I am pleased to share with you the seventh report of the work of the Code Compliance Review Board (CCRB), as part of the beer industry’s compliance with the Advertising and Marketing Code (the Code). During the period of this report the CCRB received and discussed one case and met in Washington, D.C. Additional complaints were resolved to the complainants’ satisfaction at the brewer or beer importer level.

This report includes the full text of the CCRB case, containing the complaint and decision, all while reflecting the efforts made by CCRB members to continue to follow a strong framework on behalf of objectively confronting complaints about brewer and beer importer advertising and marketing that involve the Code. The decision included in this report has also been posted on the Beer Institute’s website.

The members of the CCRB continuously strive to increase their knowledge and understanding of the Code. This year we went through the process of publishing all past complaints and decisions on the Beer Institute’s website.

The CCRB Board is committed to making sure consumers understand the Code and see the review process as an efficient method to address their complaints. Additionally, we are encouraged that brewers and beer importers continue to advertise and market their products in ways that comply with the Code.

Thank you for the Beer Institute’s continued support for Code. The CCRB looks forward to its continued role in the self-regulation of advertising by the Beer Institute’s brewer and beer importer members.

Sincerely,

William H. Cunningham
CHAIRMAN
William H. Cunningham, Ph.D.
Dr. Cunningham is currently serving as the Chairman. He 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
Ms. Davies is the producer for the Commission on Presidential Debates. Along with her responsibilities with the U.S. presidential debate, she assists countries worldwide in organizing their own candidate forums. She was Executive Vice President of the National Association of Broadcasters (NAB) and developed broadcasters’ national public service initiatives to combat underage drinking and drunk driving. She also served on the national board of Mothers Against Drunk Driving. Ms. Davies has also worked in the White House and on Capitol Hill.

Paul G. Summers
Mr. Summers is a retired judge, serving as Senior Judge by appointment of the Tennessee Supreme Court. He was previously a partner with the law firm Waller Lansden Dortch & Davies in Nashville, 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. He served as a JAG officer for more than three decades in the U.S. military, retiring with the rank of colonel. Mr. Summers was awarded the Legion of Merit by the Armed Forces 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.
The beer industry’s first marketing “Code of Practice” was adopted by the United Brewers Industrial Foundation in 1937, shortly after the end of Prohibition. As we mark the 80th anniversary of the Code’s adoption, brewers and beer importers remain committed to responsible advertising and marketing.

The Code Compliance Review Board (CCRB) serves a critical function to ensure that brewers and beer importers comply with the Beer Institute’s Advertising and Marketing Code (the Code) and that consumers have an effective and efficient method to provide any complaints that they have about how brewers and beer importers are advertising and marketing. In addition, it is a significant part of the beer industry’s dedication to responsible advertising methods.

Advertising and the media have significantly changed in the eight decades since brewers and beer importers first adopted the Code. What was mostly print and radio advertising in the 1930s has evolved into a wide range of media—including television broadcasts, social media, and instant and constant access to the Internet through smart phones.

To address this new reality, the Beer Institute updated the Code in 2015. The changes primarily involved the complaint process, including CCRB reviews. Industry-wide compliance with the Code remains essential if the industry is to continue its principles and long tradition of self-regulation.

In our commitment to transparency, the Beer Institute published all past CCRB decisions on the Beer Institute’s website this year. During this year the CCRB reviewed one complaint filed against a television commercial. The Beer Institute immediately posted the CCRB’s decision in full text (which is included in this report) on its website, which is in agreement with the Code.

The CCRB also met in person in June in Washington, DC to further discuss the Code and to meet with Beer Institute staff in order to receive the most up-to-date information on issues impacting the beer industry.
**Summary**

**Complainant:** Langdon Jenkins  
**Commercial:** Bud Light “Gloves”  
**Product Advertised:** Bud Light  
**Advertiser:** Anheuser-Busch  
**Nature of Complaint:** Mr. Jenkins alleges that Anheuser-Busch violated Sections 4(b) and 14(e) of the Beer Institute Advertising and Marketing Code (“Ad Code”) by its Bud Light “Gloves” television commercial.

1. **Ad Code Section 4(b) provides:** “Beer advertising and marketing materials should make no scientifically unsubstantiated health claims.”

   **Alleged violation regarding Section 4(b):** Mr. Jenkins alleges that Anheuser–Busch violated Ad Code Section 4(b) “[b]y showing a person obviously shivering in freezing weather and drinking beer, this ad is making a health claim that drinking beer in frigid weather is a safe activity. It is not. It is actually a dangerous activity. It also promotes the false belief that alcohol warms you up when you are cold.”

2. **Ad Code Section 14(e) provides:** “Portraying alcoholism/alcohol abuse: Brewers do not want their products to be abused. Consistent with that philosophy, Brewers will not approve product placement where characters use their products irresponsibly or abusively or where alcoholism is portrayed, unless the depiction supports a responsible-use message.”

   **Alleged violation regarding Section 14(e):** Mr. Jenkins alleges that Anheuser–Busch violated Ad Code Section 14(e), because he sees the commercial as “an irresponsible portrayal of alcohol use because it is showing a dangerous activity, consuming alcohol in extreme cold weather. Alcohol does not warm you up, that is a lie.”

   In further support of his overall assertion that Anheuser–Busch violated Ad Code Sections 4(b) and 14(e), Mr. Jenkins writes, “I don’t think I need to provide evidence that drinking in extreme cold weather is dangerous, but in just case:

   **From USA Today:** “Alcohol in the human body does not act as an anti-freeze when the mercury and wind chill drop to frigid temperatures,” explains Landgrave T. Smith, assistant professor of psychiatry and behavioral sciences, university of Oklahoma Health Sciences Center. Although alcohol has some caloric value, it is actually a detriment to a person in cold weather. Physiologically, alcohol creates peripheral vessel dilation which results in the rapid loss of body heat.” If a person becomes cold, peripheral circulation clamps down to reduce heat loss. Alcohol inhibits this protective response, increasing the risk of exposure.”

   In other words, feeling “warm” from alcohol puts you at risk of hypothermia because you think you are fine but are not.

   There are also the increased ancillary dangers associated with cold weather and alcohol, such as being more likely to slip and fall and get hurt.”

   Mr. Jenkins also alleges that the commercial, “shows, to me, a lack of knowledge about the risks associated with alcohol use by the agency that created the ad and the brand that OK’d it. Bud Light is also the brand that produced a label with “The perfect beer for removing NO from your vocabulary for the night” as part of the #UpForWhatever campaign.”
Consistent with the Ad Code, BI provided the complaint to the Brewer for response to Mr. Jenkins. After receiving Anheuser-Busch’s response, Mr. Jenkins supplemented his complaint with a storyboard of the commercial as well as comment on specific portions of Anheuser-Busch’s response to him. Mr. Jenkins supplemental comments are attached.

**Requested relief:** Mr. Jenkins did not request specific relief.

**Brewer response:** Anheuser-Busch’s response to Mr. Jenkins and submission to the CCRB are attached.

**Commercial:** Anheuser-Busch provided a copy of the Bud Light “Gloves” commercial for CCRB review.

**ANHEUSER-BUSCH COMPANIES, LLC’S RESPONSE TO MR. LANGDON JENKINS’ COMPLAINT RE: BUD LIGHT “GLOVES” AD**

Anheuser-Busch submits this response to the January 26, 2017 Complaint that Langdon Jenkins filed with the Code Compliance Review Board challenging Bud Light’s 15-second video advertisement, “Gloves.”

The Gloves ad is fundamentally a close-up shot of a fan at a snowy tailgate event in Buffalo, New York. There is no dialogue. Other fans can be seen moving in and out of the background, and a barbecue grill is on the left side of the screen. The ad begins with a tight shot of gloved hands fumbling to open the pop-top on a Bud Light Buffalo Bills can. The fan ultimately has to remove a glove with his teeth in order to successfully open the can, which foams upon opening. The cutaway depicts the can with the slogan “Toughest Cans in the NFL.”

Complainant alleges that Gloves violates two provisions of the Beer Institute’s Advertising and Marketing Code: Guidelines 4(b) and 14(e).

**Guideline 4(b) provides:**

> Beer advertising and marketing materials should not make the following exaggerated product representations: … (b) Beer advertising and marketing should make no unsubstantiated health claims.

**Guideline 14(e) of the Code does not apply to advertising:** rather, it governs paid product placement in movies and films. As such, this alleged violation is improperly stated and is not actionable. Nevertheless, this section of the Code provides:

> Portraying alcoholism/alcohol abuse: Brewers do not want their products to be abused. Consistent with that philosophy, Brewers will not approve product placement where characters use their products irresponsibly or abusively or where alcoholism is portrayed, unless the depiction supports a responsible use message.

Complainant’s whole argument boils down to this: “Choosing to [portray Bud Light at a wintry tailgate party outside an NFL stadium] constitutes a health claim that consuming alcohol in winter conditions that make the individual shivering cold is a safe activity.”

But this ad – a humorous tribute to the hardiness of fans who brave the elements to gather together and celebrate their NFL teams – makes no "health claim" or safety representation whatsoever. Rather, it depicts a fan in his ordinary environment, and uses the fan’s adversity in opening the can, the weather, and the tag line as a humorous means of having viewers identify with others as the toughest fans in the NFL.

Notably, during football games fans may drink beer within New Era Field, which is the Bills’ open-air
stadium. And the fans inside the stadium (with a seating capacity of just over 70,000) are exposed to the very same wintry temperatures as those who may drink alcohol beverages in the parking lot at their own tailgate party. The same is true for many other northern football stadiums. In fact, part of the enjoyment of being at the stadium is the camaraderie the fans feel braving the weather together. If one can drink beer in the stadium, then any rule that would make it improper to depict drinking beer in the same weather conditions just outside the stadium is grossly unfair.

Tailgating is an enormously popular activity. In 2015, AdWeek ran a survey in which 24% of NFL fans attending a game reported that they intended to tailgate. See: http://www.adweek.com/brand-marketing/infographic-how-nfl-super-fans-plan-take-season-166731/. Tailgating merchandise is now an industry unto itself. Portable grills, tents, heaters, and other equipment are available for purchase on the Internet at tailgating sites, and many fans custom-design mobile items that help them host a good party. (See, for example, the Patriots Pizza Oven Trailer at http://www.travelchannel.com/interests/packages/tailgating/photos/tailgating-through-the-nfl/page/11.)

Of course fans who attend games at an outdoor stadium during inclement weather plan for the cold and must be expected to take measures to protect themselves from the elements. The local media have long advised these fans to dress in multiple layers; be sure to wear a hat, scarf, and gloves (which the fan in this ad does, as Mr. Langdon points out); drink warm liquids and eat warm foods; use personal warmers; be active if they get cold; and if they are too cold, head for some warmth (stand by the grill/fire, go inside, sit in a warm vehicle, etc.). See, e.g., http://tailgatefan.cbslocal.com/2011/11/25/keeping-your-tail-warm-at-your-tailgate/.

Tailgating is, by its very nature, a group activity, and fellow tailgaters often share warmth over grills and under portable heaters.

In the 15 seconds of silently portraying a fan opening a beer at a winter tailgate party, the Gloves ad does nothing to encourage tailgaters to disregard the common-sense measures they must take to stay warm in cold weather.

Moreover, the weblinks the Complainant cites are inapposite. The Gloves ad does nothing to advance the improbable proposition that cold beer somehow warms a person up in extreme weather. Similarly, the facts described in the Grantland article, while most certainly tragic, are wholly unrelated to the question whether a short, silent ad depicting a well-bundled fan about to have one beer at a tailgate event makes an unsubstantiated health claim or portrays alcohol abuse. In addition, the Complainant cites an article about a different (discontinued) advertising campaign, and some general articles about drinking at sporting events. Those articles are inapposite and should have no bearing on this Board’s decision regarding whether the 15-second Gloves ad makes an improper health claim.

CONCLUSION

For decades NFL fans have consumed beer in the cold weather as part of the experience of attending live football games. The Gloves ad depicts this briefly and responsibly. The ad does not even contain musical lyrics, dialogue, or a multitude of actors: it’s just a fan opening a single beer. The fan is bundled up, and a heat source is nearby. This ad makes no health representations and does not promote irresponsible drinking. There simply is no Code violation here.
February 20, 2017

Mr. Langdon Jenkins
37 Grove St.
Ballston Spa, NY 12020

Dear Mr. Jenkins:

I write in response to your complaint that Anheuser-Busch’s advertisement “Gloves” violates provision 4(b) and 14(c) of the Beer Institute’s Advertising and Marketing Code. The Code Compliance Review Board (CCRB) reviews complaints from the perspective of a “reasonable adult consumer of legal drinking age.”

Guideline 4(b) states “Beer advertising and marketing materials should make no scientifically unsubstantiated health claims.” The CCRB believes that “Gloves” is merely a depiction of what happens at many tailgate events in the northern portion of the United States. People of legal drinking age consume beer outside in cold weather. The CCRB unanimously finds that “Gloves” does not make any “health claims” and it does not violate Guideline 4(b) of the Beer Institute Advertising and Marketing Code.

Guideline 14’s introduction states: “Movies and television programs frequently portray consumption of beer and related signage and props in their productions … While producers sometimes seek prior approval from Brewers, the final artistic and editorial decisions concerning product portrayal are always within the exclusive control of the movie or television producers.” Guideline 14(c) provides that … “Brewers will not approve product placement where characters use their products irresponsibly or abusively or where alcoholism is portrayed, unless the depiction supports a responsible-use message.”

First, Guideline 14 deals with product placement and does not focus on advertising. Second, we do not believe “Gloves” depicts a beer consumer using the product “irresponsibly or abusively or where alcoholism is portrayed.” Therefore, the CCRB unanimously finds that the Anheuser-Busch’s “Gloves” does not violate Guideline 14(c) of the Advertising and Marketing Code.

In summary, the CCRB unanimously concludes that the “Gloves” advertisement does not violate Guidelines 4(b) or 14(c) of the Advertising and Marketing Code.

The CCRB understands that you do not approve of the “Gloves” advertisement and you find it personally offensive. However, it is our job to examine your complaint from the perspective of whether or not the advertisement in question violates the Beer Institute’s Advertising and Marketing Code.

The CCRB spent a considerable amount of time reviewing the advertisement; studying the code Guidelines 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 website and published in an annual report. This correspondence will conclude the complaint and review process.

Sincerely,

William H. Cunningham
Chairman

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

Beer is a legal beverage meant to be consumed responsibly by adults of legal drinking age. Its origins are ancient, and it has held a respected position in nearly every culture and society since the dawn of recorded history.

In the United States, beer is a product category with broad cultural acceptance and a history of memorable and distinctive advertising that, because of its humor and creativity, has long been a favorite among American adult consumers. Advertising and marketing materials are legitimate efforts by brewers to inform consumers of the particular styles and attributes of numerous beers and other malt beverages that are available. Brewer advertising and marketing materials also foster competition, persuade adult consumers of beer to try particular brands, and maintain customer loyalty.

Brewers should employ the perspective of the reasonable adult consumer of legal drinking age in advertising and marketing their products, and should be guided by the following basic principles, which have long been reflected in the policies of the brewing industry and continue to underlie this Code:

- Beer advertising should not suggest directly or indirectly that any of the laws applicable to the sale and consumption of beer should not be complied with.
- Brewers should adhere to contemporary standards of good taste applicable to all commercial advertising and consistent with the medium or context in which the advertising appears.
- Advertising themes, creative aspects, and placements should reflect the fact that Brewers are responsible corporate citizens.
- Brewers strongly oppose abuse or inappropriate consumption of their products.

The term “beer” as used in this Code covers all types of malt beverages, including but not limited to, beers and flavored malt beverages, as well as various specialty products containing alcohol such as hard cider. The production, distribution, and sale of beer in the United States are subject to extensive laws and regulations, enforced by federal, state, and local governments. Federal and state laws establish a three-tiered distribution system for beer. The first tier is composed of beer manufacturers and importers, which are referenced throughout this Code as “Brewers.” The second tier is made up of wholesale distributors, and the third tier includes a wide range of licensed retail outlets, at which beer is sold to consumers. Companies in each tier of this distribution system are required by law to maintain their commercial independence. The Beer Institute encourages all with whom Brewers do business to adhere to the law, as well as this voluntary Advertising and Marketing Code.

Information regarding the Code Compliance Review Board, including complaints, past decisions, as well as the Advertising and Marketing Code, can be found online at BeerInstitute.org.
1. These guidelines apply to all beer-branded advertising and marketing materials created by or under the control of the Brewer. In applying these guidelines, creative elements are to be considered in the overall context of the advertisement of 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.

These guidelines do not apply to educational materials, messages of a non-brand specific nature, or materials or messages designed specifically to address issues of alcohol awareness, abuse, drunk driving, underage drinking, and or over-consumption.

2. Beer advertising and marketing materials should portray beer in a responsible manner:
   a. Beer advertising and marketing materials should not portray, encourage, or condone drunk driving.
   b. Although beer advertising and marketing materials may show beer being consumed (where permitted by media standards), advertising and marketing materials should not depict situations where beer is being consumed rapidly, excessively, involuntarily, as part of a drinking game, or as a result of a dare.
   c. Beer advertising and marketing materials should not portray persons lacking control over their behavior, movement, or speech as a result of consuming beer in any way suggest that such conduct is acceptable.
   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.
   e. Beer advertising and marketing materials should not portray beer drinking before or during activities, which for safety reasons; require a high degree of alertness or coordination.
   f. Retail outlets where beer is served or sold portrayed in advertising should not be depicted as unkempt or unmanaged.

3. 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 below the legal drinking age. Advertising and marketing materials appeal primarily to persons below the legal drinking age if they have special attractiveness to such persons beyond their general attractiveness for persons of legal drinking age.
   a. In considering whether beer advertising and marketing materials appeal primarily to persons below 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
   b. Beer advertising and marketing materials should not depict Santa Claus.
   c. Beer advertising and marketing materials will meet the following criteria:
      i. Placements made by or under the control of the Brewer in magazines, in newspapers, on television, on radio, and in digital media in which there is no dialogue between a Brewer and user, may only be made where at least 71.6% of the audience is expected to be adults of legal drinking age. A placement will be considered compliant if the audience composition data reviewed prior to placement meets the percentage set forth above.
      ii. Placements made by or under the control of the Brewer in digital media in which there is a dialogue between a user and a Brewer may only be made where a user confirms that he or she is of legal drinking age. Confirmation may vary depending upon available technology but includes either: 1) disclosure
of a users’ full birth date or other method of active confirmation prior to viewing an advertisement by communicating with the Brewer; or 2) restriction of the site to users of legal drinking age through registration. The offer of downloadable content by a Brewer that can be permanently accessed by a user without viewing a Brewer’s owned or controlled compliant digital media site or third-party compliant digital media site, will similarly meet the standard set forth in this Section 3(c)(ii).

iii. The Brewer placing advertising or marketing materials in digital media, in magazines, in newspapers, on television and on radio will conduct periodic after-the-fact audits, at least semi-annually where possible, of substantially all of its placements. If a Brewer learns that a placement did not meet the Code standard, it will take steps to prevent a reoccurrence. These steps may include, but are not limited to: investigating exceptions; canceling placements with unacceptable audience composition; reallocating purchases to a different and acceptable time slot; contacting the media outlet/station with regard to placement errors or possible reporting errors; reemphasizing audience composition requirements with media buyers and media outlets; and, continues monitoring or a program or time slot to determine whether buys should be canceled or reallocated.

iv. Digital media includes all beer-branded digital advertising and marketing placements made by or under the control of the Brewer in all forms, including but not limited to Brewer owned or controlled or third-party internet and/or mobile sites, commercial marketing e-mails, downloadable content (including downloadable desktop features), SMS and MMS messaging, and social media sites.

v. Buying Guidelines for the implementation of the section will be distributed in conformance with the dissemination provisions of this code.

d. Models and actors employed to appear in beer advertising and marketing materials should be a minimum of 25 years old, substantiated by proper identification, and should reasonably appear to be of the legal drinking age. For the avoidance of doubt, generally recognizable athletes, entertainers and other celebrities who are of legal drinking age are not models or actors under this provision, provided that such individuals reasonably appear to be of legal drinking age and do not appeal primarily to persons below the legal drinking age.

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 below the legal drinking age.

f. No beer identification, including logos, trademarks, or names should be used or licensed for use on clothing, toys, games or game equipment, or other materials intended for use primarily by persons below the legal drinking age.

g. Brewers recognize that parents play a significant role in educating their children about the legal and responsible use of alcohol and may wish to prevent their children from accessing digital media without parental supervision. To facilitate this exercise of parental responsibility, the Beer Institute will provide to manufacturers of parent control software the names and website addresses of all member–company websites. Additionally, Brewers will require disclosure of a viewers’ date of birth at the entry to their beer-branded websites and will post reminders at appropriate locations in their websites indicating that Brewer products are intended only for those of legal purchase age. These locations include entrance into the website, purchase points within the website, and access into adult–oriented locations within the website, such as virtual bars. Content that can be shared with others directly
from a Brewer’s digital media site or a Brewer-controlled third party digital media site will include terms of use instructing users that such content should not be shared with persons below the legal drinking age.

4. Beer advertising and marketing materials should not make the following exaggerated product representations:
   a. Beer advertising and marketing materials should not convey the impression that a beer has special or unique qualities if in fact it does not.
   b. Beer advertising and marketing materials should make no scientifically unsubstantiated health claims.
   c. Beer advertising and marketing materials may portray beer as part of personal and social interactions and experiences, and a brand may be portrayed in appropriate surroundings as a superior choice to complement a particular occasion or activity. Beer advertising and marketing materials should not, however, claim or represent that individuals cannot obtain social, professional, educational, athletic, or financial success or status without beer consumption.
   d. Beer advertising or marketing materials should not claim or represent that individuals cannot solve social, personal, or physical problems without beer consumption.

5. 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 material appears.
   b. May contain romantic of flirtatious interactions but should not portray sexually explicit activity as a result of consuming beer.

6. Beer advertising and marketing materials should not contain graphic nudity.

7. Beer advertising and marketing materials should not employ religion or religious themes.

8. Beer advertising and marketing materials should not disparage competing beers.

9. Beer advertising and marketing materials should not disparage anti-littering and recycling efforts. Beer advertising and marketing materials should not show littering or otherwise improper disposal of beer containers, unless the scenes are used clearly to promote anti-littering or recycling.

10. College marketing
    Beer advertising and marketing materials on college and university campuses, or in college-owned media, should not portray consumption of beer as being important to education, nor will advertising directly or indirectly degrade studying. Beer may be advertised and marketed on college campuses or at college-sponsored events only when permitted by appropriate college policy.
    a. On-campus promotions/sponsorships
       i. Brewer sponsored events: Brewer sponsorship of on-campus events or promotions at on-campus licensed retail establishments will be limited to events conducted in accord with this Code, state law, and applicable institutional policies. In their content and implementation, company on-campus promotions and sponsorships will not encourage the irresponsible, excessive, underage, or otherwise illegal consumption of beer.
       ii. Branded products: Beer-branded promotional products such as key chains, clothing, posters, or other tangible goods designed to promote specific beer brands, are intended only for adults of legal drinking age. Distribution of these items will therefore take place only at licensed retail establishments or where distribution is limited to those of legal drinking age, and otherwise conforms to applicable laws and institutional policies.
iii. Tastings: Tasting events at which product samples are provided should occur at licensed retail establishments or where distribution is limited to those of legal drinking age, or otherwise conforms to applicable laws and institutional policies.

b. Brewer sales representatives

Brewer sales representatives who undertake sales calls on or near a college campus will be adults of legal drinking age, and will conduct sales activities in conformity with this Code.

11. User-Generated Content in Digital Media

User-generated content that is posted on beer-branded digital media sites created by or under the control of a Brewer will be monitored for compliance with this Code on a regular basis. If noncompliant user-generated content is discovered on these sites, the Brewer will take appropriate action.

12. Billboards

Billboard advertisements by Brewers will be located at least 500 linear feet from established and conspicuously identified elementary schools, places of worship, or public playgrounds.

13. Internet Privacy Policy

Brewers will maintain internet privacy policies that are publicly available on their websites. These policies will govern the collection of personal information from legal drinking age consumers on Brewer websites. Before they collect information from any consumer, Brewers will require that individual to verify that he or she is of legal drinking age. Brewers will not collect any information from consumers who identify themselves as below the legal drinking age. Brewers will not sell the personal information they collect from legal drinking age consumers. Brewers will keep consumer information secure and require that any third parties retained by Brewers that have access to Brewer consumer information also keep such consumer information secure. Brewers will also employ a mechanism for consumers to opt-in to receive communications from a Brewer as well as an opt-out feature to stop receiving such communications. Consumer information collected by Brewers is intended to be used for business purposes only.

14. Product placement

Movies and television programs frequently portray consumption of beer and related signage and props in their productions. Brewers encourage producers to seek approval before using their products, signage, or other props in artistic productions. While producers sometimes seek prior approval from Brewers, the final artistic and editorial decisions concerning product portrayal are always within the exclusive control of the movie or television producers.

With regard to those producers who seek Brewer approval or those Brewers who seek placement opportunities, product placement will be guided by the following principles:

a. Case-by-Case Approval: Brewers will approve or reject product placement in specific projects or scenes on a case-by-case basis, based upon the information provided by the movie or television programs producers.

b. Portrayal of drinking and driving: Brewers discourage the illegal or irresponsible consumption of their products in connection with driving. Consistent with that philosophy, Brewers will not approve product placement where the characters engage in illegal or irresponsible consumption of their products by persons who are below the legal drinking age.

c. Underage drinking: Brewers discourage underage drinking and do not intend for their products to be purchased or consumed illegally by people below the legal drinking age. Consistent with that philosophy, Brewers will not approve product placement which portrays purchase or consumption of their products by persons who are below the legal drinking age.

d. Primary appeal to persons below the legal drinking age: Brewers discourage underage drinking and do not intend for their products to be purchased or consumed illegally by people below the legal drinking age. Consistent with that philosophy, Brewers will not approve product placement where the primary character(s) are below the legal drinking age or the primary
theme(s) are, because of their content or presentation, specifically attractive to persons below the legal drinking age beyond the general attractiveness such themes have for persons of legal drinking age.

e. **Portraying alcoholism/alcohol abuse**: Brewers do not want their products to be abused. Consistent with that philosophy, Brewers will not approve product placement where characters use their products irresponsibly or abusively or where alcoholism is portrayed, unless the depiction supports a responsible-use message.

f. **Measured media**: Brewers will not request or approve a product placement in any measured media unless the placement is consistent with the Buying Guidelines that accompany this Code and at least 71.6% of the audience is reasonably expected to be adults of legal drinking age.

### CODE COMPLIANCE REVIEW PROCESS, REVIEW BOARD & DISSEMINATION

Each member of the Beer Institute is committed to the philosophy of the Code and to compliance with the Code. To demonstrate this commitment, Beer Institute members openly accept Code complaints from any person or entity, including a complaint from another Brewer.

To facilitate the review of a complaint that a Brewer’s advertising or marketing materials is inconsistent with the Code, the complaint should be submitted in writing, using the form available at www.beerinstitute.org. Copies of the form may also be obtained by calling the Beer Institute at 1–800–379–2739. The complainant will complete the form, including name and contact information, attach any supporting data, material, or documentation regarding the complaint, including any prior communication with the advertising Brewer, and submit the same to the Beer Institute. A Beer Institute member complainant will first forward its complaint to the advertising member Brewer for resolution before filing any formal complaint with the Beer Institute.

Upon receipt of a completed complaint, the Beer Institute will promptly notify the Brewer and ask the Brewer to respond directly to the complainant within a reasonable time. Beer Institute–member Brewers will endeavor to respond to a complainant within two weeks of receiving notice of a complaint from the Beer Institute.

If a complainant is dissatisfied with the response received from a Brewer, the complainant may contact the Beer Institute, explain why the complainant is dissatisfied with the response, and request review of the matter by the Beer Institute Code Compliance Board (CCRB). In such event, the Beer Institute will ask the Brewer to provide for the CCRB’s review, a copy of the advertising or marketing materials at issue as well as any data, material or documentation to support their response to the complaint.

The CCRB is composed of individuals with a variety of experience who are independent of the brewing industry. The CCRB reviews complaints from the perspective of the reasonable adult consumer of legal drinking age and decides whether such complaints identify advertising or marketing materials are inconsistent with one or more guidelines in the Code. Once the CCRB issues its decision, the complainant and the Brewer will be notified, and the complaint, any Brewer response and the Board decision will be posted on the Beer Institute website. If a violation has occurred, the Brewer is expected to promptly revise its advertising or marketing materials to conform to the CCRB’s decision or withdraw the advertising or marketing materials.

Copies of the Code will continue to be made available to Brewer employees, wholesale distributors and outside agencies whose responsibilities include advertising and marketing beer, as well as to any outside party who might request it.

Beer Institute
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Buying Guidelines for the Implementation
of Section 3(C) of the Beer Institute Advertising & Marketing Code

Brewers shall use the following guidelines when purchasing or placing advertising in magazines, television, radio or digital media.

**MAGAZINE GUIDELINES**

A. For the purchase of print advertisements in magazines, Brewers will use a nationally recognized measurement service providing age 12-plus audience composition data to the extent available, or if not available, age 18-plus audience compositional data, or, if unmeasured, subscription data and/or other data from comparable publications;

B. For the purchase of print advertisements in new magazines, Brewers will use subscription data and/or other data from comparable publications;

C. A placement will be considered appropriate when data supplies by the sources referenced in (A) and (B) above shows that the publication is in compliance with the Code;

D. Placement of print advertisements in editions of magazines that are published for subscribers 21 years of age or older will be deemed compliant with the Code.

**TELEVISION GUIDELINES**

A. For advertising buys on national network programs, Brewers will use national audience composition data for the program;

• For new national network programs, Brewers will use national audience composition data for comparable programs or daypart being bought.

B. For advertising buys on national syndicated or national cable programs, Brewers will use national audience composition data for the program or daypart being bought;

• For new national syndicated or new national cable programs, Brewers will use national audience composition data for comparable programs or daypart being bought.

C. For advertising buys not included in “A” or “B”, Brewers will use applicable national audience composition data for the program or daypart being bought. Where there is no applicable national audience composition data, Brewers will use applicable local or regional audience composition data for the program or daypart being bought.

D. A placement will be considered appropriate when data for two consecutive rating periods show that the program or daypart being bought is in compliance with the Code;

E. Advertising audience composition audits for compliance with age demographic standards in the Beer Institute Code should use the same data source that was used to place the ad.

**RADIO GUIDELINES**

A. Audience composition restrictions apply to all paid and bonus spots including rotators, negotiated and agreed upon mentions, liners, tags, billboards, and any other type of announcement;

B. For diary and PPM audited radio stations, Brewers will use the Average Quarter Hour (AQH) Persons measurement in Arbitron reports by using Arbitron’s 21+ Composition Report;
C. Time periods in which radio sports may be placed shall be in the following Arbitron standard dayparts or other time periods as specified below that satisfy the code provision that 71.6% of the audience composition is 21 years of age or older, based on Arbitron’s 21+ Composition Report:

1. Arbitron standard dayparts:
   i. AM Drive – Monday through Friday 6:00 a.m. – 10:00 a.m.
   ii. Midday – Monday through Friday 10:00 a.m. – 3:00 p.m.
   iii. PM Drive – Monday through Friday 3:00 p.m. – 7:00 p.m.
   iv. Evening – Monday through Friday 7:00 p.m. – 12:00 midnight
   v. Monday through Friday 12:00 midnight – 6:00 a.m.
   vi. Saturday and Sunday 6:00 a.m. – 10:00 a.m.
   vii. Saturday and Sunday 10:00 a.m. – 3:00 p.m.
   viii. Saturday and Sunday 3:00 p.m. – 7:00 p.m.
   ix. Saturday and Sunday 7:00 p.m. – 12:00 midnight
   x. Saturday and Sunday 12:00 midnight – 6:00 a.m.

2. Any period of time adjacent to an Arbitron standard daypart that is also purchased, provided that each additional hour independently satisfies the Code provision that 71.6% of the audience composition is 21 years of age or older;

3. Any period of two or more consecutive hours, provided that each hour independently satisfies the Code provision that 71.6% of the audience composition is 21 years of age or older;

4. Only one form of audience measurement may be used in the evaluation of a station. If both PPM and diary methods are available for auditing, PPM data should be used.

D. A placement will be considered appropriate in a diary measured market when data for each rating period covering the previous six months from the day the ad placement is made shows that the time period purchased satisfies the Code provision that 71.6% of the audience composition is 21 years of age or older;

E. A placement will be considered appropriate in a PPM measured market when data for each rating period covering the previous two months from the day the ad placement is made shows that the time period purchased satisfies the Code provision that 71.6% of the audience composition is 21 years of age or older.

F. As new Arbitron reports become available during the term of an agreement to purchase future radio spots, Brewers will review the new data to determine whether spots purchased under the agreement continue to satisfy the Code provision that 71.6% of the audience composition is 21 years of age or older by using Arbitron’s 21+ Composition Report. If not, Brewers will, as soon as practicable, make schedule adjustments, cancellations, or other appropriate changes to comply with the “71.6% standard” for the duration of the agreement;

G. For unaudited radio stations, radio spots placed will be considered appropriate if they meet these guidelines through use of audience compositional data from the time periods for comparable stations in comparable markets.

NEWSPAPER GUIDELINES

A. The demographic standard found in Guideline 3(c) of the Code applies to all paid and bonus placements in the print editions of daily, Sunday, and weekly newspapers including advertising supplements, magazine sections, and other forms of advertising added to or delivered with newspapers.

B. Prior to the purchase of print advertisements in newspapers distributed nationally, regionally or locally, Brewers will use audience composition data from an audience measurement source recognized by the advertising industry (such as, but not limited to Scarborough Research and Mediamark Research, Inc.). Data for the most recent rating period available will be used to determine that placements are reasonably expected to meet the demographic standard.
C. For advertising placements in unmeasured newspapers, Brewers will use subscription data and/or other data from comparable newspapers.

D. For advertising placements in new newspapers, Brewers will use subscription data and/or other data from comparable publications.

E. A placement will be considered appropriate when data supplies by the sources referenced in (B), (C), or (D) above shows that the readership or subscriber base of the newspaper is reasonably expected to meet the demographic standard.

F. Brewers will conduct post-audits of a representative sample of actual placements in measured newspapers at least annually to determine whether they met the demographic standard in Guideline 3(c) of the Code. For newspapers that are not measured on a regular basis, Brewers should make reasonable efforts to obtain survey or other information that is available.

DIGITAL MEDIA GUIDELINES

A. These Buying Guidelines adopt the criteria set forth in section 3(c) of the Code. The Guidelines apply to all beer-branded digital advertising and marketing placements made by or under the control of the Brewer in all forms of digital media, which include but are not limited to third-party Internet and/or mobile sites, commercial marketing e-mails, downloadable content (including downloadable desktop features), SMS and MMS messaging, and social media sites.

B. Where a single purchase is made for placements in multiple third-party digital media, the criteria set forth in section 3(c) of the Code and these Guidelines apply to each medium or site independently.

C. For measured digital media, a placement will be considered appropriate if the audience of monthly unique visitors meets or exceeds the criteria set forth in section 3(c) of the Code in each of the two most recent, consecutive monthly reports available at the time the placement is purchased.

D. It is recognized that methodologies for rating digital media, and specific measurement tools for advertising in various forms of that media are still evolving. Brewers will use a consistent audience measurement source recognized by the advertising industry (such as, but not limited to, ComScore and Nielsen NetRatings) to determine whether digital media placements are reasonably expected to satisfy the Beer Institute Advertising and Marketing Code and these Buying Guidelines. When the audience measurement source regularly used by the Brewer does not measure a particular medium or site, other sources recognized by the advertising industry may be relied upon.

E. If a placement is made on a Web site where the dissemination of such placement is restricted only to registered users of that site age 21 or over, such placements will be deemed compliant with the demographic standard, even if the overall audience for the unrestricted content on the Web site does not meet the standard.

F. For new or unmeasured digital media, placements may be made using the audience composition data for measured digital media in the same category and with similar content and/or by taking other reasonable measures to predict audience composition. Such steps include, for example, reviewing media content and information on the purpose and target audience of the specific medium or site prior to purchase of advertising and obtaining confirmation from the operator of the digital media that its internal data indicates that the medium or site meets the demographic standard.

G. Brewers will conduct post-audits of actual placements in measured digital media at least twice a year to determine whether they met the demographic standard found in paragraph 3(c) of the Code.