

January 20, 2004

Ms. Janet Evans
Senior Attorney
Federal Trade Commission
601 New Jersey Avenue, NW
Washington, D.C. 20508

Dear Ms. Evans:

I am writing to alert you to an upcoming marketing campaign for Malibu rum that targets large numbers of teenage consumers. For your information, I am enclosing a copy of CSPI's complaint to the Distilled Spirits Council of the United States. That letter outlines our concerns about the Malibu campaign, as well as our reservations about the legitimacy and effectiveness of voluntary industry standards on alcohol advertising.

For the upcoming campaign, Malibu has tapped star reggae entertainer, Shaggy, the winner of two *Teen Choice* awards and a frequent performer at concerts attended by many teenagers, to appear at concerts, execute radio ads, and engage in a variety of other promotional activities. According to Malibu, Shaggy will be the "personality" of the brand. We believe that this marketing arrangement makes a mockery of the DISCUS Code of Responsible Practices for Beverage Alcohol Advertising and Marketing.

Moreover, the campaign represents a further example of the inadequacy of voluntary standards and enforcement. The DISCUS code provides for no recourse against companies that violate its provisions and has no deterrent effect. After-the-fact complaints, such as the recent complaint against Goldschlager, frequently do not get resolved before a campaign has run its normal course. The Malibu campaign represents an outrageously insensitive and cynical attempt to appeal to underage consumers – at concerts, on the radio, and in the media. It reflects the lack of respect even for industry's weak standards. We respectfully request that the Commission investigate this campaign and also the numerous inadequacies in voluntary advertising standards and review capacities implemented by trade organizations in the alcoholic-beverage industry.

Thank you for your attention to this matter. If you have any questions, please call me at 202-777-8343.

Sincerely,

George A. Hacker
Director, Alcohol Policies Project