

**Advertisement:** Cointreau advertisement

**Advertiser:** Rémy Cointreau (DISCUS Member)

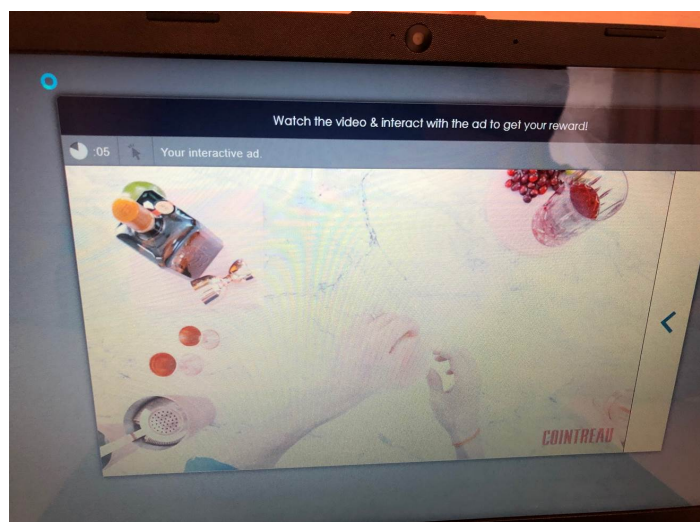
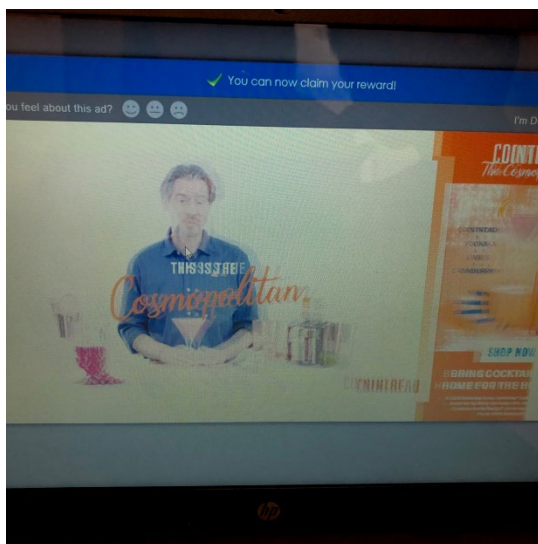
**Complainant:** Member of the public

**Complaint Summary:**

The complainant asserts that the Cointreau advertisement placement described below violates Responsible Placement Provision No. A1, which provides that “[b]verage alcohol advertising and marketing materials are intended for legal purchase age adults who choose to drink. Thus, these materials should primarily appeal to individuals 21 years of age or older and best efforts should be taken to ensure they are placed in broadcast, cable, radio, print, and internet/digital communications where at least 71.6 percent of the audience is reasonably expected to be 21 or older.”

The complainant states that a Cointreau ad appeared on the “Angry Birds 2” app in violation of Responsible Placement Provision No. A1. The complainant describes that “[m]y preschool child was playing ‘Angry Birds 2’ and was served an alcohol ad for Cointreau. Luckily I was sitting with him and could manage the situation by explaining that alcohol is not for kids and not good for you. It’s beyond me that a liquor brand like Cointreau would be legally able to advertise on a game targeted to children. I hope this is addressed so no other children are advertised to with cosmopolitans.”

The complainant also provided the following images “taken from my phone of his screen enticing him to ‘win a free card’ by watching a short ad during his game.”



The complainant added that “[t]his was viewed on a desktop application. The OS has a child account logged in. I do not believe we created any account regarding the player’s age. I sent this complaint immediately following seeing the alcohol ad.”

## **Code Review Board Decision:**

In response to the complaint, the advertiser stated that “RCUSA was concerned to learn that an advertisement was served to an individual that RCUSA would never intend to receive such advertising. Upon receiving the Complaint, RCUSA immediately removed the placement out of an abundance of caution and to provide time for an investigation and review. This situation raised questions around advertising on gaming platforms that we will continue to evaluate.”

The advertiser noted that “[l]ike many companies, RCUSA uses agencies to secure ad placements and in this instance both Mediahub and TrueX worked together on securing online and mobile inventory. TrueX is a multi-platform ad network running across mobile, desktop, and Connected TV that provides an interactive option in commercial breaks for interactive/on-demand media. Mediahub is a traditional ad/creative agency. Both confirmed that all targeted and/or purchased inventory is LDA compliant and this is a pre-requisite for any potential placement location.”

The advertiser further stated that “[a]ll demographic targeting for Cointreau ads, regardless of media platform, is Adults 25+. Upon receiving the Complaint, we reviewed the placement for compliance with the 71.6% LDA minimum audience, as well as our own internal targets. Through comScore, we confirmed that the age demographics for ‘Angry Birds #2’ exceed the code standards and reveal that 97.4% of the audience is over 21. The age breakdown is Persons: 21-34- 27.8% / 35-54 - 40.7% / 55-64 - 17.1% / 65+ - 11.8 %.”

The advertiser relayed that “Mediahub has been working with TrueX to break out the desktop, interactive TV and mobile demographics for Rovio’s ‘Angry Birds #2.’ Unfortunately, we have been advised that comScore doesn’t track users down to this level and Rovio doesn’t provide this information. Mediahub did conduct an investigation of user-session-level demographic data that was available from users on this placement between 5/11/2020 through 12/09/2020. They found that 99.64% of sessions could be attributed to users 21+.”

The advertiser added that “RCUSA is concerned that one of our ads was served to someone who clearly fell below our target age and felt that in this instance, a voluntary removal of the placement was the conservative but appropriate decision. However, following a thorough review, it is RCUSA’s position that we are in compliance with the Code and that the game exceeds the minimum demographic standard established in Responsible Placement Provision No. A1. Therefore, we do not feel that this placement constitutes a violation of the Code.”

After careful consideration of the complaint and the advertiser’s response, the Code Review Board did not find that the Cointreau advertisement placement violated Responsible Placement Provision No. A1 of the DISCUS Code. In arriving at its decision, the Board relied upon the demographic information provided to the advertiser demonstrating that the Angry Birds 2 application met the 71.6% demographic placement standard set forth in the DISCUS Code and Media Buying Guidelines.

However, the Board would like to note that this and another recent complaint have revealed that there are appreciable limitations on the technology generally available to collect reliable demographic data for downloadable applications. For example, if a parent downloads an application for their child to use, there currently is no technological way to discern when a child is the user instead of the parent who has downloaded the application. This may result in the data reporting the parent as the user.

The Board is committed to studying this issue further and working quickly to make any appropriate changes to the Code's responsible placement provisions to account for limitations of data technology in this medium. The Board held a meeting in late 2020 to begin exploring these issues further and discussing any necessary changes to the Code provisions and will continue these efforts into early 2021. Audience composition data has long been one of the most reliable tools for delivering advertisements to the appropriate audience. For downloadable applications, however, the Board recognizes that reliance on available data may not be sufficient and will provide appropriate guidance for this medium.

**Action by Advertiser:** None required.

**Status:** Not applicable.