

## Expedited Determination No. 55/21

**Product:** Trail Pale Ale  
**Company:** Capital Brewing Co  
**Date of Complaint:** 1 April 2021

**Complaint:** The Instagram post shows someone standing in water holding a can of beer.

**Code Standard:** Part 3(d) of the ABAC Code provides that a Marketing Communication must not show (visibly, audibly or by direct implication) the consumption of an Alcohol Beverage before or during any activity that, for safety reasons, requires a high degree of alertness or physical co-ordination, such as the control of a motor vehicle, boat or machinery or swimming.

**Marketing:** The complaint concerns the advertising of the Product by the Company on Instagram.

**Company Action:** The Company confirmed on 9 April 2021 that they accepted the breach of Part 3(d) of the Code and that they had removed the photo from their social media platforms.



**Nature of Breach:** An Instagram post showing a person standing in water, holding a can of beer, is an alcohol marketing communication directly implying the consumption of an Alcohol Beverage before, or during an activity that, for safety reasons, requires a high degree of alertness or physical co-ordination.

Chief Adjudicator  
9 April 2021