The ad in question is the Bud Light "Gloves" commercial

**Using Guidelines 2-12 of the Beer Institute Advertising and Marketing Code, which cover specific issues that the Code Compliance Review Board will consider, briefly explain why you believe an aspect of the advertisement or marketing material you saw is inconsistent with one or more Guidelines in the Code. Please include the Guideline number(s).**

4b - By 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.

14e - this is 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.

The ad in question can be seen here - or could at least when I submitted the complaint: https://www.ispot.tv/ad/AxWR/bud-light-gloves#

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.

So that is the complain as best I can quickly write up. I hope the review system is set up so if there is a violation that it can be addressed in a timely manner. Didn't seem to work for me - at least the online system or attempting to make contact via the email listed.

Thank you,

Langdon Jenkins
Additional notes and considerations

I wanted to make some comments directly to the response from Bud Light. They are highlighted.

Response from Bud Light:

I want to emphasize that Anheuser-Busch takes its role as a responsible advertiser very seriously. We develop our advertising in compliance with the Beer Institute's Advertising and Marketing Code, which governs both content and placement. All of our advertisements, from television commercials to newspaper ads, go through a careful review process. This process is designed to ensure that our advertisements are in good taste, are directed exclusively to adults 21 years of age and older, and never promote irresponsible consumption of our products. Yes you have. Bud Light produced a label that said “The perfect beer for removing ‘no’ from your vocabulary for the night.” The NY Times also cites other irresponsible and distasteful incidents from Bud Light.


Congresswoman Nita Lowey from the 17th congressional district of NY had this to say about it:

NY https://twitter.com/NitaLowey/status/593111803317616640

To address your concerns, I would first like to provide some general context. As you are likely aware, 2016 marked the return of the popular NFL team cans – 27 team-specific cans sold in various markets across the United States. In addition to new, simpler designs, we created one of the most local ad campaigns Bud Light has ever seen. Local? These ads are running nationally according to iSpot
We used lines that were inspired by the individual teams and their fans, and also produced several commercials that were based on locally relevant themes. I do not get this from The toughest cans in the NFL. I do not think anyone would put these together. Being hard to open in the cold does not make it a tough can.

To that end, the “Gloves” spot was intended to appeal not only to NFL tailgaters across the country, but specifically, to fans of the Buffalo Bills. It shows the unwavering passion that many NFL fans have for their teams and their tailgate rituals, and celebrates the commitment of Bills fans in particular, as Buffalo was dubbed by the Weather Channel in 2011 as having the NFL’s worst weather. [http://www.sportingnews.com/nfl/news/203358-worst-nfl-weather-buffalo-blows-away-competition](http://www.sportingnews.com/nfl/news/203358-worst-nfl-weather-buffalo-blows-away-competition) I will agree that the weather is bad, thus my submission. To me it shows a person determined to have a bud light even when his fingers are shaking.

Thus, we described the Bills NFL cans as the “Toughest Cans in the NFL.” This ad in no way portrays a dangerous activity (as many thousands of fans in Buffalo, Green Bay, Minneapolis, Chicago, and other cities can attest), note: not all people at the games drink. You are making a generalization makes a health claim (in my opinion it does. It makes a claim that it is safe to consume alcohol when it is so cold that you are shivering. The person was wearing a winter coat, gloves, and a toboggan, and his fingers were shivering. The clothing he has on is not enough to keep him warm, as evidenced by the shaking fingers and shivering mouth. Was this not from the weather? Did he maybe have the delirium tremors? The can was not tough, it was tough to open the can when you are freezing. And consuming alcohol when you are that cold is dangerous. There are no warnings around this. or suggests that consuming a beer will help keep a person warm in cold weather.

You may be interested to know that in the past 30 years, Anheuser-Busch has been the industry leader in promoting alcohol responsibility. Since 1982, Anheuser-Busch and our wholesalers have committed more than $1 billion in national advertising campaigns and community-based programs to prevent underage drinking and drunk driving. Unfortunately, despite Bud Light’s billion dollar effort, rates are on the way up. In 2013, 10,076 people died in crashes involving a drunk driver – one death every 52 minutes,

In 2015, 10,265 people were killed in drunk driving crashes. One every 51 minutes.

Again, Langdon, thank you for contacting the Beer Institute regarding our commercial. If you have any other comments or any questions, please let us know.
Some other stories of note for the review board to consider:

Choosing Buffalo for the advertisement was not too smart a choice if the goal was to promote responsible drinking.

“But no one can deny that excessive drinking feeds most of the problems, especially some of the parking-lot shenanigans. It’s not hard to find national stories claiming that Buffalo has the worst-behaved fans in the league.”
https://buffalonews.com/2016/10/14/tackling-private-parking-lot-misbehavior-outside-bills-games/

https://youtu.be/e7cQLxqvBK0?t=1m45s
Deaths and other problems due to alcohol at Bills games

https://www.youtube.com/watch?v=SMylJgGmYMY
Bud Light actively promoting in the stadium parking lot

https://www.youtube.com/watch?v=UjIM2_Va8h-k
The year in Bills Fans. Many scenes with Bud Light cans or cases clearly viewable.

Because of their heavier drinking, sports fans are more likely to experience problems including legal difficulties, sexual violence and problems with their schoolwork, the study says. Henry Wechsler, one of the study’s authors, said advertising is largely to blame. “The alcohol industry places a large proportion of advertising around sporting events,” Wechsler said. “This group of people is heavily marketed to for alcohol use.”
http://archive.sph.harvard.edu/cas/Documents/Sport_fans/sportsfans.pdf

After viewing the reality of the atmosphere at the bills games, I really wonder if the toughest cans in the NFL really refers to the abuse they take at the hand of out of control fans. Is it responsible to be associated with this? This is more than the actions of a few, this is a culture of abuse and excess.
Complainant: Langdon Jenkins (person and individual)

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: 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: 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.
Here is a storyboard of the Bud Light Gloves commercial. It has no voiceover, and the only text the viewer sees are at the end of the :15 commercial. The setting is a parking lot before a NFL game. It is snowing and cold.

:01 Seated person shivering and trying to open Bud Light can

:04 Gloved hand cannot open can

:06 Person removes 1 glove with mouth

:07 Person exhaling; vapor seen (exhale SFX)

:08 Hand opens can

:04 Can foams, then is lifted up to be consumed by person

:11 Super: Toughest cans in the NFL

:13 Super: Beer with your team on it. Cans of different teams appear (Dolphins, Patriots, Jets) and then fade out.
Hi Langdon,

Thank you for contacting the Beer Institute regarding the Bud Light Gloves commercial. As you know, we just recently received your comments and wanted to provide a prompt response.

I want to emphasize that Anheuser-Busch takes its role as a responsible advertiser very seriously. We develop our advertising in compliance with the Beer Institute’s Advertising and Marketing Code, which governs both content and placement. All of our advertisements, from television commercials to newspaper ads, go through a careful review process. This process is designed to ensure that our advertisements are in good taste, are directed exclusively to adults 21 years of age and older, and never promote irresponsible consumption of our products.

To address your concerns, I would first like to provide some general context. As you are likely aware, 2016 marked the return of the popular NFL team cans 27 team-specific cans sold in various markets across the United States. In addition to new, simpler designs, we created one of the most local ad campaigns Bud Light has ever seen. We used lines that were inspired by the individual teams and their fans, and also produced several commercials that were based on locally relevant themes.

To that end, the Gloves spot was intended to appeal not only to NFL tailgaters across the country, but specifically, to fans of the Buffalo Bills. It shows the unwavering passion that many NFL fans have for their teams and their tailgate rituals, and celebrates the commitment of Bills fans in particular, as Buffalo was dubbed by the Weather Channel in 2011 as having the NFL’s worst weather. http://www.sportingnews.com/nfl/news/203358-worst-nfl-weather-buffalo-blows-away-competition Thus, we described the Bills NFL cans as the Toughest Cans in the NFL? This ad in no way portrays a dangerous activity (as many thousands of fans in Buffalo, Green Bay, Minneapolis, Chicago, and other cities can attest), makes a health claim, or suggests that consuming a beer will help keep a person warm in cold weather.

You may be interested to know that in the past 30 years, Anheuser-Busch has been the industry leader in promoting alcohol responsibility. Since 1982, Anheuser-Busch and our wholesalers have committed more than $1 billion in national advertising campaigns and community-based programs to prevent underage drinking and drunk driving.

Again, Langdon, thank you for contacting the Beer Institute regarding our commercial. If you have any other comments or any questions, please let us know.

Sincerely,

Peggy Jacober
Director, Corporate Social Responsibility
This message is being sent in response to an e-mail we received from your e-mail address. If you are not at least 21 years of age and/or do not wish to receive e-mails from Anheuser-Busch in the future, please send an e-mail with "unsubscribe" in the subject line.
ANHEUSER-BUSCH’S RESPONSE TO THE “GLOVES” AD COMPLAINT

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.” 1

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

1 Accompanying this Memorandum are two CD copies of the “Gloves” ad, along with a copy of Anheuser-Busch’s initial response letter to Mr. Langdon.
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.\textsuperscript{2}

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 \textit{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.,
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
\textit{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 \textit{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

\textsuperscript{2} The Code, of course, recognizes in Guideline 1 that creative elements must be viewed in context within the whole
advertisement and may include humor, parody, and satire.
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

Dear Mr. Jenkins:

I write in response to your complaint that Anheuser-Busch’s advertisement “Gloves” violates provision 4(b) and 14(e) 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(e) 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(e) of the Advertising and Marketing Code.

In summary, the CCRB unanimously concludes that the “Gloves” advertisement does not violate Guidelines 4(b) or 14(e) 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,

[Signature]
William H. Cunningham
Chairman

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