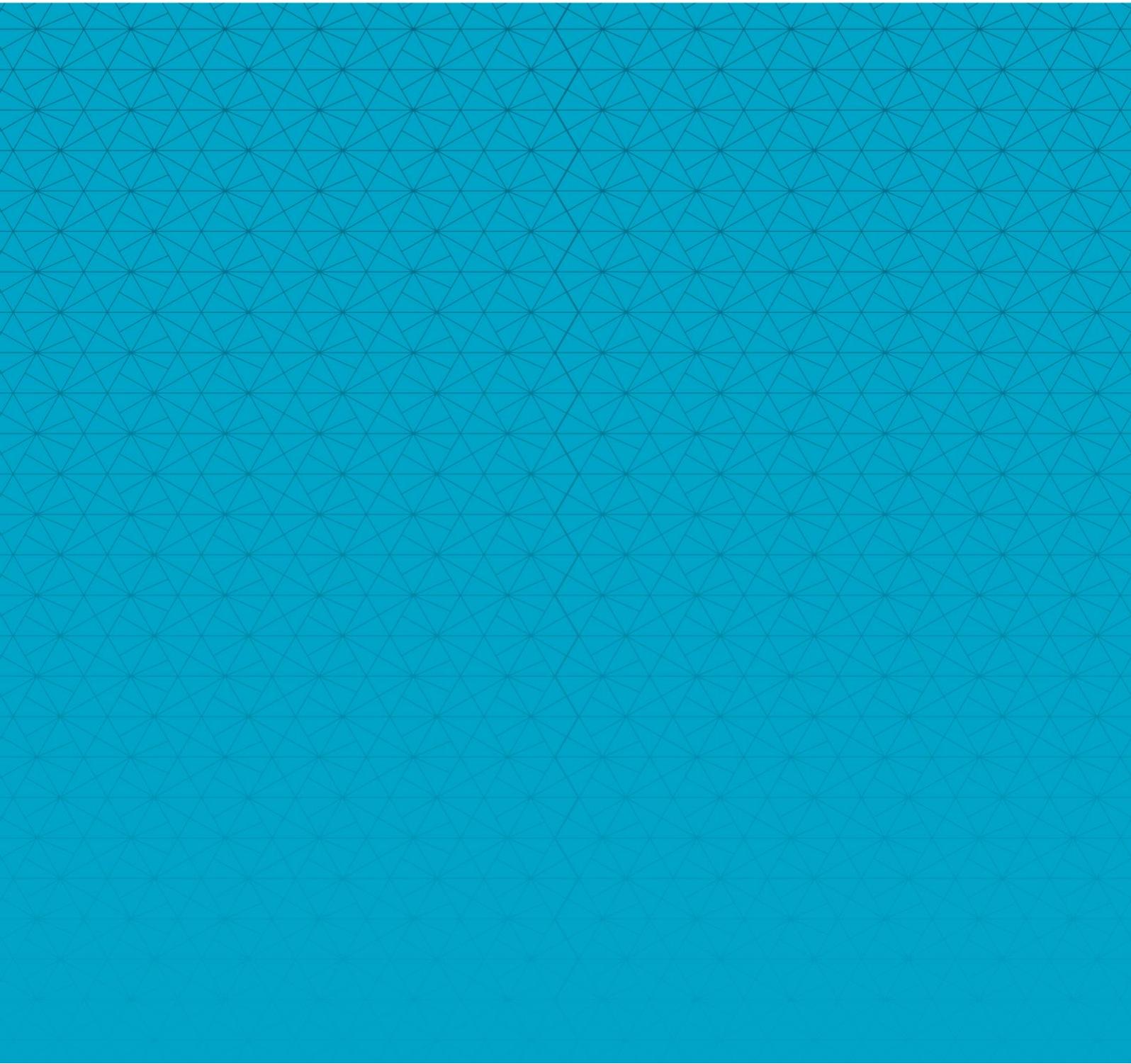


Australia's Responsible Alcohol Marketing Scheme

2021 Third 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.

Complaints about alcohol marketing have slowed after peaking last quarter but continue to be steadily received by ABAC. This quarter ABAC received a complaint about 51 separate Instagram and Facebook accounts that did not have age restriction controls in place. ABAC placement rules require available age restriction controls to be applied. **This is a timely reminder to all alcohol marketers of the importance of ensuring steps are taken to restrict alcohol marketing on social media to adults.** Facebook, Instagram, Youtube and Twitter all have simple tools to age restrict alcohol producer and retailer brand accounts and Facebook and Instagram also enable the age restriction of individual posts that promote an alcohol brand (this is available to the brand and also their marketing partners, including third party promoters, such as influencers or brand partners). **Everyone involved in alcohol marketing should audit all their digital marketing assets, including influencer and brand partner activity to ensure that all available age restriction controls have been activated for those marketing assets. ABAC will be monitoring compliance in this area.** As previously highlighted the ABAC website includes links to a range of resources and 'how to' guides that can help companies check that age restrictions are in place and if not, explain how they can be easily activated:

Brand accounts: [Facebook](#) [Instagram](#) [Youtube](#) [Twitter](#)

Individual Influencer and Brand Partner posts: [Facebook](#) [Instagram](#)

In addition, the International Alliance for Responsible Drinking (IARD) have now developed [influencer guiding principles](#) that complement the ABAC Code requirements that apply to brand promotional activity by influencers - a short [video](#) highlights the IARD principles. It is important to ensure that all agencies working to promote alcohol brands are briefed by alcohol companies and their agencies on the ABAC standards and guides. This includes PR agencies that promote an alcohol brand through media releases, influencers and other activities, all of which must comply with ABAC standards.

A reminder that ABAC's free comprehensive online training course and video series launched in March is the easiest and most comprehensive way for alcohol marketers and their agencies and media partners to gain a strong understanding of the ABAC standards and how to apply them to proposed marketing material- access via this [link](#).

Finally, **ABAC's annual industry webinar will be held on 18 November 2021 at 10am (AEST).** The annual webinar will assume participants have undertaken the online training course and have a base knowledge of the ABAC standards and system and will instead focus on current issues and provide a greater opportunity for participants to ask questions. Registration details will be circulated soon.

KEY STATISTICS

Complaints	60
Raising Code issues and referred for determination	45
Not raising Code issues*	14
Raising an issue previously considered by the Panel	1
Complaint withdrawn	0
Determinations	36
Upheld**	21
Upheld as a No Fault Breach	-
Dismissed	15
Pre-vets	888
Rejected	167

* Complaints that did not raise Code issues either fell outside the scope of the scheme as they were not promoting an alcohol product; or raised concerns outside ABAC standards such as sexual harassment and discrimination of women, a dislike of advertising and misleading advertising which can fall within the scope of other regulators, including Ad Standards.

** One upheld decision related to a marketing communication that was pre-vetted

RECENT ALCOHOL MARKETING COMPLAINTS

Breach of ABAC Standards

Cocktail Porter (complaint regarding content)

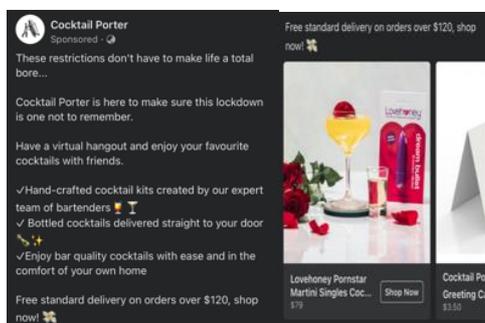
Complaint: The phrase “Cocktail Porter is here to make sure this lockdown is one not to remember” is encouraging individuals to drink irresponsibly, at levels that result in memory loss and increased risk of harm and implies that alcohol can be used to aid relaxation, or numb negative emotions associated with the current lockdown restrictions.

ABAC standard: Alcohol marketing cannot:

- show or encourage the excessive or rapid consumption of alcohol;
- suggest that the consumption of an Alcohol Beverage offers any therapeutic benefit or is a necessary aid to relaxation.

Decision: The Panel found the post was in breach of the standard in Part 3 (a)(i). The statement - ‘make sure this lockdown is one not to remember’ does raise a reasonable implication of alcohol consumption to the extent of causing a loss of memory. While this may have been a mistake and not intended, the Company is responsible for the accuracy of its own marketing copy.

The ad was modified on receipt of the complaint.



Bella Vista Hotel Facebook Post (complaint regarding content)

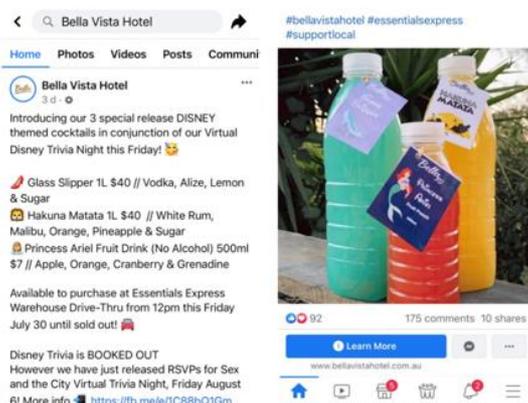
Complaint: The post would strongly appeal to minors due to Disney themed names and designs, placing alcoholic and non-alcoholic products side by side and not indicating the products are alcoholic.

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

Decision: The Panel found that the post does breach the Part 3 (b) standard, noting:

- the image of the alcohol product raises a potential confusion with a soft drink;
- the product names such as Glass Slipper suggests Disney children’s entertainment e.g., Cinderella; and
- while the post does have text providing greater context and information about the alcohol content of the cocktails, a reasonable person would take the post as a whole as having a strong appeal to minors.

The Facebook post was removed.



3 Ravens Brewery (complaint regarding content)

Complaint: Facebook advertisement implies that excessive alcohol consumption is a necessary coping mechanism during difficult times.

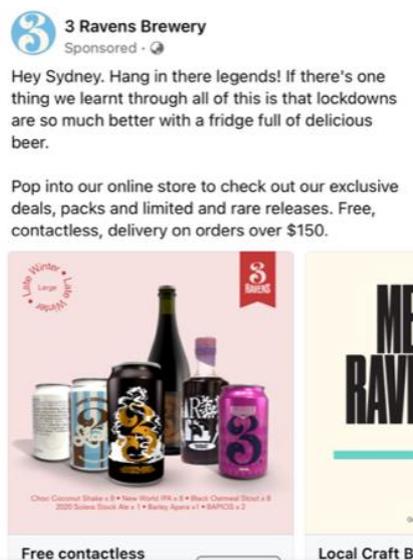
ABAC standard: Alcohol marketing cannot:

- show or encourage the excessive or rapid consumption of alcohol;
- suggest that the consumption of an Alcohol Beverage offers any therapeutic benefit or is a necessary aid to relaxation.

Decision: The Panel found that the ad was in breach of one or more ABAC standards, noting:

- it is possible to read the post in several ways, but the more likely understanding is that covid lockdowns are best responded to 'with a fridge full of delicious beer';
- the combination of 'hang in there legends', 'one thing we have learnt through lockdowns' with the fridge full of beer phrases raises a direct implication that the consumption of alcohol is a coping mechanism for the lockdown;
- it is not a breach of the Code to promote the purchase of multiple containers of alcohol e.g. by a case or carton - but to encourage a subsequent consumption pattern which is excessive or inconsistent with the Alcohol Guidelines is a breach;
- an ad referencing a 'fridge full of beer' will not necessarily be encouraging excessive consumption as alcohol has a long shelf life and can be consumed over time and by multiple people, not a single person. The context of the ad and its overall message is critical in how it is likely to be understood; and
- in the current context, the message of a fridge full of beer combined with the lockdown and 'hang in there' references does raise a direct implication of consumption beyond the Alcohol Guidelines.

The ad was discontinued.



Various Facebook & Instagram accounts (complaint regarding placement)

Complaint: Concern that 51 Instagram/Facebook accounts were not age restricted.

ABAC standard: Alcohol marketing cannot be directed at minors by a breach of ABAC Placement Rules.

Decision: The Panel decided there was a breach of ABAC Placement Rule 2 in relation to 37 accounts, a no fault breach in respect of 6 accounts and 8 accounts were outside the scope of the ABAC Code.

All accounts have been age restricted with the exception of 2 that are awaiting action by Facebook.

VB Instagram Posts (complaint regarding content)

Complaint: Concern that 5 Instagram posts breach responsible marketing standards.

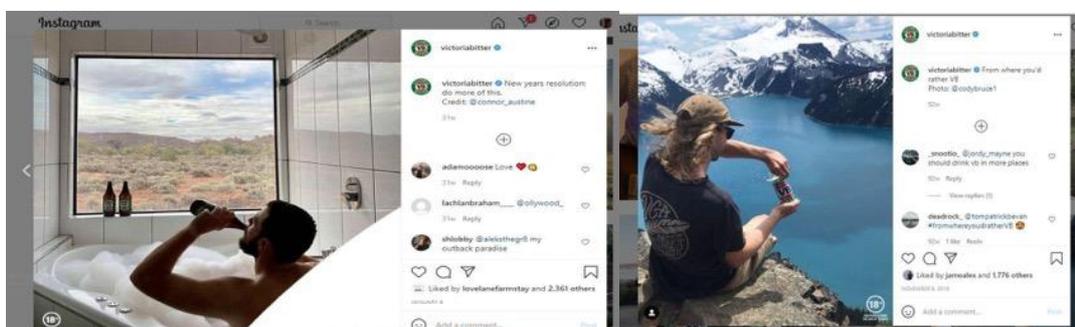
ABAC standard: Alcohol marketing cannot:

- show or encourage the excessive or rapid consumption of alcohol;
- show or directly imply 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 swimming.

Decision: The Panel found that only two of the posts were in breach of ABAC standards, noting:

- A photograph of a man consuming a long neck of VB while sitting in a bath, where two additional empty long necks are positioned near the bath, breaches the Part (a) standard as the image does raise a reasonable implication of the consumption of the three bottles, which equals 9 standard drinks.
- A photograph of a man opening a can of the product while sitting on the edge of a cliff breaches the Part (d) standard as a reasonable person would understand that sitting on the edge of a cliff is an activity requiring alertness to be performed safely and opening a can of beer is a clear implication that consumption is about to occur.

The posts were removed.



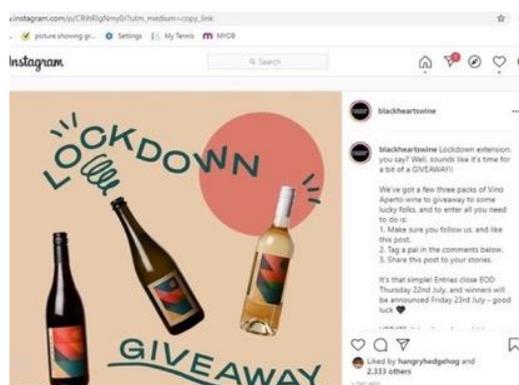
Blackhearts & Sparrows (complaint regarding placement)

Complaint: Instagram post encouraging users to follow, like, share or tag would workaround any age restriction controls and mean the post could be viewed by minors.

ABAC standard: Alcohol marketing cannot be directed at minors by a breach of ABAC Placement Rules.

Decision: The Panel decided there was a breach of ABAC Placement Rule 2, as the Instagram account had not applied all available age restriction controls. However, noted that Instagram age restriction controls in fact do not permit this method of defeating the age restriction controls, even if this was the intent of an alcohol marketer, with advice from Facebook that “when age gating is applied to the organic content on either Facebook or Instagram, it will not be visible to an underage user. Even if they are tagged, they don’t receive a notification and should not be able to view the content.”

The Company applied all available age restriction controls to their account.



Ben & Jerry's Packaging (complaint regarding content)

Complaint: Packaging would have strong appeal to minors as it is a beer that looks like an ice cream product, it has the text 'Chocolate Chip Cookie Dough', it is recognisable as Ben & Jerry's branding and uses bright colours on the can.

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

Decision: The Panel found that taken as a whole, a reasonable person would understand the packaging as likely to appeal strongly to minors:

- Ben & Jerry's is a premium quality ice-cream product popular across all age groups;
- there are strong similarities between the 4 Pines product packaging and the well-known Ben & Jerry's Chocolate Chip Cookie Dough tub, in particular:
 - very similar green grass, blue sky and white cloud colours and design;
 - identical Ben & Jerry's name and logo on the front and centre of the can; and
 - the same font and outline bubble for the 'Chocolate Chip Cookie Dough' flavour in a brown rather than red font on the front and centre of the can below the 'Ben & Jerry's' logo;
- the association with this popular ice-cream brand would be immediately apparent to a reasonable person in the community;
- ice cream is a product consumed across age groups with minors proportionately consuming more ice cream than adults;
- the reference to 'Chocolate Chip Cookie Dough inspired' flavouring references a relatable and popular flavour that a minor would find appealing;
- while it is unlikely that the product would be confused with confectionary or soft drink due to a prominent reference to 'beer' on the front of the product, the packaging suggests a smooth transition from a non-alcoholic to an alcoholic beverage; and
- the use of bright and contrasting colours would likely be eye-catching for minors.

The Company advised the product has been discontinued and will not be re-instated in the future.



Poetic Justice Beverages (complaint regarding content)

Complaints: The ad suggests the product equals sexual success.

ABAC standard: Alcohol marketing cannot directly imply the consumption or presence of an Alcohol Beverage as a cause of or contributing to the achievement of sexual or other success.

Decision: The Panel found there was a reasonable implication from the image in the post that alcohol is a contributor to sexual activity.

The post is no longer on the Instagram account.



40/20 Beer (complaint regarding content)

Complaint: Instagram account and website includes images of under 25 year olds.

ABAC standard: Alcohol marketing cannot depict an adult who is under 25 years of age unless:

- they are not visually prominent; or
- they are not a paid model or actor and are shown in a Marketing Communication that has been placed within an Age Restricted Environment.

Decision: The Panel found that all but two of the images referred to in the complaints featured people under 25 years of age in breach of the ABAC standard.

The posts were removed.



Blackcurrant Pastille Sour Ale (complaint regarding content)

Complaint: Packaging could appeal to children and be confused with a soft drink.

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

Decision: The Panel found the packaging as having strong appeal to minors, noting:

- 'pastille' lollies, including blackcurrant pastilles, are a longstanding confectionery with Rowntree's have been continuously sold since 1881;
- it is reasonable to assume the lollies are consumed across age groups and the lollies and the name is popular and recognisable to minors;
- there is no basis to believe blackcurrant pastilles were popular with minors say up to the early 2000's and since then to invoke fond childhood recollections for adult consumers, but the lolly is now not popular with minors;
- the packaging uses the well-recognised alcohol descriptor 'ale' with sufficient prominence to establish the product as an alcohol beverage;
- the packaging uses eye-catching colours likely to attract the attention of minors; and
- the combined elements of the packaging create an illusion of a smooth transition to an alcoholic beverage.

The Company agreed to modify the packaging.



Hang Loose Juice NEIPA (complaint regarding content)

Complaint: Packaging and Facebook post would appeal to minors and be confused with a soft drink and reference to 'hang loose' in the Facebook post also implies the product will provide the consumer with comfort or relaxation .

ABAC standard: Alcohol marketing cannot:

- have strong or evident appeal to minors; or
- suggest that the consumption of alcohol offers any therapeutic benefit or is a necessary aid to relaxation.

Decision: The Panel found the Facebook post did not suggest the product was a necessary aid to relaxation but found that it had strong appeal to minors by describing the product as tasting like a glass of freshly squeezed orange juice, raising a very clear implication of the product affording a smooth transition from non-alcoholic to alcoholic beverages.

However, the Panel found that taken as a whole a reasonable person would not understand the packaging has strong appeal to minors noting:

- the term juice would be associated by a reasonable person as referring to a non-alcohol product as would the descriptor 'blood orange';
- while some non-alcoholic products containing fruit juice are available in cans, most usually 'juice' or 'fruit juice' is not packaged in cans and a reasonable person would commonly associate juice products being available in styles of plastic or glass bottles or prima box containers;
- the 'hang loose' phrase would have resonance across age groups but cannot be said to be targeted towards or have an attractiveness to minors beyond its general attractiveness to adults; and
- the packaging does not employ bright colours or other design elements considered likely to engage or attract the attention of minors.

The Company modified the Facebook post.



Gooné Wine (complaint regarding content)

Complaint: Instagram account includes under 25 year olds in the marketing and encourages drinking in an irresponsible manner.

ABAC standard: Alcohol marketing cannot:

- show or encourage the excessive or rapid consumption of alcohol;
- show or directly imply irresponsible or offensive behaviour related to the consumption of alcohol;
- depict an adult who is under 25 years of age unless:
 - they are not visually prominent; or
 - they are not a paid model or actor and are shown in a Marketing Communication that has been placed within an Age Restricted Environment.
- show or directly imply the consumption or presence of an alcohol beverage as a cause of or contributing to the achievement of social success; or
- suggest that the consumption of an Alcohol Beverage offers any therapeutic benefit or is a necessary aid to relaxation.

Decision: The Panel held the view that each of the sample posts selected were in breach of one or more ABAC standards, noting:

- Two posts were in breach of Part (a) standards:
 - One by implying irresponsible drinking patterns, in particular day drinking which can have connotations of addiction, and used humour to exaggerate a reaction one might have when hungover;
 - Another by implying a woman is consuming the product rapidly with a suggestion two friends, rather than the woman herself, are controlling her levels of consumption of the product;
- Three posts included images of people aged under 25;
- A post was in breach of Part (c)(ii) by suggesting that your friends would want nothing to do with you if you decided not to drink alcohol;
- A post with the caption the caption, 'Happy Hump Day!! Couldn't think of a better way to get you through the last half of the week than a cold cuppa #Gooné" implies that weekday life is difficult, and the product will help a person get through their week, namely make life easier.

The posts were removed.



Four Pillars Bloody Shiraz Gin (complaint regarding content and placement)

Complaints: The ad shows an image of a woman who looks as if she has been shot and is placed near two schools.

ABAC standard: Alcohol marketing cannot:

- show or directly imply offensive behaviour related to the consumption of alcohol; or
- be directed at minors by a breach of ABAC Placement Rules.

Decision: The Panel decided there was a breach of ABAC Placement Rule 1 in relation to one of the site that was within 150 metres line of sight of a school and also found that the advertisement implied offensive behaviour related to the presence of alcohol, noting:

- the principal take-outs for a reasonable person from the billboard is the woman, the 'liquid' covering her head and the product image and name;
- it is by no means instantly apparent from a static installation that the liquid covering the woman's head is the 'revelation' caused by the taste of the product;
- the liquid could easily be taken as blood from its appearance, and this interpretation is supported to some extent by the use of the word 'Bloody';
- even if the liquid is assumed to be shiraz gin and not blood, the image could easily be taken as the product having been thrown onto the woman; and
- throwing liquid at a woman or showing blood covering the woman's head does reasonably connote an act of aggression against a passively depicted woman.

The Company arranged for the advertisement to be immediately withdrawn from the sites near to schools and withdrew the advertisement from market entirely.



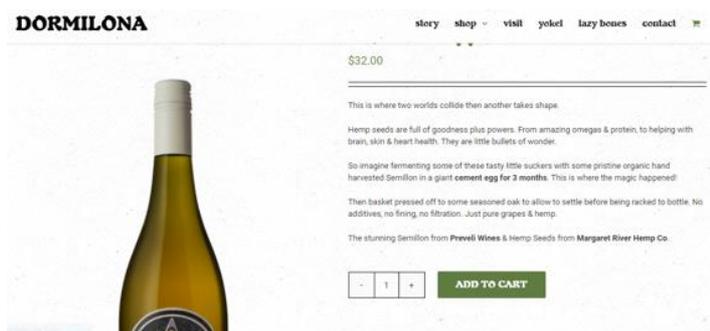
Dormilona Hemp Semillon (complaint regarding content)

Complaint: The wine makes health claims about the benefits of hemp and therefore the wine product.

ABAC standard: Alcohol marketing cannot suggest the consumption of an alcohol beverage offers a therapeutic benefit.

Decision: The Panel found that by linking the factual references to the benefits of hemp seeds to the wine product by describing the incorporation of hemp seeds into the fermentation process as being where 'the magic happened', a fair reading of the website entry as a whole is that the product will help with brain, skin, and heart health and such an implication is a breach of the ABAC standard

The Company has removed the website entry.



Bloke in a Cardigan (complaint regarding content)

Complaint: The Instagram post shows a person under the age of 25 or possibly under 18.

ABAC standard: Alcohol marketing cannot:

- 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.
- depict an adult who is under 25 years of age unless:
 - they are not visually prominent; or
 - they are not a paid model or actor and are shown in a Marketing Communication that has been placed within an Age Restricted Environment.

Decision: The third party post became an alcohol marketing communication by the company when they chose to reshare it via their account. While the persons age is unknown and their face is not visible, the Panel believes that a reasonable viewer would assess the person as under the age of 25, noting:

- the person’s frame suggests a young male;
- the person’s Instagram profile, ‘@joe_maher_03’ prominently shown in the post includes the number 03, suggesting this is their year of birth, and a person born in 03 would be 17 or 18;
- a review of the @joe_maher_03 Instagram account shows the account holder is a young adult male who appears to be under the age of 25; and
- a reasonable person would take the caption ‘Not truly 18 till you’ve had the mother’s milk @blokeinabar’, as indicating that the person has recently turned 18.

The shared post was only available for 24 hours and the company advised it will not again be shared.



Tipple (complaint regarding content)

Complaint: EDM promoting alcohol delivery with the subject line – Tough week?

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.

Decision: The Panel found the most likely implication of the EDM is that alcohol is a contributor to the perfect weekend, which is a significant change in mood or environment from a tough week, noting:

- the email positions a 'perfect weekend' as an answer to the question of 'Tough Week?';
- a perfect weekend comprises several relaxing and stress free components including 'favourite wine or beers delivered'; and
- the role of alcohol is emphasised by showing the woman in a relaxed pose next to the bottle of wine.

The Company has advised they will not re-use the EDM.



Hairyman Pop Ale (complaint regarding content)

Complaint: Packaging and Facebook post could appeal to very young potential drinkers and be confused with a soft drink.

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

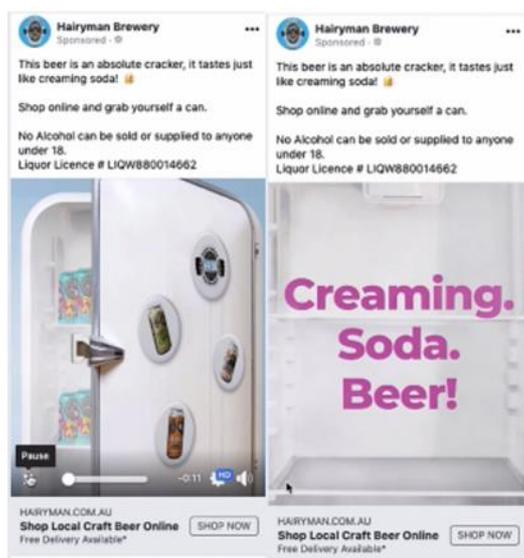
Decision: A majority of the Panel did not believe it is likely that most consumers, including minors, would think the product is a soft drink, nor does the labelling have strong appeal to minors given:

- the term 'Ale' is well recognised as establishing a product as being a beer and other cues that the product is alcoholic are found on the label;
- in some circumstances the term 'Pop' will connote a soft drink, but generally carbonated non-alcoholic drinks in Australia are popularly referred to and marketed as soft drinks rather than the American expression of soda pop;
- the 'Pop Ale' graphic references a well-known Pop Art style;
- the can design does not resemble common soft drinks which tend to use clean bold block colours e.g. Coke Cola, Fanta, Sprite etc and not the busy complicated imagery employed on the product;
- the small font information on the side of the can is headed 'Creaming Soda Ale' but the same panel does clearly state the product is a craft beer; and
- the hairyman logo and paw prints of the hairyman creature are not considered likely to appeal to minors.

However, the Panel believed the major and prominent references to creaming soda in the Facebook video advertisement (as opposed to the small font reference on the side of the product can) does tip the advertisement into having strong and evident appeal to minors in breach of the Part 3 (b) standard. The Panel noted:

- the creaming soda references in the advertisement makes the marketing highly relatable and recognisable to minors;
- the prominent creaming soda references enhance the illusion that the product offers a smooth transition from non-alcoholic to alcohol beverages for minors;
- the graphics and movement of the cans of the product in the advertisement are eye-catching and emphasise the bright colour of the product can; and
- while no one element alone is decisive, taken as a whole a reasonable person would believe the ad had strong appeal to minors.

The Facebook post has been removed.



One Drop Soursop & Indica Sour Ale (complaint regarding content)

Complaint: Product references weed culture.

ABAC standard: Alcohol marketing cannot suggest the consumption of an alcohol beverage offers a therapeutic benefit.

Decision: The Panel found that the language in the website entry does, in part, suggest a significant change in mood and illicit drug impacts (as opposed to the lawful use of hemp derived elements in beverages and foodstuffs). References to 'dope' and 'Irie vibes' directly imply a change in mood and potentially illegal drug use related to the consumption of the product.

However, the Panel found that the packaging did **not** of itself breach an ABAC standard, noting:

- the can does raise hemp/cannabis imagery, however there is no ABAC standard which directly precludes such imagery;
- given hemp products and extracts are lawfully used in a range of products, it cannot be fairly concluded that a hemp leaf image is encouraging irresponsible or offensive behaviour; and
- the can design cannot of itself be said to be suggesting a change in mood, given there is no initial mood established which is then altered by the introduction of the product.

The website entry has been modified.



Expedited Determination

Bigshot Brewed Alcoholic Drink (complaint regarding content)

Complaint: That an Instagram post shows a woman swimming while implying the woman is trying to drink an alcohol beverage in a reckless manner.

ABAC standard: Alcohol marketing cannot:

- show or encourage the excessive or rapid consumption of alcohol; or
- show or directly imply 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 swimming.

Company Action: The Company accepted the breach and removed the post.

Nature of Breach: An Instagram post showing a person wearing swimwear, who looks as though they may imminently re-enter the water, pouring alcohol into their mouth, is an alcohol marketing communication directly implying both 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 and the excessive or rapid consumption of an Alcohol Beverage.



Marketing Consistent with ABAC Standards

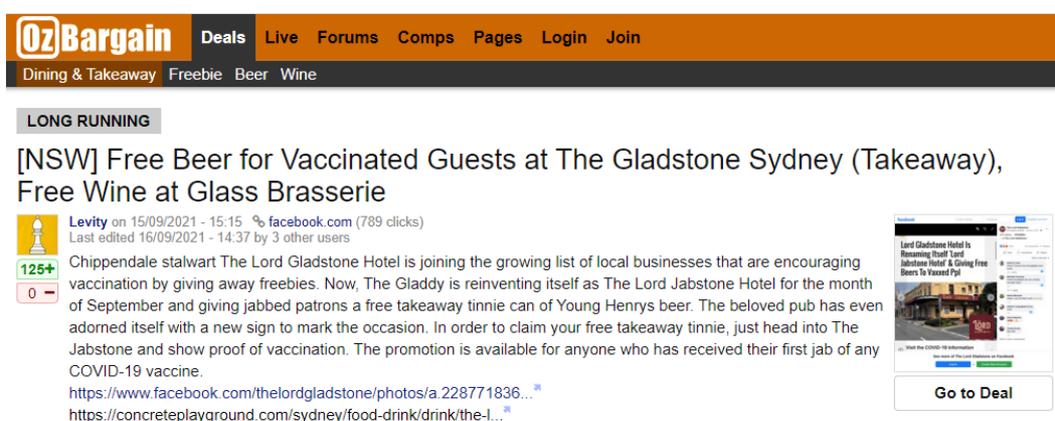
Lord Gladstone Hotel (complaint regarding content)

Complaint: They are offering free alcohol [to people who can provide] proof of vaccination and people shouldn't be coerced into vaccination with bribery for a substance that has killed far more people... i.e. alcohol.

ABAC standard: Alcohol marketing cannot show or directly imply irresponsible or offensive behaviour related to the consumption of alcohol

Decision: The Panel noted it is recognised that promotional activities which gift alcohol as a prize or reward need to be conducted carefully and in a manner which is consistent with the responsible and moderate use of alcohol. The promotional activity of the Company meets this requirement noting:

- a single can of beer is the gift being offered per vaccinated person; and
- the Therapeutic Goods Administration has issued a permission which expressly allows alcohol to be offered as recognition for people who have been vaccinated under the national Covid-19 vaccination program.



OzBargain Deals Live Forums Comps Pages Login Join

Dining & Takeaway Freebie Beer Wine

LONG RUNNING

[NSW] Free Beer for Vaccinated Guests at The Gladstone Sydney (Takeaway), Free Wine at Glass Brasserie

Levity on 15/09/2021 - 15:15 % facebook.com (789 clicks)
Last edited 16/09/2021 - 14:37 by 3 other users

125+ 0

Chippendale stalwart The Lord Gladstone Hotel is joining the growing list of local businesses that are encouraging vaccination by giving away freebies. Now, The Gladly is reinventing itself as The Lord Jabstone Hotel for the month of September and giving jabbed patrons a free takeaway tinnie can of Young Henrys beer. The beloved pub has even adorned itself with a new sign to mark the occasion. In order to claim your free takeaway tinnie, just head into The Jabstone and show proof of vaccination. The promotion is available for anyone who has received their first jab of any COVID-19 vaccine.

<https://www.facebook.com/thelordgladstone/photos/a.228771836...>

<https://concreteplayground.com/sydney/food-drink/drink/the-l...>

Go to Deal

Dan Murphy's (complaint regarding content)

Complaint: Marketing encouraging children to buy alcohol for their fathers over other activities and suggesting alcohol will be seen as a reward and something children can share with their fathers.

ABAC standard: Alcohol marketing cannot:

- show or directly imply irresponsible or offensive behaviour related to the consumption of alcohol; and
- have strong or evident appeal to minors.

Decision: The Panel found that the ad was not in breach of the ABAC standards, noting:

- the ad does not depict minors nor family scenes but shows mature scenarios with middle aged men;
- the scenarios depicted are not considered likely to strongly resonate with minors;
- the ad is light hearted but the humour is not couched in language nor life experiences likely to strong appeal to minors;
- alcohol consumption shown in the ad is moderate and no person appears affected by alcohol use; and
- taken as a whole, the ad appears directed at an adult audience and shows alcohol use in a responsible manner.



State of Light Wines (complaint regarding content)

Complaint: Instagram post does not promote moderate consumption and highlights drinking near open bodies of water.

ABAC standard: Alcohol marketing cannot:

- show or encourage excessive or rapid consumption, misuse or abuse of alcohol; or
- show the consumption of alcohol before or during any activity that, for safety reasons, requires a high degree of alertness or physical co-ordination, such as swimming.

Decision: The Panel found that the post does not breach the ABAC standards, noting:

- the photograph is staged to highlight the product and does not show any person in the shot;
- the bottles do not appear to be opened, no wine glasses are shown, and no direct implication of consumption, excessive or otherwise, can be drawn;
- the accompanying text supports the photograph being a staged shot, and includes no implication of excessive consumption or consumption before or during activities in the pictured swimming pool; and
- it is consistent with the ABAC to place an alcohol product in a pleasing setting and a reasonable person would not take the post as encouraging excessive consumption of wine or drinking wine before or during an activity that requires a high degree of alertness or physical co-ordination.



Maker's Mark (complaint regarding placement)

Complaint: Placement during Bledisloe Cup when children will be watching.

ABAC standard: Alcohol marketing cannot be directed at minors by a breach of ABAC Placement Rules.

Decision: The Panel decided there was no breach of ABAC Placement Rules:

- the Commercial Television Industry Code of Practice allows placement during live sport;
- age restriction controls are not available for free to air television broadcasts;
- the audience of the Bledisloe Cup broadcast was greater than 75% adults (80-100% adult audience across different time slots and markets); and
- the Bledisloe Cup broadcast would have broad appeal across all age groups but is not aimed primarily at minors.

Hard Fizz (complaint regarding content)

Complaint: Instagram and Facebook post objectifies women, is irresponsible, suggests you need alcohol to get through life, shows misuse of alcohol and alcohol as a replacement for water during exercise.

ABAC standard: Alcohol marketing cannot:

- show or encourage excessive or rapid consumption, misuse or abuse of alcohol or irresponsible or offensive behaviour related to the consumption of alcohol;
- suggest the consumption or presence of alcohol may create or contribute to a significant change in mood or environment or the achievement of sexual success; or
- suggest the consumption of alcohol offers any therapeutic benefit.

Decision: The Panel found that the posts do not breach the ABAC standards, noting:

- the post would be recognised to be a clip taken from a music video and the depiction of FISHER and the performers/dancers in the clip would be understood by a reasonable person to be consistent with the style often used in videos of this kind;
- neither FISHER nor the dancers are shown consuming any more than a mouthful of the product and do not appear to be affected by alcohol use;
- the clip shows a sexualised style of dance/performance but it is clear this is not caused by the presence or consumption of the product but is consistent with music videos of this genre; and
- it cannot be fairly concluded that the product is being suggested as offering a positive health benefit by simply placing it within the context of the aerobics class.



VB (complaint regarding content)

Complaint: Instagram post of an under 25 year old who looks 16 and it appears from their Instagram account is 24.

ABAC standard: Alcohol marketing cannot:

- depict an adult who is under 25 years of age unless:
 - they are not visually prominent; or
 - they are not a paid model or actor and are shown in a Marketing Communication that has been placed within an Age Restricted Environment.

Decision: The Panel found that the post did not breach the ABAC standard, noting:

- it is not entirely certain how old the woman featured in the post is, however, it seems clear the woman is over 18 and possibly is 24 years old; and
- the post is user generated content for which the creator has not been paid.



Jack Daniel's (complaint regarding content)

Complaint: TV ad that shows a woman throwing her mobile phone in a lake, portrays alcohol use as an excuse for environmental pollution to the detriment of First Nations peoples.

ABAC standard: Alcohol marketing cannot:

- show or directly imply irresponsible or offensive behaviour related to the consumption of alcohol;

Decision: The Panel found that the ad was not in breach of the ABAC standard, noting:

- the ad creates several different scenarios which show someone acting on a long-held desire - one of which was to ignore a call from the boss and throw away the phone, with each of the scenarios reflecting a fantasy that a reasonable person could recognise, and they would not be taken as a serious call to action;
- in any event, the ad implies moderate consumption, the people in the phone scenario are not shown consuming alcohol, although there is an almost full bottle of Jack Daniels in the background of that scene and none of the characters depicted appear affected by alcohol;
- the scenario of the call from the boss reflects a desire to put work to one side, but it is not reasonable to believe the ad is encouraging pollution of the environment;
- taken as a whole a reasonable person would not regard the ad as encouraging irresponsible or offensive behaviour related to the consumption or presence of alcohol.



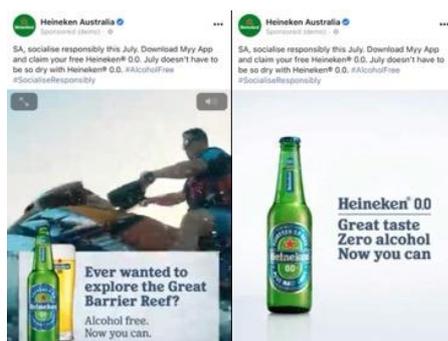
Heineken 0.0 (complaint regarding content)

Complaint: Irresponsible to associate beer (even non-alcoholic) with risky water sports.

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

Decision: The Panel did not believe that a reasonable person would understand the post as suggesting that alcohol be consumed in conjunction with the inherently dangerous activity of operating a jetski, noting:

- the product is clearly identified as containing no alcohol through prominent references to 'Alcohol free' and 'Zero Alcohol' and there is no prospect it will be confused with an alcohol beer in the Heineken range;
- the premise of the ad is to reinforce that zero alcohol beer is the only acceptable beer to consume when undertaking an activity like operating a jetski; and
- a reasonable person would not interpret the ad as encouraging alcohol use while operating a jetski.



VB (complaint regarding content and placement)

Complaint: VB television ad targets minors and is advertising beer to minors.

ABAC standard: Alcohol marketing cannot:

- have strong or evident appeal to minors; or
- be directed at minors by a breach of the ABAC Placement Rules.

Decision: The Panel decided the ads had a mature look and feel and there were no breaches of ABAC placement rules.

Lucky Bay Brewing (complaint regarding content)

Complaint: Radio ad promotes alcohol as a crutch to get through your day and impress friends.

ABAC standard: Alcohol marketing cannot:

- show or directly imply the consumption or presence of an alcohol beverage as a cause of or contributing to the achievement of social success; or
- suggest that the consumption of an Alcohol Beverage offers any therapeutic benefit or is a necessary aid to relaxation.

Decision: The Panel found the ad did not breach the ABAC standards, noting:

- a reasonable person will not listen to the ad and dissect it on a line-by-line basis but will absorb the messaging from the ad as a whole;
- the overall impression from the ad is that the Company's products are being positioned as a locally produced craft beer which will be a good and popular choice for consumption after work;
- to imply the beer will be liked by friends does not mean the product causes social success - all advertising seeks to promote products in a favourable light and the ad does not suggest the product brings about the achievement of personal success;
- nor does saying the beer is a good choice of alcohol after work imply the product is a necessary aid to relaxation.

Suntory -196 (complaint regarding content)

Complaint: Editorial articles encourage excess consumption and emphasise the product's strength.

ABAC standard: Alcohol marketing cannot:

- show or encourage the excessive or rapid consumption of alcohol; or
- encourage the choice of a particular alcohol beverage by emphasising its alcohol strength or intoxicating effect.

Decision: It is common practice for marketers of all kinds - from product owners to political parties - to seek to secure news media coverage to buttress promotional campaigns. This is not improper and is not within the ambit of the ABAC Scheme. Based on the available information, the articles identified in the complaint were found not to fall within the scope of 'marketing communication' for ABAC purposes and therefore the Panel found it had no role in assessing the content of the articles.

Carlton Draught (complaint regarding placement)

Complaint: Product placement within 'The Front Bar' when minors are viewing.

ABAC standard: Alcohol marketing cannot be directed at minors by a breach of Placement Rules.

Decision: The Panel decided there was no breach of ABAC Placement Rules:

- the show is broadcast at 8:30pm or 11:30pm consistent with Commercial Television Industry Code of Practice time restrictions;
- age restriction controls are not available for free to air television broadcasts;
- the audience of the content is greater than 75% adults (average of 95% over season); and
- the program is not aimed primarily at minors- it is a live panel discussion of AFL, which is a sport with broad appeal across all age groups rather than appeal aimed primarily at minors, the hosts are all middle aged, the program has a mature look and feel, and the humour is adult in tone.

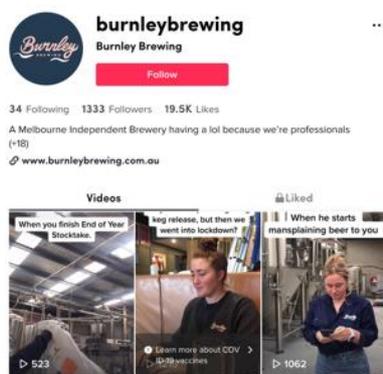
Burnley Brewing (complaint regarding placement)

Complaint: The Burnley Brewing TikTok page would breach standards on placement around minors.

ABAC standard: Alcohol marketing cannot be directed at minors by a breach of the Placement Rules.

Decision: The Panel decided there were no breaches of ABAC placement rules:

- the Company's account and posts are marketing communications for ABAC purposes and need to comply with ABAC requirements including the Placement Rules;
- the potentially applicable rules to alcohol marketing communications served over Tik Tok are Placement Rules 2, 3 and 4;
- Rule 2 has not been breached as while Tik Tok does have user options to restrict the receipt of content, the platform to date has not offered an age restriction control to alcohol companies to exclude minors from receiving posts or accessing an account;
- Rule 3 has not been breached as information on the operation of the platform's algorithm strongly suggests that while minors are a significant segment of the overall user profile of Tik Tok users, it is unlikely that over 25% of the 'reasonably expected audience' of the Company's account and posts would be minors; and
- Rule 4 has not been breached as each Tik Tok user has an individually curated feed of content and the operation of the algorithm suggests that the Company's posts would not be fed with content primarily aimed at minors.

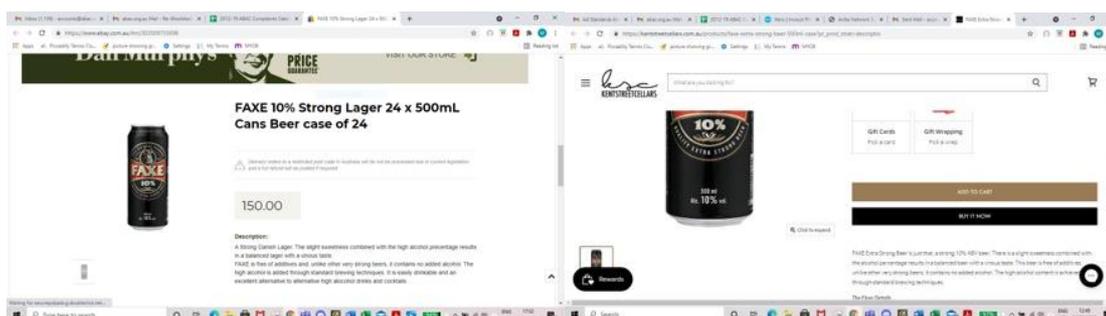


Dan Murphy's & Kent Street Cellars (Faxe Lager) (complaint regarding content)

Complaint: Retailer websites advertise Faxe Lager based on its high alcohol content and how drinkable the high alcohol content is.

ABAC standard: Alcohol marketing cannot encourage the choice of a particular alcohol beverage by emphasising its alcohol strength or intoxicating effect.

Decision: The Panel decided there was no breach of ABAC standards, noting that while the terms 'strong' and 'high alcohol' are mentioned several times in each website entry, the Panel does not believe a reasonable person would consider the entry breaches the standard. The description of the product as strong is factual. The entry then goes to mention a range of product attributes. The entry is not emotive or overblown in its discussion of the product and references to its alcohol content are contextual.



Great Northern (complaint regarding content)

Complaint: It is high risk consuming alcohol on a boat, especially while travelling.

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

Decision: The Panel found that the ad did not breach the standard, noting:

- as the boat is moving it is apparent that the three men shown are not in control of the boat and are passengers;
- it is generally accepted in the community that alcohol use by passengers of a boat can occur safely;
- the weather conditions do not appear to be dangerous for boating; and
- the men are each shown with one beer and there is no implication excessive alcohol use has or will occur.



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>.