

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

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.	

SUPER:

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