
STATEMENT OF COMMISSIONER MOZELLE W. THOMPSON

IN THE MATTER OF

BECK'S NORTH AMERICA, INC., FILE NO. 982-3092

Today, the Commission voted to accept a consent agreement with Beck's North America, Inc. ("Beck's") in File Number 982-3092 on grounds that Beck's disseminated or caused to be disseminated unfair television advertisements. I joined in that vote. I also believe, however, that the advertisements at issue were deceptive. The Commission has defined deceptive advertising as "that which contains a representation, omission or practice that is likely to mislead the consumer acting reasonably in the circumstances, to the consumer's detriment."⁽¹⁾ In my view, the Beck's television advertisements fit this definition.

First, I believe the advertisements imply to reasonable targeted consumers that consuming alcohol while boating is appropriate and/or safe. In fact, the actors begin one advertisement by stating "Wanna have some fun? Mix hot music, cool people, [a] big boat and a great German beer." Unfortunately, the advertisement does not disclose that consuming alcohol while boating poses a heightened danger not only to the boat operator, but also to passengers. It also fails to disclose that such behavior may violate applicable Federal boating laws.⁽²⁾ Second, as evidenced by the actors and the language portrayed in the advertisement, I believe that the message is targeted at a youthful audience. Accordingly, it can be justifiably inferred that a reasonable youthful consumer could easily be deceived by not appreciating the danger of imitating the behavior featured in the television advertisements.

For these reasons, I would find that the Beck's advertisements were deceptive as well as unfair under Section 5 of the FTC Act.

Endnotes

(1) See Cliffdale Associates, Inc., 103 F.T.C. 110, 176 (1984) Appeal dismissed sub nom., Kovan v. FTC, No. 84-5337 (11th Cir. Oct. 10, 1984) (Deception Statement).

(2) This problem has become so serious that the U. S. Coast Guard has recently launched a new campaign to better inform the public of the dangers of mixing boating and alcohol.