinkers in an irresponsible manner, nor did it depict situations where beverage alcohol was being consumed excessively or in an irresponsible manner. The language used was in the context that there would be enough Bacardi rum for the event.

Regarding the assertion that the domain name of the event, Bacardi Invitational, was an invitation to drink or encouraged people to drink, the Board concluded that the name refers to a sailing event and the term “Invitational” is often used in naming such events and therefore no violation was found.

**Action by Advertiser:**

Upon learning that the Bacardi Invitational website did not employ an age affirmation mechanism in violation of Responsible Content Provision No. 10, the advertiser took immediate corrective action and has instituted additional safeguards to prevent a recurrence. The failure to implement an age affirmation mechanism was an inadvertent oversight resulting from the use of a new agency for the event.

**Status:**

Resolved: Responsive action taken