



ABAC Alcohol Packaging Compliance Guide

Overview

The ABAC Scheme (ABAC) is an initiative in quasi-regulation funded by industry and administered with the support of Government. The key components of the Scheme are the ABAC Responsible Alcohol Marketing Code (Code), the ABAC Pre-vetting Service (Pre-vetting) and the ABAC complaints handling process (Panel).

The Code is designed to ensure that alcohol is marketed in a responsible manner to adults.

Purpose

ABAC has developed this Guide to assist alcohol companies, advertising agencies and product designers meet the ABAC standards. The Guide is not intended to replace or extend the provisions of the Code itself.

This Guide represents the opinions of ABAC's administrators and is based on previous decisions made by the independent Adjudication Panel. The ABAC website – www.abac.org.au – includes an advanced search facility that enables all adjudication decisions relating to alcohol packaging to be located and accessed.

Notwithstanding the content of this Guide, the Pre-vetter remains the final arbiter on how the Code should be interpreted and applied at the pre-vetting stage. Likewise, the Panel remains the final arbiter on how the Code should be interpreted and applied at the complaint adjudication stage.

While Pre-vetters undertake to provide the best possible advice, any complaint regarding alcohol packaging will be assessed through the ABAC complaints handling process. It should be noted that successful pre-vetting does not serve as a guarantee or an argument that a complaint should be dismissed. The ABAC complaints handling process and the ABAC Pre-vetting Service are conducted separately by independent experts.

Other Regulation

Alcohol packaging must also meet relevant Australian laws and standards that are not addressed in this Guide, in particular:

- Food Standards Australia New Zealand – Food Standards Code ([Alcohol Labelling Guidance](#))
- [Competition & Consumer Act 2010](#)
- State Liquor Licensing Legislation, Regulation & Guidelines

ABAC Compliance Checklist

This Guide focuses on the requirement that packaging not have strong or evident appeal to minors, however all [Code](#) standards must be met.

The following checklist is designed to assist alcohol producers meet Code standards in relation to their packaging. Further guidance on each Code requirement and the precise ABAC standards can be found in the [ABAC Guidance Notes](#).

Alcohol Packaging must not:

	show, directly imply or encourage excessive or rapid consumption of alcohol, misuse or abuse of alcohol or consumption inconsistent with the Australian Alcohol Guidelines
	show, directly imply or encourage irresponsible or offensive alcohol related behaviour
	challenge or dare people to consume an alcohol beverage
	encourage choice of an alcohol beverage by emphasising its alcohol strength/intoxicating effect
	have strong or evident appeal to minors
	show under 25 year olds (or over 25 year olds that look like they are under 18 years of age)
	suggest the consumption/presence of alcohol could contribute to a significant change in mood or environment
	show or directly imply the consumption or presence of alcohol as leading to personal, business, social, sporting, sexual or other success
	Imply/suggest that alcohol shown as part of a celebration is a cause of the success/ achievement
	suggest the consumption of alcohol offers a therapeutic benefit or is a necessary aid to relaxation
	show or directly imply the consumption of alcohol before or during any activity that for safety reasons requires you to be alert or physically co-ordinated (i.e. driving or swimming)

In applying the Code standards, the alcohol industry is strongly encouraged to work within both the spirit and the letter of the Code as it stands. Examples, real or perceived, of attempts to circumvent the provisions of the Code threaten the industry's reputation for responsible regulation and are in direct conflict with the interests of industry and the wider community.

Strong or Evident Appeal to Minors

Applying the Test

This Guide focuses on the Code requirement that alcohol packaging must not have strong or evident appeal to minors (Part 3(b)(i)). Variants of this standard are present in State Liquor Licensing requirements and in alcohol marketing codes globally. While ABAC standards are to be assessed on an objective basis, i.e. the reasonable person test, this provision can be challenging and on occasions reasonable subjective opinions might vary as to whether the appeal of packaging to minors is 'strong or evident' or only incidental. In addition, 'minors' covers younger children and teenagers up to the age of 17, and material strongly appealing to a 12 year old can be quite different to that appealing to a 15 or 16 year old.

In applying Code standards material is assessed according to the following criteria.

- Probable understanding of the marketing:
The most likely interpretation will be adopted rather than any possible interpretation.
- By a reasonable person:
The values, opinions and life experiences common in a majority of the community is the benchmark. A person who holds an alternate interpretation of a marketing communication is not 'unreasonable', but possibly their interpretation would not be shared by a majority of the community.
- To whom the material is likely to be communicated:
Alcohol packaging is a form of promotion and while minors can't purchase the product, they may still view it online, when accompanying adults shopping, in homes or restaurants. It is the level of appeal of the packaging to a minor that is relevant. Alcohol packaging is a marketing communication that is likely to be communicated to all age demographics.
- Taking its content as a whole:
When assessing the content of any marketing it will be viewed as a whole. In the case of alcohol packaging, the test is the overall understanding that a reasonable person would gain by a cursory viewing of the packaging. This means that the larger text, colouring and most prominent design features will be most influential. For instance, it cannot be expected that an average consumer will pick up an individual can, turn it around a full 360 degrees and study it in fine detail. Assessing the consistency of packaging with Code standards is a case-by-case exercise in which imagery, use of characters and context is important in deciding the overall impact of the marketing.

Note: It is not ABAC's role to decide whether the physical alcohol product, should or should not be available for sale. The regulation of foodstuffs rests with Government and State liquor licensing bodies. The Panel's focus is on how a given product and brand is marketed. Over time, liquor licensing authorities have removed from the market, a range of products including alcoholic ice blocks, alcoholic milk, and some alcoholic powders, vapours and aerosol products. As a matter of practice, the ABAC scheme cooperates with Government authorities on common issues.

ABAC Code Definition of 'Strong or Evident Appeal to Minors'

Packaging that falls within **any one** of the following categories will breach this ABAC standard:

- likely to appeal strongly to minors
- specifically targeted at minors
- particular attractiveness for a minor beyond its general attractiveness for an adult
- 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
- using brand identification, including logos, on clothing, toys or other merchandise for use primarily by minors

How Can Alcohol Marketers Achieve Compliance?

Creativity and ABAC compliance can be achieved by understanding the ABAC Code standards, the indicators highlighted in this Guide and Panel decisions on alcohol packaging. The Pre-vetting Service is also an opportunity to seek advice from a pre-vetter experienced in the application of the ABAC standards, to all forms of marketing. [Apply here.](#)

While it is not possible to provide an exhaustive list of possible breaches of this standard, the Panel has, over time, developed a set of indicators that highlight when caution should be exercised. The following checklists and examples are helpful.

Key Indicators that Alcohol Packaging Could Have Strong or Evident Appeal to Minors

Individual Elements

When developing packaging designs alcohol producers and their agencies and designers should be aware that the use of the following elements could result in a breach of the ABAC standards:

- Using names, colours, fonts, imagery, language and overall messaging that appeal strongly to minors
- Imagery, designs, motifs, animations, pop culture references or cartoon characters (including parodies) that appeal strongly to minors
- Imagery that creates confusion with confectionary or soft drinks, such as the presence of visual design features that would be commonly used on non-alcoholic beverages, such as fruit images, bright block colours and the use of a font style typically found on soft drinks
- The use of words or names commonly associated with a soft drink, fruit juice or other non-alcoholic beverage e.g. orange, lemon, blueberry, pop, smash, milkshake, fruit, juice, seltzer etc
- The type of physical package used and whether this is similar to that used by soft drinks, fruit juices or other non-alcoholic beverages e.g. prima style juice box
- Failing to clearly identify the product as an alcohol beverage through the use of clear alcohol descriptions like beer, ale, vodka, wine etc. Using the term ‘brewed’ may not be sufficient as this word can be associated with non-alcoholic beverages such as kombucha or ginger beer. Use of terms not commonly known within the broader community, particularly a younger audience (e.g. IPA, Berliner Weisse, Fruit Sour, Mid etc) will be insufficient to identify the product as alcohol and for these styles it would be helpful to use the ‘parent’ descriptor e.g. ‘beer’ or ‘wine’
- Creation of an illusion of a smooth transition to alcohol beverages by using descriptors or names such as choc milk, fairy floss, bubble-gum, marshmallow etc

Overall Impact of Elements

When developing packaging designs the combined elements of the packaging should be viewed as a whole based on a cursory view (not a full 360 degree inspection) to assess whether the overall impression of the packaging could appeal strongly to minors or create confusion with confectionary, a soft drink or other non-alcoholic beverage. Obscuring individual cues that the product is alcohol within graphic design elements or in fine print on the reverse of the packaging can impact the overall impression and therefore compliance.

Using adult themes will not be sufficient to achieve compliance if the packaging is found to appeal strongly to minors or create confusion with confectionary, a soft drink or other non-alcoholic beverage. However, packaging may have some residual or incidental appeal to minors while not strongly or evidentially appealing to minors.

Examples of packaging the Panel assessed as failing to comply with this ABAC standard

	<ul style="list-style-type: none"> Bright colours are the most striking feature of the packaging design Unicorn/lamb creature Clouds Style of font and representation of the name 'fantasy' Overall impact of the packaging as a whole
	<ul style="list-style-type: none"> Clear plastic gives prominence to the product's bright colours Fruit depictions and flavour descriptions Packaging similar to icy poles popular with children References to lemonade/lemon commonly used on soft drinks Each element, in combination, would lead a reasonable person to most likely understand that the packaging has an evident appeal to minors
	<ul style="list-style-type: none"> Jedi Juice name and Princess Leia image a clear play on Star Wars Star Wars brand has had a whole of popular culture impact in Australia Stars Wars appeals across demographic groups and flows from the movies and related expansions of storylines/characters into TV animation, video games, children's toys etc Star Wars appeal is broad based but has strong appeal to minors demonstrated through the volume of children's merchandise purchased Product name and imagery would be highly recognised by minors A reasonable person would most likely understand the product name and packaging as having strong appeal to minors flowing from Star Wars references
	<ul style="list-style-type: none"> The appeal of Rugby League and State of Origin is across age groups and not specifically to either younger people or adults. The limited edition packaging is replicating features of the NSW team jersey. The jersey inspired packaging would be regarded as a novelty and 'collectible' item. The jersey inspired packaging will attract the attention of minors who will be strongly or evidently drawn to the packaging and may wish to 'collect' the item as a souvenir or memento.
	<ul style="list-style-type: none"> Blood orange block packaging A sliced citrus fruit is the largest graphic 'Squish' prominently displayed, adding to an orange soft drink impression Cues, 'citrus IPA' and small print mentions of beer, don't clearly establish the product is alcohol when viewed with the other features Overall impression is of an orange soft drink, which is likely to be strongly appealing to minors
	<ul style="list-style-type: none"> Dominant colour resembles an orange soft drink and could, without cues, be confused as a soft drink The term 'Mid', while understood by some beer drinkers, is not so widely recognised to clearly identify the products as alcohol The reference to the alcohol content on the product is not prominent While no one element of the packaging is inconsistent with the Code standard, the cumulative effect of the elements and lack of clear reference to the products being alcoholic, means the packaging breaches the Code standard



- Name Orange C expected to be used by a soft drink or fruit juice
- Similar in appearance to a can of orange flavoured soft drink
- Colouring similar to that used on orange flavoured soft drinks
- Stylised orange could readily be found on orange flavoured soft drinks
- No easily recognised term that the product is a beer
- NEIPA would not clearly identify the product as a beer given the other features which closely resemble an orange soft drink



- Product name a parody of well-known blackcurrant based soft drink, Ribena
- Ribena generally regarded as a drink primarily targeted to children
- Packaging resembles Ribena in use of purple colouring and blackcurrants
- Font style for the name is very similar to that employed on Ribena products
- While a reasonable person would likely understand the product to be a 'tongue in cheek' play on the Ribena name, the product packaging does create a potential confusion with the children's drink Ribena
- Taken as a whole the similarity in the packaging's design, colouring and font would be taken as having a strong or evident appeal to minors



- Bounty bar reference brings to mind confectionary far more than alcohol
- The can depicts an action scene which would have appeal across age groups
- The colour palette is bright and eye catching
- 'Milk choc stout' would be more associated with a non-alcoholic drink than a beer
- Stout and 'ABV' is in small font on the front of the can, however the overall impression created by the most impactful features of the can is not of an alcohol beverage and may create confusion with a soft drink
- while no one element in isolation means the packaging has strong appeal to minors, taken as a whole the packaging would have strong appeal to minors



- The black colour plate of the can and the design and use of the company name is mature and would not be particularly attractive to minors
- 'Peach lemonade', particularly lemonade reference would be far more associated with a non-alcoholic drink and lemonade is a common and popular drink for minors
- the packaging does not overtly identify the product as alcoholic with alcohol references in smaller print on the back and side of the can, compared to prominent references to lemonade on the front of the can
- As a whole the packaging would be taken as having evident appeal to a minor



- The name 'JuiceBox' and the image of a juice box suggests the product is a fruit juice akin to that found in a prima juice box used extensively by minors
- Lack of clear alcohol descriptors on the front of the can could cause confusion with a fruit juice
- Even if recognised as an alcohol beverage, the name and juice box imagery give an illusion the product could be a smooth transition from a non-alcoholic to alcohol beverage for a minor
- the imagery used on the packaging is familiar to minors and would likely have an attractiveness to minors beyond its attractiveness to adults



- the name 'Breakfast Juice' when combined with the stylised fruit images on the label strongly suggests the product is non-alcoholic
- lack of visually prominent cues that the product is a beer on the front of the label
- while the style of artwork on the can is not a type likely to strongly appeal to minors this does not sufficiently mitigate from the appeal to minors created overall by the combination of the product name, the fruit images and the failure to clearly identify the product as an alcoholic beverage

Examples of packaging the Panel assessed as complying with this ABAC standard

	<ul style="list-style-type: none"> • The name 'Bluey' has a long and varied history of use in Australia and cannot be confined to relate solely to a current TV animated series • Depiction of a blue heeler dog on the packaging does not resemble the TV animated character either in appearance or colouring • Packaging is typical of that employed on beers and would not be confused with a soft drink • Taken as a whole the packaging does not have features likely to be strongly or evidently engaging to children or adolescents.
	<ul style="list-style-type: none"> • Overall design features are not likely to draw the attention of minors as it is sedate in colouring and design doesn't have dramatic eye-catching impact • Marginal assessment on whether the product could be confused with soft drink and while the packaging could 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
	<ul style="list-style-type: none"> • While the 'apple & guava' name lends weight to the product being confused with a soft drink (fruit juice) this is mitigated by the use of a can when fruit juices are commonly packaged in plastic bottle or prima packs and the colour palette not resembling those used in popular soft drinks and fruit juices • Colours muted, not sharp and contrasting colours more likely to appeal to minors • Overall impact of the name and packaging is not likely to draw the attention of minors and is reasonably sedate and adult in tone and appearance
	<ul style="list-style-type: none"> • Name Cheeky Monkey is not, in isolation, strongly appealing to minors, though in some contexts might contribute to marketing having greater appeal to minors • Monkey image is adult in nature showing a section of the animal's head removed to reveal a portion of its brain and not considered an image having childlike appeal nor resembling the popular children's character Curious George • Colour palette generally muted rather than vibrant and does not have vividly contrasting/ eye-catching colours likely to attract the attention of a minor • Products identified as being alcoholic beverages and containers are consistent with those used with alcohol e.g. dark coloured glass and beer can style and dimensions • Taken as a whole the packaging has its own style which is livelier and more irreverent than a traditional beer or cider packaging, but this is not considered as giving the packaging strong or evident appeal to minors, nor would a reasonable person confuse the products with a soft drink
	<ul style="list-style-type: none"> • The label depicts a drawing and not a 'cartoon' as such • The imagery is mature, stylised and quirky and does not resemble popular children's characters • The principle 'rat' character is presented in a passive way and is not active and engaging • The label uses black and white colours and not bright contrasting colours more likely to strongly appeal to minors • There is no likelihood the product packaging could be confused with a non-alcoholic drink or other product used extensively by minors • Taken as a whole the packaging would appeal more to an older demographic