

Advertisement: Sip Shine TikTok placements and marketing materials

Advertiser: Sip Shine (Non-DISCUS Member)

Complainant: Industry member

Complaint Summary:

The complainant considers the Sip Shine TikTok placements and marketing materials set forth below run afoul of Responsible Placement Provision No. A1 and Responsible Content Provision Nos. B1, B3, C1, and C13.

Responsible Placement Provision No. A1 provides that “[b]everage 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.”

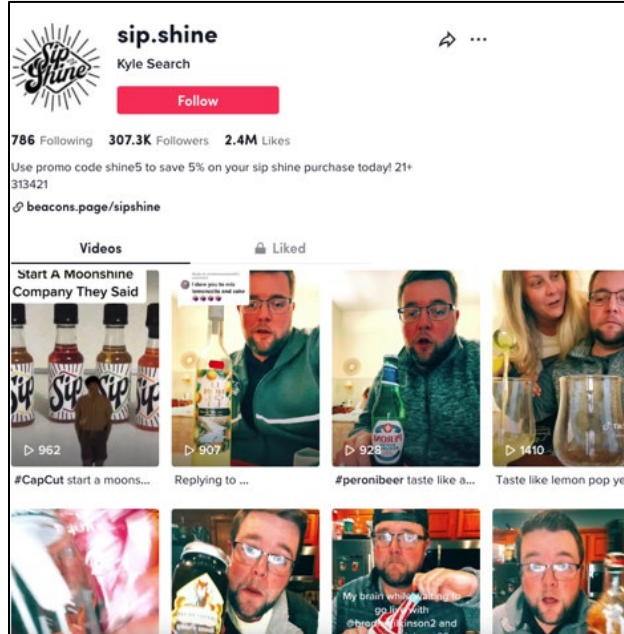
Responsible Content Provision No. B1 provides that “[b]everage alcohol advertising and marketing materials should portray beverage alcohol products and drinkers in a responsible manner and reflect generally accepted contemporary standards of good taste.”

Responsible Content Provision No. B3 provides that “[b]everage alcohol advertising or marketing materials should not portray beverage alcohol being consumed by a person who is engaged in, or is about to engage in, any activity that is illegal or requires a high degree of alertness or physical coordination, such as driving a vehicle.”

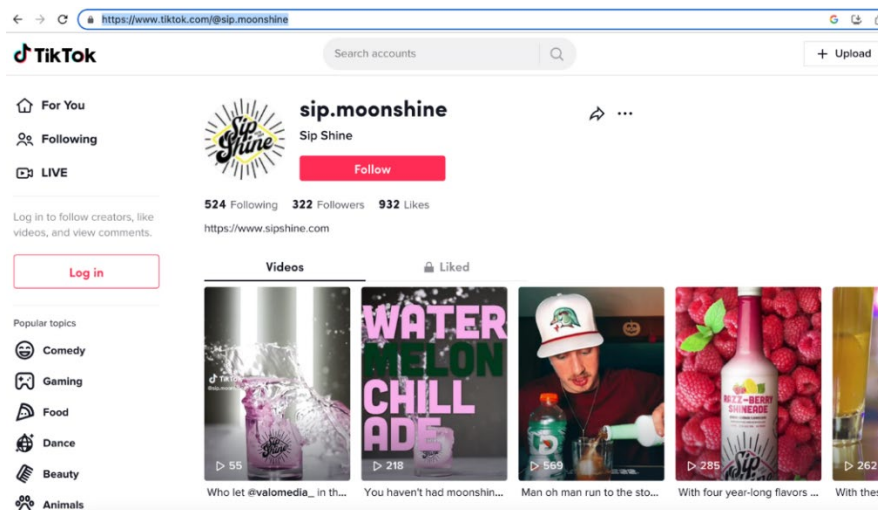
Responsible Content Provision Nos. C1 and C13 provide that beverage alcohol advertising and marketing materials that “[d]epict a child or portray objects, images, or cartoon figures that primarily appeal to persons below the legal purchase age” or have an “association with anti-social or dangerous behavior” would violate the Code.

The complainant states that, in violation of Responsible Placement Provision No. A1, “[Sip Shine](#) has an active TikTok user [account](#) (@sip.shine, Kyle Search) with over 307,000 followers and 2.4M likes. This account shares branded content to promote Sip Shine branded moonshine products and their on-premise Moonshine Slushies brand machines. The brand was founded in 2019, and the TikTok account owner Kyle Search is a managing partner of the company. The first TikTok appears in July 2019. The account also shows tasting reviews of other competitive spirits brands and food brands, but primarily promotes Sip Shine as a brand account, while featuring Sip Shine and other portfolio brands, Kyodie Whiskey and Gannett Peak Whiskey. In the bio, there is a promo code for purchasing their brand’s alcoholic products.”

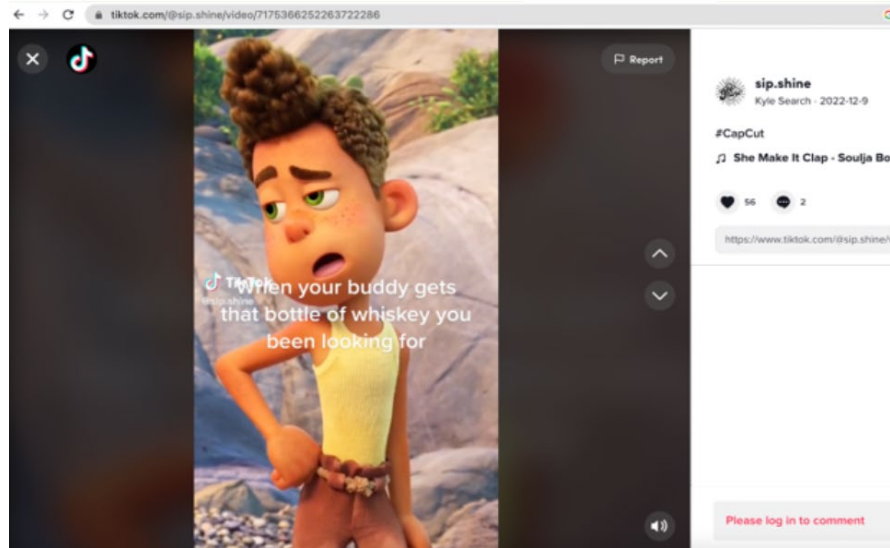
The complainant further notes that “[a]s noted in previous DISCUS Code Board Reviews, spirits brands are not on TikTok right now due to the lack of age-gating. Sip Shine has a brand audience of 307K followers in a space where spirits brands are not currently advertising, organically or paid.”



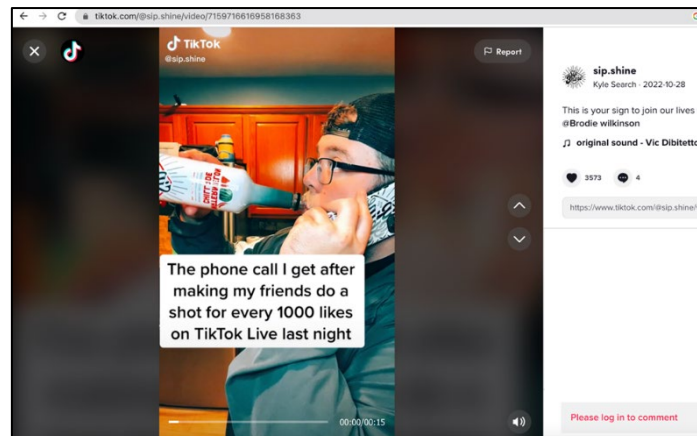
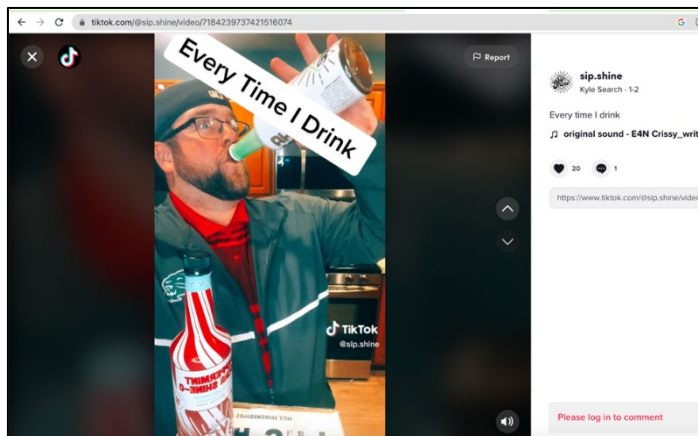
The complainant also states that “[t]here is a secondary TikTok [account](#) that had its first post in November 2022. It looks geared towards a total brand focus with advertising for Sip Shine only on this account. TikTok does not currently use age verification tools, so makes it difficult to know who would be served the content from a spirits brand (see [Reuters](#) article).”

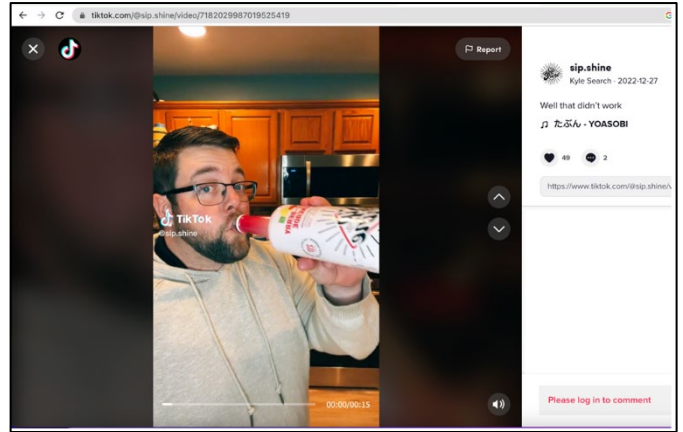
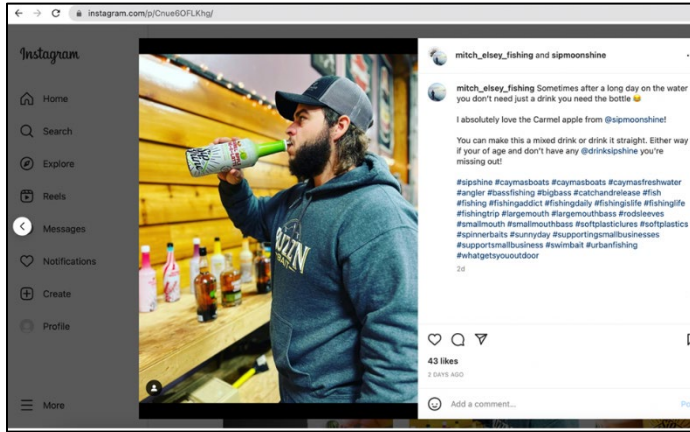


Regarding Responsible Content Provision C1, the complainant relays that there is a “Sip Shine [video](#) that features a cartoon image from the popular children’s Disney movie Luca.”

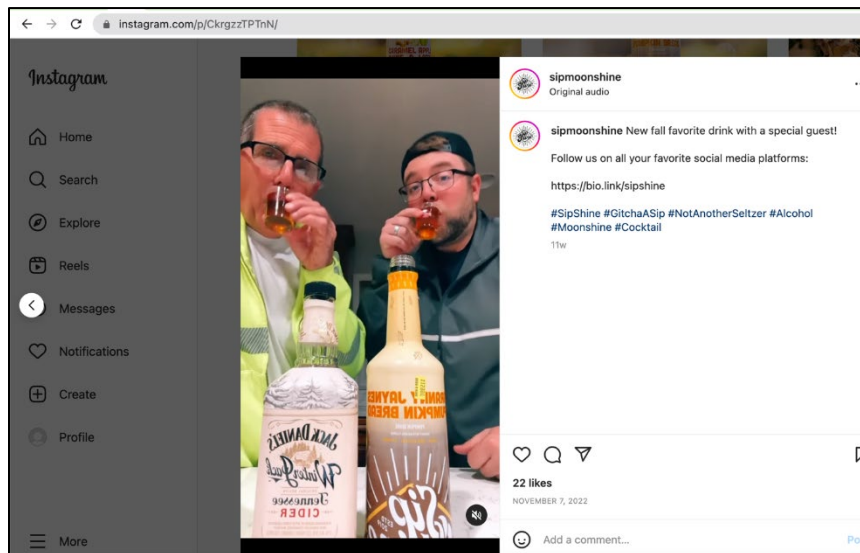
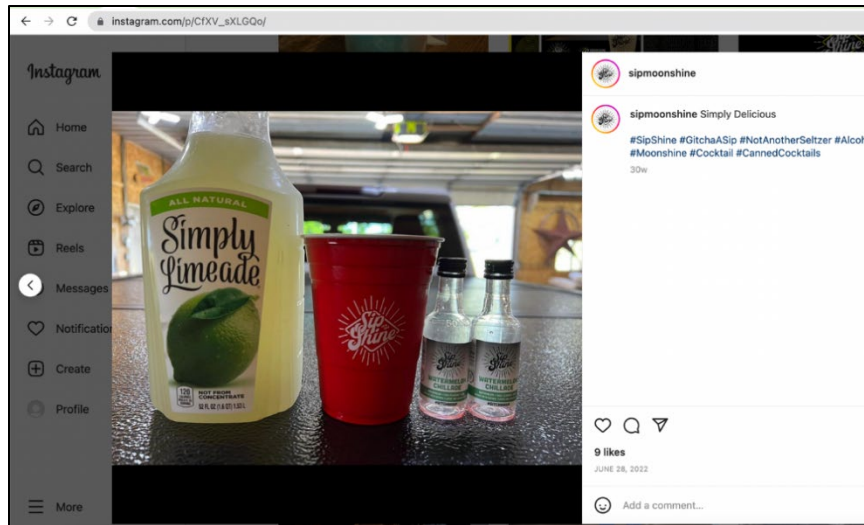


Regarding Responsible Content Provision B1, the complainant asserts that “Sip Shine can be seen with people drinking from the bottle regularly on multiple social media accounts. Right now the clear largest advertising audience is living in TikTok when comparing the brand’s lower count following on Facebook and Instagram. Sip Shine has an Instagram account with 3K followers (<https://www.instagram.com/sipmoonshine/>). Sip Shine has a Facebook account with 15K followers (<https://www.facebook.com/gitchaasip/>). Many brand posts on all social accounts feature a person actively drinking the product, making the totality of the accounts appear to encourage excessive drinking, directly from the bottle. These posts also feature other brands prominently in advertising and include videos with vulgar language (see: <https://www.tiktok.com/@sip.shine/video/7184239737421516074>; <https://www.tiktok.com/@sip.shine/video/7159716616958168363>.)”





The complainant also pointed to the following posts that “[p]rominently feature other branded items in brand social posts” in violation of Responsible Content Provision B1.



DISCUS, and we look forward to becoming a member. In recent months Sip Shine has hired a public relations firm and a new social media management company, along with iHeart Media Company and a national digital marketing firm. This team is working with us to develop a new marketing and brand reputation strategy, which is in the early stages of implementation. Your letter stating the complaints about Sip Shine's TikTok placements and marketing materials comes at a time of change for us, and we are confident that you will see our new approach emerging in the coming months."

The advertiser relayed that "[t]he two TikTok accounts in question have been shut down. Sip Shine will return to TikTok only when we can ensure that our brand can meet the DISCUS code requirements. Additionally, various posts from individuals associated with Sip Shine continue to be reviewed and taken down [as] appropriate. Our social media and public relations teams are working together to see that all future posts adhere to the guidelines. Moving forward, we will continue to educate all those associated with the Sip Shine brand about the DISCUS Code of Responsible Practices. Sip Shine will invest in training seminars provided by DISCUS to ensure adherence to code compliance. We are currently reviewing the course offerings on the DISCUS website."

The advertiser further stated that "[w]e have tasked our public relations firm to create an internal accountability and compliance plan, which will include a day of onsite training on brand reputation management and responsible marketing and social media placement using DISCUS materials."

After careful consideration of the complaint and the advertiser's response, the Code Review Board found that the TikTok placements and marketing materials referenced above violated Responsible Placement Provision No. A1 and Responsible Content Provision Nos. B1, B3, C1, and C13 of the DISCUS Code of Responsible Practices for Beverage Alcohol Advertising and Marketing.

Regarding the Sip Shine TikTok placements, the Code Review Board found that the TikTok platform does not meet the 71.6% demographic standard of the Code and does not employ age affirmation mechanisms in violation of RPP No. A1. The Board commended Sip Shine for removing their TikTok accounts in response to the complaint.

Regarding the December 9, 2022 Sip Shine TikTok post, the Code Review Board concluded that that the post includes a depiction of a character from a well-known Disney movie that is primarily aimed at children in violation of RCP No. C1.

Regarding the Sip Shine TikTok and Instagram posts referenced in relation to Responsible Content Provision No. B1, the Board concluded that the depiction of individuals consuming distilled spirits directly from the bottle does not portray these products and drinkers in a responsible manner or promote responsible consumption.

Regarding the November 29, 2022 Sip Shine TikTok video, the Board agreed with the complainant that the depiction of an individual removing a bottle of spirits with his bare hands from inside a fire and drinking from the bottle highlights dangerous behavior that would require a high degree of alertness in violation of RCP Nos. B3 and C13.

The Board commended Sip Shine for taking the proactive measures of removing the advertisements at issue upon receiving the complaint, as well as their commitment to implement procedures to ensure responsible marketing in the future.

Action by Advertiser:

Upon receipt of the complaint, the advertiser removed the TikTok and Instagram posts referenced in the complaint and discontinued their TikTok brand accounts.

Status: Resolved. Responsive action taken.