

Advertisement: Tennessee Shine TikTok placements

Advertiser: Tennessee Shine (DISCUS Craft Member)

Complainant: Industry member

Complaint Summary:

The complainant believes that the Tennessee Shine TikTok placements set forth below run afoul of Responsible Placement Provision No. A1.

Responsible Placement Provision No. A1 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, in violation of Responsible Placement Provision No. A1, “TN Shine Co. has an active [TikTok user account](#) with over 25,000 followers and 80K likes. This account shares branded content to promote TN Shine Co and features brand marketing and employees marketing their distillery and their products on the account. With posts continuing through mid-April, this is an active account.”

The complainant referenced other DISCUS Code complaint precedents to note that, “spirits brands are not on TikTok right now due to the lack of age-gating. TN Shine Co. has followers and marketing opportunity in a space where spirits brand are not currently advertising, organically or paid. TikTok does not currently use age verification tools, so makes it difficult to know who would be served the content from a spirits brand.”

The complainant further details other Tennessee Shine Co. employee/social brand accounts, stating that “TN Shine Co. had a seasoned ex-employee, Ole Red, who has over 590K followers on TikTok and 5.4M likes on his [account](#). He heavily promoted TN Shine Co. on his account prior to December 2022. He let his followers know that he was let go by the company in this [post](#). But, prior to this date, many of his posts were filmed at TN Shine Co. and promoted irresponsible heavy drinking/chugging, with the TN Shine Co. brand in the background of his chug posts, such as this [post](#).”

The complainant relays that “TN Shine Co. has a new employee, Bambam the Bartender, and he [announced](#) on his [TikTok page](#) that he’s been hired at TN Shine Co “to be a moonshine bartender and a social media influencer” clearly announcing on TikTok that he will be promoting the spirits brand on TikTok and other social media channels. There seems to be a lack of understanding with this brand that TikTok is not an advertising platform for spirits companies today.”

Code Review Board Decision:

In response to the complaint, the advertiser stated that “we would like to apologize if posting these videos on TikTok appears to violate the Responsible Placement Provision No. A1. Additionally, we apologize on behalf of our current and former employees for the videos they have posted that may violate that same provision. We never intended to run afoul of the guidelines and provisions provided by DISCUS. In choosing to post content on TikTok, we reasonably presumed that the number of users who are 21 years old or older exceeded the requirement that 71.6% of the audience is reasonably expected to be 21 or older. However, we realize that TikTok does not age-gate, and that making an assumption about the age range of TikTok users put us at risk of violating the guidelines. Again, we apologize for content that appears to be violating the Responsible Placement Provision No. A-1. That was not our intention.... we can agree to close all access to the Tennessee Shine Co. TikTok page.”

The advertiser relayed that “the accounts and posts referenced in your letter are the personal accounts of one former and one current employee. In the case of both employees, they had a following on social media before their employment at Tennessee Shine Co. We do not have the ability to monitor and control the number of followers and which users follow employees on their personal social media accounts. Nor do we have the ability to monitor and control followers on former and prospective employees’ personal social media accounts. Furthermore, we do not have the ability to monitor and control what our current employees post on their personal social media pages when they are not reporting for work.”

The advertiser further stated that, “since we cannot reasonably control and monitor the followers our employees have and the posts our employees make on their personal social media accounts, we will reinforce to our employees the DISCUS guidelines. We will use our best efforts to inform and remind our employees that our products and business can only be marketed to individuals who are at least 21 years of age, and that it is difficult to monitor the ages of TikTok users because TikTok does not age-gate. Thus, we will encourage our employees not to post content pertaining to Tennessee Shine Co.’s products and business. We will also use our best efforts to prohibit employees from filming and posting TikTok videos and posts while they are on our premises. We will also make it clear that these videos cannot be filmed and posted regardless of whether or not an employee is on or off the clock. Again, it is important to recognize that Tennessee Shine Co. does not have control over employees’ personal social media accounts, including their follower lists and what they post.”

After careful consideration of the complaint and the advertiser’s response, the Code Review Board found that the TikTok placements referenced in the complaint violated Responsible Placement Provision No. A1 of the DISCUS Code of Responsible Practices for Beverage Alcohol Advertising and Marketing. The Board concluded 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 Code Review Board commended Tennessee Shine's prompt attention to this complaint, noting that Tennessee Shine removed its TikTok account shortly after receiving the complaint and learning about the demographic standard.

Action by Advertiser:

Upon receipt of the complaint, the advertiser removed the TikTok account referenced in the complaint.

Status: Resolved. Responsive action taken.