



ABAC Adjudication Panel Determination No. 16/19

Product: Corona
Company: Carlton & United Brewers
Media: Digital (Facebook) & Outdoor
Date of decision: 18 April 2019
Panelists: Professor The Hon Michael Lavarch (Chief Adjudicator)
Ms Jeanne Strachan
Professor Richard Mattick

Introduction

1. This determination by the ABAC Adjudication Panel (“the Panel”) concerns outdoor and digital marketing for Corona by Carlton & United Brewers (“the Company”) and arises from a complaint that was received in two instalments finalised on 15 March 2019.
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 Code”) – 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 and Policies – which place restrictions on the location of alcohol advertisements on outdoor sites such as billboards.
3. The codes go either to the issue of the placement of alcohol marketing, the content of alcohol marketing or deal with both matters. The ABAC deals with both the placement of marketing i.e. where the marketing was located or the medium by which it was accessed and the content of the marketing irrespective of where the marketing was placed. The ABAC scheme requires alcohol beverage marketers to comply with placement requirements in other codes as well as meeting the standards contained in the ABAC.
4. For ease of public access, Ad Standards provides a common entry point for alcohol marketing complaints. Upon a complaint being received by the Ad Standards, 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 Ad Standards 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 Ad Standards Community Panel 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 complaint was received in two instalments finalised on 15 March 2019.
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 complaint was completed in 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 not obtained for this marketing communication.

The Marketing Communication

10. The complaint arises from a relationship between the Company and the environmental movement Parley for the Oceans (Parley). Flowing from this relationship the Corona brand has been associated with beach clean-up activities organised by Parley which have been promoted or referenced through both broadcast and social media channels as illustrated below.



7 News Cairns is at Barron River.

27 February at 16:00 · 🌐

A global movement, removing thousands of tonnes of marine plastic trash has reached the shores of Cairns. Volunteers did their bit to help the environment pitching in to clean-up the mouth of the Barron River.

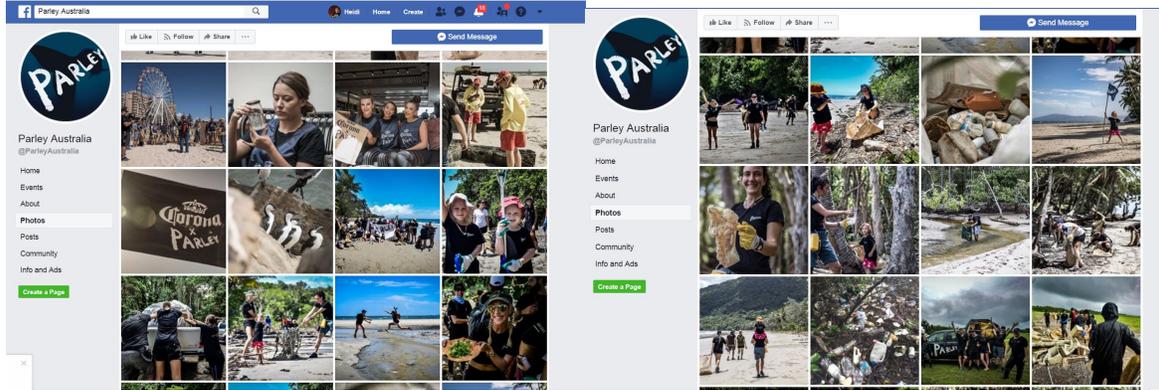
www.7plus.com.au/news

#7News

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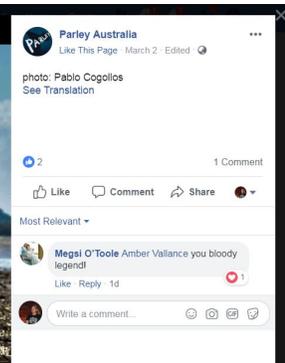
27 comments 54 shares

➦ Share



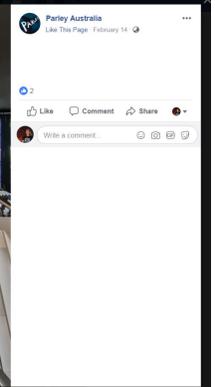
Parley Australia
2 March at 00:57 · 🌐

Celebrating the Parley Australia home-turf: Clean-up #4 of the #CoronaXParley summer campaign happened right at Parley's door step in Far North QLD, at the Barron River mouth in Cairns. The uptake was overwhelming! Over 60 volunteers came to clean, celebrate and show their loyalty and dedication, and they quickly collected almost 400 kg of rubbish in only 1 hour. Not shy of muddy feet, this crew showed what you can achieve with passion. A big thank you to all our Parley friends!
#ParleyAustralia #ParleyAIR



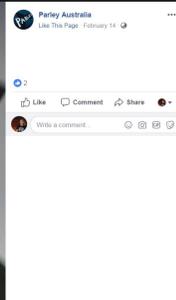
Parley Australia
13 February · 🌐

Taking the message around the country: As part of the #CoronaXParley collaboration, we just kicked off our summer community beach clean-up campaign in Glenelg/Adelaide. Volunteers learned about marine debris, the Parley vision and strategy, and ways any single one of us can help reduce plastic consumption and be part of the solution. Together we intercepted 130 kg of rubbish. Our next event is in the Newcastle area on the 16th and 17th of February. See you there?
photos: Christian Miller, Ingo Miller
#ParleyAustralia #ParleyAIR #CoronaXParley



Parley Australia
8 March at 14:12 · 🌐

Parley volunteers got "tired": Our 6th #CoronaXParley clean-up took place in Cronulla, yet another seemingly clean beach. Volunteers collected 122 kg of rubbish. The crew dug deep to excavate some large items that had been buried in the sand, including 3 car and truck tyres. After the hard work, everyone gathered to learn more about plastic pollution and create their own reusable shopping bags.... See more





Parley Australia

6 February · 🌐

Protecting World Heritage:

Even world heritage areas are not immune to the devastating effects of marine debris. Therefore, the Parley crew keep going back to the Daintree coastline to return the beaches to their once-pristine stage. Our clean-up on Coconut Beach even saw the young generation participate and we are proud to teach the ocean warriors of tomorrow. A fresh, healthy lunch and a swim in one of the crystal-clear local creeks made all the effort even more worthwhile ... [See more](#)



Corona added 31 new photos from February 17 to the album: Terrigal Beach / Volunteer For The Ocean. February 17 · 🌐 · 🌟



Parley event Cairns (unknown source):



The Complaint

11. The complainant objects to the marketing as:

- It is promoting the Corona beer brand to underage participants and remote alcohol restricted indigenous communities in Cape York at branded clean up events across Australia;
- Parley have designed a marketing strategy to confuse and engage new markets;

- Kids under 18 carrying and being photographed with the Corona brand is irresponsible and the brand's promotion in Cape York should be investigated; and
- Having kids exposed to this material under the green wash of a clean-up event that drives an alcohol brand is a disgusting marketing tactic, this marketing is a walking billboard on public access areas where kids and parents have not got the choice to avoid such marketing tactics.

The ABAC Code

12. Part 3 of the ABAC Code provides that a Marketing Communication must NOT:

- (a)(ii) show (visibly, audibly or by direct implication) or encourage irresponsible or offensive behaviour that is related to the consumption or presence of an Alcohol Beverage
- (b)(i) have Strong or Evident Appeal to Minors
- (b)(ii) depict a person who is or appears to be a Minor unless they are shown in an incidental role in a natural situation (for example a family socialising responsibly) and where there is no implication they will consume or serve alcohol;
- (b)(iii) depict an Adult who is under 25 years of Age and appears to be an Adult unless:
 - they are not visually prominent;
 - they are not a paid model or actor and are shown in a Marketing Communication that has been placed within an Age Restricted Environment;
- (b)(iv) be directed at Minors through a breach of any of the Placement Rules

13. Part 6 of the ABAC Code provides:

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

Placement Rules means:

- (i) A Marketing Communication must comply with codes regulating the placement of alcohol marketing that have been published by Australian media industry bodies (for example, Commercial Television Industry Code of Practice and Outdoor Media Association Alcohol Guidelines).

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.

The Company's Response

14. The Company responded to the complaint by letter dated 29 March 2019. The principal points made by the Company were:
- a) The complaint relates to multiple pieces of content which form part of Corona's campaign called *Protecting Paradise*, which is part of a broader partnership between Corona and Parley.
 - b) Corona is a brand that is associated with the beach, and at a global level, Corona is committed to protecting beaches and waterways from marine plastic pollution. This ongoing campaign encourages Australians to engage with their love of the beach and to mindfully consider and rethink their use of environmental plastics.
 - c) Corona and Parley collaborate on joint campaigns, but Parley is an entirely separate organisation with its own marketing strategy. Parley has informed CUB that the Corona partnered events contribute to approximately 10% of Parley's annual clean-up efforts in Australia.
 - d) The contractual arrangement between Corona and Parley is managed at a global level by both organisations (ie by CUB's parent company, AB InBev). The agreement requires that when Parley uses the Corona brand, or the co-brand "Corona x Parley", Parley must follow AB InBev's Responsible Marketing Code, which reflects ABAC principles.
 - e) While the contract does provide for an approval process where each organisation can seek the other's approval to publish content featuring the other's brand, this is not how the relationship is managed in practice at an Australian level. The two organisations work together to co-run events and produce co-branded content, with the ABAC always considered. There is no process for seeking approval of each other's social media content captured at those events. The content is captured at events that are co-managed by Corona and Parley, meaning Corona can control age restrictions for attendees, and control the way the Corona brand is presented at the events.

Because Corona has sufficient control and influence over the events themselves and ensuring the events comply with ABAC, there is no need to also review the content captured at those events.

- f) In addition to answering the questions outlined in your letter, we would also like to clarify and correct some of the points made in the complaint.
- i. Parley is not an 'American marketing company'. It is a global environmental organisation.
 - ii. None of the material attached by the complainant was shot in Cape York or in an indigenous community. The Corona x Parley program to clean up islands and beaches is not targeted at indigenous communities. There is no reference to indigenous communities in the campaign promotional material.
 - iii. The clean-up events being run by Parley and Corona are not 'green wash' events. They are collaborative and practical events that result in beaches being cleaned of plastic. The overall program in Australia has cleared over one metric tonne of refuse as of the date of this letter.
 - iv. The complainant states that the marketing is a 'walking billboard on public access areas where kids and parents have not got the choice to avoid such marketing tactics'. The marketing of this campaign is no different to any other event-based marketing. Having branded signage and merchandise at a public event in a public area is not unusual.
- g) Much of the marketing material attached to the complaint is not Marketing Communications by CUB for the purposes of the ABAC, as it was not generated by CUB or within the reasonable control of CUB.
- h) We have set out below a list of all material referred to or attached to the complaint, with an assessment of whether each piece of material is Marketing Communications by CUB or not. We have stepped through these in the order in which they are listed in the complaint. In circumstances where the material is not Marketing Communications under the ABAC, no further consideration or assessment should be required.

Material

7 News Cairns Facebook video

Is it Marketing Communications by CUB for the purposes of the ABAC (generated by CUB or within the reasonable control of CUB)?

No. This was a news story that was not commissioned by or controlled by CUB. It is a pure news story on a news network,

Parley Australia Facebook photo feed

No. Parley Australia is a partner of CUB, but CUB does not control its media channels. Parley Australia is a completely separate organisation to CUB and CUB does not have reasonable control over Parley's Facebook page. In the large majority of content screenshotted by the complainant from the Parley Australia Facebook page, the Corona brand is not used. Parley has informed CUB that the Corona partnered events contribute to approximately 10% of Parley's annual clean-up efforts in Australia.

Parley Australia post of 2 March

No. Parley Australia is a partner of CUB, but CUB does not control its media channels. Parley Australia is a completely separate organisation to CUB and CUB does not have reasonable control over Parley's Facebook page. While this content features the Corona brand on the t-shirts of the clean-up participants, and uses the Corona hashtag in the copy of the post, this material is not generated by or within the reasonable control of CUB.

Parley Australia post of 13 February

No. Same explanation as above.

Parley Australia post of 8 March

No. Same explanation as above.

Parley Australia post of 6 February

No. This image does not feature the Corona brand. The children pictured are wearing t-shirts bearing only the Parley brand which is not related to alcohol.

Corona post of 17 February

Yes, this is Marketing Communications by CUB as this is the Corona Australia Facebook page. We have temporarily removed this image from the relevant album while this complaint is determined.

Image from 'unknown source'

No. The source is not CUB. The Corona brand is only shown in one of the images in this post.

Complainants references to Cape York

None of the images referred to in the complaint feature or reference Cape York. The image from the Corona post of 17 February, Facebook captures a photo of the scene provided by the complainant from Terrigal Beach.

- i) Yes, using the Corona brand and logo at events is Marketing Communications under the ABAC. However, it does not breach the ABAC. We will go into further detail later in this letter.
- j) Wherever Corona has offered beer to volunteers attending a clean-up, this offer has been made in age-restricted environments (Corona social media pages and email communications). Any beer that is offered is served under Responsible Service of Alcohol provisions, in licensed venues, to adults over 18 only. We note that this is not featured in any of the content attached to

the complaint. There is only one piece of content attached to the complaint that features actual alcohol products.

- k) At the public clean-ups:
 - i. sign up to the events was age-restricted;
 - ii. the ticket clearly stated events were 18+ only;
 - iii. participants' ID was checked at the events; and
 - iv. participants were required to sign an indemnity and release form which included a warranty that the signing participant was over 18.
- l) Cape York was the location for a research and documentary filming mission run by Parley and National Geographic, commissioned by Corona. This was not a public clean-up event. Children were not present. None of the screenshots or attachments to the complaint show any content captured at Cape York.
- m) The Corona x Parley partnership is not sponsorship but better described as a collaboration between the alcohol brand, Corona, and the environmental movement, Parley for the Oceans.
- n) Notwithstanding the majority of the images referenced in the complaint are not Marketing Communications by CUB under the ABAC, at no point is irresponsible or offensive behaviour shown, encouraged or implied.
 - i. Events and social media make no mention of Indigenous communities, as discussed earlier in this response. As outlined, under 18 participation was not welcomed and in fact was explicitly prohibited via age gating of social media and event information, as well as ID checking at events.
 - ii. None of the images provided in the complaint feature Corona-branded clothing, bags and signs carried by under 18 participants, nor do they take place in Indigenous communities. The only image to feature under 18s is the Parley Facebook post of 6 February, which does not feature the Corona brand. The children pictured are wearing t-shirts bearing only the Parley brand which is not related to alcohol; the picture comes from a Parley beach clean-up that is unrelated to the Corona x Parley collaboration.
 - iii. The only image to show the Corona product is the image from 'unknown source'. Again, this is not a CUB Marketing Communication, but we note that three empty Corona bottles are present in a crowd shot, and further that none of the individuals in the crowd are visibly intoxicated or acting in an irresponsible or offensive manner. The image is not taking place in a remote Indigenous community – it is captured at a licensed venue in Cairns. None of the

individuals depicted are under the age of 18. We know this as a result of the sign-up process for the events.

- o) As noted above, the majority of the images are not Marketing Communications by CUB under the ABAC. Where the images are Marketing Communications by CUB, they largely do not feature people under 25, and if they do, they do not breach Part (3)(b)(ii) as the participants are not paid actors or models and the content is shown only in an age restricted environment. They also do not breach Part 3(b)(iii) as they are featured incidentally without implication of alcohol consumption.
- p) The marketing is not directed at minors. The visibility and availability of Corona branding and Corona product at the clean-up events is no different to any outdoor marketing or events-based marketing. The events involving the Corona brand were restricted to 18+ attendees, therefore easily meet Placement Rule (iii) regarding 75% required adult audience. We also confirm that the event locations were chosen in accordance with the Outdoor Media Association Alcohol Guidelines, and therefore do not breach Placement Rule (i).
- q) CUB is committed to ensuring its promotional and marketing material does not promote or encourage any irresponsible consumption of alcohol. Our goal is for consumers to enjoy our products responsibly and in moderation. In these circumstances, we have taken all steps possible to ensure that our products are promoted in a way that is compliant with the rules, principles and spirit of the Code.

The Panel's View

Introduction

- 15. Parley for the Oceans (Parley) is an environmental movement founded by the fashion designer Cyrill Gutsch in 2012. Parley is focussed on the pollution of the world's oceans by plastics and has the ambition to transform the use of plastics through the concept of 'AIR':
 - Avoid - use alternatives to plastics wherever possible
 - Intercept - which is a range of strategies to limit plastics from the production cycle including recycling, clean ups of beaches and waterways, and incentives to businesses and consumers to reuse plastics
 - Redesign - which is about creating products which last and use materials which do not pollute
- 16. Unlike other environmental movements such as Greenpeace, Parley has not emerged from community activists as such but from corporate relationships. The Parley model features collaborations with businesses whereby the 'partner' corporation undertakes actions consistent with the AIR strategy. The longest standing and best known relationship is with the sportswear company Adidas which

has committed to stop using virgin plastics by 2024 and has developed product lines using ocean plastics ie plastic waste recovered from the ocean and repurposed into new products.

17. It is against this backdrop that Parley has entered into a relationship with Anheuser-Busch InBev the global parent company of CUB entitled the 100 Island Project. This project was announced in May 2017 and has the aim to protect 100 Islands in six regions including Australia. The Project includes beach clean-up activities but more significantly AB InBev have committed to redesign its supply chain to reduce and eventually remove plastics from use.
18. It is the Australian beach clean-up activities that have come to attention of the complainant. It would be fair to say that the complainant views the Parley and Corona relationship with some scepticism. In the complainant's opinion the relationship is an example of 'green wash' whereby the Company seeks to extend its brand marketing through the guise of an environmental activity when its true motivation is to reach new consumers. Of particular concern to the complainant is the alleged promotion of the Corona brand to minors and the potential undermining of alcohol restriction controls that operate in certain indigenous communities in Queensland's Cape York.
19. In large measure the relationship of Parley and Corona and the actions that flow from it are beyond the scope of the ABAC Scheme. The ABAC Scheme seeks to regulate marketing in Australia by alcohol industry participants so that this marketing occurs consistently with the standards of good practice contained in the ABAC. The question for this determination centres upon the extent the Parley and Corona activities amount to a 'marketing communication' for ABAC purposes and if so, whether such marketing is consistent with the ABAC standards.
20. In short the activities to be tested are:
 - the agreement between Parley and the Company's parent ABInBev
 - the clean-up events
 - the images obtained from the clean-up events via different media channels

What activities are 'Marketing Communications' for ABAC purposes?

21. The ABAC applies to all alcohol beverage marketing communications which are generated by or within the reasonable control of a producer, distributor or retailer of alcohol beverages in Australia. The Company advises that the relationship with Parley was an initiative of the global parent of CUB and not made by the Australian subsidiary. In any event the actual agreement itself is not captured by the ABAC Scheme, so to the extent that the complainant is concerned by the notion of an alcohol company having a relationship with an organisation pursuing an environmental agenda, this concern is not within the remit of the Panel to consider. What can fall within the ABAC Scheme is any marketing communication to promote the Company's products and brands which flows from the existence of the agreement with Parley.

22. As a result of the agreement, the Company was involved in some clean-up events held in various locations across Australia. These events are described as 'CoronaxParley' and feature:
- Corona signage,
 - Corona branding on apparel and litter bags supplied to participants (marketing collateral).
 - in some instances at least the participants received a Corona beer, presumably at the end of the clean-up; and
 - photographs taken at the events have been posted on the Facebook pages of both Parley and Corona.
23. To illustrate the concerns the complainant holds about the Parley relationship, a number of specific items were supplied by the complainant namely a television news broadcast, images from the Parley Facebook page, a post on a Corona Facebook page and images from another unidentified Facebook page. These materials were supplied as an example of the underlying concern of marketing occurring in public spaces involving Corona branding and children and marketing impacting on alcohol restricted areas.
24. The Company accepts that the CoronaxParley events involve Corona signage and Corona branding on marketing collateral and therefore are marketing communications for ABAC purposes. It contends that these events were conducted consistently with ABAC requirements. It also accepts posts on its own Facebook page with images from the clean-up activities fall within the ABAC remit. It was then argued that the TV news broadcast and the content on the Parley Facebook page was not ABAC marketing communications as these were not media channels over which the Company had control. Nor was the apparently private Facebook post supplied by the complainant.
25. It can be readily accepted that the TV news broadcast is not within the scope of the ABAC Scheme as the Company has no measure of control over a news item even if the item references a Company brand and arose from the clean-up activity in which the Company was involved. Also, there is no evidence the Company had any control over the private Facebook post.
26. The question of the Parley Facebook is not entirely straightforward. Clearly the Facebook page is within the control of Parley and not the Company but the Company advised the overarching agreement with Parley at the global level gave the Company's parent rights in relation to how Company brands are portrayed by Parley, although as a matter of practice social media posts by either party in Australia are not approved by the other party.
27. The Panel believes on balance that the Company does have reasonable control over how its brand and logo are portrayed on the Parley Facebook page. In reaching this conclusion it is noted:

- the relationship between Parley and AB InBev is governed by an agreement which gives AB InBev rights over how its brand is portrayed by Parley;
- the CoronaxParley events occurring in Australia stem from the global relationship between Parley and AB InBev;
- it seems that the portrayal of the Company's brand by Parley in Australia would be subject to the overarching agreement;
- the fact that as a matter of practice neither party has sought to exercise monitoring of the others social media content in Australia does not mean there is no right to take action to seek to have an unacceptable representation or portrayal removed or modified; and
- taken together this gives the Company a sufficient level of control over the depiction of its branding on the Parley Facebook page to amount to the depictions falling within a marketing communication for ABAC purposes.

Are the marketing communications consistent with ABAC Standards?

28. The complainant's first contention is that the CoronaxParley marketing has been taken to communities in Cape York that are subject to alcohol restrictions. There are 19 restricted areas in Queensland where it is an offence to have alcohol or to consume alcohol. Most of these regions are local government areas in Cape York and flow from community led initiatives to improve outcomes in indigenous communities. The legislative underpinning of the restrictions and the offences and penalties that apply for breach of the law is found in the Liquor Act (QLD) 1992.
29. The ABAC standards and the alcohol restrictions could conceivably intersect in two ways. Firstly, if a CoronaxParley event actually took place in an alcohol restricted area, then the supply of alcohol to clean up participants would prima facie be contrary to the Liquor Act. For an alcohol company to act in this way would likely be a breach of section 3 (b) (ii) of the ABAC by encouraging offensive behaviour related to alcohol use. Secondly, if the alcohol restrictions prohibit or limit alcohol marketing and these restrictions were not respected then equally section 3 (b) (ii) might also be breached.
30. The Company advises that no beach clean-ups have occurred in Cape York although activities have taken place in North Queensland near Cairns and the Daintree region. Apparently some filming for the Parley project by National Geographic has occurred in Cape York but this was not a clean-up activity. In any event the regulation of alcohol use in the restricted areas do not appear to extend to the marketing of alcohol products. If there were restrictions, then primary responsibility for a breach of the law obviously rests with State authorities.
31. The second issue raised by the complaint is whether the marketing can be said to have strong or evident appeal to under 18 year olds. For the complainant this concern arises from the fact that the clean-up events are open to the public, involve under 18 year olds and also images of minors at the clean-up events have been posted on social media. It is contended that Corona branding is present at the clean-up events and this branding also then features in the social media images.

32. The Company argues that the Corona branding does feature at some (approximately 10%) of the Parley clean-up activities conducted in Australia. At these events it is stated:
- minors are not permitted as the events are age restricted;
 - the events are ticketed as adult only and ID is checked; and
 - participants are required to sign a warranty and release which confirms the participant is over 18.
33. It would not appear that the CoronaxParley events are in breach of ABAC requirements. If it is accepted that minors are excluded from actual participation then the concern is more that the events would still attract attention from non-participants and minors could see Corona signage and people say wearing Corona branded clothing while cleaning up a section of a public beach. As a form of outdoor marketing alcohol branding at events is allowed as is for instance a billboard alongside a public road. There is no suggestion that the events have taken place where the Corona signage was within 150 metres line of sight of a school which would be the only requirement stemming from the Placement Rules relevant to the events.
34. Both the Company and Parley have made use of photographs taken at clean-up events and posted these to their respective Facebook pages. In relation to the Corona Facebook page, the complainant provided an image from a Company post of 17 February which was one of 31 images posted from a beach clean-up event held in Terrigal on the New South Wales coast. The image showed two young women holding signs about not using takeaway coffee cups. The signs contained the Corona name and logo. The complainant submitted the image as an example that minors were engaging in the events and being used to promote the Corona brand.
35. The ABAC provides that minors are not to appear in alcohol advertising unless shown incidentally in a natural situation (like a family at a BBQ) and where there is no implication they will consume or serve alcohol. The standard goes on to provide that adults under 25 are not to be depicted unless they are not visually prominent or they are not paid talent and the ad is placed in an age restricted environment.
36. The Company did not advise the ages of the two women shown in the photograph. The advice given about how the clean-up events were conducted would suggest the women should have been at least 18 years old. Certainly both women look youthful and would not appear to be aged 25 or older. The Corona Facebook page is age restricted which means a user who has accurately provided their date of birth when establishing their personal Facebook account should be excluded from accessing the Corona page. In this event then the appearance of adults age 18 to 24 on the age restricted account meets the ABAC requirement regarding Age Restricted Environments and no breach has occurred.
37. The Parley Australia Facebook page is not age restricted and a review of the site including the posts identified by the complainant show young adults quite likely under the age of 25 shown in Corona branded clothing (for example posts identified by the complainant dated 2 March 2019 and 13 February 2019). As the Panel believes the appearance of Corona branding on the Parley Facebook page does

amount to a marketing communication over which the Company has a reasonable level of control, then it follows that these posts do breach section 3 (b) (ii) or (iii) of the ABAC.

Conclusion

38. This determination has dealt with some reasonably complicated issues regarding the interplay of the ABAC Scheme and Code provisions with Australian activities arising from a global relationship between the parent of CUB and Parley for the Oceans. The complainant has raised thoughtful points and it is useful to summarise the conclusions as follows:
- The question of the desirability of an alcohol company entering into an agreement with an environmental initiative is not within the scope of the ABAC Scheme.
 - The clean-up activities per se are not within the scope of the ABAC Scheme but marketing communications associated with the clean-up activities can fall within the ABAC remit.
 - The operation of alcohol restricted areas in Queensland pursuant to the terms of the Liquor Act does not fall within the scope of the ABAC Scheme. The Company advises no clean-up activities have occurred in Cape York. The Liquor Act restrictions do not seem to deal with alcohol marketing and in any event a breach of the Liquor Act is a matter for government authorities and not the ABAC Scheme.
 - The marketing communications captured by the ABAC are the signage and branding at the clean-up events and the Facebook pages of both the Company and Parley.
 - The Parley Facebook posts fall within the ABAC Scheme because the Company has a reasonable measure of control over how its brand is portrayed by Parley even if the Company has chosen not to monitor Parley social media to date.
 - While the CoronaxParley events would have appeal across age groups it is not considered the events are targeted at minors nor strongly appealing to minors given the manner Corona branding is used at the events.
 - The Corona Facebook posts have occurred in an Age Restricted Environment and ABAC provisions have not been breached.
 - The Parley Facebook page is not age restricted and posts that depict Corona branding and also minors or adults under the age of 25 have breached the ABAC.
39. Accordingly the complaint is upheld in relation to section 3 (b) (ii) and (iii) and the Parley Facebook posts and dismissed in other respects.