



March 29, 2018

VIA OVERNIGHT MAIL AND EMAIL

Alan Soven
Alan R. Soven, PA
1571 NW 13th Court
Miami, FL 33125
[REDACTED]

Robert S. Meloni
Meloni & McCaffrey
3 Columbus Circle, 15th Floor
New York, NY 10019
[REDACTED]

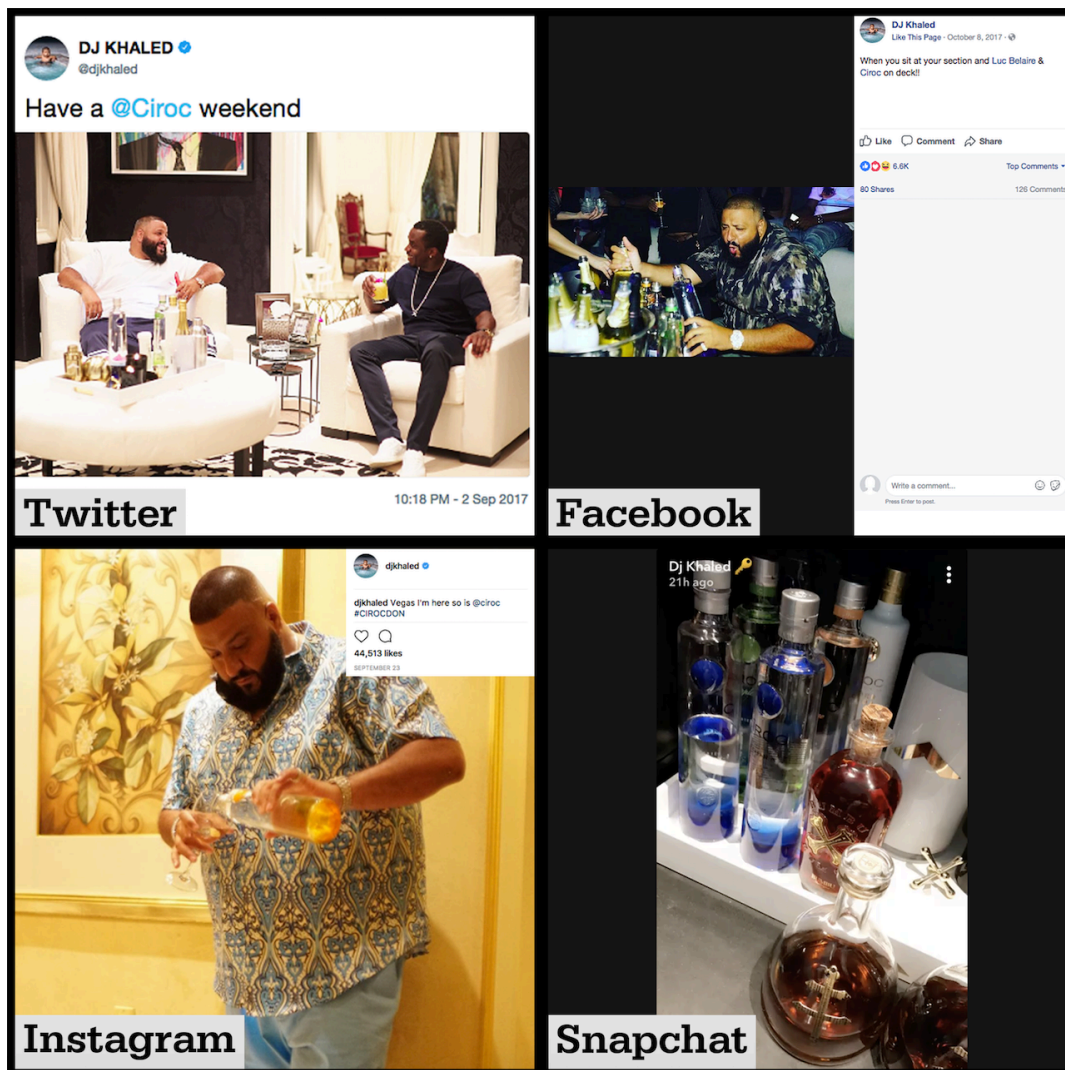
Re: Deceptive Advertising by DJ Khaled, Diageo, Bacardi, and Sovereign Brands

Dear Mr. Soven and Mr. Meloni:

I am writing to you on behalf of Truth in Advertising, Inc. (“TINA.org”), Public Citizen, Alcohol Justice, US Alcohol Policy Alliance, Campaign for a Commercial-Free Childhood, The Center for Digital Democracy, and Mothers Against Drunk Driving regarding problematic marketing that pertains to your client Khaled M. Khaled (aka DJ Khaled).

Specifically, we have found that liquor giants Diageo, Bacardi Limited, and Sovereign Brands¹ are making use of your client’s fame, popularity, and large social media following² to surreptitiously market wine and spirits – namely Diageo’s Ciroc vodka, Bacardi’s D’Usse cognac, and Sovereign Brands’ Belaire sparkling wines and Bumbu rum – to Khaled’s more than 23 million social media followers in violation of Federal Trade Commission law. And to make matters worse, Khaled and his sponsors are simultaneously violating the policies and procedures of four of the top social media platforms by advertising alcohol directly to the millions of minors who follow DJ Khaled.

A TINA.org investigation found that from June 2017 to March 2018, Khaled and his liquor sponsors violated the alcohol marketing policies on the most popular social media platforms to deliver alcohol ads to underage users more than 100 times on Snapchat; over 190 times on Instagram; 30-plus times on Facebook; and nearly 20 times on Twitter.³ And for the vast majority of these ads, Khaled failed to disclose his material connections to the alcohol brands.⁴ The deceptive impact and societal harm resulting from these risky and irresponsible ads cannot be overstated.

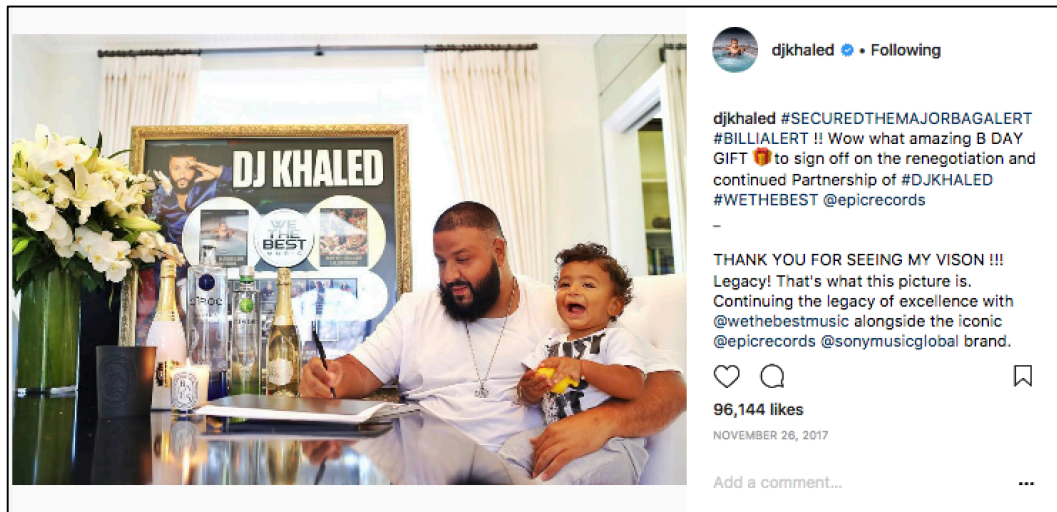


Khaled's Social Media Marketing

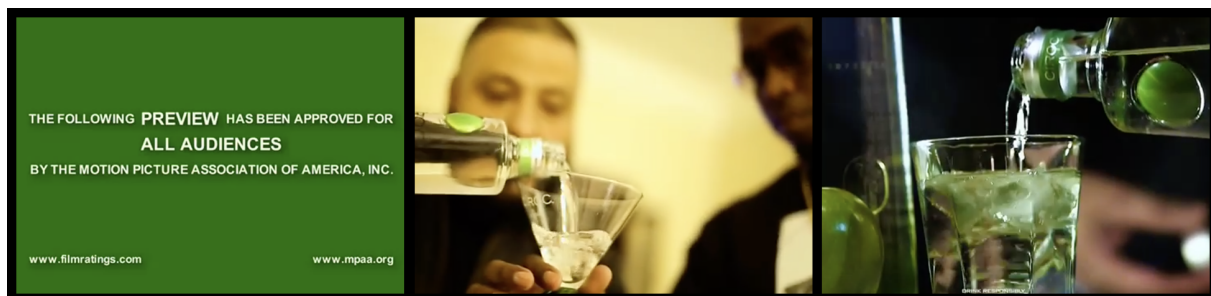
Khaled's unique vernacular is an incredibly effective marketing tool that has been adopted not only by his followers but also by well-known celebrities. When it comes to promoting Diageo's Ciroc vodka, Khaled's signature phrases are "Celebrate success right. Ciroc! The only way" and "Blue dot pon your head top."⁵ For Sovereign Brands' Belaire sparkling wines, Khaled refers to it as the "gold key" and part of the "luxury life." As for Bacardi's D'Usse cognac, Khaled refers to himself as "D'Usse Don." And with Sovereign Brands' Bumbu rum, Khaled has invented the #BCB, a drink comprised of Belaire, Ciroc, and Bumbu.

On his social media accounts, and especially Snapchat, Khaled – dubbed the King of Snapchat⁶ – is teaching his followers all about his favorite alcohol brands. Bottles of Ciroc, Belaire, D'Usse, and Bumbu are featured prominently throughout Khaled's home and strategically placed so that the bottles frequently appear on Khaled's social media feeds regardless of what Khaled may be

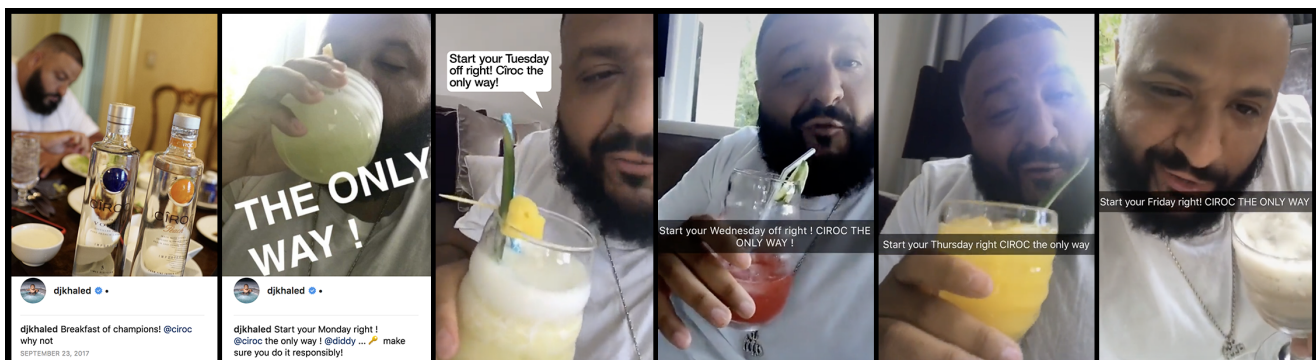
doing. For example, in an Instagram post from November 2017, Ciroc and Belaire bottles are lined up like witnesses as Khaled, holding his son, signs a renewal contract with Epic Records.⁷



But Khaled’s undisclosed endorsements of his alcohol brands go far beyond product placement. By way of example, one 15-second ad made by Khaled’s “We the Best films” and posted to Instagram begins with a movie-type disclaimer indicating that “the following PREVIEW has been approved for ALL AUDIENCES . . .” before segueing into a daytime party where Khaled, Sean “P. Diddy” Combs, and their friends pour Ciroc into multiple glasses; the video ends with a Khaled voiceover, “Celebrate success right. Apple Ciroc. The only way.”



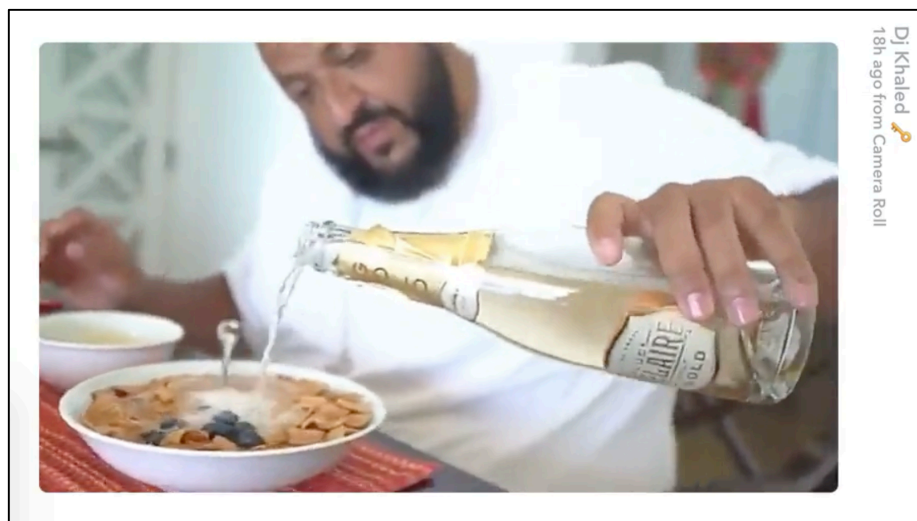
Khaled has also marketed Ciroc as the “breakfast of champions,” and the way to start your morning off right.⁸



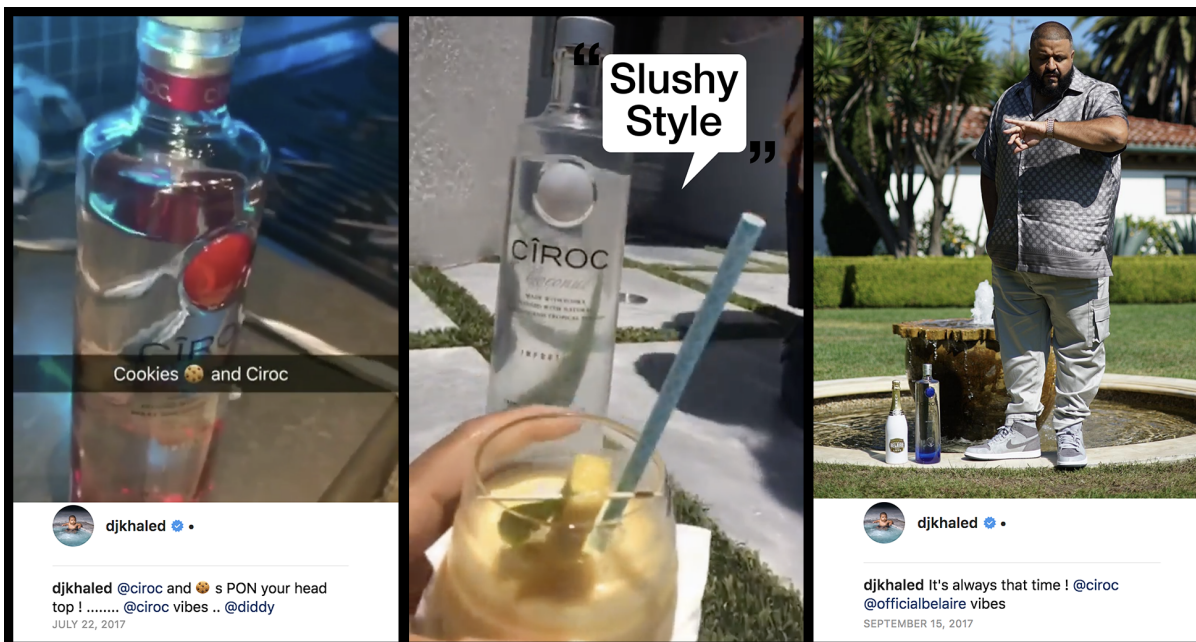
Khaled took this messaging one step further this past summer to celebrate one of his albums topping the Billboard charts. Sitting in front of a bowl of cereal, he explains in a Snapchat story:

Great news and breaking news – back to back two weeks in a row – number one. It’s time to celebrate: grits, Cinnamon Toast Crunch with the Belaire gold key, a little berries, and some Ciroc red berry, and then go back and add a little more berries, and a little more champagne, some grits. . . . Let the celebrations begin.⁹

And with that, Khaled eats a spoonful of his alcohol-laden kids’ cereal. (Belaire liked his cereal video so much that it used a screenshot for its own Instagram account, with the caption “Breakfast of Champions.”¹⁰)



But Ciroc and Belaire aren't just promoted for breakfast. Khaled also recommends Ciroc with homemade cookies, Ciroc "slushy style," Ciroc at lunch, dinner, in the shower, and always to "celebrate success right." In fact, according to Khaled, "It's always that time ! @ciroc @officialbelaire vibes."



Khaled's Failure to Disclose His Marketing Message on Social Media

Of the more than 300 alcohol ads TINA.org collected from Khaled's social media accounts, the vast majority fail to disclose his material connection to the company being promoted.¹¹ FTC law makes clear that if there is a material connection between an endorser and the marketer of a product that connection must be clearly and conspicuously disclosed, unless the connection is already clear from the context of the communication containing the endorsement.¹²

Khaled Marketing Alcohol to Minors on Snapchat and Other Social Media Platforms

Khaled's persona is tailor-made for a teenage audience as marketing studies have shown that high energy, motivational celebrities are just the type of person that resonate with kids ages 15 to 20.¹³ Moreover, there can be little doubt that Khaled's Snapchat following skews young.

This is so because Snapchat is the social media platform of choice for teenagers with almost half of all teenagers reporting that it is their most preferred social network.¹⁴ It has been reported that 83.4 percent of 12- to 17-year-old social network users access their Snapchat account at least once per month, while 24.5 percent of 0- to 11-year-old social network users are accessing Snapchat at least once per month.¹⁵ Moreover, 60 percent of Snapchat users are aged 13 to 24.¹⁶ These data make it likely that at least 35 percent of Snapchat users are under 21,¹⁷ and there is every reason to believe that at least a substantial minority of Khaled's followers are under 21.

As you know, Khaled's special connection with and appeal to what he refers to as the "young world" has led to him being selected as the national spokesperson for Get Schooled, a non-profit organization that directly engages and motivates middle school and high school students to graduate from high school and succeed in college.¹⁸ Its recent Major Keys campaign, directly taken from Khaled's lexicon, reached millions of young people and featured Khaled proving motivational advice to students.¹⁹ In a Get Schooled interview at Carol City Middle School in Miami Garden, Florida, Khaled remarked, "It's our job to let the young world know. And, you know, they inspired by us, so they gonna listen to us."

By marketing alcohol to the millions of minors who follow DJ Khaled on social media, he and his sponsors are violating the policies and procedures put in place by social media platforms to ensure such content is not shown to those under the age of 21,²⁰ as well as self-regulatory agency codes.²¹

The Harm of Marketing Alcohol to Minors on Social Media

While many factors influence an underage person's drinking decisions, including, among other things, parents and peers, advertising plays a role.²² And social media influencer marketing may be a particularly effective and insidious way of advertising alcohol to minors. This is because the goal of this type of marketing is to establish a genuine connection with the viewer by delivering ads that feel organic and authentic, and thereby are more likely to be trusted.

The potential injurious consequences from celebrity influencers like DJ Khaled promoting alcohol to minors cannot be overstated as underage drinking is a major public health problem. It is a leading contributor to death from injuries, which are the main cause of loss of life for adolescents under age 21.²³ Underage drinking also contributes to a number of other adverse consequences, including:

- risky sexual behavior, including unwanted, unintended, and unprotected sexual activity, and sex with multiple partners, resulting in unplanned pregnancies and sexually transmitted diseases;²⁴
- increased risk of physical and sexual assault;²⁵ and
- tobacco and illicit drug use, and academic failure.²⁶

So while companies like Diageo, Bacardi, and Sovereign Brands like to market themselves as responsible corporate citizens, it appears they have turned a blind eye to the deceptive marketing antics of the King of Snapchat to the detriment of the young world.²⁷

Conclusion

Based on this information, we intend to notify state, federal, and/or international government regulators that Khaled, Diageo, Bacardi, and Sovereign Brands are engaged in deceptive and illegal marketing campaigns unless, by April 6, 2018, your client and his sponsors immediately remove all deceptive and illegal posts from circulation and ensure that all future social media posts by Khaled promoting sponsored alcohol use are clearly and conspicuously labeled as advertisements and not targeted at minors.

If you have any questions, please do not hesitate to contact Laura Smith at Truth in Advertising, Inc. directly at lsmith@truthinadvertising.org or (203) 421-6210.

Sincerely,

Truth in Advertising, Inc.

Public Citizen

Alcohol Justice

US Alcohol Policy Alliance

Campaign for a Commercial-Free Childhood

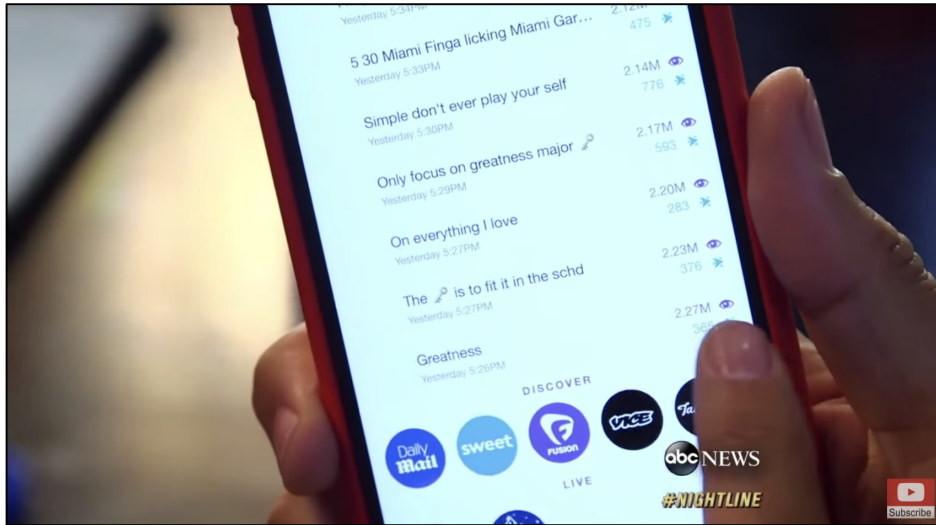
The Center for Digital Democracy

Mothers Against Drunk Driving

Cc: Khaled M. Khaled
Diageo North America Inc.
Bacardi USA Inc.
Sovereign Brands LLC
Distilled Spirits Council Of The United States
The Wine Institute
Snap Inc.
Facebook Inc. / Instagram
Twitter Inc.

¹ Diageo is the world's largest producer of spirits; Bacardi is the world's largest privately held spirits company, and Sovereign Brands is one of the fastest growing premium sparkling wine brands.

² As you must know, Khaled reigns supreme on Snapchat with more than 6 million followers, and with Snapchat stories that regularly garner more than 2 million views before disappearing after 24 hours.² See DJ Khaled, *THE KEYS*, (Serious Promotions, Inc. 2016) ("About the Author:...Khaled is also the creator of one of the most globally viewed social media accounts of the twenty-first century (on Snapchat) with nearly six million followers."); ABC News, "DJ Khaled, Snapchat King, Explains Success," Feb. 19, 2016, https://www.youtube.com/watch?v=YHSEV_r_QE.



Screenshot from "DJ Khaled, Snapchat King, Explains Success"

Khaled also has more than 23 million total followers across Snapchat, Facebook, Instagram, and Twitter. As of February 2018, DJ Khaled had 9.5 million followers on Instagram, 3.45 million on Facebook, and 4.02 million on Twitter.

³ In January 2018, Diageo reported that it was suspending all of its advertising on Snapchat after the U.K.'s Advertising Standards Authority ruled that the company did not take sufficient care to ensure that a Snapchat marketing campaign for Captain Morgan rum was not targeting users under the U.K.'s legal drinking age of 18. See *Diageo Halts Snapchat Ads Over Age-Targeting Concerns*, The Wall Street Journal, Jan. 2, 2018, <https://www.wsj.com/articles/diageo-halts-snapchat-ads-over-age-targeting-concerns-1514937661>. According to a statement released by Diageo, "We have now stopped all advertising on Snapchat globally whilst we assess the incremental age verification safeguards that Snapchat are implementing." *Id.* Clearly, Diageo failed to take into consideration the marketing of its social media influencers when it made the above statement.

Similarly, Bacardi indicated in its 2017 Corporate Responsibility Report that, "[f]or consecutive years, we achieved 100-percent compliance with marketing agency contracts and ensured at least 70% (more in many countries) of our measured advertising had an audience about the legal drinking age." Bacardi Limited, 2017 Corporate Responsibility Report, "A Welcome from Our Chairman," https://www.bacardilimited.com/wp-content/uploads/2017/12/2017_CR_Report_Final.pdf. It seems unlikely that Bacardi took social media influencers like DJ Khaled into consideration when making the above statement.

⁴ While this investigation focused exclusively on alcohol advertising, there were dozens of undisclosed social media posts endorsing a multitude of goods and services that did not properly disclose Khaled's material connection to the companies. Such examples were not catalogued as it was beyond the scope of this investigation.

⁵ See, e.g., DJ Khaled July 17, 2017 Snapchat story, <https://www.truthinadvertising.org/wp-content/uploads/2018/02/DJK-07-17-2017-Clip-2.mp4>.



Screenshot of DJ Khaled July 17, 2017 Snapchat story

⁶ See *White House Quotes DJ Khaled in its Snapchat Debut*, The Washington Post, Jan. 12, 2016, <https://www.washingtonpost.com/news/reliable-source/wp/2016/01/12/the-white-house-quotes-dj-khaled-in-its-snapchat-debut/> (dubbing DJ Khaled the king of Snapchat); *DJ Khaled and The FTC's Snapchat Problem*, Fast Company, Aug. 30, 2016, <https://www.fastcompany.com/3063239/dj-khaled-and-the-ftcs-snapchat-problem> ("No one has been more influential to Snapchat culture than DJ Khaled. An *Adweek* cover story on the famous rapper deemed him the 'King of Snapchat' in February. One month later, Emmanuel Seuge, senior vice president for content at Coca-Cola, called him the same in a cover story in *Bloomberg Businessweek*.")

⁷ Khaled frequently tags the brands he endorses in his posts, including @ciroc, @officialbelaire, @originalbumbu, and @dussecognac such that these brands are made aware of Khaled's marketing activities. Both Ciroc and Belaire were tagged in this November 26, 2017 Instagram post of Khaled and his minor son. See DJ Khaled Nov. 26, 2017 Instagram post, <https://www.instagram.com/p/Bb-bQexlt4M/>, also available at <https://www.truthinadvertising.org/wp-content/uploads/2018/02/Belaire-Ciroc-10-Insta.png>.

⁸ See <https://www.instagram.com/p/BZZpZw0AsEA/>, also available at <https://www.truthinadvertising.org/wp-content/uploads/2018/02/Ciroc-9-Insta.png>; <https://www.instagram.com/p/BW8XCIOglfC/>, also available at <https://www.truthinadvertising.org/wp-content/uploads/2018/03/Ciroc-72-Insta.mp4>; <https://www.truthinadvertising.org/wp-content/uploads/2018/02/DJK-07-25-2017.mp4>; <https://www.truthinadvertising.org/wp-content/uploads/2018/02/DJK-07-26-2017.mp4>; <https://www.truthinadvertising.org/wp-content/uploads/2018/02/DJK-07-27-2017-Clip-1.mp4>; <https://www.truthinadvertising.org/wp-content/uploads/2018/02/DJK-07-28-2017.mp4>.

The first two images are taken from Instagram. The remaining images are from Snapchat stories.

⁹ See <https://www.truthinadvertising.org/wp-content/uploads/2018/02/DJK-07-10-2017-Clip-1.mp4>.

¹⁰ As the Brand Marketing & Communications Manager for Belaire said in a HuffPost interview, “We are not buying relationships, or paying to sponsor events. We simply support our friends and those who support us. We are there to help these influencers celebrate career achievements, and they know that our doors are always open to them and their extended network with no strings attached other than the expectation that the loyalty and love we show them is returned.” See *Lessons From Luc Belaire: When Savvy Marketing Meets Sparkling Wine*, HuffPost, The Blog, https://www.huffingtonpost.com/brian-roberts/lessons-from-luc-belaire-when-savvy-marketing-meets-sparkling-wine_b_9347686.html, Mar. 7, 2016, updated Mar. 7, 2017.

¹¹ See Evidence of DJ Khaled’s Material Connections to Alcohol Brands, <https://www.truthinadvertising.org/wp-content/uploads/2018/03/Belaire-DJ-Khaled-Partnership.png>; <https://www.truthinadvertising.org/wp-content/uploads/2018/03/Bumbu-DJ-Khaled-Partnership.png>; <https://www.truthinadvertising.org/wp-content/uploads/2018/03/Ciroc-Mango-Press-Release.pdf>; <https://www.truthinadvertising.org/wp-content/uploads/2018/03/Dusee-DJ-Khaled-Partnership-v-2.png>.

There are some instances in which Khaled’s alcohol posts and/or story snaps are clearly advertisements such that no further disclosure would be necessary. Moreover, there are a handful of times where Khaled has added #ad to the end of an Instagram or Twitter post. In all of these cases, however, the alcohol ad is still being directly marketed to minors with no age-gating filters.

¹² See FTC Guides Concerning the Use of Endorsements and Testimonials in Advertising, 16 CFR § 255.5 (Disclosure of material connections), <https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-publishes-final-guides-governing-endorsements-testimonials/091005revisedendorsementguides.pdf>; FTC’s .com Disclosures: How to Make Effective Disclosures in Digital Advertising, March 2013, <https://www.ftc.gov/sites/default/files/attachments/press-releases/ftc-staff-revises-online-advertising-disclosure-guidelines/130312dotcomdisclosures.pdf>; In the Matter of Lord & Taylor, LLC, Docket No. C-4576, May 20, 2016 Decision and Order, available at <https://www.ftc.gov/system/files/documents/cases/160523lordtaylordo.pdf>; In the Matter of Deutsch LA, Inc., Docket No. C-4515, Mar. 24, 2015 Decision and Order, available at <https://www.ftc.gov/system/files/documents/cases/1503deutschdo.pdf>. See also Letter from FTC to Jennifer Lopez, dated March 20, 2017, (“If there is a material connection between you and the marketers of Beluga vodka, that connection should be clearly and conspicuously disclosed in your endorsement.”); Letter from FTC to Aliaume Damala Badara Akon Thiam (aka Akon), dated March 20, 2017 (“The Endorsement Guides apply to marketers and endorsers.”); Letter from FTC to Alexander Mechetin, CEO of JSC Synergy Group, dated March 20, 2017 (“FTC staff guidance makes clear that marketers should advise endorsers of their disclosure responsibilities and should monitor their endorsements to ensure that appropriate disclosures are made.”), all available at https://www.ftc.gov/system/files/documents/foia_requests/1b-2017-00799_instagram_influencers_327_pgs.pdf.

While this investigation focused exclusively on alcohol advertising, there were dozens of undisclosed social media posts endorsing a multitude of goods and services that did not properly disclose Khaled’s material connection to the companies. Such examples were not catalogued as it was beyond the scope of this investigation.

¹³ See *Global Trust In Advertising, Winning Strategies for an Evolving Media Landscape*, The Nielsen Company, Sept. 2015, at 16 (“High-energy/action, aspirational themes and celebrity endorsements resonate more strongly with Generation Z (ages 15-20) and Millennial (ages 21-34) audiences.”)

¹⁴ *Most Popular Social Networks of Teenagers in the United States from Fall 2012 to Fall 2017*, The Statistics Portal, Oct. 2017, <https://www.statista.com/statistics/250172/social-network-usage-of-us-teens-and-young-adults/> (following Snapchat in order of importance to teens was Instagram, Facebook, and then Twitter).

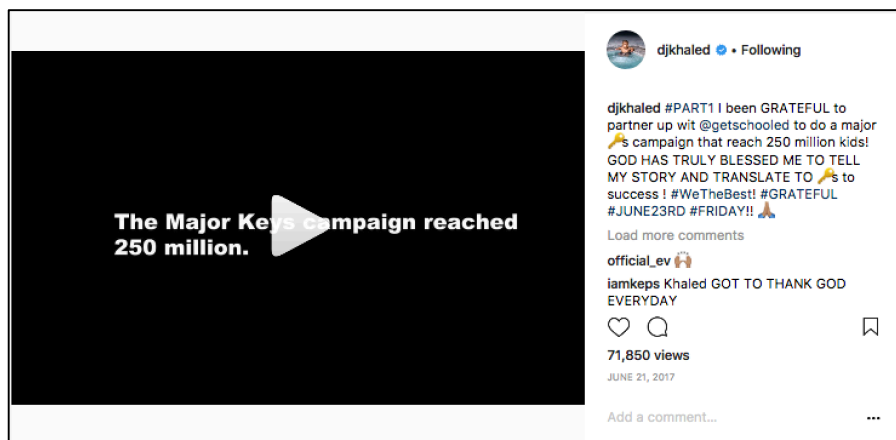
¹⁵ eMarketer Chart, *US Snapchat User Penetration, by Age, 2017 (% of Social Network Users in Each Group)*, May 10, 2017, <http://www.emarketer.com/Chart/US-Snapchat-User-Penetration-by-Age-2017-of-social-network-users-each-group/207836>.

¹⁶ The Statistics Portal, *Snapchat Users Demographics: Distribution of Snapchat Users in the United States as of February 2016, by Age*, Feb. 2016, <https://www.statista.com/statistics/326452/snapchat-age-group-usa/>.

¹⁷ While Snapchat has not publicly disclosed the percentage of United States users under 21, there are data and other evidence that Snapchat users skew young. See *ASA Ruling on Diageo Great Britain Ltd*, Jan. 3, 2018, <https://www.asa.org.uk/rulings/diageo-great-britain-ltd-a17-390017.html> (“Snap Inc. shared confidential data with us about their UK audience. From their response, we understood that a significant minority of UK based Snapchat users were registered as being between 13 and 17 years old and that they represented one of the largest groups of their total UK audience. We also noted separately that research undertaken by Ofcom showed that out of a group of 343 of those aged 12–15 years who had reported that they had a social media account, the proportion who said they had a Snapchat account increased from 51% in 2016 to 58% in 2017. We also noted that a large number of the total population of 13- to 17-year olds in the UK had Snapchat accounts. From the above, we considered that Snapchat was popular amongst younger audiences.”); *How Snapchat’s CEO Plans to Conquer the Advertising World*, AdWeek, June 14, 2015, <http://www.adweek.com/digital/heres-how-snapchats-ceo-plans-conquer-advertising-world-165339/> (“According to stats the company shared, 63 percent of the app’s monthly users are between the age of 13 and 24.”); *Alcohol Brands are Reluctant to Advertise on Snapchat*, DigiDay, Aug. 23, 2017, <https://digiday.com/marketing/alcohol-brands-reluctant-advertise-snapchat/> (“Alcohol brands say they are hesitant to spend money on Snapchat, citing concerns about the platform’s ability to verify that ads are only served to people 21 and up and the overwhelming numbers of younger people who use the app. . . . Jayme Buonocore, digital director at William Grant & Sons distilleries, said the same: ‘At the moment, the Snapchat community skews too young for us to feel comfortable using some of their advertising products,’ specifically the filters since they are most likely to be passed around.”); *‘Snapchat’s Audience is Too Young for Us’ says Heineken as it Builds its Mobile Strategy Around Instagram Instead*, The Drum, Mar. 16, 2017, <http://www.thedrum.com/news/2017/03/16/snapchats-audience-too-young-us-says-heineken-it-builds-its-mobile-strategy-around> (“‘Snapchat’s audience is still too young because as a responsible alcohol producer we want to make sure we market at least 75% above legal drinking,’ said the brand’s director of global sponsorships, Hans Erik Tuijt.”); *Booze Brands Rush to Snapchat While Contending With Age Risks*, AdAge, July 11, 2016, <http://adage.com/article/cmo-strategy/booze-brands-rush-snapchat-navigating-age-risks/304880/> (“Mr. Loehr [Brown-Forman’s VP-global media and insights] stated that the ‘age demographics for Snapchat are still well below the 71.6% mark that is our first filter at Brown-Forman when reviewing a platform.’”)

¹⁸ See *Get Schooled, DJ Khaled, and Viacom’s Major Keys Selected as Winner in the 9th Annual Shorty Awards for Best Social Good Campaign*, BusinessWire, Apr. 26, 2017, <https://www.businesswire.com/news/home/20170426006068/en/Schooled-DJ-Khaled-Viacom%E2%80%99s-Major-Keys-Selected>.

¹⁹ *Id.* See also DJ Khaled’s June 21, 2017 Instagram posts, <https://www.instagram.com/p/BVm8IU7A6tb/>, <https://www.instagram.com/p/BVm9Q1mAeFL/>, <https://www.instagram.com/p/BVm92h1ADeL/>, also available at <https://www.truthinadvertising.org/wp-content/uploads/2018/03/Get-Schooled-1-3-Insta.png> and <https://www.truthinadvertising.org/wp-content/uploads/2018/03/Get-Schooled-1-3-Insta.mp4>.



²⁰ The policies and procedures of Snapchat, Instagram, Facebook, and Twitter prohibit advertising alcohol to minors.

Snap Inc.’s Advertising Policies state that ads that promote or reference alcohol “are restricted and require approval on a case-by-case basis.” Snap Inc. Advertising Policies, <https://www.snap.com/en-US/ad-policies/> (last visited March 28, 2018).

Facebook’s (and Instagram’s) advertising policy regarding alcohol states, “[a]ds that promote or reference alcohol must comply with all applicable local laws, required or established industry codes, guidelines, licenses and approvals, and include age and country targeting criteria consistent with Facebook’s targeting guidelines and applicable local laws...If you choose to run ads that promote or reference alcohol you must make sure to follow local laws and target your ads appropriately, including targeting your ads to . . . 21 years or older in . . . the US.” Facebook Advertising Policies, https://www.facebook.com/policies/ads/restricted_content/alcohol (last visited March 28, 2018).

Twitter Ads Policy indicates that “Twitter restricts the promotion of online and offline sale of alcohol and general awareness of alcohol brands. . . . Any advertisement for alcohol content that is allowed under the country-specific information must in addition: not target minors or encourage, suggest, or entice underage drinking; not use characters, sports-person, celebrities, or images/icons appealing to minors.” Twitter Restricted Content Policies, Alcohol content, <https://business.twitter.com/en/help/ads-policies/restricted-content-policies/alcohol-content.html> (last visited March 28, 2018). Its policy further states that for the U.S., “[a]dvertisers must conduct appropriate age gating.” *Id.*

²¹ The self-regulatory organizations within the alcohol industry similarly do not permit such marketing.

According to the Wine Institute Guidance Note on Digital Marketing Communications, “[d]igital marketing communications should not be placed in media where more than 28.4% of the audience is underage (determined by using reliable, up-to-date audience composition data).” Wine Institute Guidance Note on Digital Marketing Communications, effective Jan. 1, 2014, http://www.wineinstitute.org/files/Digital_Marketing_Guidelines_FINAL.pdf at 1. And the Code of Responsible Practices for the Distilled Spirits Council states, “Beverage alcohol advertising and

marketing should be placed in . . . internet/digital communications only where at least 71.6% of the audience is reasonably expected to be of legal purchase age (determined by using reliable, up-to-date audience composition data.)” Distilled Spirits Council Code of Responsible Practices, May 26, 2011, http://www.discus.org/assets/1/7/may_26_2011_discus_code_word_version1.pdf, at 3.

²² See Federal Trade Commission, *Self-Regulation in the Alcohol Industry: A Review of Industry Efforts to Avoid Promoting Alcohol to Underage Consumers*, September 1999, https://www.ftc.gov/sites/default/files/documents/reports/self-regulation-alcohol-industry-federal-trade-commission-report-congress/1999_alcohol_report.pdf at 4; L.B. Snyder et al., *Effects of Alcohol Advertising Exposure on Drinking Among Youth*, 160 Arch. of Pediatr. and Adolesc. Med. 18 (2006); P.L. Elleckson et al., *Does Alcohol Advertising Promote Adolescent Drinking? Results from a Longitudinal Assessment*, 100 Addiction 235 (2005); A. McClure et al., *Ownership of Alcohol-Branded Merchandise and Initiation of Teen Drinking*, 30 Am. J. of Prev. Med. 277 (2006); J. D. Sargent et al., *Alcohol Use in Motion Pictures and its Relation with Early-Onset Teen Drinking*, 67 J. Stud. Alcohol 54 (2006); A. W. Stacy et al., *Exposure to Televised Alcohol Ads and Subsequent Adolescent Alcohol Use*, 28 Am. J. of Health Behav. 498 (2004). See also Bureau of Alcohol, Tobacco and Firearms, *Executive Summary of Findings of Research Study of the Public Opinion Concerning Warning Labels on Containers of Alcoholic Beverages* (Washington, DC: BATF, 1988) at 14 (Eighty percent of general public respondents in a poll believed “that alcohol advertising influences youth to drink alcoholic beverages.”) cited in U.S. Dep’t of Health and Human Servs., Office of Inspector Gen., *Youth and Alcohol: Controlling Alcohol Advertising that Appeals to Youth* (Washington, DC: Dep’t of Health and Human Servs., Oct. 1991) at 2.

²³ Underage Drinking, U.S. Depart. Of Health and Human Servs., NIH Fact Sheet (March 29, 2013) <https://report.nih.gov/NIHfactsheets/ViewFactSheet.aspx?csid=21> (“Underage drinking is a leading contributor to death from injuries, which are the main cause of death for people under age 21. Each year, approximately 5,000 persons under the age of 21 die from causes related to underage drinking. These deaths include about 1,600 homicides and 300 suicides.”); Centers for Disease Control and Prevention, Alcohol and Public Health: Alcohol-Related Disease Impact (ARDI), <http://www.cdc.gov/ARDI>.

²⁴ U.S. Department of Health and Human Services, The Surgeon General’s Call to Action to Prevent and Reduce Underage Drinking (2007), <https://www.surgeongeneral.gov/library/calls/underage-drinking-educator-guide.pdf>.

²⁵ *Id.* See Ralph W. Hingson et al., *Age of Drinking Onset and Injuries, Motor Vehicle Crashes, and Physical Fights after Drinking and When Not Drinking*, 33 Alcohol Clin. Exp. Res. 783 (2009).

²⁶ *Id.*

²⁷ Most alcohol advertisers have pledged to comply with one of three voluntary self-regulatory codes designed to limit targeting of teens. While Diageo and Bacardi are members of the Distilled Advertising Council, Sovereign Brands does not appear to be a member of either the Distilled Advertising Council or the Wine Institute.