

## SWA Code Complaint: Decision of the Independent Complaints Panel

<b>Product:</b>	Pure Scot Blended Scotch Whisky
<b>Marketing execution:</b>	Pure Scot Instagram account - 'don't be told' campaign
<b>SWA member:</b>	Bladnoch Distillery Ltd
<b>Complainant:</b>	Vinium Consultancy, Mixed Drinks, Spirits, Wine & Cigar Experts
<b>Decision:</b>	<b>Upheld</b>

### Complaint

The complainant has raised concerns about 'the sexist marketing of Pure Scot Blended Scotch Whisky'.

The complainant states: 'The brand's Instagram account illustrates a repetitive habit of objectifying women through highly sexualized imagery, in some instances completely naked and without any relevance to the brand/industry. This outdated message helps perpetuate the belief that women are sexual aspirations, rather than valued consumers and celebrated trades people.'

The complainant considers that Pure Scot Blended Scotch Whisky's marketing is in conflict with The Scotch Whisky Association's Code of Practice for the Responsible Marketing and Promotion of Scotch Whisky, specifically the following points:

#### 4.5 SEXUAL AND SOCIAL SUCCESS

4.5.2 However, no marketing communications should contain any claims or representations that individuals can attain social, professional, educational, or athletic success or status as a result of alcohol consumption.

4.5.3 Marketing communications should not suggest that drinking Scotch Whisky enhances sexual capabilities, attractiveness, masculinity or femininity, nor suggest any association with sexual activity or sexual success.

4.5.4 Communications should adhere to generally accepted standards of good taste.

### Background

In response to the complaint, the company stated they:

'wholeheartedly rejected the suggestion that any of the Pure Scot marketing and promotion is in breach of the Scotch Whisky Association's Code of Practice. You will find that there is no explicit suggestion that the consumption of our whiskies enhance sexual capabilities, attractiveness, masculinity or femininity, or would lead to sexual activity or success.

Pure Scot's marketing is appropriate for a brand which aims to set itself apart from the competition by daring to be different and breaking the mould of what traditional whisky marketing looks like. We have engaged a variety of talented and positive models and

brand partners who embody a lifestyle and aesthetic that encapsulates Pure Scot's daring personality.

That being said, we have reviewed these images, most of which are extremely old and even pre-date the launch of Pure Scot whisky itself. Many of these images are out-of-date and no longer speak to our positive Pure Scot brand message, and therefore have been removed from our promotional feeds'.

The complainant requested the complaint be addressed via the Code's formal procedure. The complaint was therefore referred to the SWA Complaint Committee which met on 22 March. The provisional decision of the Complaint Committee, which upheld the complaint, was shared with Bladnoch and in accordance with the SWA's Code procedure they were given the opportunity to consider whether or not they wished to appeal the decision to the Independent Complaints Panel, which they subsequently did. In requesting the complaint be referred to the Independent Complaints Panel the company made the following points

'You have highlighted the posts that the Complaints Committee interpreted as being in breach of SWA's Code of Practice for the Responsible Marketing and Promotion of Scotch Whisky ("the Code"). Although we do not consider the posts to be in breach of the Code (and it was certainly not our intention to breach the code) as a result of our brand realignment already underway, the posts are no longer present on our Instagram feed in the form in which they were included in the complaint details.

The main objection to the Instagram posts appears to be that the posts insinuate that by consuming our product, a consumer could obtain social, professional, educational or athletic success as a result of alcohol consumption. We do not believe that our posts insinuate, either by way of the photographs exhibited, or by the copy accompanying them, that consuming our product could elevate any of the aforementioned statuses. A further objection is that our marketing communications suggest that drinking Scotch Whisky enhances sexual capabilities, attractiveness, masculinity or femininity, and could associate Scotch Whisky with sexual activity or sexual success.

We do however have the following comments to make in respect of the posts and would respectfully draw your attention to item 4.5.1 of the Code which provides that: 4.5.1 Scotch Whisky brands and drinkers may be portrayed as part of responsible personal and social experiences and activities, such as the depiction of persons in a social or romantic setting, persons who appear to be attractive or affluent, and persons who appear to be relaxing or in an enjoyable setting.

We have used attractive models, enjoying relaxing and romantic settings, coupled with copy that encourages people to be daring and follow their own path. We believe that to be compliant with 4.5.1. We respectfully refute any allegation that our marketing suggests that consumption of our product leads to sexual, athletic or professional success.'

### **The Panel's Decision**

The Independent Complaints Panel met on 1 July. The Panel noted the Pure Scot Instagram account had 17,000 followers and 461 posts.

In reviewing the original complaint and related information, including the Pure Scot Instagram site, the Panel noted the posts complained about represented a small number of the posts compared to the total on the site.

The Panel found the Instagram posts, and on occasion the related text that went with them, submitted by the complainant and those identified by the Complaints Committee did breach the Code. Whilst the posts do not show Pure Scot Blended Scotch Whisky being consumed it is a product intended to be drunk. The Instagram account is there to convey the brand image/message.

The Panel found a number of posts breached Code rule 4.5.3 as they considered them to overly sexualise the models. One post which showed a male and female model on a yacht in swimwear appeared to depict the male model attempting to pull down the female model's bikini bottom in conjunction with text 'PureScot: Weekends, water, women, whisky' implied sexual success.'

The Panel found a number of posts were images in which only the lower half of the female model's body was visible overly sexualised and objectified the models. The Panel therefore considered the images fell short of Code rule 4.5.3 sexual success and Code rule 4.5.4 generally accepted standards of good taste as they found the images demeaning to the female gender.

Another post was an image of a male and female models face with text that stated 'PureScot Essential most days, but compulsory on date night.'

Code rule 4.1.2 states Scotch Whisky producers recognise that some people choose not to drink alcoholic drinks. Promotional and marketing activity should not seek to challenge this choice, nor suggest that the decision not to drink alcohol is in any way socially unacceptable or anything other than a legitimate personal choice.

The Panel therefore found the post in breach of this Code rule as there are no circumstances under which drinking Scotch Whisky should ever be considered essential or compulsory. The Panel also considered the use of phrase 'compulsory on date night' to imply sexual success, breaching Code rule 4.5.3.

The Panel notes that all the posts which were part of the original complaint and those highlighted by the Complaints Committee have been removed from the site with the exception of one which has had its text amended. The Panel welcomes this proactive action by the company.

The Panel requests that representatives of Bladnoch Distillery Ltd meet with the SWA to discuss the Code requirements to help prevent any potential future breaches of the Code.

--Ends--

For more information on the SWA's Code of Practice for the Responsible Marketing and Promotion of Scotch Whisky, including how to make a complaint, [click here](#).

For further information please contact the SWA Press Office on 0141 221 0707 or email [pressoffice@swa.org.uk](mailto:pressoffice@swa.org.uk)