

Complainant: Georgia Smith

Commercial: "Voyage"

Product Advertised: Heineken

Advertiser: Heineken USA

Nature of Complaint: Ms. Smith submitted a complaint regarding a Heineken USA, Inc. (HUSA) commercial entitled "Voyage," which she saw broadcast on the History Channel, and which she alleges promotes animal sacrifice. By her complaint, Ms. Smith identifies herself as "Humane Party Board Director." Ms. Smith contacted HUSA on August 12, 2013, asking for an apology and requesting that HUSA take the commercial off the air. It also appears that she posted a petition regarding the commercial on Change.Org.

In a series of emails, HUSA denied that the commercial depicted any intent to harm or sacrifice an animal. HUSA also advised Ms. Smith that if she was not satisfied with the Company's decision, she could submit a complaint for review by the Code Compliance Review Board (CCRB). Thereafter, Ms. Smith requested CCRB review.

Alleged Ad Code Violations:

Ms. Smith alleges that the "Voyage" commercial violates sections 2.d., 2.g., 3.a., 3.e., and 7 of the Beer Institute Advertising and Marketing Code.

1. Ad Code Section 2.d.: 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.

Alleged Violation of Ad Code Section 2.d.: Ms. Smith alleges that the Voyage commercial violates Ad Code Section 2.d. in that it "portrays illegal activity." She also alleges a violation, because "[a]nimal abuse & sacrifice is no joke, NOT FUNNY!!"

2. Ad Code Section 2.g.: The Code does not have a section 2(g).

Alleged Violation of Ad Code Section 2.g.: Ms. Smith alleges, "[y]ou might need to make this to help animals in case you can't see clearly that any of my points are valid. No joke, not funny!"

3. Ad Code Section 3.a.: Brewers are committed to a policy and practice of responsible advertising and marketing. As a part of this philosophy, beer advertising and marketing materials are intended for adult consumers of legal drinking age. Advertising or marketing materials should avoid elements that appeal primarily to persons under the legal drinking age. Advertising and marketing materials appeal primarily to persons under the legal drinking age if they have special attractiveness to such persons beyond their general attractiveness for persons above the legal drinking age.

a. In considering whether beer advertising and marketing materials appeal primarily to persons under the legal drinking age, Brewers should take into account the following elements among others:

- Symbols
- Language
- Music
- Gestures
- Entertainers or celebrities
- Cartoon characters
- Groups or organizations

Alleged Violation of Ad Code Section 3.a.: Ms. Smith alleges that the Voyage commercial violates Section 3.a., because “[a] goat is a symbol of sacrifice in India!”

4. Ad Code Section 3.e.: Beer should not be advertised or marketed at any event where most of the audience is reasonably expected to be below the legal drinking age. This guideline does not prevent Brewers from erecting advertising and marketing materials at or near facilities that are used primarily for adult-oriented events, but which occasionally may be used for an event where most attendees are under age 21.

Alleged Violation of Ad Code Section 3.e.: Ms. Smith alleges that the Voyage commercial violates Section 3.e., because “[h]istory is for young people too. Don’t teach joking about it.”

5. Ad Code Section 7: Beer advertising and marketing materials should not employ religion or religious themes.

Alleged Violation of Ad Code Section 7.: Ms. Smith alleges that the Voyage commercial violates Section 7, because “[i]f taking a goat to a temple in India is not a religious theme, I don’t know what is. And, it’s not funny!”

Response from Heineken USA:

In early August 2013, we received consumer complaints, including an individual complaint from Ms. Smith regarding the use of a goat within our Heineken Voyage commercial. The complaints specifically referenced a concern that we were implying support of goat sacrifice. At the same time, we were also informed of a petition that had been created on Change.Org on this same topic. There were a total of 771 petition signatures on August 13, 2013. As a result, we immediately elevated this issue to our senior corporate relations team and officially assembled our internal review committee. This committee is made up of current Heineken employees from various disciplines within our organization including corporate relations, legal, marketing, sales and human resources.

After intense deliberation and review of the Beer Institute and HEINEKEN Global Marketing/Advertising Codes, our internal committee unanimously determined that the Heineken Voyager spot did not violate any these codes. They found the commercial does not depict any intent to harm or sacrifice the goat, and the found the commercial to be in full compliance with the Beer Institute Advertising and Marketing Code as well as the Heineken Global commercial Code. The company also confirmed that the health of the animals shown in the commercial were monitored before and after filming by independent specialists, and that professionals were present on-set to guide the animals (a goat and elephant) during the shoot. The company also contacted the Animal Welfare Board in the country where the commercial was taped. They confirmed that the animals were treated with the utmost care.

These reviews were documented and an official response statement was developed. This statement was then used to respond to Ms. Smith's individual consumer complaint and posted as a response to the petition on Change.org. Both the response to Ms. Smith and the response posted on Change.org advise that if consumers are unsatisfied with our decision, they can contact the Beer Institute directly to have their complaint reviewed by the BI's third party Code Compliance Review Board (CCRB). We also provided contact information for the Beer Institute.

**BEER INSTITUTE  
CODE COMPLIANCE REVIEW BOARD**

122 C Street NW, Suite 350  
Washington, D.C. 20001-2150  
Telephone: 202.737-2337; Fax: 202.737.7004

October 14, 2013

Ms. Georgia Smith  
603 Jennifer Lane  
Gilbertsville, PA 19525

Dear Ms. Smith:

I write in response to your complaint to the Beer Institute concerning the Heineken "Voyage" Commercial. It is my understanding that you believe that the Heineken USA, Inc. (HUSA) commercial entitled "Voyage" commercial violated Sections 2.d, 2.g, 3.a, 3.e, and 7 of the Beer Institute's Marketing Code. The Code Compliance Review Board (CCRB) reviews complaints from the perspective of a "reasonable adult consumer of legal drinking age."

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." I will address each of your complaints below.

Section 2.d states that "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 activities is a basic element or feature of a parody or spoof and is readily identifiable as such." We agree with you that "animal abuse and sacrifice is no joke." However, the CCRB did not find that there was any illegal activity, and specifically, there was no animal abuse or sacrifice depicted in the commercial.

Section 2.g. There is no section 2.g. in the Advertising and Marketing Code. I assume from your comments that you feel we should add a new section 2.g to "help animals." Section 2.d of the Code clearly states that "Beer advertising and marketing materials should not portray or imply illegal activity of any kind" unless it is a parody or spoof. This section covers all types of illegal activity, including the abuse of animals.

Section 3.a states "In considering whether beer advertising and marketing materials appeal primarily to persons under the legal drinking age, brewers should take into account the following elements: symbols, language, music, gestures, entertainers or celebrities, cartoon characters, or groups or organizations." You state that "a goat is a symbol of sacrifice in India." This may well be the case, however, this has nothing to do with the material mentioned in 3.a which focuses on the question of the legal drinking age of people watching the commercial. The CCRB finds that there is no violation of section 3.a.

Section 3.e states that "Beer should not be advertised or marketed at any event where most of the audience is reasonably expected to be below the legal drinking age." You state that "History is for young people too. Don't teach joking about it." The CCRB believes that the History Channel does not attract a significant percentage of viewers who are under the legal drinking age. The CCRB found nothing in the advertisement that was a violation of Section 3.e.

Section 7 states that "Beer advertising and marketing materials should not employ religion or religious themes." While you may believe that the commercial has a religious theme, we have no way of determining that this is correct. The advertisement clearly portrays a festive event, which includes a painted elephant, interesting foods, dancers, a lighted automobile, fireworks, beer, and golf. We are unable to tie the event in the commercial to religion or a religious theme. Therefore, the CCRB found nothing in the advertisement that violates Section 7 of the Code.

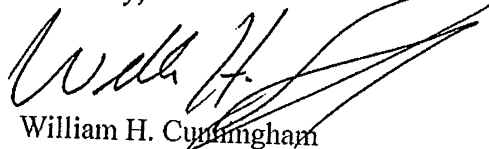
The CCRB understands that you do not approve of the Voyage commercial and that you believe that "animal abuse and sacrifice is no joke, NOT funny!!" It was clear to the CCRB that the goat that appeared in the commercial was not injured or sacrificed and there was no apparent threat or intention to sacrifice the goat. At the end of the commercial, the goat ended up in the arms of his apparent owner.

We understand that different people will have different perspectives on whether an advertisement is good, effective, or even offensive. However, it is our job to examine your complaint from the perspective of whether or not the advertisements in question violate the Beer Institute's Advertising and Marketing Code. The CCRB's responsibility is to examine an advertisement only from the perspective of whether or not it violates the Code. In this case, we unanimously found that the Voyage commercial did not violate Sections 2.d., 3.a, 3.e, and 7 of the Code.

The CCRB spent a considerable amount of time reviewing the advertisement; studying the code sections in question; and debating the allegations of your complaint against the response of the brewer. The findings of the Board are final. They will be communicated to Heineken and the 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 did not share your position on a violation of the Guidelines, we appreciate your informed use of the review process.

Sincerely,



William H. Cunningham  
Chairman

xc: CCRB Board Members:  
Ms. Rory Davies  
Mr. Paul Summers