

2008-2009 Annual Report

C O D E C O M P L I A N C E R E V I E W B O A R D



BEER INSTITUTE

BOARD MEMBERS

William H. Cunningham
Chairman

Rory Davies

Paul G. Summers

Beer Institute Code Compliance Review Board

August 1, 2009

Mr. Jeff Becker
President
Beer Institute
122 C Street N.W., Suite 350
Washington, DC 20001

Dear Mr. Becker:

I am pleased to share with you the Code Compliance Review Board's (CCRB) third annual report detailing our work from January 1, 2008 to June 30, 2009. We were presented with two unresolved cases, and summaries are included in this report.

Now in our third year as a Board, we believe our knowledge and understanding of the Code have increased and we are well prepared to render decisions on future cases. We have also been briefed on the latest advertising technologies and policy issues.

Thank you for your continued support of our initiative to keep brewers' and beer importers' advertising consistent with the Beer Institute's Advertising and Marketing Code. As always, the CCRB looks forward to continue this important endeavor to maintain effective self-regulation in advertising.

Sincerely,



William H. Cunningham
Chairman

CCRB Members



William Cunningham, PhD, who is serving as the Chairman, is a professor of Marketing at the University of Texas at Austin. He served for eight years as Chancellor and Chief Executive Officer of the University of Texas System. In addition to his extensive background in higher education, Dr. Cunningham has a longstanding academic interest in consumer protection issues. He serves as a board member and advisor to several major corporations and non-profit organizations.



Rory Davies serves on the Commission on Presidential Debates. Her responsibilities include producing the U.S. presidential debates, as well as providing technical assistance to countries worldwide about issue-oriented candidate debates. She has previously served as Executive Vice President of the National Association of Broadcasters (NAB) and on the national board of Mothers Against Drunk Driving. Ms. Davies developed and oversaw NAB's national public service campaigns, including initiatives to combat underage drinking and drunk driving.



Paul G. Summers is a partner with the law firm Waller, Lansden, Dortch & Davis. Prior to joining the firm, he served as Attorney General of the State of Tennessee, Judge of the Tennessee Court of Criminal Appeals, and District Attorney General for a multi-county district in Tennessee. Mr. Summer served as a JAG officer for more than three decades in the U.S. military, retiring with the rank of colonel. He was awarded the Legion of Merit by President George W. Bush and is a member and former Chairman of the Jason Foundation, Inc., a national nonprofit foundation dedicated to the education and prevention of teenage suicide.

Beer Institute Advertising and Marketing Code Complaint Process

- The Beer Institute Code, background on the Code Compliance Review Board (CCRB), electronic complaint forms, and instructions are all available at www.beerinstitute.org. Hard copy materials may be obtained by calling 1-800-379-2739.
- Brewers utilize the Beer Institute Advertising and Marketing Code's guidelines in developing radio, television, Internet, print, and other materials to promote their respective brands. A consumer who believes that specific advertising and marketing material is inconsistent with one or more guidelines of the Beer Institute Code may contact the brewer directly regarding their concern or they may contact the Beer Institute. The brewer will normally respond within ten business days.
- A consumer who is dissatisfied with a brewer's response to a complaint that its advertising or marketing material violates a guideline in the Beer Institute Code may file a complaint form with the CCRB. The CCRB is an independent panel that was established to provide the public with a timely, transparent, and independent complaint review process for brewer advertising and marketing materials that are being broadcast or actively disseminated in the marketplace.
- When a complaint is filed for review by the CCRB, it is forwarded to the brewer responsible for the advertising and marketing material. The complaint and a copy of the advertising and marketing material are also forwarded to the Chairman of the CCRB. The Chairman will then select three CCRB members to consider the complaint. Complaints missing essential information are returned to the consumer with an offer to provide assistance if needed.
- The brewer responsible for the advertising and marketing material has an opportunity to respond to the complaint, after which the CCRB reviews all of the material and renders a decision.
- CCRB decisions and any brewer response to the decision are posted on the Beer Institute Web site and compiled in an annual report.
- Identical or substantially similar complaints received by the CCRB (same material and same code provision) are acknowledged with notice that the issue is already pending. All consumers who make identical or similar complaints will receive notice of the CCRB decision and any response by the responsible brewer.
- If a brewer notifies the Chairman of the CCRB that it permanently discontinued broadcast or dissemination of the advertising or marketing material at issue more than 30 days prior to receipt of the complaint filed with the CCRB and that all reasonable efforts have been taken to withdraw the advertisement or marketing material from the marketplace, the CCRB shall so notify the consumer, and the matter shall be considered resolved without the need for further CCRB review



2008-2009 CCRB Complaint Summaries

Sparks “Tiny Entourage” Web video



Proponent: G. Hacker on behalf of the Center for Science in the Public Interest, Washington, D.C.

Brewer: MillerCoors

Date: October 27, 2008

Complaint: The Proponent believes the Sparks sponsorship of the “Tiny Entourage” video featured on Heavy.com “fall[s] far short of one of the basic principles of the Beer Institute’s Advertising and Marketing Code” that “brewers should adhere to contemporary standards of good taste applicable to all commercial advertising.” The Proponent also believes the video violates section 5(a) of the Advertising and Marketing Code in that the video contains lewd and explicit language.

Summary of

Board Decision: The Code Compliance Review Board decided that “the purpose of the CCRB is to review advertising and marketing materials in which there is a disagreement between an individual or organization and a beer producer concerning whether or not specific advertisement(s) or marketing material(s) are consistent with the industry’s Advertising and Marketing Code. In this case, MillerCoors...has withdrawn the video. Therefore, the CCRB considers the issue moot and the case closed.”

Note: MillerCoors removed the Sparks sponsorship material that introduced and framed the video within three days of receipt of the initial complaint.

Bud Light “Meeting”



Proponent: R. Kovel, Merrick, NY

Brewer: Anheuser-Busch, Inc.

Date: March 9, 2009

Complaint: The Proponent believes the ad conveys that “the way to deal with work is to drink on the job,” and that the ad violates sections 2(c), 2(d), and 4(d) of the Code.

Summary of

Board Decision: The Board found that the ad did not violate the referenced sections of the Code:

Section 2(c) states: “Beer advertising and marketing materials should not portray persons lacking control over their behavior, movement, or speech as a result of consuming beer or in any way suggest that such conduct is acceptable.” The Code Compliance Review Board (CCRB) feels that everyone in the advertisement is in control of their behavior. Section 2(c) prohibits the use of people who are intoxicated from participating in advertisements. It is the unanimous opinion of the CCRB that “Meeting” does not portray intoxicated people and, as a result, it is the unanimous opinion of the CCRB that “Meeting” does not violate section 2(c) of the code.

Section 2(d) of the code states “Beer advertising and marketing materials should not portray or imply illegal activity of any kind by an individual prior to, during, or after the individual consumes, purchases, or is served beer, unless the portrayal or implication of illegal activity is a basic element or feature of a parody or spoof and is readily identifiable as such.”

The Beer Institute Guidelines state (section 1) that “In applying these guidelines, creative elements are to be considered in the overall context of the advertisement or marketing materials. Humor, parody, satire, and all other advertising themes and devices should be readily identifiable as such by reasonable adults of legal drinking age.”

It is the position of the CCRB that the contents of “Meeting” were “readily identifiable” by “reasonable adults of legal drinking age” to be a clear example of “humor, parody, and satire.” As a result, it is the unanimous opinion of the CCRB that “Meeting” does not violate section 2(d) of the Code.

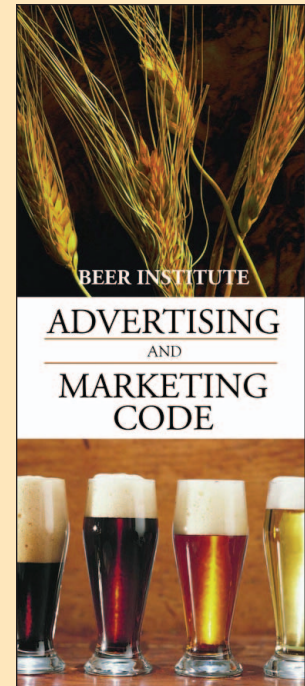
Finally, the CCRB unanimously concludes that “Meeting” does not violate section 4(d). This section of the code prohibits the use of beer advertising that “represent[s] that individuals cannot obtain social, professional, educational, athletic, or financial success or status without beer consumption.” “Meeting” does not make this claim and, as a result, does not violate section 4(d).

Beer Institute Advertising and Marketing Code

The brewing industry developed one of the first voluntary advertising guidelines to help its members advertise and market their products in a responsible manner. While those guidelines have evolved over time to reflect changes in technology, advertising media, and societal concerns, the premise of the guidelines remains unchanged. Today, these voluntary guidelines are embodied in the Beer Institute Advertising and Marketing Code and serve as the baseline for the Beer Institute members' self-regulatory efforts. Brewers and beer importers utilize the Code's guidance and specific guidelines in developing radio, television, Internet, print, and other materials to promote their respective brands.

For copies of the Beer Institute Advertising and Marketing Code and Buying Guidelines, please click [here](#).

For more information, please contact the Beer Institute at:
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