

ABAC

**ABAC Complaints Panel
Determination No: 59/12**

**Confidential Complaint
Product: Smirnoff
Advertiser: Diageo Australia Limited**

Professor The Hon Michael Lavarch – Chief Adjudicator
Debra Richards – Member
Professor Richard Mattick – Member

16 August 2012

Introduction

1. This determination by the Alcohol Beverages Advertising Code (“ABAC”) Adjudication Panel (“The Panel”) concerns a facebook page for Smirnoff produced on behalf of Diageo Australia Limited (“the Advertiser”) and arises from a confidential complaint received on 21 June 2012.

The Quasi-Regulatory System

2. Alcohol advertising in Australia is subject to an amalgam of laws and codes of practice which regulates and guides the content and, to some extent, the placement of advertisements. Given the mix of government and industry influences and requirements in place, it is accurate to describe the regime applying to alcohol advertising as quasi-regulation. The most important provisions applying to alcohol advertising are found in:
 - (a) a generic code (the AANA Advertiser Code of Ethics) with a corresponding public complaint mechanism operated by the Advertising Standards Bureau (ASB);
 - (b) an alcohol specific code (the Alcohol Beverages Advertising Code) and complaints mechanism established under the ABAC Scheme;
 - (c) certain broadcast codes, notably the Commercial Television Industry Code of Practice (CTICP) which restricts when direct advertisements for alcoholic drinks may be broadcast; and
 - (d) The Outdoor Media Association Code of Ethics which includes provisions about Billboard advertising.
3. The complaints systems operated under the ABAC scheme and the ASB are separate but inter-related in some respects. Firstly, for ease of public access, the ASB provides a common entry point for alcohol advertising complaints. Upon receipt, the ASB forwards a copy of the complaint to the Chief Adjudicator of the ABAC Panel.

4. The Chief Adjudicator and the ASB independently assess the complaint as to whether the complaint raises issues under the ABAC, AANA Code of Ethics or both Codes. If the Chief Adjudicator decides that the complaint raises solely issues under the Code of Ethics, then it is not dealt with by the ABAC Panel. If the complaint raises issues under the ABAC, it will be dealt with by the ABAC Panel. If the complaint raises issues under both the ABAC and the Code of Ethics, then the ABAC Panel will deal with the complaint in relation to the ABAC issues, while the ASB will deal with the Code of Ethics issues.
5. The complaint raises concerns under the ABAC and accordingly is within the Panel's jurisdiction.

The Complaint Timeline

6. The complaint was received by ABAC on 21 June 2011.
7. The Panel endeavours to determine complaints within 30 business days of receipt of the complaint, but this timeline depends on the timely receipt of materials and advice and the availability of Panel members to convene and decide the issue. The complaint has not been determined within the 30 day timeframe, due to the unavailability of the Chief Adjudicator and the complexity of the issues raised.

Pre-vetting Clearance

8. The quasi-regulatory system for alcohol beverages advertising features independent examination of most proposed advertisements against the ABAC prior to publication or broadcast. Pre-vetting approval was not obtained for this advertisement.

The Advertisement

9. The complaint refers to a facebook site at www.facebook.com/smirnoffaustralia.
10. The facebook site features at the top of the page a picture of a bottle of Smirnoff with eight different mixed drinks and the tagline "The Best Mixed Drinks Start Pure". Below is the text "Smirnoff Australia" and "Welcome to the OFFICIAL Smirnoff Australia Facebook page"
11. The site contains numerous photographic images posted by Smirnoff. The photographs and posts specifically referred to in the complaint are described following:
 - (a) In the photos section of the site within the album "Smirnoff @ Splendour in the Grass":
 - a photograph of three young females two of which are sipping on drinks which has a comment "naw cute";
 - a photograph of three men and one woman, two of which are wearing red Smirnoff t-shirts with a Smirnoff sign and bottles of Smirnoff in the background with a comment "super cute";
 - a photograph of several crates of empty Smirnoff bottles which received 2 likes;

- (b) In the photos section of the site within the album "Smirnoff Cocktail Bar @ Splendour in the Grass":
- a photograph of three young females smiling and posing for the photograph, one of whom is holding a beverage with comments "alcos x" and "Too young";
 - a photograph of three young females wearing sunglasses and smiling and posing for the camera;
 - a photograph of four young females smiling, laughing and posing for the camera.
 - a photograph of three young females and three young men smiling and laughing several of whom are holding beverages;
 - a photograph of two women and a person in a banana suit laughing with the "Smirnoff Be There" logo on the bottom right hand corner.
- (c) In the photos section of the site within various albums:
- A photograph of three young females each holding a beverage with the Smirnoff logo in the top left hand corner and captioned "Nightlife Exchange on Tour @ The Royal Exchange, Brisbane 86 of 89";
 - A photograph of two young females one smiling and one poking her tongue out at the camera each holding a Smirnoff beverage with the Smirnoff logo in the top left hand corner and captioned "Nightlife Exchange on Tour @ The Continental, Sorrento, 11th Feb 41 of 88";
 - A photograph of 5 young men and one female sitting around a table on which is a stubby and six glasses with the Smirnoff logo in the top left hand corner and captioned "Nightlife Exchange on Tour @ The Exchange Hotel 31 of 61".
- (d) In the photos section of the site within the album "Nightlife Exchange on Tour @ Elephant & Wheelbarrow":
- Photograph 34 of 41 of a man with a quizzical expression in front of a woman wearing hotpants and a short top with a bare midriff dancing in the background with the Smirnoff logo in the top left hand corner;
 - Photograph 4 of 41 of a man with a young female Smirnoff promotional model on each arm with the Smirnoff logo in the top left hand corner.
- (e) In the photos section of the site within the album "Nightlife Exchange on Tour @ The Exchange Hotel":
- Photograph 46 of 61 of a man with a young female Smirnoff promotional model on each side and holding a beverage with the Smirnoff logo in the top left hand corner;

- (f) In the photos section of the site within the album “Nightlife Exchange on Tour @ The Deen, Perth”:
- Photograph 106 of 118 of a man with a young female Smirnoff promotional model on each side and holding a bottle of Smirnoff with the Smirnoff logo in the top left hand corner;
- (g) In the photos section of the site within the album “Nightlife Exchange on Tour @ Mooseheads, Canberra”:
- Photograph 92 of 134 of a man with a young female Smirnoff promotional model on each arm with the Smirnoff logo in the top left hand corner and the following comments “What a pimp!!!! Lika a bawwss son!!!!”, “BOAWWWWSSSS”, “if only they were blokes u would be in heaven”, “frigging slang I had to search blokes!!!!”, “officially u r “Saint Gabe the girls man cadzow”.
 - Photograph 118 of 134 of a young female Smirnoff promotional model with a man on each arm holding a beverage with the Smirnoff logo in the top left hand corner with the following comments “Haha it’s a smirnoff photo and we are drinking beer”, “She actually looks scared”, “First hot girl I’ve seen you two with for awhile”, “She’s probably double the age of the one you’re with now”, “its just tuned differently”, “should get an l&d for that compass mate”;

The Complaint

12. The complainant argues that:

- (a) Smirnoff uses popular music festivals and nightlife to create interactions within material drinking culture that can then be mediated by the brand and fans on Facebook. Smirnoff has uploaded more than 2,700 photographic images to their Facebook page, mainly featuring young people attending parties sponsored by the brand. Further, the photo albums that Smirnoff posted to their Facebook pages depict many fans consuming alcohol and some that appear intoxicated. In some cases comments under the photo indicate that the people in the photos are intoxicated, link sexual or social prowess to the image, or make vilifying or derogatory remarks. A significant number of these photographs (like the examples shown below) appear to be in breach of section (b)(i)(ii) of the Code. In some of the examples we have selected images that depict people who appear to be under 25 or we have checked the age of the person tagged in the photo on their Facebook profile and they list themselves as being under 25.
- (b) The images referred to in paragraph (a) above depict people under 25 consuming Smirnoff and the comments about the appearance of the people in the photos suggests social prowess.
- (c) The photographs referred to in paragraph (b) above appear to depict people under 25 at the “Splendour in the Grass” music festival. By

connecting the enjoyment of the music festival with the consumption of Smirnoff they link the product to social pastimes and prowess. Some of the people depicted are in provocative poses. Some of the images depict people who are intoxicated. In the first image a comment suggests the people depicted are 'alcos' and 'too young'.

- (d) The photographs referred to in paragraph (c) above depict people under 25 consuming alcohol.
- (e) The photographs referred to in paragraphs (d),(e) and (f) above depict people under 25 in addition to suggesting social and sexual prowess
- (f) the photographs referred to in paragraph (g) above depict people under 25 and when read in conjunction with the comments they celebrate social and sexual prowess as a result of being associated with the promotional Smirnoff staff. The second image also contains vilifying or derogatory remarks about sexuality;

The Code

13. The ABAC provides that advertisements for alcohol beverages must:

- a) present a mature, balanced and responsible approach to the consumption of alcohol beverages and, accordingly –
 - i) must not encourage excessive consumption or abuse of alcohol;
 - ii) must not encourage under-age drinking;
 - iii) must not promote offensive behaviour, or the excessive consumption, misuse or abuse of alcohol beverages;
 - iv) must only depict the responsible and moderate consumption of alcohol beverages;
- b) not have a strong or evident appeal to children and adolescents and, accordingly:
 - i) adults appearing in advertisements must be over 25 years of age and be clearly depicted as adults
 - ii) children and adolescents may only appear in advertisements in natural situations (e.g. family barbecue, licensed family restaurant) and where there is no implication that the depicted children and adolescents will consume or serve alcohol beverages
- c) not suggest that the consumption or presence of alcohol beverages may create or contribute to a significant change in mood or environment and, accordingly:

- i) must not depict the consumption or presence of alcohol beverages as a cause of or contributing to the achievement of personal, business, social, sporting sexual or other success.

The Advertiser's Comments

14. The Advertiser responded to the complaint and questions posed by the Panel on 2 July 2012. The principal points made by the Advertiser are:
 - a. The term 'advertisement' is not defined by the ABAC. The ABAC was developed in 1998 for traditional media and advertising such as print, television or radio. The ABAC was extended to cover the internet in 2004, but it is only in the last few years that Facebook and other social media have become widely used by individuals and companies. As an ongoing signatory of ABAC, we regard this as a grey area which would benefit from further clarification. Regardless, we ensure that all our brands' marketing and engagement activities comply with the principles of the ABAC, which includes adhering to the principle policy that content is not directed at children, nor are children be able to engage with alcohol beverage marketing or engagement activities. We also apply the principle policy that content does not promote or condone excessive or irresponsible consumption in any way. Diageo operates to the highest standards of marketing practice and we are committed to ensuring that all content contained within the Smirnoff Facebook Page complies with our own Diageo Marketing Code (**DMC**) which reflects the principle policies of the ABAC.
 - a. The complaint refers to the official Smirnoff Facebook Page, which we confirm was produced and is maintained and monitored by Diageo Australia and third parties acting on our behalf. The Smirnoff Facebook Page is a tool to network with adult consumers of legal purchase age for alcohol (**Legal Purchase Age, LPA +**), given that the adult consumers who "like" the page are generally already Smirnoff purchasers. On this basis, we assert that the Smirnoff Facebook Page and all inclusive content should **not** be considered as traditional advertising. Facebook brand pages, just like individual Facebook user pages, contain a wide range of content. Some of this content is said to be advertising purchased by Diageo Australia, but much of it is not. At the time of writing this response, the Smirnoff Facebook Page wall contains links to YouTube videos, posts requesting comments on current issues, and requests for cocktail recipes. The Smirnoff Facebook Page also includes a number of other sections, such as the Photo Albums, an 'Etiquette' section, and a game that allows users to mix their own music.
 - b. Facebook is a communications channel or medium just like TV and radio and therefore it is not appropriate to consider all content as advertising material. Facebook, just like television and radio, is a platform for engaging with people in a myriad of different ways (eg advertising, relationship building, and entertainment). It therefore follows that Facebook fan pages and the content they contain should not be assessed as traditional, paid-for advertising.
 - c. To further clarify, Diageo does purchase advertising space on Facebook to run branded advertising but none of this advertising has been included in the

complaint. This 'paid-for' advertising is fully assessed to ensure compliance with the principle policies of the ABAC. We also wish to note that a Facebook fan page can be created at no cost to an individual or brand owner. Supplementary activities are charged at a cost, but the content under complaint is in fact free content.

- d. The photographs of adult consumers referred to in complaint 0272/12 are content uploaded by the Smirnoff brand owner, Diageo, during or following events, and for the benefit of those who feature in the photographs. Events are held at licensed premises which are regulated by Responsible Service of Alcohol, and attendees are of legal purchase age. The various photo albums housed on the Smirnoff Facebook Page (**Photo Albums**) consist of photographs taken at events which have already taken place, thus not advertising for consumers to attend.
- b. Images in the Photo Albums are taken at events such as Splendour in the Grass and Smirnoff Nightlife Exchange Program. Adult consumers featured in the photographs are in specific areas reserved for adults and were confirmed by staff at the event to be over the legal purchase age. Photos are taken, assessed against internal and external codes, and uploaded to the Facebook Page. This process was managed by Profero, the digital agency working on the Smirnoff brand at the time of the activity. Before uploading the images, staff reviewed all photos to ensure that none contained irresponsible drinking or offensive behaviours and that all individuals featured were adults of legal purchase age or older.
- c. The Smirnoff Facebook Page has an age gate put in place by Facebook; therefore the Smirnoff Facebook Page is not openly accessible to Facebook users under the age of 18. Facebook has such a control in place to ensure that alcohol content cannot be viewed by individuals under the legal purchasing age which in Australia is 18 years old. Facebook users who are under the LPA are not able to view the Smirnoff Facebook Page and it does not appear when searched for. It is only once the Facebook user reaches LPA+ that alcohol related brands will begin to appear when searched for within Facebook. Facebook users must be over the LPA+ to 'like' the Facebook Page and view content on the Facebook Page.
- d. Facebook Users may only comment on an image in the Photo Albums if a Facebook user (over the LPA+) has tagged him/herself in that image and it therefore appears on their own personal timeline. All images that are located in the Photo Albums are owned by Diageo and users are not able to upload content into the Photo Albums or onto the Smirnoff Facebook Page. Individuals under LPA are not able to view such images as these images are housed on the Smirnoff Facebook Page, unless they have been downloaded by a user who is of LPA+ and added to their own Facebook profile page. This behaviour is not within the ability of Diageo to control.
- e. Diageo applies the principle policy rationale to the Smirnoff Facebook page, whether paid-for or free, in that content is not directed at children nor designed to appeal to people under legal purchase age.

- f. The adult consumers featured on the pages were members of the public who attended a Smirnoff event in licensed premises. These consumers shown in the photographs are legally entitled to purchase and consume alcohol. We do not regard the content (photographs) referred to in the complaint as advertising material and therefore our primary goal has been to ensure that people featured in the images are of legal purchase age, which is a standard maintained throughout the Photo Albums. The photographs are taken at events held at licensed premises which are regulated by Responsible Service of Alcohol, and the age of the consumer is also confirmed before a photograph is taken.
- g. We do not consider there to be any photographs of irresponsible drinking or excessive consumption in the Photo Albums. Adult consumers featured in such images are pictured with one drink each (and in some cases, no drinks at all) and are shown to be enjoying themselves responsibly. The photographs depict responsible, moderate consumption in a relaxed social setting. The photograph of the empty bottles does not intend to (nor does it actually) imply that people have been consuming Smirnoff in an irresponsible and/or excessive way. The photograph was taken at an event attended by a large numbers of patrons. Diageo is proud of its responsible drinking agenda and initiatives which promote the responsible consumption of alcohol in Australia. It would not be in our best interest to publicise or glorify examples of intoxication, thus linking such behaviour with our brand.
- h. All comments made on individual images are moderated for offensive language, cursing, insults and generally upsetting content. With that said any opinions or statements posted to images by fans are not the opinion or view of Diageo, and to demonstrate this we try and allow Facebook to be an honest open channel for discussion not controlled or closed off by Diageo. This is a universal strategy recommended by Facebook and applied by many successful, global brands.
- a. We do not consider there to be any images contained in Appendix D or E of the complaint or elsewhere in the Photo Albums which promote sexual or other success. Images are individually vetted against the DMC, a code which is reflective of the values of the ABAC code. A photograph of an adult consumer posing with a female Smirnoff representative, both over the LPA+, is not offensive, nor is it suggestive of social or sexual success. Further to this, Diageo is committed to diversity and equal opportunity as detailed in Employment section of our Code of Business Conduct (**COBC**). The COBC applies to all suppliers and business partners. Diageo does not regard factors such as gender, which is evident by the fact that we employ both male and female promotional staff members.

The Panel's View

- 15. This complaint raises both substantive and procedural issues which will be dealt with in turn.

Are the Facebook pages “advertisements for alcohol beverages” within the meaning of the ABAC?

16. The complaint concerns a Facebook page which has been produced, maintained and monitored by the advertiser. Several alcohol beverage company Facebook pages have recently been the subject of Panel decisions with this Determination being the third of three made in recent weeks. The other decisions were Determination 56/12 concerning a Facebook page for Vodka Cruiser and Determination 58/12 dealing with a Facebook page for Victoria Bitter Beer.
17. In each of these cases a threshold issue raised by the complaint has been whether the Facebook pages involved can be considered “alcohol beverage advertising” for the purposes of the ABAC. The importance of this question is that the ABAC does not apply to all forms of marketing activity of alcohol products but only to advertising. This means if the Facebook page is taken to be an “ad”, then the ABAC standards must be satisfied. If however, the Facebook page is taken to be marketing and promotional activity which is not “advertising” then either a different set of standards might apply ie. “Promotion of alcohol at events” within the ABAC Scheme or no specific alcohol marketing standards will apply. (It should be noted that most major alcohol product companies have internal Codes of Practice to guide their marketing activities, however these codes are not subject to an independent public complaints process such as the ABAC).
18. The term “advertising” is not defined in the ABAC. This can be contrasted with the AANA Code of Ethics which defines “advertising or marketing communications” as meaning “any material which is published or broadcast using any medium or any activity which is undertaken by, or on behalf of advertiser or marketer, and
 - Over which the advertiser or marketer has a reasonable degree of control and;
 - That draws the attention of the public in a manner calculated to promote or oppose directly or indirectly a product, service, person, organisation or line of conduct but does not include excluded advertising or marketing communications”.
19. The ASB which consider complaints under the Code of Ethics, has recently concluded that an alcohol company’s Facebook page falls within this definition noting:
 - The advertiser has a reasonable degree of control over the site;
 - The site draws attention of a segment of the public in a manner calculated to promote the product and;
 - User generated as well as the content generated by the page creator itself fell within the definition and is required to meet the AANA Code of Ethics Standards.
20. For its part the ABAC Panel first considered a Facebook page in Determination 30/09 in May 2009. At this time a review of the experiences in overseas jurisdictions was undertaken and this indicated that the ABAC Scheme was considering social media at a point prior to other similar schemes elsewhere. Since that time however, there have been developments which include:
 - The Advertising Standards Authority in the United Kingdom has extended its provisions to social media;

- The Portman Group Code in the United Kingdom also covers social media and that scheme has released a guide for the application of its rules titled “Responsible Marketing of Alcohol Drinks in Digital Media”;
 - The Code applying to the marketing of Spirits in the United States, “DISCUS” now applies to social media;
 - The New Zealand Advertising Standards Authority’s provisions also apply to Digital Media.
21. While each of these schemes is different it’s fair to say that in countries with regulatory regimes similar to Australia, social media is being captured by the principles contained in the Codes of Practice applying to alcohol beverage advertising at least to some extent. This is consistent with the Panel’s position articulated since May 2009 and confirmed in recent Determinations. From these Determinations the following guide as to the Panel’s approach might be drawn, namely:
- Facebook pages have been treated as akin to company websites in that they most likely will be advertising for ABAC purposes;
 - Whether particular content on a website or Facebook page is “advertising” is to be assessed on criteria such as:
 - Are the features of the product or brand commonly contained within advertising also contained within the material eg. product name, logo, product characteristics
 - Does the advertiser have control over the content
 - Would a reasonable person viewing the material be likely to believe the material is promoting the product or brand in a manner that would bring to mind an alcohol beverage advertisement
22. Consistent with the Panel’s past practice, it is concluded that the Smirnoff Facebook page as a whole is an advertisement for ABAC purposes. The advertiser having anticipated this conclusion however, then makes a subsidiary argument namely, that while the content posted on the page by the advertiser itself might be captured by the ABAC provisions, the content posted by the users of the site should not be considered part of any “advertising”. In this regard the advertiser draws an analogy with television which contains programming, community service announcements as well as advertising by the producers of various products and services. Hence not everything on TV is an “ad” and by analogy not everything on a Facebook page is an “ad”.
23. The Panel recognises the difficulty of monitoring and moderating user generated content on web pages such as Facebook. None-the-less under the current ABAC provisions it is considered that the Panel is obliged to consider the user generated content. This is because the preamble to the Code guides the Panel to consider the content of an ad as

a whole. This means the user generated content which is in direct response to the advertiser's own posts on the page, are important in assessing how a reasonable viewer would be impacted by the images and words on the page. The Panel has adopted this approach since its decision in Determination 27/11 of 27 May 2011.

24. A recent decision of the Federal Court as well as observations from an ACCC Commissioner lend weight to the Panel's conclusion that a Facebook page is "an advertisement" and that the scope of the advertisement includes user generated content.
25. Accordingly, the Panel believes that the Facebook page is an "ad" and this "ad" includes the user generated content.

Substantive Issues

26. The complaint refers to the photographs posted to the site generally and also provides some specific examples. As over 2,700 photographs have been posted to the site the Panel will specifically consider the examples referred to in the complaint.

Section (a)(i)

27. The complaint suggests that in some of the photographs the people seem intoxicated. This raises Section (a) and (iii) of the ABAC which provides that alcohol advertisements must not promote excessive consumption.
28. The Panel has considered the photographs referred to in the complaint and does not believe that the people depicted show signs of having engaged in excessive consumption of alcohol. The people are depicted in a social setting and some are posing in a humorous way for the camera but the Panel is not satisfied that the images alone can be said to be encouraging or promoting excessive consumption of alcohol.

Section (b)(i) and (ii)

29. The complaint suggests the advertisement is in breach of Section (b)(i)(ii) of the Code by depicting persons under 25 years old. In some instances this view is based on the appearance of the individuals and in other cases the complainant states the person's name has been matched to their personal Facebook page and this confirms the person is under 25.
30. In addition to providing standards for alcohol advertising and the naming and packaging of alcohol products, the ABAC contains a protocol detailing standards applicable to events either staged by an alcohol company or staged by a third party with alcohol company involvement. The protocol places an obligation on alcohol companies to endeavour to ensure that the attendees of these events are over 18 years of age and that any promotional activities such as giveaways are only provided to persons of legal drinking age.
31. In contrast the ABAC provisions in relation to advertising create a more stringent requirement in that persons depicted in an ad must be 25 years of age and appear to be an adult. In this case it would seem that adults over 18 years old attended the events sponsored by the advertiser consistent with the terms of the protocol. Photographs were

then taken on behalf of the advertiser of some event participants each of whom confirmed they were aged over 18. The photographs were then posted onto the advertiser's Facebook page.

32. It follows from the Panel's conclusion that the Facebook page is advertising for ABAC purposes that posting photographs of persons under the age of 25 on the site is a breach of Section (b)(i). The photographs however do not breach Section (b)(ii) as it is clear that the persons shown are not adolescents. An adolescent is defined by the Code as meaning a person aged 14 to 17 years inclusive.

Section (c)(i)

33. The final argument raised by the complainant is that certain photographs posted by the advertiser when viewed in conjunction with user generated responses to the photographs result in the web page breaching Section (c)(i) of the Code. This section provides that alcohol ads are not to suggest that the use or presence of alcohol can lead to a change in mood or the achievement of social or other success.
34. The key element of Section (c)(i) is the implication that alcohol plays a causation role in the achievement of success. If the ad suggests that alcohol is a cause or contributor to achieving success, then the ad is inconsistent with the ABAC standard. It is however permissible to place alcohol with attractive and successful people provided it is clear that alcohol is not the reason why the person is considered attractive or has achieved success.
35. The Panel has considered the photographs and the comments but does not believe that the Section (c)(i) standard has been breached. The photographs alone are shots of people attending Smirnoff events with female Smirnoff models. The photographs don't create a scene which suggests alcohol has led to a change of mood or the achievement of success. Equally, when viewing the photographs with the user generated comments, the Panel still does not believe that the Section (c)(i) standard has been breached.

Conclusion

36. The Panel has considered the complicated issues associated with determining if a Facebook page is an advertisement for ABAC purposes. While the Panel accepts there are real difficulties in applying the ABAC Scheme to the dynamic nature of social media it none-the-less believes that a Facebook page is an ad for ABAC purposes.
37. Having decided Facebook page is to be considered an alcohol ad the Panel has assessed the posts identified by the complainant against the appropriate standards of the Code. The Panel has concluded that the Facebook page does breach Section (b)(i) of the Code by its depiction of the persons who are under the age of 25. The Panel however has dismissed the other elements of complaint concerning Section (a) and Section (c) of the Code believing the posts from the advertiser combined with the user generated comments do not breach the ABAC standards. Accordingly the complaint is upheld in part.