

# BEER INSTITUTE CODE COMPLIANCE REVIEW BOARD

August 27, 2007

Mr. Rod Kovel  
1368 Meadowbrook Road  
Merrick, NY 11566

RE: "Rock, Paper, Scissors," violation of sec. 2 (d) of the Beer Institute Member Guidelines

Dear Mr. Kovel:

Thank you for using the Code Compliance Review process. The Board Panel consisted of the following individuals: Rory Davies, Paul Summers, Gloria Rodriguez, and William H. Cunningham. Prior to the meeting, I made a decision that Ms. Davies would be shown as present, but not voting. This procedure was followed to avoid the possibility of having a tie vote.

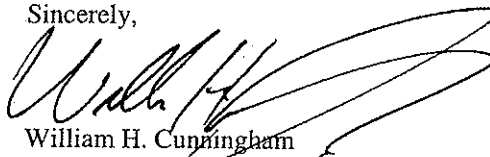
You complain that the "Rock, Paper, Scissors" television ad violates section 2 (d) of the Beer Institute Member Guidelines. The Board carefully considered your entire complaint while reviewing the ad itself. Our process allows us ample time and access to evaluate the impact of this ad on the viewer and discuss our individual reactions in the context of your complaint.

In your complaint concerning the advertisement "Rock, Paper, Scissors" you state that "Rock, Paper, Scissors depicts a man stealing a beer from another by braining him with what appears to be a 5 pound chunk of concrete, and another man passing by indifferently to the prone figure." Section 1 of the Beer Institute Advertising and Marketing Code states that "Humor, parody, satire, and all other advertising themes and devices should be readily identifiable as such by reasonable adults of legal drinking age." Section 2(d) states that "Beer advertising and marketing materials should not portray or imply illegal activity of any kind.....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." It is our opinion that the advertisement "Rock, Paper, Scissors" does represent humor, parody or satire that is readily identifiable by reasonable adults of reasonable drinking age and that the portrayal or implication of an illegal activity in the advertisement is a basic element or feature of the parody. Therefore, it is the unanimous position of the Code Compliance Review Board that the "Rock, Paper, Scissors" ad does not violate the guidance set out in section 2 (d) of the Beer Institute's Advertising and Marketing Code.

The findings of the Board 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.

The Board did not share your position on a violation of the guidelines. However, we want to take this opportunity to communicate to you that we are sensitive to the questions of violence that you have raised in your complaint and we appreciate your informed use of the review process to express your concerns and objections.

Sincerely,



William H. Cunningham  
Acting Chairman

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

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