

UNITED STATES OF AMERICA
FEDERAL TRADE COMMISSION

In the Matter of

BECK'S NORTH AMERICA, INC. a corporation

DOCKET NO.

COMPLAINT

The Federal Trade Commission, having reason to believe that Beck's North America, Inc., a corporation ("respondent"), has violated the provisions of the Federal Trade Commission Act, and it appearing to the Commission that this proceeding is in the public interest, alleges:

1. Respondent Beck's North America, Inc. is a Delaware corporation with its principal office or place of business at 57 Old Post Road No. 2, Greenwich, Connecticut 06830.
2. Respondent has advertised, labeled, offered for sale, sold and distributed products to the public, including Beck's Beer. Beck's Beer is a liquid beverage consisting of 5% alcohol by volume (10 proof).
3. The acts and practices of respondent alleged in this complaint have been in or affecting commerce, as "commerce" is defined in Section 4 of the Federal Trade Commission Act.
4. Respondent has disseminated or caused to be disseminated advertisements for Beck's Beer, including but not necessarily limited to the attached television advertisements, Exhibits A and B. Exhibits A and B depict a number of passengers in various places on a sailing boat at sea. On the deck of the boat is a large bucket of ice, filled with bottles of Beck's Beer. Almost all of the passengers are holding bottles of beer, with one passenger standing precariously on the bowsprit (a spar extending almost horizontally off the bow of the boat), and others sitting on the edge of the bow; no one is wearing a life jacket.
5. Through the visual depictions described in Paragraph 4, respondent has depicted boating passengers as drinking Beck's beer while engaged in activities that require a high degree of alertness and coordination to avoid falling overboard. This conduct is inconsistent with the Beer Institute's own Advertising and Marketing Code and may also violate federal and state boating safety laws. The risks associated with such activities while boating are greatly increased by the consumption of alcohol. In the boating environment, even low and moderate blood alcohol levels sufficiently affect coordination and balance to place boat passengers at increased risk of falling overboard and thus drowning, and many persons are unaware of this increased risk. As many as one-half of all boating fatalities are alcohol-related, including an average of 60 recreational boat fatalities annually from falling overboard while drinking. Respondent's depiction of this activity in its advertisements is likely to cause substantial injury to consumers that is not outweighed by countervailing benefits to consumers or competition and is not reasonably avoidable by consumers. Respondent's practice was an unfair act or practice.
6. The acts and practices of respondent as alleged in this complaint constitute unfair acts or practices in or affecting commerce in violation of Section 5(a) of the Federal Trade Commission Act.

THEREFORE, the Federal Trade Commission this day of , 1998, has issued this

complaint against respondent.

By the Commission.

Donald S. Clark
Secretary

SEAL:

Exhibit A-1

Beck's TV Spot #1

Depictions	Verbal
· Ocean with green-sailed schooner in view.	Music starts.
· Close up on schooner.	Music continues throughout commercial.
· Close up: unseen people toast with two bottles of Beck's.	Man's voice: "Here's to adventure."
· Female passenger talking to viewer. Switch to another female passenger, holding a Beck's, riding piggy-back on standing male passenger. She touches the tip of her beer to the beer of another passenger.	Female voice: "Three weeks in the sun . . ." Music continues.
· Four passengers sitting/leaning on the edge of the bow, most holding beers and a fifth balancing on the bowsprit, waving a beer.	Female voice continues: "on a big German ship."
· Close up: two Beck's beers being removed from a cooler full of ice on deck.	Male voice: "Sponsored by . . ."
· Close up: a bottle of Beck's being opened with a bottle opener.	Male voice continues: "Beck's beer."
· Close up: a male passenger talking to the viewer.	Male voice: "I'm in!"
· Switch to two passengers sitting near rail, then to three others near the rail, most holding Beck's.	Male voice: "It's totally different!"
· Close up: male passenger talking.	Male voice: "Like the beer."
· Close up: hand slamming Beck's bottle on wet surface.	Male narrator's voice: "Beck's . . ."
· Close up: glass with Beck's logo filled with foaming beer.	Voice continues: "truly distinctive."
· A couple sitting/reclining in boat, lifting Beck's to the viewer.	Voice continues: "Totally refreshing."
· Four passengers sitting/reclining in stern, water behind them, holding Beck's, while fifth passenger takes their photo.	Female voice: "I wanted a great experience . . ."
· Close up on a female passenger talking to viewer.	Voice continues: "I got it!"
· Waves coming up on ship. SUPER: BECK'S	Narrator's voice: "Beck's, America's Favorite German Beer"

America's Favorite German Beer Imported by DriBeck Importers, Greenwich, Connecticut	
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Exhibit A-2

Beck's TV Spot #1

(VIDEOTAPE AD)

Exhibit B-1

Beck's TV Spot #2

Descriptions	Verbal
· Ocean with green-sailed schooner in view.	Music starts.
· Close ups of schooner, sails.	Music continues throughout rest of commercial.
· Close up of female passenger talking to viewer.	Female voice: "Wanna Have some Fun?"
· Couple playing; switch to three passengers dancing/playing while their photo is taken on upper deck, framed against sky; passengers holding beers in background.	Female voice: "Mix hot music . . ."
· Close up: male passenger talking.	Male voice: "cool people . . ."
· Four passengers sitting/leaning on the edge of the bow, most holding beers, and a fifth balancing on the bowsprit, waving a beer.	Male voice: "a big boat . . ."
· Couple sitting with backs to rail, toasting Beck's.	Male voice: "and a . . ."
· Two Beck's are removed from a cooler filled with ice and beers.	Male voice: "great . . ."
· Bottle of Beck's being opened with a bottle opener.	Male voice: "German Beer."
· Close up: female passenger talking to viewer.	Female voice: "With the right ingredients . . ."
· Scene of couple, blue sky in background, she waves beer; switch to four passengers sitting/reclining in stern, most holding beers.	Voice continues: "nothing's better!"
· Hand slams bottle of Beck's down on wet surface.	Male narrator voice: "Beck's . . ."
· Close up: glass with Beck's logo filled with foaming beer.	Voice continues: "truly distinctive . . ."
· A couple sitting/reclining in boat, lifting Beck's to the viewer.	Voice continues: "totally refreshing . . ."
· Close up: male passenger talking to viewer.	Male voice: "this is just the best!"
· Close up: waves coming up on ship.	Narrator: "Beck's,

SUPER:

BECK'S
America's Favorite German Beer
DriBeck Importers, Greenwich, Connecticut

America's Favorite German
Beer"

Exhibit B-2

Beck's TV Spot #2

(VIDEOTAPE AD)