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Body Armor Sports Nutrition, LLC

National Advertising Division

NAD Case #7047

October 2021

Relevant Media

drinkbodyarmor

Your Content Has Been Removed

We removed your content because a third party reported that it infringes their intellectual property rights.

Report #540505900619849

What was removed

Post removed for IP violation
Posted Aug 6 at 12:04 PM

Why you were reported

The following party reported that your content infringes their trademark:

- Rights owner: Stokely-Van Camp
- Email: @pepsico.com
- Trademark: Gatorade/G Bolt

31,399 likes
drinkbodyarmor Hey @Gatorade did you really call the IG police on us for THIS!?!? 🤔😂😂

drinkbodyarmor

31,395 likes
drinkbodyarmor Hey @Gatorade did you really call the IG police on us for THIS!?!? 🤔😂😂

BODYARMOR
@DrinkBODYARMOR

C'mon @BakerMayfield, please return our calls! We're very sorry!!! 😂😂😂
#TeamBODYARMOR

12:06 PM · Aug 6, 2021 · Twitter for iPhone

bakermayfield
bakermayfield · Original Audio

Liked by insta.single and 107,708 others
bakermayfield I'm not sure I'll ever forgive you for this @drinkBODYARMOR #TeamBODYARMOR

Summary

In a Fast-Track SWIFT matter, Stokely-Van Camp, Inc. challenged claims made on social media posts regarding a blind “taste test,” appearing on the social media accounts of BodyArmor endorser Baker Mayfield (Cleveland Browns quarterback and former Heisman Trophy winner) and BodyArmor’s social media accounts.

The National Advertising Division (NAD) recommended that BA Sports Nutrition discontinue the four express claims in the Baker Mayfield taste test video where Mr. Mayfield samples three flavors of BodyArmor sports drinks, which he is familiar with, and proudly identifies them. After being handed a fourth bottle, which unbeknownst to him contains Gatorade, Mr. Mayfield sips it and immediately exclaims,

“Yo, that is not cool. That’s awful,” while removing his blindfold, spitting out the Gatorade, and shaking his head. As this occurs, the Nauseated Face Emoji and the Face with Tears of Joy Emoji appear together prominently on the screen.

NAD noted that emojis frequently substitute for the written word in contemporary communications and some emojis more clearly communicate feelings or emotions than others. The Nauseated Face Emoji, for example, communicates a clear message that something is gross.