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United States Senate

COMMITTEE ON COMMERCE, SCIENCE,
AND TRANSPORTATION

WASHINGTON, DC 20510-6125

WEBSITE: <https://commerce.senate.gov>

May 17, 2023

Mr. Brendan Whitworth
Anheuser-Busch Companies, LLC
United States Chief Executive Officer
One Busch Place
St. Louis, MO 63118

Mr. Brendan Whitworth
Beer Institute
Chairman & Senior Director
440 First Street NW, Suite 350
Washington, DC 20001

Dear Mr. Whitworth:

We are writing to you today in both your capacity as the United States Chief Executive Officer of the Anheuser-Busch Companies (“Anheuser-Busch” or “your company”) and as the Chairman and Senior Director of the Beer Institute, the beer industry’s self-regulatory body with authority over the advertising of beer. Our requests are two-fold.

First, we write to ask that the Beer Institute’s Code Compliance Review Board open an investigation to review Anheuser-Busch’s recent and ongoing marketing partnership with Dylan Mulvaney. The Beer Institute must examine whether your company violated the Beer Institute’s Advertising/Marketing Code and Buying Guidelines prohibiting marketing to individuals younger than the legal drinking age.

The evidence detailed below overwhelmingly shows that Dylan Mulvaney’s audience skews significantly younger than the legal drinking age and violates the Beer Institute’s Advertising/Marketing Code and Buying Guidelines. We would urge you, in your capacity at Anheuser-Busch, to avoid a lengthy investigation by the Beer Institute by instead having Anheuser-Busch publicly sever its relationship with Dylan Mulvaney, publicly apologize to the American people for marketing alcoholic beverages to minors, and direct Dylan Mulvaney to remove any Anheuser-Busch content from his social media platforms.

Second, we believe that Anheuser-Busch’s clear failure to exercise appropriate due diligence when selecting online influencers for its marketing efforts warrants detailed oversight by Congress. To that end, this letter includes a series of document requests that will help clarify how Anheuser-Busch vets its partnerships and how Anheuser-Busch failed in assessing the propriety of a partnership with Dylan Mulvaney. Our document requests can be found at the end of this letter.

BACKGROUND

On April 1, 2023, Dylan Mulvaney announced on Instagram that he had recently inaugurated a partnership with Bud Light, one of Anheuser-Busch's brands.¹

As you and your Anheuser-Busch colleagues are aware, Dylan Mulvaney is a prominent social media influencer with 1.8 million followers on Instagram and 10.8 million followers on TikTok.² As Mulvaney's talent agency CAA notes, he is infamous for the "series titled '*Days of Girlhood*'" which "received over 750 million views in less than 100 days."³ (emphasis added) Mulvaney's "*Days of Girlhood*" series should have been the first red flag to Anheuser-Busch that it was entering into a partnership with an individual whose audience skews impermissibly below the Beer Institute's proscribed guidelines.

The use of the phrase "Girlhood" was not a slip of the tongue but rather emblematic of a series of Mulvaney's online content that was specifically used to target, market to, and attract an audience of young people who are well below the legal drinking age in the United States. Examples include:

- Dylan Mulvaney lip-syncing "I am Eloise, I am six" while dressed as a small child. This video gathered 7.1 million views.⁴ It aired thirteen days before the Bud Light partnership.
- Dylan Mulvaney during "Day 100 of being a girl" "at the mall" giving away merchandise and cash to teenage girls, at least one of whom was still in braces.⁵ That video garnered over 11 million views.
- Dylan Mulvaney pandering to teen developmental issues when he recorded a TikTok pining about "30,000 people want to be my first kiss as a girl."⁶ That video received 9.6 million views.
- Another video of Dylan Mulvaney in Target shopping for Barbie dolls that garnered 8.3 million views.⁷ Mattel, the maker of Barbie, has, according to market analysts, a "clearly demarcated target market for [the] Barbie doll [consisting of] young girls of 3-12 years of age...."⁸

An objective survey of Dylan Mulvaney's content clearly presents a faux, pre-pubescent girl persona that is created and presented to specifically appeal to young viewers.

¹ https://www.instagram.com/reel/CqgTftujqZc/?utm_source=ig_web_copy_link

² <https://www.instagram.com/dylanmulvaney/>; <https://www.tiktok.com/@dylanmulvaney?lang=en>

³ <https://www.caa.com/caaspeakers/dylan-mulvaney>

⁴ <https://www.tiktok.com/@dylanmulvaney/video/7212043896430415147>

⁵ <https://www.tiktok.com/@dylanmulvaney/video/7111457500167228714?lang=en>

⁶ <https://www.tiktok.com/@dylanmulvaney/video/7123736509467004206>

⁷ <https://www.tiktok.com/@dylanmulvaney/video/7109259848784776494>

⁸ <https://www.researchomatic.com/mattel-barbie-doll-target-market-156300.html>

AUDIENCE DEMOGRAPHICS

Publicly available data indicates that both the Instagram and TikTok platforms skew heavily toward younger audiences. As Hootsuite, a leading social media marketing platform pointed out recently, if you want to reach children—Instagram, which is where Anheuser-Busch rolled out the Mulvaney/Bud Light partnership—is the ideal social media platform.⁹ Hootsuite noted that “overall, Instagram is Gen[eration] Z’s favorite social media platform. Global internet users aged 16 to 24 prefer Instagram to other social platforms. . . even ranking it above TikTok.”¹⁰ For marketing professionals seeking to reach the age 16 to 24 year old cohort, Instagram is an ideal platform.¹¹

TikTok users also skew equally young. A leaked presentation about TikTok user demographics showed that 17% of the TikTok user base is 13 to 17 years old and 42% of the audience is between the ages of 18 and 24 years of age.¹² While Anheuser-Busch appears to have targeted its rollout of the Mulvaney/Bud Light partnership on Instagram, it is obvious, given Dylan Mulvaney’s significant social media following on TikTok, that this influencer campaign would spill over to TikTok as well.

PROHIBITED ADVERTISING

The Mulvaney/Bud Light campaign is starkly similar to the discredited and now illegal marketing campaigns of cigarette manufacturers that used youth-favored advertising tools such as “Joe Camel” in an attempt to develop early brand loyalty with children who were legally prohibited from smoking cigarettes.¹³ In fact, your VP of Marketing has said as much stating, “I’m a businesswoman. I had a really clear job to do when I took over Bud Light, and it was ‘This brand is in decline, it’s been in a decline for a really long time, and **if we do not attract young drinkers** to come and drink this brand there will be no future for Bud Light.’”¹⁴ (emphasis added) Unfortunately, Anheuser-Busch has a history of inappropriately marketing beer to individuals younger than the legal drinking age. In 2009, the Federal Trade Commission and dozens of colleges strongly criticized Anheuser-Busch for marketing Bud Light to underage college students.¹⁵

Marketing to minors is prohibited under the Beer Institute’s Advertising/Marketing Code and Buying Guidelines. Section 3.c.i specifically states:¹⁶

⁹ <https://blog.hootsuite.com/instagram-demographics/>

¹⁰ *Id.*

¹¹ *Id.*

¹² <https://www.businessinsider.com/tiktok-pitch-deck-shows-new-e-commerce-ads-2021-4#the-company-says-17-of-its-audience-is-ages-13-to-17-while-42-is-18-to-24-3>

¹³ <https://www.ftc.gov/news-events/news/press-releases/1997/05/joe-camel-advertising-campaign-violates-federal-law-ftc-says>

¹⁴ <https://nypost.com/2023/04/10/bud-lights-marketing-vp-was-inspired-to-update-fratty-out-of-touch-branding/>

¹⁵ <https://www.wsj.com/articles/SB125116535930755741>

¹⁶ <https://www.beerinstitute.org/policy-responsibility/responsibility/advertising-marketing-code/>

Placements made by or under the control of the Brewer in magazines, in newspapers, on television, on radio, and in digital media in which there is no dialogue between a Brewer and user, may only be made where at least 73.6% of the audience is expected to be adults of legal drinking age. A placement will be considered compliant if the audience composition data reviewed prior to placement meets the percentage set forth above.

The general demographics of Instagram and TikTok, combined with the pre-pubescent content for girls pushed by Dylan Mulvaney, and informed by comments from Anheuser-Busch's VP for Marketing regarding young drinkers, should have provided *overwhelming* evidence to the Beer Institute that Anheuser-Busch's sponsored social media influencer advertising had both the design and effect of marketing an adult beverage product to an audience whose composition was less than 73.6% individuals of legal drinking age, thus violating the standards required by the Beer Institute. With that in mind, we ask Anheuser-Busch to: (1) immediately review all of their influencer relationships and sever any and all relationships with persons whose online personas violate the Beer Institute's marketing standards, as Dylan Mulvaney's clearly does, and (2) to ask that Dylan Mulvaney and all similarly inappropriate persons used by Anheuser-Busch in its marketing remove all Anheuser-Busch content from their online accounts. If your company fails to do so, we ask the Beer Institute to find Anheuser-Busch in violation of the Advertising/Marketing Code and Buying Guidelines and order them to sever their relationship with Mulvaney.

DOCUMENT PRODUCTION

In addition to requesting Beer Institute oversight of the advertising partnership with Dylan Mulvaney, Anheuser-Busch shall respond by providing copies of the following documents by not later than May 31, 2023 so that Congress can exercise its oversight responsibilities.

1. All documents or communications between or among any employees of Anheuser-Busch regarding the partnership between Anheuser-Busch and Dylan Mulvaney.
2. Copies of all scripts, including any and all drafts, reviewed by Anheuser-Busch for social media content from Dylan Mulvaney.
3. Copies of any guidance or requests provided by Anheuser-Busch, or its agents, directing, encouraging, or soliciting content from Dylan Mulvaney related to Bud Light or any other Anheuser-Busch products.
4. All documents or communications between Dylan Mulvaney, his agents, including at Dylan Mulvaney's talent representation firm CAA, and staff or representatives of Anheuser-Busch, including any advertising placement agents retained by Anheuser-Busch.
5. Copies of any after-the-fact audits conducted in relation to Anheuser-Busch's advertising partnership with Dylan Mulvaney.

6. Copies of all materials in the possession of Anheuser-Busch showing the age demographics of Dylan Mulvaney's audience, including but not limited to the platforms of Instagram and TikTok.
7. Copies of Anheuser-Busch's corporate policy for advertising on social media platforms, including but not limited to, TikTok and Instagram.
8. Copies of all documents provided to the Beer Institute related to Anheuser-Busch's response to this complaint.

We look forward to your prompt response to our concerns.

Sincerely,



Ted Cruz
Ranking Member
Committee on Commerce, Science,
and Transportation



Marsha Blackburn
Ranking Member
Subcommittee on Consumer Protection,
Product Safety, and Data Security

cc: Gavin Hattersley, Vice Chairman & Senior Director, Beer Institute and CEO, Molson
Coors Beverage Company

Brian Crawford, President & CEO, Beer Institute