

# BEER INSTITUTE CODE COMPLIANCE REVIEW BOARD

April 18, 2007

Mr. Richard Goldschmidt  
Downers Grove, IL 60515

Dear Mr. Goldschmidt:

Thank you for using the Code Compliance Review process. In your telephone conversation with Mr. Art DeCelle, Vice President and General Counsel for the Beer Institute, you complained that the Anheuser-Busch Bud Light Ad "But He Has Bud Light" television ad violates sections 2, 2(a), and 3(c) of the Beer Institute Member Guidelines.

The Board panel consisted of the following individuals: Rory Davies, Paul Summers, and William H. Cunningham. Gloria Rodriguez, who is also a member of the Code Compliance Review Board, did not participate. The Board panel carefully considered your entire complaint while reviewing the ad itself. Our process allows us ample time and access to evaluate the impact of this ad on the viewer and discuss our individual reactions in the context of your complaint.

After thorough discussion, it is the unanimous position of the Board panel that the advertisement in question does not violate section 2, 2(a), or 3(c) of the Beer Institute's Member Guidelines. I will address each of the specific sections below.

Section 2 states that "beer advertising and marketing materials should portray beer in a responsible manner." We believe the advertisement is clearly identifiable as a parody or spoof and, therefore, it does not violate section 2 of the guidelines.

Section 2(a) states that "beer advertising and marketing materials should not portray, encourage, or condone drunk driving." The advertisement in question does not show drinking of any kind. It is correct that the passenger the couple picks up is carrying beer, however, once he enters the vehicle the beer is not seen again in the vehicle. Therefore, the advertisement does not violate section 2(a) of the guidelines.

Section 3(c) states that beer advertising should be "intended for adult consumers of legal age." The guidelines specifically states that "beer advertising and marketing materials shall only be placed in magazines, on television, or on radio, where at least 70% of the audience is expected to be adults of legal drinking age. While the Code Compliance Review Board has no specific information as to the percentage of the population below drinking age that was watching the NCAA College Basketball Tournament, it is clear to us that the NCAA College

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Page Two  
April 18, 2007  
Mr. Richard Goldschmidt

Basketball Tournament is not marketed primarily to college students who are less than the legal drinking age. The NCAA College Basketball Tournament is a national event that enjoys wide viewership. In addition, Carol Clark, Senior Group Director from Anheuser-Busch, stated in her e-mail to you that "according to 2006 Nielsen Media Research, approximately 89 percent of viewers during the 2006 NCAA Tournament were 21 years and older." She also stated that "the median viewer age for last year's tournament was 47." Assuming this information is correct, we have no reason to believe that the 2007 NCAA Tournament would have been more likely to appeal to a younger audience than the 2006 Tournament. Therefore, we must conclude based on our own opinions, as well as the information provided by Ms. Clark to you, that the advertisement in question does not violate section 3(c).

The findings of the Board panel are final. They will be communicated to the company responsible for the advertisement cited in the complaint. Findings will be publicly available on the Beer Institute's web site and published in an annual report. This correspondence will conclude the complaint and review process.

Though the Board panel did not share your position on a violation of the guidelines, we appreciate your informed use of the review process.

Sincerely,



William H. Cunningham  
Acting Chairman

xc: Ms. Rory Davies  
Ms. Gloria Rodriguez  
Mr. Paul Summers