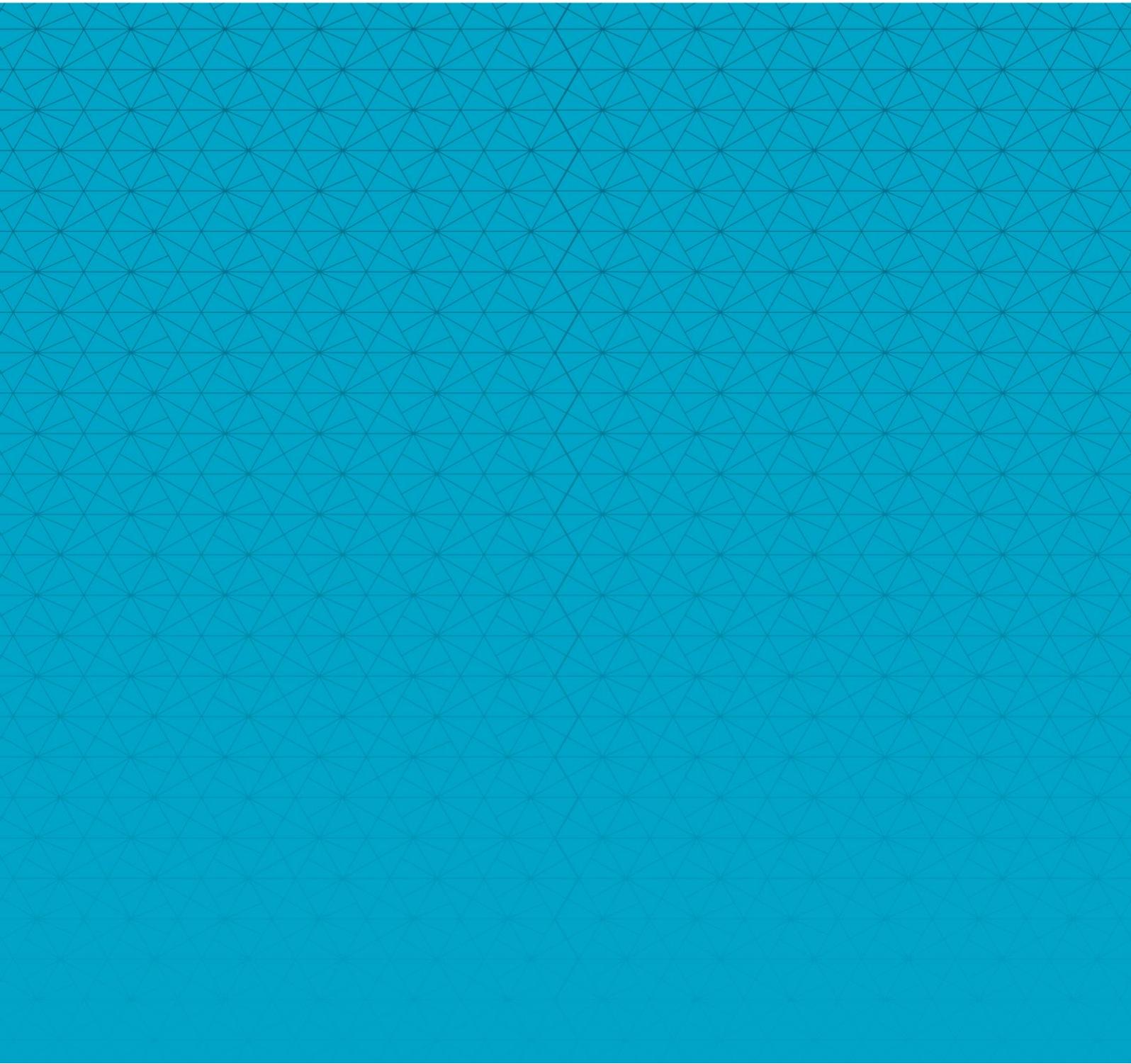


Australia's Responsible Alcohol Marketing Scheme

2019 Fourth 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 final quarter of 2019 saw the highest level of determinations and breaches in ABAC's history with the vast majority of breaches relating to social media marketing. All breaches this quarter have been remedied. A number of complaints have been received about historical social media posts that may be several years old. It is important to audit a brand's entire digital marketing presence, particularly when purchasing a new brand.

ABAC has continued to receive a higher level of packaging complaints with 5 breaches in the final quarter of 2019. I encourage all alcohol marketers to become familiar with the recently published [ABAC Alcohol Packaging Compliance Guide](#) available on our website when developing names, labels and packaging. In addition, the [ABAC Pre-vetting Service](#) is available to anyone, including non-signatories and for a reasonable fee independently checks alcohol marketing and packaging for compliance with ABAC standards.

The International Alliance for Responsible Drinking (IARD) has been working with digital platforms to improve safeguards to prevent minors seeing alcohol advertising online. A number of safeguards have been implemented this year by platforms, including using Artificial Intelligence as a tool for spotting younger users on the platform and the development of opt out options for those who do not wish to receive alcohol advertising on social media. ABAC has been advised that "how to" guides on implementing available safeguards for alcohol marketing will be developed and once these guides are available a link will be circulated.

KEY STATISTICS

Complaints	55
Raising Code issues and referred to the Panel for determination	33
Not raising Code issues*	16
Raising a consistently dismissed issue	6
Determinations	36
Upheld**	22
Upheld as No Fault Breach	1
Dismissed	13
Pre-vets	685
Rejected	109

* Complaints that did not raise Code issues either fell outside the scope of the scheme as they were not promoting an alcohol product, raised concerns outside ABAC standards such as the ad showing animal cruelty, in poor taste, insensitive to religious beliefs or mental health issues, overtly sexual, objectifying women 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 in all but one case

RECENT ALCOHOL MARKETING COMPLAINTS

Breach of ABAC Standards

Poptails (complaint regarding content)

Complaint: Concern that these products can be made with or without alcohol and look the same and therefore having these at parties, engagements and weddings is problematic with children having access to alcohol products without being able to tell which are safe for them to consume.

ABAC standard: Alcohol marketing cannot have strong or evident appeal to minors or create confusion with confectionary.

Decision: The Panel found the packaging would have strong or evident appeal to minors noting:

- the packaging is similar to that commonly used for icy poles popular with children;
- the packaging fails to identify the products as alcoholic; and
- the name, Poptail, which combined with the packaging features would add to the potential confusion with a product appealing to minors.

The advertiser advised they have modified their product's packaging.



Pirate Life Iced Coffee Milkshake (complaint regarding content)

Complaint: Instagram Post and branding will appeal to minors and associates the beer with a soft drink (Farmers Union Iced Coffee) through the name, colour and style of beer.

ABAC standard: Alcohol marketing cannot have strong or evident appeal to minors or create confusion with a soft drink.

Decision: The Panel noted the company's advice that the branding is only used on a tap badge in licensed premises and the product is only available 'from the keg' and not available in cans or other containers from retailers and found that the branding being placed at point of sale on a beer tap at a bar within a brewery removes any likelihood of confusion with a soft drink and the appeal of a 'milkshake' to minors does not arise. However, the same branding on a can in a retail outlet is far more problematic as the product name could be taken to be referring to a flavoured milk drink and the potential for confusion with a soft drink is obviously elevated.

However, the Panel found that the Instagram Post is in breach of the ABAC standard noting:

- the predominant branding features are the Company logo, and the name 'iced coffee milkshake' and the alcoholic nature of the product is less prominent than the references to iced coffee and milkshake;

- a milkshake is a drink consumed across age groups but is popular with under 18 year olds and statistical information suggests the consumption of milkshakes by minors occurs more regularly than with adults;
- highlighting the term milkshake through a different font style compared to the balance of the branding gives emphasis to this feature of the beverage; and
- taken as a whole it is considered to have evident appeal to minors through a potential confusion with a soft drink.

The Instagram Post has been removed.



Woolshed on Hindley (complaint regarding content)

Complaint: Facebook post competition for free drinks that asks viewers to tag someone who can relate to hangovers and includes a picture saying “I think I sprained my liver” encourages binge drinking.

ABAC standard: Alcohol marketing cannot encourage excessive consumption or abuse of alcohol.

Decision: The Panel found that while the post is intended to be humorous, the humour is drawn from the implicit shared and acceptable experience of drinking to excess.

The Instagram Post was removed prior to the Panel’s decision.



WIN \$150 DRINKS VOUCHER + FREE ENTRY FOR TONIGHT TAG someone who can relate to the struggles of a Sunday hangover for your chance to win!
 *Available for use before 12am for you & 5 mates
 #woolshedonhindley #giveaway



Pirate Life IPA (complaint regarding content)

Complaint: Instagram post suggests circus tricks in an accompanying video were performed after consuming a few cans of beer.

ABAC standard: Alcohol marketing cannot show or directly imply the consumption of alcohol before or during an activity that, for safety reasons, requires a high degree of alertness or physical co-ordination;

Decision: The Panel found that the caption “When your homies @cirquealfonse do a quick act after sinking a few cans of IIPA [fist pump emoji] @gilbertstreethotel” suggests the circus performers consumed alcohol before performing the trick in the accompanying video that required alertness and physical co-ordination.

The Instagram Post’s caption was modified prior to responding to the complaint.



Feral Brewing (complaint regarding content)

Complaint: Packaging, Website & Instagram posts breach a variety of ABAC standards.

ABAC standard: Alcohol marketing cannot:

- encourage alcohol related offensive behaviour;
- encourage the choice of a product by emphasising its alcohol strength
- have strong or evident appeal to minors
- show the consumption of alcohol as contributing to sexual success

Decision: The Panel found that various Website & Instagram Posts encouraged the choice of the product based on its alcohol strength through the use of terms such as 'more alcohol', 'booziest' etc. All other grounds for complaint were dismissed by the Panel.

The company removed the posts found to breach the ABAC standard.



Capital Brewing (complaint regarding content)

Complaint: Instagram post shows a person holding a can of beer while swimming where swimming is a high risk activity not to be associated with drinking beer.

ABAC standard: Alcohol marketing cannot show or directly imply the consumption of alcohol before or during an activity that, for safety reasons, requires a high degree of alertness or physical co-ordination.

Decision: The Panel found that a reasonable person would take the image as endorsing the consumption of alcohol while swimming which is inconsistent with the Code standard.

The company removed the post on being notified of the complaint.



Pirate Life (complaint regarding content)

Complaint: Instagram posts by a social media influencer promoting Pirate Life include images of a can of Pirate Life being held in the water by someone swimming underwater near a shark.

ABAC standard: Alcohol marketing cannot show or directly imply the consumption of alcohol before or during an activity that, for safety reasons, requires a high degree of alertness or physical co-ordination

Decision: The Panel found that:

- Pirate Life has 'generated' the posts through its relationship with the social media influencer;
- while the posts would be seen to be lighthearted, clearly alcohol was on the diving boat and is being accessed during the conduct of the diving and the posts are directly implying consumption during these activities by the comments "just one together sir? @piratelife today with Ernie Dingo and these big fish" and 'Drink @piratelife when you are out to sea in any situation.'; and
- the use of alcohol in conjunction with inherently dangerous activities is undesirable and inconsistent with the intent of the ABAC standard.

The posts were removed.



Pirate Life (complaint regarding content)

Complaint: Facebook posts by a professional wakeboarder sponsored by and promoting Pirate Life include images of a man under the age of 25, promote drinking and wakeboarding or boating and promote excessive drinking.

ABAC standard: Alcohol marketing cannot

- show, directly imply or encourage excessive or rapid consumption or misuse of alcohol
- depict an adult under 25 years of age
- show or directly imply the consumption of alcohol before or during an activity that, for safety reasons, requires a high degree of alertness or physical co-ordination

Decision: The Panel found that:

- Pirate Life has a reasonable measure of control over how its product is portrayed by the sponsored individual;
- posts promoting Pirate Life products that also include images of the sponsored party breach the ABAC standards as the sponsored party is 24 years of age;
- the posts do not show or directly imply the consumption of alcohol before or during wakeboarding or while in control of a boat; and
- a user generated comment endorsed by the sponsored party promotes excessive consumption.

The posts have been removed.



Pirate Life (complaint regarding content)

Complaint: Youtube videos and Instagram post showing excessive consumption, misuse of alcohol and drink driving.

ABAC standard: Alcohol marketing cannot show, directly imply or encourage:

- excessive or rapid consumption or misuse of alcohol;
- irresponsible behaviour related to the consumption of alcohol
- the consumption of alcohol before or during an activity that, for safety reasons, requires a high degree of alertness or physical co-ordination (e.g.driving).

Decision: The Panel found that one of the Youtube videos did not breach the Code standards but that another Youtube video that depicted a man attempting to 'shotgun' a beer and Instagram post showing a man attempting to pour a beer into another man's mouth did breach the Code by showing rapid consumption and irresponsible behaviour related to alcohol consumption.

The company removed the posts on being notified of the complaint.



Brewdog (complaint regarding content)

Complaint: Instagram post promoting high (41% abv) beer based on its high alcohol content and a post showing alcohol can cause a change in mood and provide a source of motivation.

ABAC standard: Alcohol marketing cannot encourage the choice of an alcohol beverage by emphasising its alcohol strength or suggest that the consumption or presence of alcohol may create or contribute to a significant change in mood.

Decision: The Panel found the posts did breach the Code, in particular:

- while simply stating the alcohol content of a product is not a breach (indeed this is important information in guiding an informed choice by a consumer) the post through the use of hashtags such as 'highoctane', 'strongbeer' and 'amplified' together with other narrative features could be reasonably taken as encouraging the choice of the product by emphasising its strength; and
- The second post suggests the use of alcohol may contribute to a significant change in mood, namely getting over 'Monday blues'.

The company removed the posts on being notified of the complaint.



Pirate Life Digital Marketing (complaints regarding content)

Complaints: Facebook & Instagram posts link alcohol with a high risk activity (mountain bike racing) that has a large following of young people and includes role models for children.

ABAC standard: Alcohol marketing cannot have strong or evident appeal to minors or show, by direct implication, the consumption of alcohol before or during an activity that, for safety reasons, requires a high degree of alertness or physical co-ordination.

Decision: The Panel found that the posts did not have strong or evident appeal to minors and the Facebook posts did not directly imply alcohol consumption before or during mountain bike riding. However, the Panel found that an Instagram video breached an ABAC standard by showing a member of the team riding, then consuming alcohol and then continuing to ride. In addition, the video shows a Pirate Life can on a bike's water holder, reasonably implying that consumption could occur during riding/racing in breach of the standard.

The Company removed the Instagram video found to breach the ABAC standard prior to the Panel making its decision.



One Drop Kelloggs Corn Flakes Nitro Milkshake IPA Packaging (complaint regarding content)

Complaints: The products packaging appeals to under 18 year olds due to references to 'Kelloggs Corn Flakes' and 'Milkshake'.

ABAC standard: Alcohol marketing cannot have strong or evident appeal to minors..

Decision: The Panel found the packaging did not meet ABAC standards, in particular:

- cues the product is a style of beer are less prominent than the corn flakes references;
- the 'milkshake' descriptions, while less prominent than the corn flakes reference add some weight to confusion with a soft drink i.e. non-alcoholic drink such as a breakfast milk drink;
- available data indicates under 18 year olds consume corn flakes at a higher rate than the general population;
- corn flakes imagery is highly recognisable, would likely be readily identified by minors and the novelty of corn flakes connection with a "Nitro Milkshake" is likely to be strongly appealing to minors; and
- taken as a whole, a reasonable person would likely believe the packaging has strong or evident appeal to minors.

The company advised that the product packaging was a limited edition that had concluded at the time of responding to the complaint and there is no intention to re-instate the packaging.



Woolshed on Hindley Facebook Post (complaint regarding content)

Complaints: The Batman meme is using comics that appeal to minors and also encourages excessive drinking.

ABAC standard: Alcohol marketing cannot show, directly imply or encourage excessive consumption, irresponsible alcohol related behaviour or have strong or evident appeal to minors.

Decision: The Panel found the post did not meet ABAC standards, as while the post was humorous, the humour draws on an assumption that it is common and implicitly acceptable to consume to excess. The Panel did not find the post had strong or evident appeal to minors noting that the pop art style depiction of a Batman comic would not particularly resonate with an under 18 audience and would be far more recognisable to an older audience.

The company removed the post on receiving the complaint.



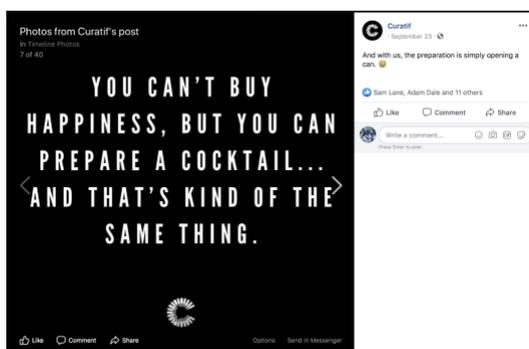
Curatif Cocktails Product Name and Facebook Page (complaint regarding content)

Complaint: The brand name suggests the product is a cure and medicinal agent and this goes against responsible and acceptable alcohol advertising.

ABAC standard: Alcohol marketing cannot suggest the consumption or presence of an alcohol beverage may create or contribute to a significant change in mood or environment or suggest the consumption offers a therapeutic benefit.

Decision: The Panel found that the name, Curatif, alone does not breach ABAC standards as the name is either a construct or drawn from the French and would not be readily understood to be making assertions as to the product having therapeutic benefits and the presentation of the brand name on the can packaging as a whole does not raise any claims about the health benefits of consuming the product. However, statements on the Company's Facebook page that 'a curative is to improve your now, to right the wrong or make the good better', 'that moment when the worries slip away and enjoyment begins. It is one step closer to happiness' and 'you can't buy happiness, but you can prepare a cocktail ..and that's kind of the same thing' would be reasonably understood as making claims about the benefit of consuming alcohol as including a better mood and environment and being the cause of happiness.

The Company removed the Facebook Posts on receiving the complaint.



Pirate Life Throwback IPA Instagram Advertisement (complaint regarding content)

Complaint: The ad promotes drinking beer while swimming.

ABAC standard: Alcohol marketing cannot show, by direct implication, the consumption of alcohol before or during an activity that, for safety reasons, requires a high degree of alertness or physical co-ordination.

Decision: It is not impermissible to associate alcohol with sailing or being by the water, but it is self-evidently a breach of the Code to show the use of alcohol while swimming. The Panel found that the Instagram post breached the ABAC standard as a reasonable person could take the image as endorsing the consumption of alcohol while swimming.

The Company removed the Instagram Post on receiving the complaint.



Little Fat Lamb Fantasy Packaging (complaint regarding content)

Complaint: The packaging uses imagery, designs and cartoon characters that are likely to appeal strongly to minors and could easily be confused with a soft drink.

ABAC standard: Alcohol marketing cannot have strong or evident appeal to minors.

Decision: The Panel found the packaging would have strong or evident appeal to minors, noting:

- the use of the bright colours as the most striking overall feature of the packaging design;
- the use of the unicorn/lamb creature and clouds;
- the use of the style of font and representation of the name 'fantasy'; and
- the overall impact of the packaging as a whole.

The Company ceased further orders for production of the packaging and agreed to modify the product's packaging in consultation with ABAC Pre-vetters to meet the Code standard.



Heineken 0.0 Outdoor Advertisement (complaint regarding content)

Complaint: The ad promotes drinking beer before driving, where the product branding is very similar to the alcoholic beer so it isn't clear the 0% version of the product is being promoted.

ABAC standard: Alcohol marketing cannot show, by direct implication, the consumption of alcohol before or during an activity that, for safety reasons, requires a high degree of alertness or physical co-ordination, such as the control of a motor vehicle.

Decision: The Panel found that the outdoor advertisement breaches the ABAC standard, noting:

- the prominent messaging from the ad, when likely absorbed from a passenger vehicle, is the picture of the product together with the phrase 'Designated Driver?';
- the much smaller messages at the bottom of the ad are not likely to be absorbed unless the ad is viewed more closely, and this cannot be reasonably expected of the primary audience of the ad, being drivers and passengers in moving vehicles;
- the picture of the product would likely be taken to be part of the well-known alcohol range of beers from Heineken and the 'New' on the top corner indicates something is new about the product but it can't be assumed this means it is a non-alcoholic product as opposed to some other new feature;
- it cannot be reasonably assumed that most people are so familiar with the Heineken range as to distinguish alcoholic from non-alcoholic beers by the colour of the label and the 0.0 reference on the label is not likely of itself to alter the belief the product is a 'normal' alcohol beer;
- the message 'Designated Driver' is a direct implication of the consumption of the product by a driver of a motor vehicle;
- the ad has to be assessed on its own content and it cannot be assumed that a reasonable person is aware of the wider 'now you can' campaign being run by the Company; and

- the overall impression created by the ad is positioning a Heineken product, which would be assumed to be a type of alcoholic beer, with the consumption of the product by a driver of a motor vehicle.

The ad was not in market at the time of the decision and the Company agreed to modify the advertisement to meet ABAC standards before it's next scheduled placement.



oOh! Commute | Street Furniture, WA



Fixation Squish Packaging (complaint regarding content)

Complaint: The product is packaged to look like orange squash, a product consumed by minors.

ABAC standard: Alcohol marketing cannot have strong or evident appeal to minors.

Decision: The Panel found that the packaging would have strong or evident appeal to minors, noting:

- the overall colouring of the packaging is blood orange, which is used in a block;
- the largest graphic is the depiction of a sliced citrus fruit, which given the overall colouring, would quite likely be understood as an orange;
- the term 'squish' is prominently displayed, which adds to the orange soft drink impression;
- there are cues that the product is alcoholic, namely, 'citrus IPA' and the generally small print mentions of beer, but these cues do not clearly establish the product is alcohol when viewed with the other features; and
- the overall impression created is of a drink which resembles an orange soft drink, which is likely to be strongly appealing to minors.

The Company ceased further orders for production of the packaging and will modify the product's packaging in consultation with ABAC Pre-vetters to meet the Code standard.



Joker & The Thief Packaging (complaint regarding content)

Complaint: Product packaging depicts a graphic cartoon of Joker (from Batman) on a motorcycle, aimed at an under 18 demographic.

ABAC standard: Alcohol marketing cannot have strong or evident appeal to minors.

Decision: The Panel found that the packaging would have strong or evident appeal to minors, noting:

- the cartoon Joker character would likely be taken as a reference to the Joker popularised initially through the Batman comic book, TV and movie franchise and would be recognised across age groups, including under 18 year olds;
- the product is not clearly identified as an alcoholic beverage as the term 'IPA' is not necessarily widely understood to be a type of beer and the placement of the term 'black IPA' and the 6.9% ALC/VOL advice is obscured with graphic design features i.e. the white Ha, Ha, Ha lettering and the general background colouring;
- the overall design, colour and imagery is powerful and emotionally engaging and is likely to appeal strongly to under 18 year olds; and
- the Joker depiction is likely to have appeal beyond an adult audience and be highly engaging to under 18 year olds.

The Company ceased production of the Joker and the Thief under the current branding.



Star Liquor Facebook Post (complaint regarding content)

Complaint: Facebook post promoting the sale of Jagermeister in conjunction with the energy drink Redbull and describing it as "The ol breakfast for champions".

ABAC standard: Alcohol marketing cannot:

- Show irresponsible or offensive behaviour that is related to the consumption or presence of an alcohol beverage; or
- Suggest that the consumption of an alcohol beverage offers a therapeutic benefit.

Decision: The Panel found that while a reasonable person would not interpret the post as seriously suggesting that a health benefit would flow from drinking alcohol with an energy drink, the promotion of the simultaneous consumption of a very high caffeine drink with a high alcohol to volume product such as Jagermeister is, however, undesirable and can be taken to be inconsistent with the spirit, if not the letter, of the ABAC.

The Company removed the Facebook Post on receiving the complaint.



No Fault Breach of ABAC Standards

Liquorland Spotify Advertisement (complaint regarding placement)

Complaint: A 16 year old received an alcohol advertisement while listening to Spotify.

ABAC standard: Alcohol marketing cannot be directed at Minors through a breach of any of the placement rules.

Decision: The Panel found that the placement rule appears to have been breached but made a finding of no fault breach as the Company apparently carried out its obligations under the rule and the breach arises from issues outside of its control, noting:

- Spotify has age restriction/age targeting capacities and these should have meant that the complainant was not served with the Company's ad;
- the Company advised it required the available age restriction controls to be used;
- the Company has been unable to identify why the ad was then accessed by the complainant and has ceased all advertising via Spotify until it can substantiate that age restriction controls are operating effectively; and
- in these circumstances the position seems to be that:
 - the complainant is correct (ie a correct date of birth has been entered on the Spotify account and the account being used by the complainant is not an adults' which is then shared with the complainant); and
 - the Company has properly taken steps to use age restriction controls available to it when marketing over Spotify.

Marketing Consistent with ABAC Standards

Brewdog (complaint regarding content)

Complaint: A UK Youtube channel showing consumption of the product prior to and during cycling.

ABAC standard: Alcohol marketing cannot show or directly imply the consumption of alcohol before or during any activity that requires a high degree of alertness or physical co-ordination.

Decision: The Panel found that the marketing was outside the scope of the ABAC Scheme as the post was not created in Australia, does not relate to BrewDog AU, there does not seem to have been any activity by the Australian entity to adopt the messaging in the post, the post would fall within the remit of the UK regulatory regime for alcohol marketing and taken as a whole the post is not within the reasonable control of the Australian entity.

Bundaberg Rum (complaint regarding content)

Complaint: Bundaberg Rum branding should not be placed on egg nog as it is advertising an alcohol product on a flavoured milk which could be seen by and appeal to minors.

ABAC standard: Alcohol marketing cannot have strong or evident appeal to minors.

Decision: The Panel does not believe the Bundaberg Rum brand extension to egg nog has strong or evident appeal to minors noting:

- Egg nog is by tradition a product quite commonly served with a spirit such as rum and it would not be regarded as out of the ordinary by a reasonable person that a rum flavoured eggnog product is on the market;
- while a flavoured milk product such as a chocolate milk might be reasonably regarded as having strong appeal to minors, egg nog is not considered a drink which would have a particular attraction to minors and would more likely appeal to older adults;
- the packaging adopts a sedate mature and traditional design and does not have eye catching features regarded as strongly appealing to minors; and
- the alcohol branding comprises the addition of the Bundaberg Rum logo to the egg nog container and no other representations which are targeting or appealing to minors.



Brewdog (complaint regarding content)

Complaint: A US website and UK tweet advertise the beers based on their high alcohol strength.

ABAC standard: Alcohol marketing cannot encourage the choice of an alcohol beverage by emphasising its alcohol strength or suggest that the consumption or presence of alcohol may create or contribute to a significant change in mood.

Decision: The Panel found that the marketing is not within ABAC's remit as while BrewDog Australia is part of the global BrewDog group, it seems the marketing items did not originate in Australia, were not generated in Australia and it would be highly marginal that the Australian entity could be said to have the requisite measure of 'reasonable control' over the marketing to bring it within the scope of the ABAC scheme. The Panel also noted that many of the major alcohol producers in Australia are part of international corporate groups and the fact they have Australian based subsidiaries does not extend the reach of the ABAC scheme to all of the marketing activities which take place overseas and are designed to market products in other countries. The ubiquitous nature of the internet does not alter this fact.

Jim Beam (complaint regarding placement)

Complaint: Alcohol advertising hoardings were erected one month prior to an event in front of terrace homes of families with young children and it is indefensible to link alcohol with speeding cars.

ABAC standard: Alcohol marketing must not:

- be directed at minors through a breach of placement rules.
- show or directly imply the consumption of alcohol before or during any activity that requires a high degree of alertness or physical co-ordination.

Decision: The Panel found the advertising did not breach the ABAC standards, in particular:

- the placement of the Jim Beam name on the trackside barriers is within the limited sponsorship exception and outside the scope of the ABAC; and
- in any event:
 - the trackside ads do not appear to be within 150 metres of a school and therefore meet the placement rules; and
 - a reasonable person would not understand the placement of the brand name on the barriers as suggesting that it is acceptable to consume alcohol before or during the use of a motor vehicle.



Tipple (complaint regarding content and placement)

Complaint: Advertisements for an alcohol delivery service placed inside a Sydney Light Rail Carriage uses a cartoon style appealing to children and is visible to children using public transport.

ABAC standard: Alcohol marketing must not have strong or evident appeal to minors or be directed at minors through a breach of placement rules.

Decision: The Panel found the advertising did not breach the ABAC standards, in particular:

- The ad uses drawn characters, but these characters are adult in depiction and seen in adult settings. The drawings do not resemble children's cartoons and taken as a whole, including the accompanying messaging, the ads do not have strong appeal to under 18 year olds, but rather would appeal to older audiences.
- The Placement rules do not restrict the placement of ads on a bus or train.



BWS Mobile Outdoor (complaint regarding placement)

Complaint: An advertisement flown by helicopter between Maroubra and Palm Beach is in full view of children.

ABAC standard: Alcohol marketing must not be directed at minors through a breach of placement rules.

Decision: Neither the ABAC nor other applicable codes such as that applying to outdoor media, contain any express restriction over such a form of alcohol marketing. The Company advised that the banner was always over 150m above ground and therefore met the OMA restriction on advertising not being placed within 150m of a school. In any event the OMA restriction applies to static advertising and wouldn't apply in this case.



Bundaberg Rum brand extension (complaint regarding content)

Complaint: Concern that iced coffee being sold to minors is advertising an alcohol product.

ABAC standard: Alcohol marketing must not have strong or evident appeal to minors.

Decision: While it is possible that marketing for the iced coffee might offend the ABAC standards, simply depicting a picture of the product without anything else is not considered as strongly appealing to minors. Iced coffee as a product cannot be said to be strongly or evidently appealing to minors and the label of the product is mature, uses bland coffee colours and does not contain images likely to appeal strongly to minors.



Jacobs Creek Qantas In Flight Entertainment (complaint regarding placement)

Complaint: Concern that alcohol ads are screened before G and PG “Disney” and “Family” movies that children can access.

ABAC standard: Alcohol marketing must not be directed at minors through a breach of placement rules.

Decision: The Panel found the packaging did not breach the ABAC placement rules noting the Company was aware of the ability of the Qantas system to provide some measure of age restriction to the placement of its advertisement and it did take action to have the Kid Zone restriction applied.

Pirate Life Acai & Passionfruit Packaging (complaint regarding content)

Complaint: Concern that the packaging could appeal to minors and be confused with a soft drink through its brightly coloured pink and blue can and its name ‘Acai & Passionfruit’ with no clear descriptors it is a beer product.

ABAC standard: Alcohol marketing must not have strong or evident appeal to minors.

Decision: The Panel found the packaging did not have strong or evident appeal to minors noting:

- the light blue block colouring is not typical of cola, orange or lemonade soft drinks;
- the can size is used across beers and sweet soda type soft drinks with energy drinks typically using different can sizes;
- Pirate Life for a person unfamiliar with the brand, wouldn't particularly indicate the type of beverage;
- açai and passionfruit wouldn't immediately be recognised as beer flavours and might tend to suggest the product is a soft drink, although açai is not a typical soft drink flavour;
- on balance the Panel does not believe the packaging has strong or evident appeal to minors as its overall design features are not likely to draw the attention of minors, it is quite sedate in colouring and its design does not have a dramatic eye-catching impact; and
- it is a very marginal assessment as to whether the product could be confused with a soft drink, and while the packaging could certainly do more to convey it is an alcohol beverage, the product doesn't resemble any immediately recognised soft drink brand or type and on balance is not considered as causing confusion with a soft drink.



Ainslie Football and Social Club Digital (EDM) Advertisement (complaint regarding content)

Complaint: Concern that the email promotes cheap alcohol for people to drink during a sports match.

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

Decision: The Panel did not believe the email taken as a whole would be understood as encouraging the excessive or irresponsible use of alcohol. The message in the email was to promote the Club as a good venue to watch the football finals. Moderately priced beer was used as a selling point, but a reasonable person would not likely interpret the email as saying that it is acceptable to consume excessively.



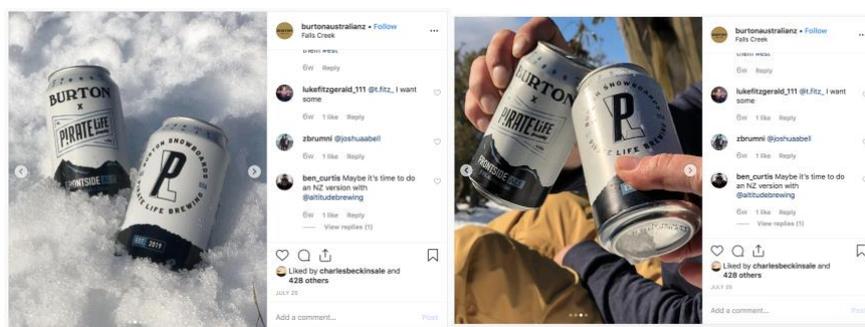
Burton x Pirate Life Frontside Ale Packaging & Instagram Posts (complaint regarding content)

Complaint: Concern that the packaging and Instagram Posts create a link between snowboarding and consumption of alcohol.

ABAC standard: Alcohol marketing must not show or directly imply the consumption of alcohol before or during any activity that requires a high degree of alertness or physical co-ordination.

Decision: The Panel did not find the packaging and Instagram posts in breach the ABAC noting:

- the packaging does not directly imply that it is acceptable to consume alcohol before or during the sport of snowboarding; and
- the Instagram posts associate the product with winter, snow and snowboarding, but they do not show alcohol use before or while snowboarding.



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>.