



ABAC Adjudication Panel Determination No. 51 & 55/16

Product: Various
Company: Lion
Media: Radio/Digital/Outdoor
Complainant: Mrs Male & Confidential
Date of decision: 3 May 2016
Panelists: Professor The Hon Michael Lavarch (Chief Adjudicator)
Ms Debra Richards
Professor Richard Mattick

Introduction

1. This determination by the ABAC Adjudication Panel (“the Panel”) concerns radio, digital and outdoor advertisements for Lion products by Lion (“the Company”) and arises from complaints received 29 March and 4 April 2016.
2. Alcohol marketing in Australia is subject to an amalgam of laws and codes of practice, that regulate and guide the content and, to some extent, the placement of marketing. Given the mix of government and industry influences and requirements in place, it is accurate to describe the regime applying to alcohol marketing as quasi-regulation. The most important provisions applying to alcohol marketing are found in:
 - (a) Commonwealth and State laws:
 - Australian Consumer Law – which applies to the marketing of all products or services, and lays down baseline requirements, such as that marketing must not be deceptive or misleading;
 - legislation administered by the Australian Communications and Media Authority – which goes to the endorsement of industry codes that place restrictions on alcohol advertising on free to air television;
 - State liquor licensing laws – which regulate retail and wholesale sale of alcohol, and contain some provisions dealing with alcohol marketing;

(b) Industry codes of practice:

- AANA Code of Ethics – which provides a generic code of good marketing practice for most products and services, including alcohol;
 - ABAC Responsible Alcohol Marketing Code (“ABAC”) – which is an alcohol specific code of good marketing practice;
 - certain broadcast codes, notably the Commercial Television Industry Code of Practice – which restricts when advertisements for alcohol beverages may be broadcast;
 - Outdoor Media Association Code of Ethics – which places restrictions on the location of alcohol advertisements on outdoor sites such as billboards.
3. Within this framework, some of the requirements go to the placement of alcohol marketing, while others go to the content of the marketing. The ABAC is a content code, which means the standards of good marketing practice within the Code apply irrespective of where the marketing occurs (e.g. in print, in digital formats, or by broadcast mediums). Equally, the fact that the marketing is placed in a particular medium or in a particular location will not of itself generally be a breach of the ABAC. In contrast, the placement codes applying to outdoor sites or free to air television don't go to what is contained within alcohol marketing but the codes will be potentially breached if the marketing occurs at particular timeslots or is placed near a school.
4. For ease of public access, the Advertising Standards Bureau (ASB) provides a common entry point for alcohol marketing complaints. Upon a complaint being received by the ASB, a copy of the complaint is supplied to the Chief Adjudicator of the ABAC.
5. The complaint is independently assessed by the Chief Adjudicator and the ASB and streamed into the complaint process that matches the nature of the issues raised in the complaint. On some occasions, a single complaint may lead to decisions by both the ASB under the AANA Code of Ethics and the ABAC Panel under the ABAC if issues under both Codes are raised.
6. The complaint raises concerns under the ABAC Code and accordingly is within the Panel's jurisdiction.

The Complaint Timeline

7. The complaints were received on 29 March and 4 April 2016.
8. The Panel endeavour 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 complaints have been determined within this timeframe.

Pre-vetting Clearance

9. The quasi-regulatory system for alcohol beverage marketing features independent examination of most proposed alcohol beverage marketing communications against the ABAC prior to publication or broadcast. Pre-vetting approval was obtained for these marketing communications [14705].

The Marketing Communications

10. The campaign 'Beer – the beautiful truth' comprises of various radio advertisements, outdoor sites and a website. It is not known which actual version of the radio advertisements was heard by the first complainant, however, the scripts for each of the radio ads are set out below.

Radio 1

FITZY: Whether your favourite beer is James Squire one-fifteen lashes...
Hahn Super Dry... Four X Gold...

WIPPA: Mate, we don't have time for you to list every beer.

FITZY: Right. Sure.
But did you know that many of your favourite beers are, on average, *ninety-nine-point-nine* percent - sugar-free?

WIPPA: How come?

FITZY: Because when beer is made, sugars are used up, leaving next-to-no sugar in the beer you enjoy.

WIPPA: Brilliant!
And if you wanna know more about beer; head to **beer the beautiful truth.com** and ask a beer question.
Discover more about beer, at **beer the beautiful truth.com**

Radio 2

SFX: CAMPAIGN TRACK – TBC w/ BMF

FITZY: Did you know many of your favourite beers are, on average, *ninety-nine-point-nine* percent - sugar-free?

WIPPA: That's because when beer is made, sugars are used up, leaving next-to-no sugar in the beer you enjoy.

FITZY: That's the beautiful truth for many beers.
Including: James Squire one-fifty lashes, Hahn Super Dry
and Four X Gold.

WIPPA: Want to know more about beer?
Visit [**beer the beautiful truth.com**](http://beer.thebeautifultruth.com)
and ask a beer question.

FITZY: Discover more about the beers you love, at [**beer the beautiful truth.com**](http://beer.thebeautifultruth.com)

Radio 3

SFX: **CAMPAIGN TRACK – TBC w/ BMF**

FITZY: With the huge variety of styles available,
there's never been a better time to be a beer drinker.

WIPPA: Yep. We're *literally* living in the golden age of beer.
But, as is the case with any enlightenment... people are
gonna have questions.

FITZY: Luckily, our mates at 'Beer The Beautiful Truth' are here to
help. They wanna help you find answers for the most
interesting beer questions.

WIPPA: For example... did you know many of your favourite beers,
including James Squire one-fifty lashes, Hahn Super Dry
and Four X Gold
are preservative free?

FITZY: Well, find out more,
and send your most pressing questions in to the 'Brew & A'
At [**Beer The Beautiful Truth.com.au**](http://BeerTheBeautifulTruth.com.au)

Radio 4

NOVA VO: While you're listening to these guys,
head to [**beer the beautiful truth.com**](http://beer.thebeautifultruth.com)
and you could score a trip to a Belgian Beer Festival!
Terms and conditions, at [**beer the beautiful truth.com**](http://beer.thebeautifultruth.com)

Radio 5

SFX: **CAMPAIGN TRACK – TBC w/ BMF**

KATE: Here's an interesting fact:
Did you know many of your favourite beers are, on
average, *ninety-nine-point-nine* percent - sugar-free?

That's because when beer is made,
sugars are used up, leaving next-to-no sugar in the beer
you enjoy.

That's the beautiful truth for many beers.
Including: James Squire Pale Ale, Hahn Super Dry and
Four X Gold.

Want to know more about beer?

Visit [beer the beautiful truth.com](http://beerthebeautifultruth.com)

and ask your 'brewtiful' beer questions.

Discover more about beers, at [beer the beautiful truth.com](http://beerthebeautifultruth.com)

Radio 6

SFX: **CAMPAIGN TRACK – TBC w/ BMF**

KATE: I want you to imagine something for me.

Steaming hot mussels, fries covered in mayo and chocolaty waffles...

And an *entire festival* dedicated to beer... sound good?

Well, pack your bags; because you and your bestie could be on your way!

Just head to [beer the beautiful truth.com](http://beerthebeautifultruth.com) and ask, a question about beer.

They'll pick their favourite,
and send the winner *and their bestie*;
to the land of mussels, waffles; *and of course* - beer.

For full terms and conditions,
head to [beer the beautiful truth.com](http://beerthebeautifultruth.com)

Radio 7

TIM: Whether your favourite beer is James Squire one-fifty lashes...
Hahn Super Dry... Four X Gold...

MARTY: Blackers... we don't have time for you to list *every* beer.

TIM: No.
But did you know that many of your favourite beers are, on average,
ninety-nine-point-nine percent - sugar-free?

MARTY: Right.

TIM: Because when beer is made,
sugars are used up, leaving next-to-no sugar in the beer you enjoy.

MARTY: Right...

KATE: And if you want to know more about beer;
head to [beer the beautiful truth.com](http://beerthebeautifultruth.com)
and ask a beer question.

MARTY: Right...

KATE: Discover more about beer,
at **[beer the beautiful truth.com](http://beer.thebeautifultruth.com)**

Radio 8

TIM: Whether your favourite beer is James Squire one-fifty
lashes...
Hahn Super Dry... Four X Gold...
MARTY: Are you going to list every beer?
TIM: No. But did you know many of your favourite beers, are
preservative free?
MARTY: So, it goes off.
TIM: Nope. Because hops, the stuff that gives beer that
refreshing bitterness and aroma,
also acts as a natural preservative.
MARTY: Brilliant!
KATE: And if you want to know more about beer;
head to **[beer the beautiful truth.com](http://beer.thebeautifultruth.com)**
and ask a beer question.
Discover more about beer,
at **[beer the beautiful truth.com](http://beer.thebeautifultruth.com)**

Radio 9

NOVA VO: While you're listening to The Surgery,
head to **[beer the beautiful truth.com](http://beer.thebeautifultruth.com)**
and you could score a trip to a Belgian Beer Festival!
Terms and conditions, at **[beer the beautiful truth.com](http://beer.thebeautifultruth.com)**

Radio 10

SMALLZY: Did you know many of your favourite beers are
preservative free?

Yep, because hops, the stuff that gives beer that refreshing
bitterness and aroma,
also act as a natural preservative.

That's the beautiful truth for many beers.
Including: James Squire one-fifty lashes, Hahn Super Dry
and Four X Gold.

Want to know more about beer?
Visit **[beer the beautiful truth.com](http://beer.thebeautifultruth.com)**
and ask a beer question.?

Discover more about the beautiful beers you love,
at **[beer the beautiful truth.com](http://beer.thebeautifultruth.com)**

Radio 11

SMALLZY: Did you know many of your favourite beers are, on
average, *ninety-nine-point-nine* percent - sugar-free?

That's because when beer is made,
sugars are used up, leaving next-to-no sugar in the beer
you enjoy.

That's the beautiful truth for many beers.
Including: James Squire one-fifty lashes, Hahn Super Dry
and Four X Gold.

Want to know more about beer?

Visit [beer the beautiful truth.com](http://beer.thebeautifultruth.com)

and ask a beer question,

Discover more about the beautiful beers you love,

at [beer the beautiful truth.com](http://beer.thebeautifultruth.com)

Radio 12

SFX:

CAMPAIGN TRACK – TBC w/ BMF

VO:

(CASTING TBC)

Here's an interesting fact:

Did you know many of your favourite beers are, on
average, *ninety-nine-point-nine* percent - sugar-free?

That's because when beer is made,
sugars are used up, leaving next-to-no sugar in the beer
you enjoy.

That's the beautiful truth for many beers.

Including: James Squire, one-fifty lashes, Hahn Super Dry
and Four X Gold.

Want to know more about beer?

Visit [beer the beautiful truth.com](http://beer.thebeautifultruth.com)

and ask a beer question.

Discover more about beers, at [beer the beautiful truth.com](http://beer.thebeautifultruth.com)

Radio 13

SFX:

CAMPAIGN TRACK – TBC w/ BMF

VO:

(CASTING TBC)

Here's an interesting fact:

Did you know many of your favourite beers are
preservative free?

That's because hops, the things that give beer that
refreshin btterness and aroma,
also act as a natural preservative.

That's the beautiful truth for many beers.

Including: James Squire one-fifty lashes, Hahn Super Dry
and Four X Gold.

Want to know more about beer?

Visit [beer the beautiful truth.com](http://beer.thebeautifultruth.com)

and ask a beer question.

Discover more about beers, at [beer the beautiful truth.com](http://beer.thebeautifultruth.com)

Radio 14

SFX: **CAMPAIGN TRACK – TBC w/ BMF**

VO: **(CASTING TBC)**

I want you to imagine something for me.
Steaming hot mussels, fries covered in mayo and
chocolaty waffles...
And an *entire festival* dedicated to beer... sound good?
Well, pack your bags; because you and your bestie could
be on your way!
Just head to **beer the beautiful truth.com** and ask
a question about beer.
They'll pick their favourite,
and send the winner *and their bestie*;
to the land of mussels, waffles; *and of course* - beer.

For full terms and conditions,
head to **beer the beautiful truth.com**

Radio 15

SFX: **CAMPAIGN TRACK – TBC w/ BMF**

TIM B:

Did you know many of your favourite beers are
preservative free?
Yep, because hops, the stuff that gives beer bitterness and
aroma, also act as a natural preservative.
That's the beautiful truth for many beers.
Including: James Squire Pale Ale, Hahn Super Dry and
Four X Gold.
Want to know more about beer?
Visit **beer the beautiful truth.com**
and ask your '*brewtiful*' beer questions – *see what I did
there?*
Discover more about the beautiful beers you love,
at **beer the beautiful truth.com**

Radio 16

SFX: **CAMPAIGN TRACK – TBC w/ BMF**

TIM B:

There's only one thing better than a beer...
and that's an *entire festival* dedicated to beer... in Belgium!
Sound good?
Well, pack your bags; because you and a friend might be
on your way!
Just head to **beer the beautiful truth.com** and ask,
a question about beer.
They'll pick their favourite,
and send the winner *and their mate*;
to the land of mussels, waffles; *and of course* - beer.

For full terms and conditions,
head to [**beer the beautiful truth.com**](http://beerthebeautifultruth.com)

Radio 17

NOVA VO: Wanna score a trip for you and your mate,
to a beer festival in Belgium?
Just head to [**beer the beautiful truth.com**](http://beerthebeautifultruth.com)
and ask a question about beer.
For full terms and conditions,
head to [**beer the beautiful truth.com**](http://beerthebeautifultruth.com)

Radio 18

SFX: **CAMPAIGN TRACK – TBC w/ BMF**

FITZY: Did you know many of your favourite beers are, on
average,
ninety-nine-point-nine percent - sugar-free?

WIPPA: That's because when beer is made,
sugars are used up, leaving next-to-no sugar in the beer
you enjoy.

FITZY: That's the beautiful truth for many beers.
Including: James Squire one-fifty lashes, Hahn Super Dry
and Four X Gold.

WIPPA: Want to know more about beer?
Visit [**beer the beautiful truth.com**](http://beerthebeautifultruth.com)
and ask a beer question.

FITZY: Discover more about the beers you love, at [**beer the beautiful truth.com**](http://beerthebeautifultruth.com)

Radio 19

SFX: **CAMPAIGN TRACK – TBC w/ BMF**

FITZY: With the huge variety of styles available,
there's never been a better time to be a beer drinker.

WIPPA: Yep. We're *literally* living in the golden age of beer.
But, as is the case with any enlightenment... people are
gonna have questions.

FITZY: Luckily, our mates at 'Beer The Beautiful Truth' are here to
Help. They wanna help you find answers for the most
interesting beer questions.

WIPPA: For example... did you know many of your favourite beers,
including James Squire one-fifty lashes, Hahn Super Dry
and Four X Gold
are preservative free?

FITZY: Well, find out more,
and send your most pressing questions in to the 'Brew & A'
At **Beer The Beautiful Truth.com.au**

Radio 20

FITZY: Whether your favourite beer is James Squire one-fifty lashes...
Hahn Super Dry... Four X Gold...
WIPPA: Mate, we don't have time for you to list every beer.
FITZY: Right. Sure.
But did you know that many of your favourite beers are, on average,
ninety-nine-point-nine percent - sugar-free?
WIPPA: How come
FITZY: Because when beer is made,
sugars are used up, leaving next-to-no sugar in the beer you enjoy.
WIPPA: Brilliant!
And if you wanna know more about beer;
head to **beer the beautiful truth.com**
and ask a beer question.
Discover more about beer,
at **beer the beautiful truth.com**

Radio 21

WIPPA: Whether your favourite beer is James Squire one-fifty lashes...
Hahn Super Dry... Four X Gold...
FITZY: We're running out of time here, Wip.
WIPPA: Okay, okay.
But did you know many of your favourite beers are preservative free?
FITZY: So, it goes off
WIPPA: Nope. Because hops, the stuff that gives beer that refreshing bitterness and aroma,
also acts as a natural preservative.
FITZY: Brilliant!
And if you wanna know more about beer;
head to **beer the beautiful truth.com**
and ask a beer question.
Discover more about beer,
at **beer the beautiful truth.com**

Internet – beerthebeautifultruth.com

11. The website opens with a pair of hands holding grains with the caption "Discover the Beautiful Truth about Beer".

12. The website contains information about how beer is crafted, beer's nutritional information (sugar, carbohydrates and preservatives), the array of styles, food and beer matching, beer quizzes and competitions.

Outdoor – beerthebeautifultruth.com

13. The outdoor advertisement shows beer with a central caption superimposed "99.9% sugar free beer? -on average-". Below the caption is the appearance of the poster having been ripped to reveal 13 different 375ml bottles of beer below the caption "Yes, Seriously". At the bottom of the page is the Drinkwise Get the facts logo.

The Complaints

14. The first complainant objects to the marketing as the radio ads are promoting the wrong messages to small children. The complainant is concerned that while most reasonable adults are not going to believe that beer is going to replace green smoothies any time soon - the complainant's 6 year old son claimed (while discussing healthy foods) that beer is in fact a health food - and quoted some of the ads saying its sugar free with no preservatives. The complainant is concerned about this messaging given that alcohol is a drug that costs Australia a fortune every year in health issues, violence and crime.
15. The second complainant is concerned that the outdoor advertisement is within 500 metres of a primary school and that the advertisement appeals to young people. A further concern is that the billboard implies that beer is healthy and this may be misinterpreted by young children.

The ABAC Code

16. Part 3 of the ABAC Code provides that a Marketing Communication must NOT:
 - (b)(i) have Strong or Evident Appeal to Minors;
 - (c)(iv) suggest that the consumption of an Alcohol Beverage offers any therapeutic benefit or is a necessary aid to relaxation;
17. Definition in Part 5 of the ABAC provide:

Strong or Evident Appeal to Minors means:

 - (i) likely to appeal strongly to Minors;
 - (ii) specifically targeted at Minors;
 - (iii) having a particular attractiveness for a Minor beyond the general attractiveness it has for an Adult;
 - (iv) using imagery, designs, motifs, animations or cartoon characters that are likely to appeal strongly to Minors or that create confusion with confectionary or soft drinks; or

- (v) using brand identification, including logos, on clothing, toys or other merchandise for use primarily by Minors.

A 'Minor' means a person who is under 18 years of age and therefore not legally permitted to purchase an alcohol beverage in Australia.

The Company's Response

18. The Company responded to the complaints by letter dated 15 April 2016. The principal points made by the Company were:

- a) The advertisements that are the subject of this complaint are a 30 second radio advertisement and an outdoor billboard for Lion's Beer the Beautiful Truth campaign.
- b) The billboard shows a variety of Lion's beers accompanied with a tagline stating "On average 99.9% sugar free". The campaign website is also on the billboard.
- c) The radio advertisement opens with a question asking the listener if they know what is in some of their favourite beers. It then goes on to explain that the beers in this campaign are on average 99.9% sugar free and preservative free. It then briefly explains these statements with a short description of the brewing process and then provides the Beer the Beautiful Truth website address for those who want to find out more information.
- d) The radio commercial and outdoor billboard are part of a nationwide campaign called Beer the Beautiful Truth, which Lion launched in September 2015. Beer the Beautiful Truth is focused on busting common beer myths and providing consumers with all of the facts about what is in beer in a clear and transparent manner.
- e) Through our own consumer research we know there is considerable confusion about what is in beer – while people clearly understand it contains alcohol, most think it is full of sugar and preservatives, which is simply not the case.
- f) By providing the facts Beer the Beautiful Truth aims to encourage those people who choose to drink to reconsider beer as an option when they do so. 71% of consumers have told us this information would also help them make more informed choices when drinking – such as choosing a lower calorie option, drinking less overall or drinking fewer drinks on one occasion.
- g) The campaign features statements such as '99.9% sugar free' and 'preservative free' – these are basic statements of fact about aspects of

the nutrition content of beer. No health claim or effect on the body is mentioned.

- h) The campaign is supported by the provision of Nutrition Information Panels (NIPs) on the labels of all of Lion's wholly-owned beers. Each NIP provides full detail on nutrition content – including sugar, sodium, fat, calorie, protein, carbohydrate and dietary fibre – in accordance with the Food Standards Code. The Beer the Beautiful Truth website also provides this detail, and further information on standard drinks, the brewing process and the ingredients used in each beer.
- i) Lion does not consider that the advertisements breach any section of the Alcohol Beverages Advertising Code (ABAC) or any other advertising code.
- j) The tone of the advertisements is factual. Both commercials are stating the facts about the products that are part of the campaign. There is nothing included in either advertisement that has strong or evident appeal to minors.
- k) At no point do the advertisements suggest that alcohol is a health product. The term health is never mentioned. The terms '99.9% sugar free' and 'preservative free' are basic statements of fact about aspects of the nutrition content of beer. No health claim or effect on the body is mentioned.
- l) The term 'bestie' is a common phrase frequently used by adults. The prize of a trip to a beer festival in Belgium is specifically targeting adults only – it is not a prize with a strong or evident appeal to minors. Furthermore, you must be 18 or over to enter the website, in order to complete the quiz and, if by chance you win, proof of age before claiming the prize must be submitted. The reference to 'chocolaty waffles' and 'fries covered in mayo' are descriptive of the food that is served every year at the beer festival. Waffles are a food strongly associated with Belgium and fries covered in mayo can be found in pubs the world over. Again, this does not have strong or evident appeal to minors.
- m) The ABAC applies to the content, not the placement, of advertising. Even so, the outdoor advertisement is 150m away from the school boundary that is mentioned in the complaint and 280m from the school gates. This distance complies with the Outdoor Media Association's Guidelines. The tone of the advertisements is factual. Both commercials are stating the facts about the products that are part of the campaign. There is nothing included in either advertisement that has strong or evident appeal to minors

- n) On the outdoor billboard there is no suggestion that alcohol is a health product or offers any therapeutic benefit. The term health is never mentioned. The terms '99.9% sugar free' and 'preservative free' are basic statements of fact about aspects of the nutrition content of beer. No health claim or effect on the body is mentioned. There is no language or imagery that suggests alcohol has any therapeutic benefit.
- o) At no point do the advertisements in question suggest that alcohol is a health product or offer any therapeutic benefit. The term health is never mentioned. The terms '99.9% sugar free' and 'preservative free' are basic statements of fact about aspects of the nutrition content of beer. No health claim or effect on the body is mentioned. There is no language or imagery that suggests alcohol has any therapeutic benefit.
- p) As a responsible marketer, Lion has demonstrated a long-standing commitment to upholding both the letter and intent of the ABAC. Lion maintains strict internal and external processes to ensure this compliance. As part of Lion's marketing approvals processes, this commercial for Beer the Beautiful Truth was subject to:
- Internal legal review and advice from an external legal firm specialising in FMCG marketing and advertising compliance and interpreting the relevant advertising codes and legislation;
 - Review by Lion's internal marketing compliance team to ensure its adherence to all relevant advertising codes;
 - Review and approval through ABAC's external and independent pre-vetting service (AAPS) at both concept and final stages, receiving approval before going to market

The Panel's View

19. The Company is running a multimedia campaign to promote its various beer brands. This campaign is entitled 'Beer – the beautiful truth' and is described by the Company as 'busting common myths' regarding whether beer contains sugar and preservatives.
20. The two complaints both raise a concern about the impact of the marketing campaign on children. The first complainant recounts how their 6 year old quoted aspects of the campaign in a conversation. The second complainant points out that a billboard used in the campaign is located within 500 metres of a primary school. Both complaints also raise that the message from the campaign is that beer is a health food or at least might be misinterpreted by a child as giving this impression.
21. An important standard within the ABAC is that good alcohol marketing practice must ensure that advertisements do not have a strong or evident appeal to

minors (under 18 year olds). This is also the standard which is also arguably the most difficult for the Panel in making decisions, as it requires a careful case-by-case assessment if the marketing has a strong or evident appeal to either younger children and adolescents.

22. The Definition section of the Code provides some additional guidance as to what 'strong or evident' appeal might comprise. It is stated that marketing which specifically targets minors, or has a particular attractiveness for a minor beyond the general attractiveness it has for an adult, will breach the requirement. The definition also notes that marketing which uses designs, motifs, animations or cartoon characters might be examples of marketing likely to appeal strongly to minors.
23. In response to the complaints, the Company argues that the advertisements are essentially factual in tone and do not contain content which would have strong or evident appeal to minors. It is also asserted that the billboard identified in the second complaint is in fact 280 metres from a primary school and that this distance is consistent with the requirements of the Outdoor Media Association Guidelines. The Guidelines prohibit alcohol advertising within 150 metres of a school.
24. In assessing if a marketing communication is consistent with a Code standard, the Panel is to have regard to the probable understanding of the advertisement upon a reasonable person taking the content of the advertisement as a whole. The reference to a 'reasonable person' is drawn from the Australian Common Law system and means that the attitudes, opinions and beliefs held in a majority of the community is to be the benchmark.
25. While the Panel acknowledges the point made the complaints, it does not believe that the marketing campaign has strong or evident appeal to minors. In reaching this conclusion, the Panel has noted:
 - The location of the billboard in the vicinity of a school is not of itself in breach of an ABAC standard, given that the Code is based upon an assessment of the content of a marketing communication rather than where that marketing communication might be found. Further, it is noted that the billboard's location is consistent with the placement restrictions contained in the Outdoor Media Association Guidelines.
 - The campaign contains statements as to the nutritional makeup of beer and content of this nature is not likely to have strong or evident appeal to under 18 year olds.
 - The style of the outdoor advertising and the internet site does not contain images, colours or promotional techniques which can be reasonably said to have strong or evident appeal to under 18 year olds.
 - The radio advertisements take the form of an exchange between the presenters, which largely canvasses the content of beer in terms of its sugar levels or the use of preservatives. The nature of this content and the manner in which it is delivered does not appear to have strong or evident appeal to under 18 year olds.

26. The second concern raised by the complaints is whether the campaign can be fairly taken as making a claim that beer is healthy or is a health food. Section 3 c (iv) of the Code provides that an alcohol advertisement must not suggest that the consumption of an alcohol beverage offers any therapeutic benefit or is a necessary aid to relaxation.
27. The key concept in this standard is whether the advertisement can be fairly interpreted as implying that alcohol is beneficial to a person's health or wellbeing. In the current campaign, the focus is on the claim regarding the nutritional makeup of beer in having no preservatives and being 99.9% sugar free.
28. The Panel does not believe that the marketing communications breach this standard. The advertisements do not depict the actual consumption of alcohol, but more importantly, do not make any claims as to the products having a health benefit. While the advertisements do not provide a full description of the nutritional content of alcohol, but focus only on two aspects, namely the sugar content and the lack of preservatives, emphasising these two points does not imply that consuming beer is beneficial or good for the health.
29. Accordingly, the complaints are dismissed.