

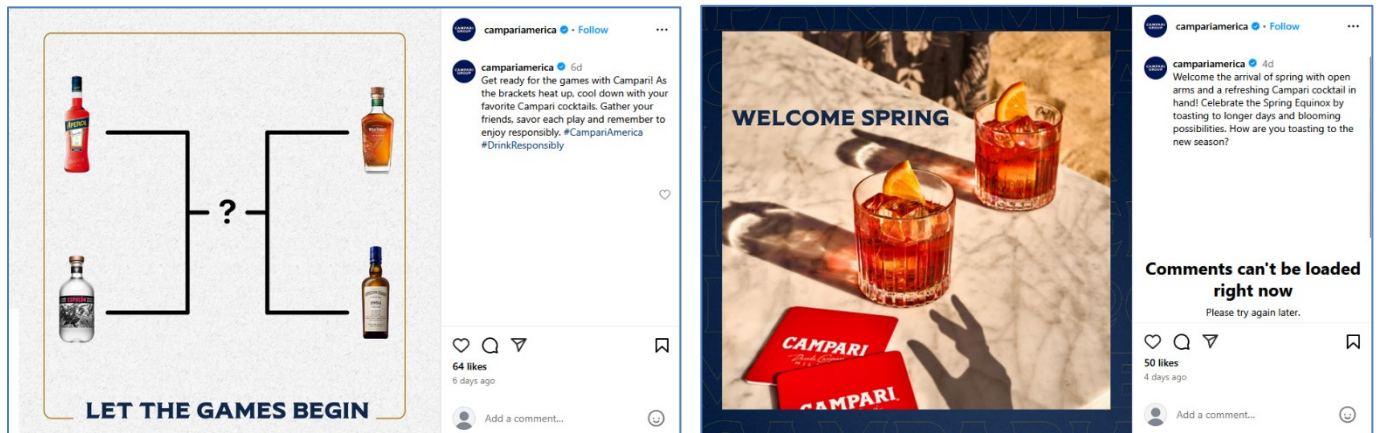
Advertisement: Campari marketing materials

Advertiser: Campari America (DISCUS Member)

Complainant: Private citizen

Complaint Summary:

The complainant alleges that the Campari marketing materials set forth below run afoul of Responsible Content Provision No. C6.



The complainant states that “[s]aying that their products can refresh someone is both curative and therapeutic in violation of Section C (examples of inappropriate content), No. 6: ‘makes curative or therapeutic claims.’ The copy of the first post suggests both a functional benefit and a physical transformation from the consumption of their products (cooling down) — both of which are prohibited by the DISCUS code. As you can see from the copy in the second post, they are suggesting a functional benefit of drinking their products by the use of ‘refreshing.’ This also is in direct violation of the DISCUS code.”

Responsible Content Provision No. C6 provides that beverage alcohol advertising and marketing materials that “make curative or therapeutic claims, except as permitted by law” would violate the Code.

Code Review Board Decision:

The advertiser stated that “[t]he complainant states that the copy used in Instagram Post No. 1 (i.e., ‘cool down with your favorite Campari cocktail’) violates Section C, No 6. (Examples of Inappropriate Content) of the DISCUS Code of Responsible Practices (the ‘**Code**’). The complainant’s claims that this phrase implies there are both functional benefits and physical transformations from consuming our products. While this is a very stretched interpretation of ‘cool down’ in the context of drinking a cocktail, which is nearly always an iced beverage, Campari has removed this post from our Instagram account since the copy did not specify an iced cocktail.”

The advertiser noted that, “[r]egarding the complaint for Instagram Post No. 2, the complainant states that the copy used (i.e., ‘a refreshing Campari cocktail’) violates Section C, No 6. (Examples of Inappropriate Content) of the Code. The complainant’s opinion of the copy suggests there is a functional benefit of consuming our products. Campari respectfully disagrees with the complainant’s interpretation of our advertisement. First, there is no provision in the Code that prohibits the use of the word ‘refreshing’ within beverage alcohol advertising, nor any specific example or suggestion that the use of this word, by itself, could be associated with providing any type of curative and/or therapeutic benefits (e.g., functional benefit) to the consumer. We have to assume then that the complainant is referring to the Alcohol and Tobacco Tax and Trade Bureau’s historical concerns about the use of ‘refreshing.’”

The advertiser continued by relaying that “[y]et even historically, it has been widely accepted that the use of the word ‘refreshing’ in reference to a chilled drink is not a therapeutic claim, as it is referring to the fleeting effect of drinking an iced beverage. See <https://bevlaw.com/bevlog/rejection-refreshing/> for a description of this issue as it stood in 2009, and noting COLA approvals that allowed the use of ‘refreshing’ without any reference to an iced drink.”

The advertiser stated “[t]he Instagram post in question explicitly welcomes the start of the Spring season, linking this to sunshine (showing the sunlit shadows of iced cocktails and a hand) and warmer weather. This is the season when consumers trade in warm drinks for cold ones. The iced cocktails make it abundantly clear that the ‘refreshing Campari cocktail’ is an iced one that provides a momentary cooling down, as would any iced beverage. Campari firmly maintains that the copy used in Instagram Post No. 2 does not violate any part of the Code. Nonetheless, Campari will, as always, respect the decision of the Code Review Board and respond accordingly.”

After careful consideration of the complaint and the advertiser’s response, the Code Review Board did not find that the Campari marketing materials violated Responsible Content Provision No. C6 of the Code. In the Board’s view, the usage of “cool down” and “refreshing” in the context of the marketing materials did not rise to the level of therapeutic or curative claims. In arriving at this decision, the Board cited the reference to cocktails in each instance, which are traditionally iced beverages, and the general tone and text of the advertisements that did not infer any curative or therapeutic benefits.

Action by Advertiser: None required.

Status: Not applicable.