

Advertisement: Casamigos Tequila advertising materials and product placement

Advertiser: Diageo (Non-DISCUS Member)

Complainant: Industry Member

Complaint Summary:

The complainant alleges that the Casamigos Tequila advertising materials and product placement discussed below runs afoul of Responsible Content Provision Nos. B1, C9, C11, C12, C13, and C14 of the DISCUS Code.

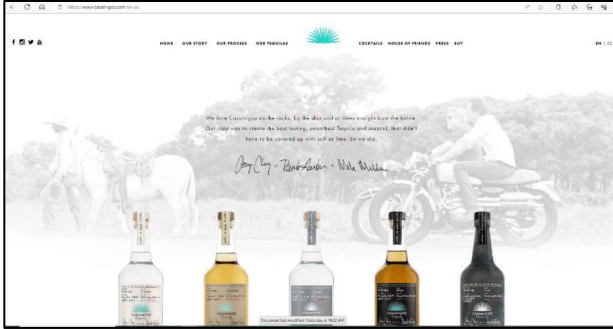
Responsible Content Provision No. B1 provides that “[b]everage alcohol advertising and marketing materials should portray beverage alcohol products and drinkers in a responsible manner and reflect generally accepted contemporary standards of good taste.”

Responsible Content Provision Nos. C9, C11, and C12 respectively provide that beverage alcohol advertising and marketing materials that “use lewd or indecent images or language,” “rely upon sexual prowess or sexual success as a selling point for the brand,” “use graphic or gratuitous nudity, overt sexual activity, promiscuity, or sexually lewd or indecent images or language,”

Responsible Content Provision Nos. C13 and C14 respectively provide that beverage alcohol advertising and marketing materials that have an “association with anti-social or dangerous behavior,” or “depict illegal activity of any kind” would violate the Code.

Complaint re Motorcycle Riding: Regarding the Casamigos Tequila advertising materials detailed below, the complainant states the “Casamigos ad with George Clooney and Rande Gerber riding motorcycles in Jalisco, Mexico without helmets, depicts both dangerous behavior and illegal activity in violation of Section [C] (13) and (14). It is illegal to drive without a helmet where the commercial/advertisement was filmed/photographed and also where it is marketed. Driving a motorcycle without a helmet is dangerous behavior compared to wearing a helmet. In fact, there is at least 37% more risk of dying in a motorcycle accident where a helmet is not worn and a 69% higher risk of head injury.”

The complainant relays “[t]he commercial at issue is on Casamigos’ official YouTube channel and social media glamorizing riding motorcycles in Jalisco, Mexico without helmets. Further, these ads also violate Diageo’s own Global Marketing Code of 2023, Section 9, which seem to be modeled after the DISCUS Code and state: ‘our marketing will not [...] depict situations where beverage alcohol is being consumed [...] in conjunction with explicit or implicit illegal activity of any kind.’”

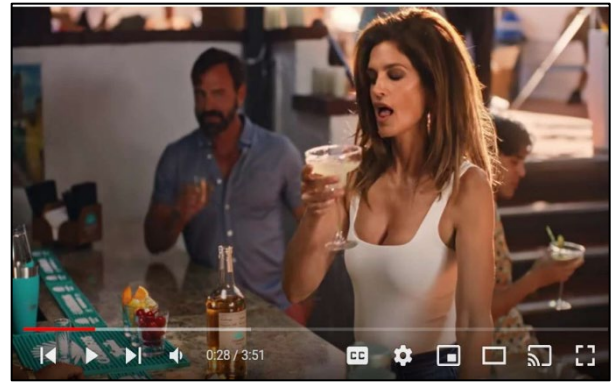


The complainant adds that “[t]his ad depicts illegal activity because it is illegal in Jalisco as well as other areas of Mexico to ride a motorcycle without a helmet. Further, still images of Clooney and Gerber riding a motorcycle without a helmet are marketed within the US, including on trucks driving in states with universal helmet laws, such as New York, California and Nevada:”



Complaint re “One Margarita” Music Video: Regarding the Casamigos Tequila product placement detailed below, the complainant states that the “Casamigos product placement in That Chick Angel’s music video featuring Cindy Crawford portrays irresponsible consumption in violation of Code Section [B](1) and inappropriate content in violation of Sections [C](9), (11) and (12).”

The complainant states that “[p]roduct placements by spirits companies, whether paid or unpaid, are covered by the Code. The music video at issue, One Margarita by That Chick Angel, is a clear product placement of Casamigos by Diageo as can be seen from the Casamigos branding on bar mats and tequila bottle at the bar and in the club throughout the music video and the feature of Cindy Crawford, married to founder, Rande Gerber, drinking a Casamigos margarita as well as other people in the music video consuming Casamigos and touching or dancing with Casamigos bottles.”

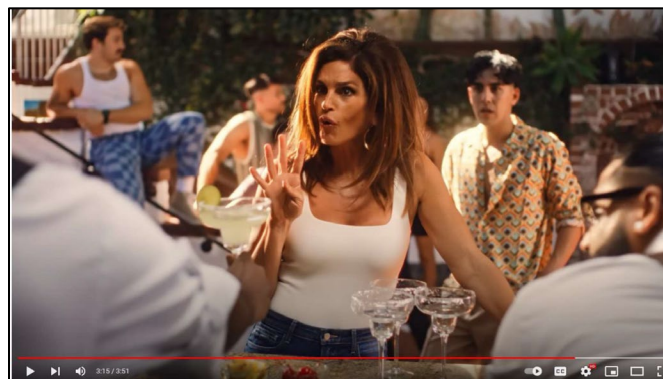


The complainant also relays that “[f]urther, in an interview with Entertainment Tonight, rapper That Chick Angel explains that her label has ‘a relationship with Casamigos and they loved the song’ leading to the partnership. <https://www.youtube.com/watch?v=9OE2oagxFaq> (@5:25-6:35) Casamigos also featured the product placement on its Instagram account ahead of the release of the music video, but interestingly has since deleted the post.”

Additionally, the complainant notes that “[t]his music video shows world famous model Cindy Crawford, wife of Casamigos founder Rande Gerber, in a scene inspired by her iconic 1992 Pepsi commercial where she is seen stepping out of a sports car in a white tank top and daisy duke shorts and very rapidly drinking, or ‘chugging’ a drink to quench her thirst. However, in the One Margarita music video the drink she chugs is a Casamigos margarita. This depicts irresponsible drinking and suggests overconsumption in violation of the Code. Further, this is not the first time a Casamigos ad depicted ‘chugging’ alcohol as irresponsible consumption in violation of the Code.”

The complainant relays that “[t]his product placement also violates Diageo’s own Global Marketing Code of 2023 which vows to ‘never depict, condone, or encourage excessive or irresponsible drinking,’ This is further explained in Section 4 of their Global Marketing Code as: ‘b. [w]e will not depict people drinking heavily or rapidly, or in a state of intoxication, nor imply that such behavior is attractive or appropriate.’ The rapid drinking of an entire cocktail in mere seconds is not responsible consumption and violates the Code Section [B] (1). There are additional depictions of overconsumption throughout the music video by others and even the lyrics of the song encourage irresponsible drinking and overconsumption by suggesting that consuming more and more margaritas will lead to more and more sexual activity. At the end of

the music video, Cindy Crawford is seen holding up four fingers with three empty margarita glasses in front of her, implying she has already consumed three margaritas in a short amount of time.”



The complainant adds that “[t]his Casamigos product placement by Diageo also violates the Code due to the lewd and sexually explicit lyrics, reliance upon sexual prowess and sexual success to sell its product and the overt sexuality and indecent language of the One Margarita music video. Similar to Code restrictions, Section 7 of Diageo’s own Global Marketing Code states: ‘we will ensure that our marketing does not imply that drinking enhances attractiveness or is a requirement for sexual success. Implicit sexual activity, seduction scenarios, gender stereotyping [...] that breach the spirit of these provisions must all be avoided.’”

The complainant also states that “[f]irst, the lyrics to the One Margarita song are lewd and indecent. In fact, they were too offensive to air on prime-time TV and were censored on a segment on Entertainment Tonight featuring the music video. The ET host referred to the song as ‘very x-rated’. <https://www.youtube.com/watch?v=DbhNHPpyrx4> (@0:00 – 0:52).”

The complainant relays that “[i]n addition to the lewd and indecent lyrics of the song in violation of Code Section [C] (9) and (12), the product placement also violates Section [C] [11] because Casamigos is relying on Cindy Crawford’s sexual prowess and sexual success as a selling point for the brand as can be seen by the reaction of the bartenders being turned on by her drinking the Casamigos margarita. Their sexual arousal is apparent in the way they are staring at her and one bartender is so distracted that his blender pops open and spills out in a very sexually suggestive way.”



Code Review Board Decision:

Advertiser Response re Motorcycle Riding: In response to the alleged violations of RCP Nos. C13 and C14, the advertiser stated that “[b]ased on the language of the DISCUS Code, there is no violation because the materials do not portray Mr. Clooney or Mr. Gerber consuming beverage alcohol while engaged in, or about to engage in, motorcycle-riding. Section [B](3) states, ‘Beverage 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.’ Riding a motorcycle without a helmet is legal in the majority of U.S. states. This Section informs how to examine the examples listed in Section [C] (which intends ‘to provide clarity and guidance’).”

Advertiser Response re “One Margarita” Music Video: Regarding the Casamigos Tequila product placement, the advertiser relayed that “Diageo notes that, when Diageo learned of Casamigos’ placement in That Chick Angel’s parody song and video, ‘One Margarita,’ Diageo acted quickly and immediately instructed Casamigos to remove all references to the video from its websites and social media channels, and halted any further activities in this space. Diageo’s instructions were implemented by the Casamigos team within hours. Diageo is in continuing discussions with Casamigos brand leadership and others about DMC compliance.”

After careful consideration of the complaint and the advertiser’s response, the Code Review Board found that the Casamigos Tequila advertising materials and product placement described above violated Responsible Content Provision Nos. B1, C9, C11, C12, and C13 of the Code, but did not violate Provision No. C14.

Decision re Motorcycle Riding: Regarding the Casamigos Tequila marketing materials referenced in relation to Responsible Content Provision Nos. B3, C13, and C14, the Board considered the totality of the marketing campaign and the plain language of Responsible Content Provision No. C13 as written and concluded that the depiction of the Casamigos founders driving motorcycles without helmets portrayed dangerous behavior in violation of the Code. In arriving at its decision, the Board carefully reviewed both the still photography and video involved in this campaign, noting that riding a motorcycle without a helmet, and in the case of the video one-handed and side-by-side, represented irresponsible and dangerous behavior particularly when shown in a beverage alcohol advertisement.

Regarding Responsible Content Provision No. B3 that was discussed by the advertiser, the Board agreed that, while the advertisement does show the Casamigos founders consuming alcohol and it could be inferred that they might leave the location on their motorcycles, they could not conclude based on the ad that they would then continue riding their motorcycles after drinking. The Board therefore does not find a violation of Responsible Content Provision No. B3 in relation to this advertisement.

The Board notes that, while it is illegal to ride a motorcycle without a helmet in some parts of the United States and on public roads in Mexico where the advertisement was filmed, it is legal for adults to ride a motorcycle without a helmet in most US states. Additionally, the legality of the actions depicted in the advertisement cannot be determined given that we understand that it was filmed on a closed set. Therefore, the Board cannot conclude that laws were broken in the filming of this video. Accordingly, the Board did not find a violation on the basis of RCP No. C14 with respect to this aspect of the marketing materials.

The Board took note, however, of the points made by the advertiser in its response related to Responsible Content Provision No. B3 and its relationship to Section C of the Code outlining examples of inappropriate content and whether there was the potential for confusion around the proper intent and implementation of these provisions. Consequently, the Board intends to explore potential revisions to the Code around the clarity of the illustrative examples listed in the Code and how they relate to other provisions to ensure the Code remains practical and easy to understand and implement for industry members.

Decision re “One Margarita” Music Video: Regarding the Casamigos Tequila product placement in the “One Margarita” music video, the Board agreed with the complainant that the music video depicted irresponsible consumption, utilized sexual prowess/sexual success as a selling point for the brand, and included sexually lewd and indecent language in violation of RCP Nos. B1, C9, C11, and C12.

The Board commended the advertiser for taking responsive action in removing references to the music video from its websites and social media pages, as well as halting further activities in relation to the video.

Action by Advertiser: The advertiser agreed to not produce new advertising content depicting motorcycle riding without helmets in the future, but could not commit to discontinuing the use

of the existing campaign. The advertiser removed all references to the “One Margarita” video from its websites and social media channels, and halted any further activities in relation to the music video.

Status: Partially resolved. The Board continues to urge the advertiser to discontinue the placement and use of the marketing materials depicting motorcycle riding without helmets referenced in the complaint.