

CODE COMPLIANCE REVIEW BOARD

COMPLAINT PACKET

**Constellation Brands – “Winning Shot”
Langdon Jenkins Complaint**

WINNING SHOT/JENKINS COMPLAINT

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Complaint Summary

Advertisement: “Winning Shot”

Complainant: Langdon Jenkins
37 Grove St
Ballston Spa, NY 12020
Langdon.writes@gmail.com

Advertiser: Constellation Brands Beer Division

On March 16, 2024, the Beer Institute received a complaint from Mr. Langdon Jenkins about a television advertisement for Corona beer, “Winning Shot.”

The Corona Ad features retired athletes Eli Manning and Carmelo Anthony sitting courtside as they see a basketball game half-time competition wherein a fan takes a shot from half court (the “Fan”). Carmelo predicts the Fan will make the shot. The Fan makes the shot, the crowd goes wild, and Carmelo remarks to Eli: “game recognize game.”

Mr. Jenkins objects to the inclusion of the Fan in the commercial. In Mr. Jenkins’s words, “[w]hen seeing the TV spot “Winning Shot” by Corona, I had to track it down and make sure what I had just seen was true... and it was. A young male - who appears to be under the drinking age, and MOST definitely less than 25 years old, starred in the commercial – makes the winning shot that is the subject of the advertisement.

“I found the commercial online, asked 5 adults what age they thought the Winning Shot maker actor was, and all replied “teen” or “kid”. When I asked if they thought the actor was 21 years old, all replied “No.”

He alleges a violation of Guideline 3g, to wit, “Models and actors employed to appear in beer advertising and marketing materials should be at least 25 years old, substantiated by proper identification, and reasonably appear to be of legal drinking age.”

Constellation Brands Beer Division responded to the complaint on March 25, 2024, saying, “the actor hired to play the Fan in the Corona Ad was 37 years old (as verified by government issued identification). Furthermore, the Corona Ad aired from March 11, 2024 – March 18, 2024, and is no longer in rotation.”

On March 26, 2024, Mr. Jenkins acknowledged Constellation’s response as well as their representation that the actor was over 25 years of age. Still, he requested CCRB review, because in his words, “as portrayed in the ad he did not appear to be of legal drinking age.”

The Beer Institute’s General Counsel reached out to Mr. Jenkins on April 9, 2024, to see whether he wanted to supplement his complaint. He wrote: “Was the ad in question pulled because they agreed with my assessment after review? Constellation Brands Beer Division filed its own supplement on April 26, 2024. The brewer denied any violation of the Beer Institute Advertising and Marketing Code. Likewise, the brewer denied any connection between the decision to pull the ad from rotation and Mr. Jenkins’s complaint.

From: [Wufoo](#)
To: [ADCode](#)
Subject: Code Compliance Review Board Complaint Form [#23]
Date: Saturday, March 16, 2024 10:36:56 AM

Name *	Langdon Jenkins
Address *	<input type="checkbox"/> 37 Grove St Ballston Spa, NY 12020 United States
Daytime Phone *	5188790661
Evening Phone *	5188790661
Email *	langdon.writes@gmail.com
Are you over the age of 21? *	<input checked="" type="radio"/> Yes
Please identify the name or title of the advertisement or describe the marketing material that is the subject matter of your complaint. *	"Winning Shot" www.ispot.tv/ad/61rq/corona-winning-shot
Please identify the name of the brewer associated with the advertisement or marketing material. *	Corona/Constellation Brands
What was the format of the advertisement or type of marketing material? (Television; Radio; Billboard; Newspaper or magazine ad; Internet or other cyberspace media; Sign, display or other material at a retail location; Licensed promotional clothing or other merchandise; Direct mail; Poster or handbill) *	Television
Have you contacted the brewer directly? *	<input checked="" type="radio"/> No
If you have contacted the brewer, did you receive a response? (If possible, please attach a copy of the brewer's response with this form and forward it to the Beer Institute.) *	<input checked="" type="radio"/> No
Where did you see the advertisement or marketing material? *	ESPN
When did you see the advertisement or marketing material? (If possible, please identify the date and approximate time of day for TV and radio spots.) *	Saturday, March 15, evening

Using Guidelines 2–12 of the Beer Institute Advertising and Marketing Code, which cover specific issues that the Code Compliance Review Board will consider, briefly explain why you believe an aspect of the advertisement or marketing material you saw is inconsistent with one or more Guidelines in the Code. Please include the Guideline number(s). *

Guideline 3g

Models and actors employed to appear in beer advertising and marketing materials should be at least 25 years old, substantiated by proper identification, and reasonably appear to be of legal drinking age.

When seeing the TV spot "Winning Shot" by Corona, I had to track it down and make sure what I had just seen was true... and it was. A young male – who appears to be under the drinking age, and MOST definitely less than 25 years old, starred in the commercial – makes the winning shot that is the subject of the advertisement.

I found the commercial online, asked 5 adults what age they thought the Winning Shot maker actor was, and all replied "teen" or "kid". When I asked if they thought the actor was 21 years old, all replied "No."

It is extremely doubtful that any unbiased person who watches the "Winning Shot" commercial will believe the shot maker is a 21 year old adult of legal drinking age.

Corona and its advertising partner Cramer–Krasselt did not do their due diligence to adhere to the Beer Institute code, specifically 3g.



Constellation Brands

March 25, 2024

VIA ELECTRONIC EMAIL

langdon.writes@gmail.com

Re: Beer Institute Advertising & Marketing Code Complaint

Dear Mr. Jenkins:

Constellation Brands Beer Division (“Constellation”) is in receipt of your complaint dated March 16, 2024, alleging violation of the Beer Institute Advertising & Marketing Code (the “Code”). In your complaint, you assert that an advertisement by Constellation’s Corona® brand (the “Corona Ad”) violated Section 3(g) of the Code. For the reasons set forth below, Constellation respectfully asserts that the Corona Ad complies with the standards set forth in Section 3(g) of the Code.

The Complaint

In your complaint, you state: “When seeing the TV spot “Winning Shot” by Corona, I had to track it down and make sure what I had just seen was true... and it was. A young male - who appears to be under the drinking age, and MOST definitely less than 25 years old, starred in the commercial – makes the winning shot that is the subject of the advertisement.”

The Code

The Code applies to all beer-branded advertising and marketing materials created by or under the control of a Brewer (as defined in the Code). Section 3(g) states: “Models and actors employed to appear in beer advertising and marketing materials should be at least 25 years old, substantiated by proper identification, and reasonably appear to be of legal drinking age.”

The Corona Ad

The Corona Ad features retired athletes Eli Manning and Carmelo Anthony sitting courtside as they observe a basketball game half-time competition wherein a fan takes a shot from half court (the “Fan”). Carmelo predicts the Fan will make the shot. The Fan makes the shot, the crowd goes wild, and Carmelo remarks to Eli: “game recognize game”.

Constellation takes its role as a responsible advertiser seriously and appreciates your concern. To ensure all its advertising complies with the Code, Constellation follows a robust internal review process, and provides training on the Code to its creative agencies. Furthermore, Constellation’s production guidelines and casting specifications specifically require that all advertisements



Constellation Brands

comply with the Code, including the requirement that talent must be 25 years of age or older and reasonably appear to be of legal drinking age. In this case, Constellation's standard requirements were followed, and the actor hired to play the Fan in the Corona Ad was 37 years old (as verified by government issued identification). Furthermore, the Corona Ad aired from March 11, 2024 – March 18, 2024, and is no longer in rotation.

Constellation hopes the information provided in this response addresses your concerns. If you remain dissatisfied, you may request review of your complaint by the Code Compliance Review Board.

Sincerely,

Jeff LaBarge
Senior Vice President, General Counsel
Constellation Brands Beer Division

Dani Murray

From: Mary Jane Saunders
Sent: Tuesday, March 26, 2024 10:21 AM
To: Dani Murray
Subject: FW: Beer Institute Advertising & Marketing Code Complaint Response

Mary Jane Saunders
General Counsel
Beer Institute
(703) 472-1656 (Cell)
mjsaunders@beerinstitute.org
www.beerinstitute.org

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From: langdon jenkins <langdon.writes@gmail.com>
Sent: Monday, March 25, 2024 9:25 PM
To: Jessica Bahr <jessica.bahr@cbrands.com>
Cc: Mary Jane Saunders <mjsaunders@beerinstitute.org>
Subject: Re: Beer Institute Advertising & Marketing Code Complaint Response

Ms Bahr:

Thank you for your quick response.

I understand from your response that the actor was over 25. But as portrayed in the ad he did not appear to be of legal drinking age.

And that is what is important, yes? You can verify age all you want but if the character looks like a youngster in the commercial, then he is. The viewer has no way of knowing the actor's age.

I will be requesting review by the Code Compliance Review Board.

Langdon Jenkins

On Mon, Mar 25, 2024 at 10:10 AM Jessica Bahr <jessica.bahr@cbrands.com> wrote:

Please see attached correspondence from Constellation Brands Beer Division regarding the television advertisement, "Winning Shot".

--

Langdon Jenkins

Writer

Langdon.writes@gmail.com

Dani Murray

From: Mary Jane Saunders
Sent: Friday, April 26, 2024 10:02 AM
To: Dani Murray
Subject: Fwd: Supplemental Materials

Sent from my iPhone

Begin forwarded message:

From: langdon jenkins <langdon.writes@gmail.com>
Date: April 10, 2024 at 11:27:32 AM EDT
To: Mary Jane Saunders <mjsaunders@beerinstitute.org>
Subject: Re: Supplemental Materials

Hello Mary Jane,

Sorry, I was on spring break with my kids and then got COVID so was out of it for a while.

I don't think I am going to file anything additional, just want to make sure that what is being reviewed is the appearance of the actor to be under 25 as the ad is played, which is the way viewers saw it. Not a still shot zoomed in, but the reactions of the reviewers after seeing the ad.

Also, I find it interesting that a companion ad (buy a bucket) the original ad was aired with continued to air during March Madness. Was the ad in question pulled because they agreed with my assessment after review?

Thank you,

Langdon Jenkins

On Tue, Apr 9, 2024 at 12:39 PM Mary Jane Saunders <mjsaunders@beerinstitute.org> wrote:

Just a reminder that today is the deadline for you submit any supplemental information you want the CCRB regarding your Ad Code complaint. I'd appreciate knowing if you do/do not plan to file something. If you need more time, just let me know.

Mary Jane Saunders
Sent from my iPhone

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Constellation Brands

April 25, 2024

Beer Institute Code Compliance Review Board
c/o Mary Jane Saunders, General Counsel, Beer Institute

Re: Constellation Brands Beer Division Supplemental Response to Mr. Langdon Jenkins'
April 10, 2024 Ad Code Complaint.

Link to Corona Commercial: [The Shot](#)

Dear Code Compliance Review Board:

Constellation Brands Beer Division (“Constellation”) is in receipt of Mr. Jenkins’ complaint to the Beer Institute dated April 10, 2024, requesting review by the Code Compliance Review Board (“CCRB”). Constellation previously replied directly to Mr. Jenkins on March 25, 2024, and Constellation will rely primarily upon that correspondence before the CCRB. In Mr. Jenkins’ April 10th email to the Beer Institute, however, Mr. Jenkins asked whether the subject Corona advertisement (the “Corona Ad”) was pulled from rotation because Constellation agreed with his assessment. We will use this response to address that inquiry.

The decision to complete the Corona Ad rotation was made on March 14, 2024, two days prior to Constellation’s receipt of Mr. Jenkins’ initial complaint. This decision was based on the Corona Brand Marketing team’s review of consumer research responses from legal drinking age consumers, which revealed that the subject advertisement did not score as well as other Corona brand advertisements which were tested and in market at the same time.

As mentioned in the March 25th letter to Mr. Jenkins, the Corona Ad last aired on March 18, 2024, nearly a month before Mr. Jenkins’ complaint to the CCRB. With the advertisement permanently discontinued, there is no longer an alleged violation for the CCRB to review and opine on.

Notwithstanding the foregoing, Constellation would like to reinforce its commitment to compliance with the Beer Institute Advertising & Marketing Code. Constellation takes its role as a responsible advertiser seriously and hopes the information provided in its initial letter and this supplemental response provide the CCRB with the information necessary to render a decision holding that Constellation is not in violation of the Code.

Sincerely,

Jeff LaBarge
Senior Vice President, General Counsel
Constellation Brands Beer Division

BEER INSTITUTE
CODE COMPLIANCE REVIEW BOARD
440 First Street, NW, Suite 350
Washington, D.C. 20001
202-737-2337

May 8, 2024

Mr. Langdon Jenkins
37 Grove Street
Ballston Spa, NY 12020

Dear Mr. Jenkins:

We write in response to your complaint that Constellation Brands advertisement for Corona beer that aired between March 11, 2024 - March 18, 2024 violates Section 3(g) of the Beer Institute's Advertising and Marketing Code (the Code). The Code Compliance Review Board (CCRB) reviews complaints from the perspective of a "reasonable adult consumer of legal drinking age" and determines if a complaint identifies advertising or marketing materials that are inconsistent with the guidelines presented in the Code.

The CCRB's primary function is to ensure that brewers and importers comply with the Code through an orderly and independent process. The CCRB's "appellate" review empowers consumers or complainants with an effective, efficient method to address and decide complaints. This process is a significant part of the industry's dedication to responsible advertising methods.

The CCRB is composed of individuals with varied professional experiences who are independent from the brewing industry. CCRB members are neutral and detached. They perform a quasi-appellate function when the complainant is dissatisfied with the response to the complaint from the brewer or counsel. Decisions of the CCRB are final.

Section 3(g) of the Code states "Models and actors employed to appear in beer advertising and marketing materials should be at least 25 years old, substantiated by proper identification, and reasonably appear to be of legal drinking age."

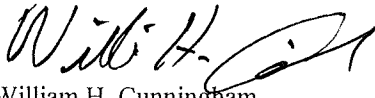
In your complaint of March 16, 2024 you state "When seeing the TV spot "Winning Shot" by Corona, I had to track it down and make sure what I had just seen was true...and it was. A young male – who appears to be under the drinking age, and MOST definitely less than 25 years old, starred in the commercial – makes the winning shot that is the subject of the advertisement." You go on to state "I found the commercial online, asked 5 adults what age they thought the Winning Shot maker actor was, and all replied "teen" or "kid." When I asked if they thought the actor was 21 years old, all replied "No."

Jeff LaBarge, Senior Vice President and General Counsel for Constellation Brands Beer Division responded to your complaint to the CCRB in part by stating "Constellation's production guidelines and casting specifications specifically require that all advertisements comply with the Code, including the requirement that talent must be 25 years of age or older and reasonably appear to be of legal drinking age. In this case, Constellation's standard requirements were followed, and the actor hired to play the Fan in the Corona Ad was 37 years old (as verified by government issued identification). Furthermore, the Corona Ad aired from March 11, 2024 – March 18, 2024, and is no longer in rotation."

It is the unanimous opinion of the CCRB that the commercial "Winning Shots" does not violate Section 3(g) of the Code. The model in the Corona advertisement that shot the basketball was 37 years of age. We believe from viewing the advertisement that the actor appears to be of legal drinking age. It is also important to point out that we feel this complaint is without merit because the commercial in question ran only from March 11, 2024 – March 18, 2024 and is no longer being used by Constellation Brands.

The CCRB spent a considerable amount of time reviewing the advertisement; studying the Code Guidelines in question; and debating the allegations of your complaint against the response of the brewer. The findings of the Board are final. They will be communicated to Constellation Brands. The findings will be publicly available on the Beer Institute's website and published in the annual report. This correspondence will conclude the complaint and review process.

Sincerely,

A handwritten signature in black ink, appearing to read "William H. Cunningham". The signature is fluid and cursive, with a large, sweeping flourish at the end.

William H. Cunningham
Chairman

xc: CCRB Board Members:

Ms. Rory Davies

Mr. Paul Summers