

Australia's Responsible Alcohol Marketing Scheme

2019 Second Quarter Report

OVERVIEW

The ABAC Responsible Alcohol Marketing Code (the Code) sets standards for responsible alcohol marketing in Australia and regularly measures its determinations externally to ensure it is in line with community expectations. The Code regulates both the content and placement of alcohol marketing across all advertising mediums.

Ad Standards offers the public an opportunity to complain about any advertising that concerns them at <https://adstandards.com.au/lodge-complaint> and all complaints relating to alcohol are passed on to ABAC.

The second quarter of 2019 saw similar complaint and determination levels to 2018 but a slightly higher number of breaches. It was pleasing to see all breaches resulting in full compliance, despite all but one relating to non-signatories to the scheme.

2018 saw ABAC's highest levels of pre-vetting at 1759 requests and 2019 pre-vetting is tracking at higher levels again with a higher percentage of requests being rejected by the pre-vetting service and therefore never entering the market. No content breaches over the past two years related to marketing material that was pre-vetted by ABAC. This highlights the importance and effectiveness of the ABAC pre-vetting system, which involves ABAC checking marketing material for compliance with its standards prior to the material reaching the market. Using the pre-vetting service significantly reduces the risk of breaching the ABAC standards and irresponsible marketing being published or broadcast. The pre-vetting service is available to both signatories and non-signatories to the Scheme and we encourage all alcohol producers, distributors and retailers to utilise this valuable service.

This quarter saw a rare change in our pre-vetting team. Bernadette Healey, who has been pre-vetting for ABAC for 12 years has left ABAC to pursue other opportunities and we would like to express our appreciation to Bernadette for her dedication and commitment to the ABAC pre-vetting service. We are excited to welcome Melinda Pasut to our pre-vetting team. Melinda is based in Melbourne and has considerable senior marketing and advertising experience across a variety of international jurisdictions and will be an asset to the service.

KEY STATISTICS

Complaints	22
Raising Code issues and referred to the Panel for determination	12
Not raising Code issues*	5
Raising a consistently dismissed issue	5
Determinations	11
Upheld**	6
Upheld as No Fault Breach	1
Dismissed	4
Pre-vets	481
Rejected	72

* Complaints that did not raise Code issues raised matters such as objectification of women and offensive themes which fall within the scope of the AANA Code of Ethics which is administered by Ad Standards.

** Upheld decisions related to marketing that was not pre-vetted

RECENT ALCOHOL MARKETING COMPLAINTS

Breach of ABAC Standards

Hillside Hotel (complaint regarding content and placement)

Complaint: A Facebook & Instagram post promoting Hillside Hotel included hashtags appealing to minors, was placed on social media platforms popular with minors and was visible to minors.

ABAC standard: Alcohol marketing cannot:

- have strong or evident appeal to minors; or
- be directed at minors through a breach of a placement rule, in particular:
 - available age restriction controls must be utilised to exclude minors from the audience.

Decision: The Panel found that the content of the post did not have strong or evident appeal to minors, however, as Hillside Hotel failed to request that Facebook and Instagram age restrict its accounts prior to the complaint being made it was in breach of the placement rules.

Hillside Hotel's Facebook account was age restricted prior to the determination being made, and Hillside Hotel also requested that Instagram age restrict its account, although Instagram has not yet done so.



Loxton Hotel (complaint regarding content)

Complaint: Loxton Hotel Facebook page photos and memes promoting irresponsible alcohol consumption.

ABAC standard: Alcohol marketing must not encourage excessive consumption or irresponsible alcohol related behaviour.

Decision: The Panel found that the humour in the Facebook posts is based upon an assumed and shared experience about over drinking and it is this underlying message that excessive consumption is both common and acceptable that makes the posts inconsistent with the ABAC standard.

The posts were all removed prior to the Panel making its determination.



Corona x Parley (complaint regarding content and placement)

Complaint: Facebook post promoting Corona's partnership with Parley Australia at various clean-up events around Australia is irresponsible 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.

ABAC standard: Alcohol marketing cannot:

- encourage irresponsible or offensive behaviour related to the consumption or presence of alcohol;
- have strong or evident appeal to minors;
- depict under 25 year olds; or
- be directed at minors through a breach of a placement rule.

Decision: The Panel found:

- There was no breach of ABAC provisions in relation to the content or placement of outdoor marketing. Corona x Parley clean-up events are only available to participants 18 years or over (ID is checked) and are not held in alcohol restricted areas. Further the marketing at events does not have strong or evident appeal to minors.
- The Corona Facebook page also did not breach ABAC provisions as it is age restricted and can therefore show over 18s on its Facebook page and participants are all ID checked as over 18 years of age.
- The Parley Australia Facebook page included images of under 25 year olds wearing or carrying Corona branding in breach of ABAC standards. These posts are within the scope of ABAC as Corona has a reasonable level of control over how its brand is portrayed by Parley.

Parley removed the following images, identified in the determination as including under 25s in Corona branding, from its Facebook page within several business days and put in place mechanisms to avoid future occurrences.

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



Vodka Soda & (complaint regarding content and placement)

Complaint: The Company sent sample alcohol products to a 17 year old social media influencer, mistakenly believing she was an adult, who then promoted the products in an Instagram post.

ABAC standard: Alcohol marketing cannot:

- encourage irresponsible behaviour related to the consumption of alcohol;
- have strong or evident appeal to minors;
- depict a minor; or
- be directed at minors through a breach of a placement rule.

Decision: The Panel found that the marketing was in breach of the ABAC standards by:

- encouraging irresponsible behaviour by the post showing the product was supplied to a minor in an apparent breach of liquor licensing laws and with the implication the product would be consumed by a minor through the phrase 'A couple on us for you to enjoy';
- having strong appeal to minors by implying the product is suitable for a minor; and
- generating a post on the Instagram account of a minor and hence depicting an alcohol product with associated pictures and images of a minor.

The post was removed on 12 March 2019 prior to the complaint being received by ABAC. The marketer has also taken measures to ensure the product is not marketed or provided to minors in future.



The Beverage Company (K.BOOCH) (complaint regarding content)

Complaint: Alcohol being advertised as healthy and showing a woman who is about to ride a skateboard consuming alcohol.

ABAC standard: Alcohol marketing cannot:

- suggest the consumption of an alcohol beverage offers any therapeutic benefit; or
- show alcohol consumption before or during an activity that for safety reasons requires a high degree of alertness or physical co-ordination, such as swimming or operating a vehicle.

Decision: The Panel found that the marketing did not make a claim of a positive health benefit from consuming the product but did find that the image of a woman with a skateboard was in breach of the ABAC standards as:

- skateboarding is self-evidently an activity that to be safely carried out requires a rider to be alert and physically co-ordinated and so to show or imply alcohol consumption occurring before or during skateboarding will be in breach of the standard;
- a woman with a skateboard is shown drinking the product while sitting on the curb of a quiet road, possibly near a beach where there is no visual cue given that the skateboard would not be used or that the activity has concluded; and
- a reasonable person would likely believe the image was directly associating the use of a skateboard with the consumption of the product.

The following image found to breach the ABAC was removed from the Facebook post.



Cheeky Monkey Brewery (complaint regarding content and placement)

Complaint: Packaging, website and social media appeal to minors and no age gates applied.

ABAC standard: Alcohol marketing must not have strong or evident appeal to minors or be directed to minors by failing to apply available age restriction controls.

Decision: The Panel found the packaging of two of the six products and some of the digital marketing did not meet the ABAC:

- The brand name Cheeky Monkey is not, in isolation, strongly appealing to minors, though in particular contexts might contribute to marketing having heightened appeal to minors.
- The monkey image is adult in nature, shows a section of the animal's head removed to reveal a portion of the brain and is not considered to have childlike appeal.
- In relation to the products that do meet the ABAC standards:
 - the colour palette is muted and does not have vividly contrasting and hence eye-catching colours likely to attract the attention of a minor;
 - the products are identified as alcoholic beverages and the containers are consistent with those used with alcohol e.g. dark coloured glass and beer can; and
 - taken as a whole the packaging doesn't have strong or evident appeal to minors, nor would a reasonable person confuse the products with a soft drink.
- In relation to the products that breach the Code:
 - the IPA packaging uses a vivid deep purple colour which when contrasted with the red and combined with the explosion like pattern creates eye catching and appealing imagery for minors;
 - the Mid packaging uses a colour which resembles an orange soft drink and could, without the cues, be confused as a soft drink;
 - the terms 'IPA' and 'Mid', while understood by some beer drinkers are not so widely recognised of themselves to clearly identify the products as alcoholic and references to alcohol content are not prominent; and
 - the cumulative effect of the elements and the lack of clear reference to the products being alcoholic when taken as a whole, breaches the Code.
- The following digital media elements also breached the Code:
 - the website page featuring the IPA purple can also noting the narrative used to describe the product ie Ka-pow, Ooof, Sock! referencing an explosion;
 - the website page featuring the Mid burnt orange can flowing from the decision about the packaging and also the graphics showing stars and hearts;
 - the videos posted on social media channels of the IPA purple can and the Mid burnt orange can use graphics which when combined with the features of the packaging tip the marketing to having a particular attractiveness to minors;
 - the video on the website and social media channels of the Lager gold can uses more dynamic graphics with sharp contrasting gold and deep colours quickly interchanging; and
 - all digital marketing did not apply available age restrictions.

The Advertiser modified their website and social media accounts to meet the Code and agreed to modify the packaging found to breach the ABAC standard (below) prior to ordering more stock.



No Fault Breach of ABAC Standards

Jimmy Brings (complaint regarding placement)

Complaint: Advertisement for alcohol delivery service with children's program on Youtube.

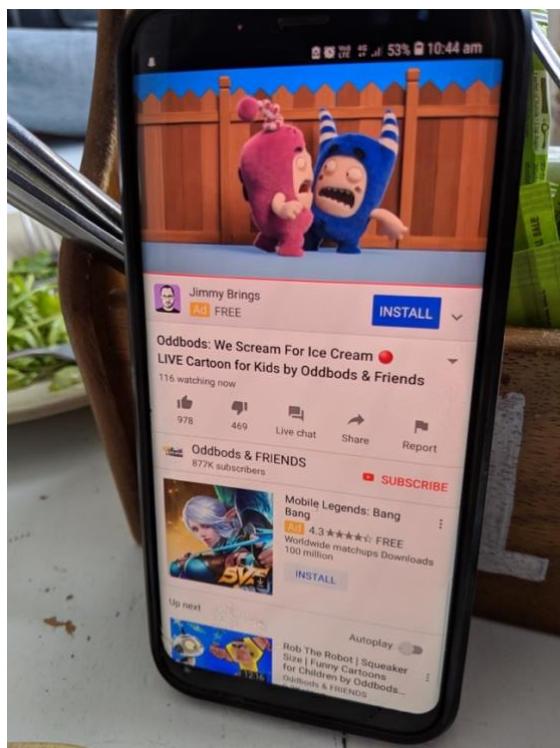
ABAC standard: Alcohol marketing cannot be directed at minors through a breach of a placement rule, in particular:

- available age restriction controls must be utilised to exclude minors from the audience;
- if there are no available age restriction controls capable of excluding minors from the audience then the marketing communication may only be placed where an audience is reasonably expected to comprise at least 75% adults; and
- irrespective of the audience, an alcohol ad cannot be placed with programs or content primarily aimed at minors.

Decision: The Panel found:

- the information supplied by the company combined with the publicly available information on how Google Ads operates supports the view that the company selected available age restriction controls on the placement of its marketing;
- the company commissioned a campaign to have ads placed on YouTube within parameters that would have its ads placed with content and programs expected to have audiences of at least 75% adults given that the overall audience of YouTube is predominately adult (Nielsen data indicates the Australian YouTube audience is 92% adult);
- irrespective of the actual audience of OddBods, the content of the program is primarily directed toward minors and predominantly quite young children and therefore placement rule 4 has been breached; and
- a no fault ruling is made in this case given it is unclear how the ad came to be placed with the OddBods episode and it appears that the company took reasonable steps and set appropriate parameters about the campaign to exclude minors from its audience, consistent with the Placement Rule obligations.

The advertiser has responded to the decision by narrowing its targeting parameters to further reduce the risk of its advertising appearing with inappropriate content.



Marketing Consistent with ABAC Standards

Great Northern (complaint regarding content)

Complaint: Concerned that an alcohol ad showing three men camping and consuming alcohol moderately near an inland river after a day of fishing is irresponsible.

ABAC standard: Alcohol marketing must not:

- encourage irresponsible or offensive behaviour related to the consumption or presence of alcohol; or
- show alcohol consumption before or during an activity that for safety reasons requires a high degree of alertness or physical co-ordination, such as swimming or operating a vehicle.

Decision: The Panel found that the marketers met the ABAC standards noting:

- the Code assumes that moderate alcohol use by adults consistent with health guidelines does occur and depictions of alcohol use with an activity such as fishing or camping is not precluded provided the depictions are consistent with Code standards;
- the ads clearly frame that alcohol use occurs at the conclusion of the day's activities and when the fishing has been completed;
- the consumption portrayed is moderate and there is no reasonable suggestion that the men are affected by alcohol use; and
- taken as a whole a reasonable person would not consider the ad was showing or encouraging inherently unsafe behaviour.



BWS (complaint regarding content)

Complaint: Concerned that the ad promotes alcohol being delivered asap during a sporting match.

ABAC standard: Alcohol marketing must not:

- encourage irresponsible or offensive behaviour related to the consumption or presence of alcohol; or
- show alcohol consumption before or during an activity that for safety reasons requires a high degree of alertness or physical co-ordination, such as swimming or operating a vehicle.

Decision: The Panel found that the marketers met the ABAC standards noting:

- the ad is promoting a convenient way to purchase alcohol and does not promote a subsequent pattern of alcohol consumption;
- there is a clear distinction between the home delivery of alcohol in bottles or cans and its later consumption given alcohol is a product which by its nature can be stored and consumed over time and does not require immediate consumption;
- it is reasonable to assume that the message 'drinks delivered asap' can be interpreted as a solution to a perceived desire i.e. 'I would like to have a drink, but I have no alcohol at

'home with me', but it does not follow that any alcohol then purchased will be consumed excessively, rapidly or in an irresponsible manner any more than alcohol purchased by a consumer travelling to a store to complete the purchase; and

- the ad does not imply that the rugby players are being encouraged to consume alcohol before or during the game, but is directed at television viewers and it would not be taken as saying alcohol should be used while engaging in sport.



Carlton Zero (complaint regarding content)

Complaint: Concerned that the ad promotes a 0% alcohol beer as a light lunch drink and could be mistaken for a soft drink.

ABAC standard: Alcohol marketing must not:

- have strong or evident appeal to minors; or
- suggest that the consumption of an alcohol beverage offers any therapeutic benefit.

Decision: The Panel found that the advertisement met the ABAC standards noting:

- the product is not an 'Alcohol Beverage' as defined in the Code as it has less than 0.5% alcohol by volume, however, the Code extends to marketing of alcohol brands by means of a 'brand extension to non-alcohol beverage products' and hence the marketing of Carlton Zero is to be taken as marketing of the 'Carlton' alcohol brand for ABAC purposes;
- the adult setting of a work lunch and the visual presentation of a cola filling a glass with sugar and cracking the table are not elements likely to attract the strong attention or engagement of under 18 year olds; and
- comparing the sugar content of drinks is not a claim that the product is providing a therapeutic benefit.



Hahn Ultra Crisp (complaint regarding content)

Complaint: Concerned the tagline “Ultra Good Inside” suggests the product is a healthy option.

ABAC standard: Alcohol marketing must not suggest that the consumption of an alcohol beverage offers any therapeutic benefit.

Decision: The Panel found that the advertisement met the ABAC standards noting the ads:

- don't assert a positive health benefit will be obtained from the product's consumption
- assert the product's contents have no gluten and lower carb than other products but do not go on to say the consumption of the product will provide a health benefit.



The ABAC Complaints Panel is headed by Chief Adjudicator Professor The Hon Michael Lavarch AO. For more information on ABAC, visit: <http://www.abac.org.au>.