



July 12, 2022

VIA EMAIL

Re: DJ Khaled's Continuing Deceptive Marketing for Diageo's Ciroc Brand

Dear Michael:

Thank you for your letter of July 8, 2022 to my colleague Laura Smith. TINA.org is pleased to learn that Mr. Khaled has decided to take appropriate action to ensure that he is not violating the law. That said, TINA.org does not agree that your client does not currently have a relationship and material connection to Diageo that requires clear and conspicuous disclosure were he to continue posting Ciroc endorsements at this time.

As you know, prior to Mr. Khaled posting about Ciroc's new Passion flavor, the company began airing a Ciroc Passion commercial in May 2022 entitled "Summer You Can Taste," which features Sean "Diddy" Combs and your client, Mr. Khaled. The commercial has continued to air since that time, including during the Billboard Music Awards on NBC and the BET Awards on VH1, and has been seen by millions of consumers. The commercial was also airing during the time period that Mr. Khaled published his endorsements of Ciroc's Passion vodka.

The opportunity to be featured in a nationally televised commercial with Mr. Combs and the Ciroc brand has provided (and continues to provide) Mr. Khaled with a plethora of material benefits, including but not limited to increasing his brand awareness with a vast audience, building on his brand image, attracting more fans and followers, and the potential to increase sales of his own products. As the example you provided in your letter states: "an endorsement would be covered by the FTC Act if an advertiser . . . gives you something of value to mention a product." The tremendous value of free publicity from a nationally televised commercial simply cannot be ignored by Mr. Khaled, Diageo or Combs Enterprises in social media posts that coordinate with the airing of the "Summer You Can Taste" commercial.

Thank you for your consideration and attention to this matter.

Sincerely,

A handwritten signature in blue ink, appearing to read 'B-Patten'.

Bonnie Patten
Executive Director

cc: Alan Soven (alan@alansoven.com)
Lisa Hageman (lisa.hageman@diageo.com)
Serena Viswanathan (sviswanathan@ftc.com)
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