

Complainant: Connie Goad

Commercials: "Journey" and "Lucky Chair"

Product Advertised: Bud Light

Advertiser: Anheuser-Busch

Nature of Complaint: Ms. Goad asked for Code Compliance Review Board (CCRB) review of her complaint about "Journey" and "Lucky Chair," two Super Bowl television advertisements. Ms. Goad objects to the commercials as "indecent" and promoting "Satanic" images. She also objects that the commercials endorse good luck charms and the concept of controlling luck, and are otherwise inconsistent with an "all-powerful God Almighty." She alleges violation of Sections 5(a) and 7 of the Ad Code. Anheuser-Busch denied the allegations. Ms. Goad requested review of her complaint by the Code Compliance Review Board (CCRB).

Alleged Ad Code Violations:

1. Ad Code Section 5(a) provides: Beer advertising and marketing materials: (a) should not contain language or images that are lewd or indecent in the context presented and the medium in which the materials appears.

Alleged violation regarding Section 5(a): Ms. Goad alleges that in general, the language and images in the commercial are "indecent" and "Satanic" and thus, violate Section 5(a).

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

Alleged Violation of Ad Code Section 7.: Ms. Goad alleges that the commercials violate Section 7, because that they promote the concept of controlling luck and stand at odds with her views of an "all-powerful God Almighty." She also alleges that the commercials are "Satanic."

**ANHEUSER-BUSCH COMPANIES, LLC'S RESPONSE
TO MS. CONNIE GOAD'S COMPLAINT RE: SUPERSTITIOUS CAMPAIGN**

Factual Background

Ms. Connie Goad contacted Anheuser-Busch with a very general complaint about so-called "Satanic" Super Bowl television advertisements.¹ Anheuser-Busch did not and would not air any Satanic ad. We did air two ads that built on the theme of "good luck" as that theme is interpreted in New Orleans, where the Super Bowl was being played.² These ads were an extension of Anheuser-Busch's "Superstitious" campaign that we had aired during NFL football games throughout the season. That campaign had playfully illustrated the length to which fans would go to support their teams. The "Superstitious" title for the campaign came from the famous Stevie Wonder song, which was used in the ads. Stevie Wonder even appeared in the two Super Bowl ads about which Ms. Goad complains.

Our two Super Bowl ads featured New Orleans scenes. The visual imagery played on the romanticized Gothic conceptions of New Orleans. There were images of fog, old buildings, and even a cemetery. We mixed these "spooky" images with humorous stories of ordinary people making extraordinary efforts to obtain good luck for their favorite football team. In one ad, "Lucky Chair," two guys try to reverse the effect of a friend's "lucky chair" by dragging it through the streets of New Orleans in order to have a young woman cast a spell on it. In another, "Journey," friends rooting for different teams each obtain from Stevie Wonder competing voodoo dolls they hold at the game to alter their luck, only to realize that they likely will cancel each other out. These two ads poke fun at the silliness of the whole concept of good luck charms. Indeed, both had a tag line at the end that said: "It's only weird if it doesn't work."

The concept of "luck" or "fortune" is as old as antiquity, and is the subject of plays by the early Greeks and Romans. Societies have built many superstitions around "good" and "bad" luck. In Western societies, there are all sorts of lucky charms, including horseshoes, four-leafed clovers, wishbones, and rabbits' feet. New Orleans – where the Super Bowl was held – celebrates its own mythic culture of luck: Voodoo. The city has an Arena Football League team named the New Orleans Voodoo, and it hosts a multi-day festival in November called the "Voodoo Festival" which features the top alternative rock, soul and blues bands in the country. And, of course, tourists on New Orleans streets are solicited to buy Voodoo tours, charms and trinkets. Anheuser-Busch's two ads never used the word "voodoo" or portrayed anyone practicing voodoo. But they did use New Orleans culture to interpret the "good luck" theme of the Superstitious campaign in a way that would be relevant for the Super Bowl.

¹ We have enclosed a complete history of correspondence between Ms. Goad and Anheuser-Busch. Ms. Goad's initial complaint was received on February 4, 2013, and Anheuser-Busch responded with an email dated February 19, 2013. Ms. Goad replied on March 15, 2013, and Anheuser-Busch responded with a second email dated March 22, 2013.

² These two advertisements, entitled "Journey" and "Lucky Chair," are enclosed as part of this submission.

The Specifics of Ms. Goad's Complaint

Ms. Goad contends that the challenged ads are "indecent" under Section 5(a) of the BI Code. With respect, this assertion is patently ridiculous. Merriam Webster's Dictionary defines "indecent" as "grossly improper or offensive." These commercials are not that. There is no nudity, violence, profanity, or insulting language – nothing that would give rise to an indecency challenge by a Standards and Practices board. (It bears noting that these two ads passed the network's Standards and Practices review.)

The only other provision of the Code that Ms. Goad points to is Section 7, which prohibits depicting religion or religious themes. These two commercials do not do that, either. They depict, at most, a "magic" theme embedded in the popular culture as involving good luck. There is no mention of any religion and no depiction of any religious practitioner or religious rite in Anheuser-Busch's commercials. Ms. Goad's real objection is about the depiction of anything involving luck, as the concept of controlling "luck" is at odds with her view of an all-powerful "God Almighty." Although we respect her sincerely held religious beliefs, that is not the standard of Section 7. If it were, then anything related to magic or luck would be off-limits, from magic wands and crystal balls to shamrocks. Section 7 cannot be read so broadly. There is wisdom in preventing brewers from depicting Buddha, the Pope, nuns, or a Seder in order to protect against offending religious adherents by the way in which their religion is depicted. That is not, however, Ms. Goad's complaint. Rather, her complaint is the depiction of anything in which her deity is not in control. Such a reading of Section 7 goes too far and would impose a rigid religious orthodoxy on beer ads, which is not what Section 7 was intended to do.

The Advertising and Marketing Code celebrates the long history that brewers have of using humorous themes. (BI Code at p. 1 (beer has a "history of memorable and distinctive advertising that, because of its humor and creativity, has long been a favorite among American adult consumers".)) Viewed in context, as these ads must be, the two challenged ads were not about religion at all. Rather, they were making fun of fans' use of good luck charms in rooting for their teams, and the ads did so by interpreting this theme using New Orleans's secular cultural milieu. We respectfully urge the Code Compliance Review Board to find that the ads do not violate the BI Code.

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

April 11, 2013

Ms. Connie Goad
4250 Whisper Oak Drive
Edmond, OK 73034

Dear Ms. Goad:

I write in response to your email of March 21, 2013 and March 25, 2013 that you sent to the Beer Institute. It is my understanding that you believe that the Anheuser Busch commercials "Journey" and Lucky Chair" violated Section 5a and Section 7 of the Marketing Code. The Code Compliance Review Board (CCRB) reviews complaints from the perspective of a "reasonable adult consumer of legal drinking age."

Section 5a states: "Beer advertising and marketing materials should not contain language or images that are lewd or indecent in the context presented and the medium in which the material appears." Lewd is defined as "characterized by or inciting to lust or lechery" or as "obscene or indecent as in vile." Indecent is defined as "offending against recognized standards of propriety or good taste; vulgar." Both definitions are taken from the unabridged edition of the Random House Dictionary of the English Language.

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."

The CCRB unanimously concludes that neither "Journey" nor "Lucky Chair" contains either "lewd" or "indecent" language. The advertisements do not contain nudity, violence or profanity. We do not believe that either advertisement contains any language that violates recognized standards of good taste. We also conclude that the two advertisements in question use humor and satire which we believe is "readily identifiable as such by reasonable adults of legal drinking age." As a result, the CCRB concludes that neither "Journey" nor "Lucky Chair" violates Section 5a of the Code.

Section 7 states that "beer advertising and marketing materials should not employ religion or religious themes." While the advertisements do have a theme of luck and superstition, the CCRB does not believe these themes somehow mean that the advertisements involve religion. Most superstition, such as a four leaf clover, are not thought of by most people as having a religious meaning. Since we are unable to find any reference to religion, religious themes, or religious icons, the CCRB unanimously finds that neither "Journey" nor "Lucky Chair" violates section 7 of the Code.

In your complaint you state that “Plain and simple, these commercials are offensive! I do not care if you have any CODE that fits this situation, you are offending Christians who are trying to watch a sporting event with their children!! What happened to a good commercial with a few FULLY dressed people sitting around enjoying a beer??”

The CCRB understands that you do not approve of the two commercials “Journey” and “Lucky Chair” and you find them personally 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.

We understand that different people will have different perspectives on whether an advertisement is good, effective, or even offensive. While these are interesting questions, 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 neither of the advertisements “Journey” nor “Lucky Chair” violates Section 5a or Section 7a 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 Anheuser Busch. 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