



## ABAC Adjudication Panel Determination No 84/22

**Product:** Smirnoff Seltzer  
**Company:** Diageo  
**Media:** Digital TV - BVOD  
**Date of decision:** 24 November 2022  
**Panelists:** Professor The Hon Michael Lavarch (Chief Adjudicator)  
Ms Debra Richards  
Professor Richard Mattick

### Introduction

1. This determination by the ABAC Adjudication Panel (“the Panel”) concerns television advertising for Smirnoff Seltzer (“the Product”) by Diageo (“the Company”). It arises from a complaint received on 17 October 2022 that the advertisement was placed with Australia’s Got Talent, a program commonly viewed by minors. It was further contended the advertisement has strong or evident appeal to children.
2. Alcohol marketing in Australia is subject to an amalgam of laws and codes of practice, that regulate and guide the content and, to some extent, the placement of marketing. Given the mix of government and industry influences and requirements in place, it is accurate to describe the regime applying to alcohol marketing as quasi-regulation. The most important provisions applying to alcohol marketing are found in:
  - (a) Commonwealth and State laws:
    - Australian Consumer Law – which applies to the marketing of all products or services, and lays down baseline requirements, such as that marketing must not be deceptive or misleading;

- legislation administered by the Australian Communications and Media Authority – which goes to the endorsement of industry codes that place restrictions on alcohol advertising on free to air television;
- State liquor licensing laws – which regulate retail and wholesale sale of alcohol, and contain some provisions dealing with alcohol marketing;

(b) Industry codes of practice:

- AANA Code of Ethics – which provides a generic code of good marketing practice for most products and services, including alcohol;
- ABAC Responsible Alcohol Marketing Code (“ABAC Code”) – which is an alcohol specific code of good marketing practice;
- certain broadcast codes, notably the Commercial Television Industry Code of Practice – which restricts when advertisements for alcohol beverages may be broadcast;
- Outdoor Media Association Code of Ethics and Policies – which place restrictions on the location of alcohol advertisements on outdoor sites such as billboards.

3. The codes go either to the issue of the placement of alcohol marketing, the content of alcohol marketing or deal with both matters. The ABAC deals with both the placement of marketing i.e. where the marketing was located or the medium by which it was accessed and the content of the marketing irrespective of where the marketing was placed. The ABAC scheme requires alcohol beverage marketers to comply with placement requirements in other codes as well as meet the standards contained in the ABAC.
4. For ease of public access, Ad Standards provides a common entry point for alcohol marketing complaints. Upon a complaint being received by the Ad Standards, a copy of the complaint is supplied to the Chief Adjudicator of the ABAC.
5. The complaint is independently assessed by the Chief Adjudicator and Ad Standards and streamed into the complaint process that matches the nature of the issues raised in the complaint. On some occasions, a single complaint may lead to

decisions by both the Ad Standards Community Panel under the AANA Code of Ethics and the ABAC Panel under the ABAC if issues under both Codes are raised.

6. The complaint raises concerns under the ABAC Code and accordingly is within the Panel's jurisdiction.

### **The Complaint Timeline**

7. The complaint was received on 17 October 2022.
8. The Panel endeavours to determine complaints within 30 business days of receipt of the complaint, but this timeline depends on the timely receipt of materials and advice and the availability of Panel members to convene and decide the issue. The complaint was completed in this timeframe.

### **Pre-vetting Clearance**

9. The quasi-regulatory system for alcohol beverage marketing features an independent examination of most proposed alcohol beverage marketing communications against the ABAC prior to publication or broadcast. Pre-vetting approval was obtained for the packaging of the products and the content of the television ad (Approval Numbers 20830 and 3737).

### **The Marketing**

10. The complaint relates to Digital TV advertising for the product, which was seen on 7Plus during streaming of Australia's Got Talent. The Company has advised that two ads were being shown at the time, entitled "Not My Arms" and "Dance".

#### **Not My Arms**

The advertisement commences with footage of a can of Smirnoff Vodka Seltzer - Watermelon Margarita - being held out in front of a person as they walk through a group of people dancing at a house party.



We then see a woman at a record player, with someone standing behind her pretending that their arms are hers.

The words “Smirnoff Seltzer Vodka Cocktails” are superimposed on the screen.



The woman is then shown dancing amongst her friends.



The closing scene is of a four pack of Smirnoff Seltzer Spicy Margarita, alongside which is a can of Smirnoff Seltzer Watermelon Margarita.

Party goers can be seen in the background.

The words “Buy a 4-Pack and Claim Your Cash Back” are superimposed on the screen.



## Dance

The advertisement commences with footage of a can of Smirnoff Vodka Seltzer - Spicy Margarita - being held out in front of a person as they walk through a group of people dancing at a house party. A hand reaches out to take the can.



We then see a person at a record player.

The words “Smirnoff Seltzer Vodka Cocktails” are superimposed on the screen.



The advertisement then focuses on a different person dancing amongst their friends.



The closing scene shows a person in a lime green dress place a can of Smirnoff Seltzer Spicy Margarita on a table alongside a four pack of Smirnoff Seltzer Spicy Margarita, and then walk away.



Party goers can be seen in the background.

The words “Buy a 4-Pack and Claim Your Cash Back” are superimposed on the screen.

## The Complaint

11. The complainant objects to the marketing as follows:

- *Advertising alcoholic drinks that appear as a fun 'normal' drink during a family show is abhorrent.*
- *My children (11 and 8) both asked if they could have some.*
- *This kind of advertising pitched at a family audience is completely wrong.*

## The ABAC Code

12. Part 3 of the ABAC Code provides that a Marketing Communication must NOT:

- (b)(i) have Strong or Evident Appeal to Minors;
- (b)(iv) be directed at Minors through a breach of any of the Placement Rules.

13. Part 6 of the ABAC Code provides that:

### **Placement Rules** means:

- (i) A Marketing Communication must comply with codes regulating the placement of alcohol marketing that have been published by Australian media industry bodies (for example, Commercial Television Industry Code of Practice and Outdoor Media Association Placement Policy).
- (ii) A Marketer must utilise Available Age Restriction Controls to exclude Minors from viewing its Marketing Communications.
- (iii) If a digital, television, radio, cinema or print media platform does not have age restriction controls available that are capable of excluding Minors from the audience, a Marketing Communication may only be placed where the audience is reasonably expected to comprise at least 75% Adults (based on reliable, up-to-date audience composition data, if such data is available).
- (iv) A Marketing Communication must not be placed with programs or content primarily aimed at Minors.
- (v) A Marketing Communication must not be sent to a Minor via electronic direct mail (except where the mail is sent to a Minor due to a Minor providing an incorrect date of birth or age).

### **Strong or Evident Appeal to Minors** means:

- (i) likely to appeal strongly to Minors;
- (ii) specifically targeted at Minors;

- (iii) having a particular attractiveness for a Minor beyond the general attractiveness it has for an Adult;
- (iv) 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; or
- (v) using brand identification, including logos, on clothing, toys or other merchandise for use primarily by Minors.

## **The Company's Response**

14. The Company responded to the complaint by emailed letter on 2 November 2022. The principal points made by the Company were:

- We refer to your letter dated 24 October 2022, concerning complaint 84/22 received by ABAC in relation to advertising 'a vodka product' which Diageo has acknowledged may have been one or both ads for Smirnoff Seltzer, seen during Australia's Got Talent when watched on demand on 7 Plus.
- Thank you for inviting us to provide comments for the Panel's consideration in determining these complaints. We wish to confirm our longstanding support and commitment to upholding the ABAC Responsible Alcohol Marketing Code (ABAC), as well as our best-practice global marketing standards, the Diageo Marketing Code (DMC) and Diageo Digital Code.

### **Diageo Marketing Code (DMC) and Diageo Digital Code**

- The DMC supports our approach to innovative marketing, while at the same time ensuring we stay true to our core values and pro-actively market responsibly to adults. At the heart of the DMC, is our commitment to ensuring all our activities depict and encourage only responsible moderate drinking, and never target those who are younger than the legal purchase age (LPA) for alcohol.
- Compliance with the DMC is mandatory for all employees of Diageo, our subsidiaries and joint ventures where Diageo has a controlling interest. It also applies to third-parties engaged by Diageo who help market our brands. DMC review and sign-off must be included at each key stage of the innovation process and archived on our online approval tool, the

Diageo Content Hub. The DMC applies to all activities intended to market our beverage brands, including the Smirnoff Vodka advertisement referred to in the Complaint.

- In addition, our Diageo Digital Code ensures that we have the right governance, risk and compliance structure necessary to safeguard our reputation and leadership in the digital space. As part of the Diageo Digital Code, at a global level, we work with digital partners to tackle current and emerging digital challenges. In 2018, we built and implemented an industry-leading approach to digital marketing, called the Trusted Marketplace, which amongst other elements ensures compliance by digital publishers with our 75% LPA+ control.

### **Placement**

- In partnership with our media agency, Foundation, we have conducted a thorough review into our advertising activities for Smirnoff Seltzer Vodka Cocktails. The placement of Diageo advertisements with the 7 Plus on-demand platform takes into consideration the following controls:

#### ***Use of age-verification & targeting:***

- As per Diageo's Digital Code, Diageo only places advertisements where the audience is 75%+ above the LPA and where demographic targeting of all placements to people above the LPA can be applied. 88% of 7 Plus's audience is 18+, above our 75% minimum. According to OzTAM VOD data from October 2022, Australia's Got Talent on 7Plus achieved an audience of 95.2% 18+.

#### ***Avoiding programs 'primarily aimed at minors':***

- Diageo does not purchase media space where our advertisements are placed next to or within programs primarily aimed at children. This would not only breach ABAC, but our own DMC and Diageo Digital Code. Programming that is deemed to be primarily aimed at children is classified by 7 Plus in a 'kids' category. Diageo does not purchase any media within this category nor does 7Plus allow any alcohol advertiser to purchase media against this category.



- Australia's Got Talent is classified by 7Plus in an 'entertainment' category which is aimed at established or new family households (adults 25-54 demographic) alongside programming such as Home and Away, Farmer Wants a Wife and Big Brother.
- Diageo maintains a list of programs to be included in its online 'Video On-Demand' media buys, based on both the ABAC Code principles and the DMC. This reviewed list takes into consideration viewership data, where only programs that adhere to our 75% LPA+ control are selected. Australia's Got Talent was included in this approved list, due to the online and FTA demographic being above 75% 18+. Alongside our ability to apply 18+ targeting based on logged-in data by 7Plus.
- For noting, as a precaution and until we reach a determination, we took the action to remove the Smirnoff Seltzer Vodka Cocktails advertisements from Australia's Got Talent on 7Plus as of 28 October 2022. Channel 7 has confirmed that no airing of advertisements has taken place since this date.
- We believe all due diligence has been taken to ensure adherence to the ABAC Code during the making and placement of this advertisement. Below is our response to the specific questions outlined in your email.

#### **Alcohol Advertising Pre-vetting Service Approval**

- The packaging of the products in the marketing communication were submitted to the pre-vetting service for final approval on 23 February 2022, with approval received on 24 February 2022 (ABAC approval 20830).
- The two Smirnoff Seltzer ads were also submitted to the pre-vetting service for approval on 30 September 2022, with approval received on 30 September 2022 (ABAC approval 3737). Please see attached evidence of approval by the pre-vetting service.

#### **Responsibility toward Minors**

- The coloured cans in the advertisement do not resemble soft drinks as they show adult tattoo-style graphics of Mexican elements to cue the Mexican-style alcoholic cocktail flavours, along with key iconography of

the Smirnoff crown logo which is a key asset for the brand. The Smirnoff eyebrow is also used, in line with the Smirnoff range of product offerings.

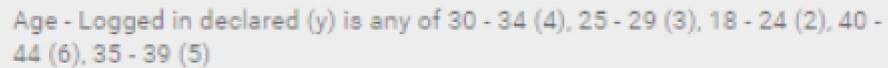
- The Smirnoff brand holds 85% prompted awareness amongst TBA and is a highly recognisable brand globally and in Australia. The word “Vodka” is included in the logo lockup across both cans, high in the packaging hierarchy, to ensure that it is unambiguous that this product is vodka-based and alcoholic in nature. The flavour variants “Spicy Margarita” and “Watermelon Margarita” are two established adult alcoholic cocktails served in bars and clubs which we have used bold typeface to highlight as another alcohol cue, in conjunction with 7% ALC/VOL in the centre, bottom of the can.
- Overall, the design elements of the cans shown in the advertisements are adult in nature. Any appeal of this product to minors would likely be incidental rather than strong or evident.
- The advertisements do not depict fun environments or activities that minors would relate to and find appealing. The two 15-second advertisements referenced in the Complaint shows a group of adults in an adult house party setting.
- The edit of ‘Not My Arms’ focuses on two adult women – one woman at the front appearing to be DJ’ing and the second woman behind her moving her arms in a “voguing” motion (exaggeration of hand gestures to tell a story and imitate performances). Voguing is a dance move that originated in the 1980’s and has been a popular dance move used amongst the LGBTIQ+ community in nightclubs and captured in fashion Magazine Vogue globally by models which according to [magazines.org.au](http://magazines.org.au) is targeted at 25–54-year-olds.
- The edit of ‘Dance’ shows a female DJ and a male dancer in the scene of a house party, dancing in a circle of background dancers. The frame up and style of this video resembles a night-club “dance floor” environment which would not be appealing to minors.
- Both ads feature a casting talent of adults aged 25 years or older in adult scenes, to appeal to an adult spirits drinker. The text/supers on screen throughout the advertisements shows “Vodka” twice – at the beginning of the ads on the product and in the middle of the ads as a lock up – along with the inclusion of 7% ALC/VOL on the end frame to ensure that is unambiguous that this product is vodka-based and alcoholic in nature.

Additionally, in conjunction with the above, the end frame depicts a whole chili, a mature spicy flavour that would not appeal to minors.

- For these reasons we do not believe these ads depict an environment or activities that minors would relate to or find appealing.

### Placement Rules

- Available Age Restriction controls were utilised to exclude Minors from viewing the Marketing Communication whilst streaming Australia's Got Talent on 7 Plus.
- Our media agency Foundation purchased the media, whereby 18+ demographic targeting was selected utilising 7Plus first party data based on logged in user information. Please see below screenshot evidence of all 18+ logged in users, with evidence of the exclusion of all logged in users under the age of 18. For noting, it is now mandatory to log into 7 Plus.



Age - Logged in declared (y) is any of 30 - 34 (4), 25 - 29 (3), 18 - 24 (2), 40 - 44 (6), 35 - 39 (5)

### Audience composition data

- The registered logged in users on 7Plus watching Australia's Got Talent was 92% 18+ (195k) (7Plus First Party Data over the period 8 August to 19 September 2022).
- 95.2% of logged in users that watch Australia's Got Talent are 18+, according to OzTam data over the month of October, which sits well above the 75% 18+ threshold.
- 93.2% of FTA viewers that watch Australia's Got Talent are 18+ according to OzTam data, which sits above the 75% 18+ threshold.
- Please see below the demographic breakdown for broadcast.

AGT	7Plus	Linear
0-17	4.7%	6.9%
18-64	83.6%	52.5%
65+	11.6%	40.7%

### **Content not primarily aimed at Minors**

- Australia's Got Talent is not primarily aimed at Minors and does not have content primarily aimed at minors.
- As described above, all content that is aimed at minors is categorised by 7 plus as 'Kids'. 7 Plus does not sell any alcohol advertising within this category nor does Diageo purchase media against content or programs that are primarily aimed at minors, as this would breach our own DMC as well as the ABAC Code. Australia's Got Talent is categorised under 'entertainment' which is aimed at established and new family households (adults 25-54 demographic) alongside programming such as Home and Away, Farmer wants a Wife, and Big Brother.
- We would be happy to provide you with any further information should you require.

### **The Panel's View**

15. This determination arises from a complaint relating to a television advertisement for Smirnoff Vodka seen while the complainant used the 7Plus service to access the entertainment program, "Australia's Got Talent". The complainant contends that alcohol advertising should not be placed with Australia's Got Talent because the program is a family show watched by minors. Further, it is argued that the content of the advertisement is strongly appealing to minors as it makes it "*appear as a fun 'normal' drink*".
16. The ABAC contains standards of good practice for alcohol marketing. A key standard is that alcohol marketing should not be strongly appealing to under 18 year-olds. To achieve this policy goal, the ABAC contains both a standard going to the content of alcohol marketing and a set of rules which aim to have alcohol marketing (irrespective of its content) directed towards adult audiences and to the extent possible away from minors. This means the issues for consideration for this determination is whether:
  - Does the placement of the advertisements with "Australia's Got Talent" breach the ABAC Placement Rules?
  - Does the content of the television advertisement have strong or evident appeal to minors in breach of the ABAC content standard?

## **Australia's Got Talent and the ABAC Placement Rules**

17. The complainant has argued that Australia's Got Talent is a family show which is being watched by children and it is inappropriate for alcohol advertising to be included with the show. This concern requires an assessment of the ABAC Placement Rules.
18. The ABAC includes five Placement Rules which impose obligations on marketers, three of which are potentially relevant in the current case namely:
  - if a media platform on which the ad appears has age restriction controls to exclude minors, then these controls must be used - Rule 2;
  - if age restrictions controls cannot exclude minors, then an ad can only be placed where the audience is reasonably expected to comprise at least 75% adults - Rule 3; and
  - an ad must not be placed with programs or content primarily aimed at minors - Rule 4.
19. While Australia's Got Talent is broadcast over the primary free to air Channel 7, the complainant accessed the program via the 7 Plus Broadcast Video on Demand (BVOD) service. Digital transmissions via 7Plus do have an age restriction capacity. This arises because 7Plus requires an account to be opened and the account holder to provide a date of birth. With this information, both the 7 Network and alcohol marketers can exclude account holders aged under 18 years old from being served alcohol ads. The alcohol company advised this facility was used.
20. It is fair to say that the impact of Placement Rule 2 is more meaningful when social media is accessed via internet-connected devices such as phones and tablets. This is because many people including minors have a personal device and personal social media accounts on platforms such as Instagram. These platforms now have quite effective age restriction controls to exclude minors from seeing alcohol marketing. In contrast, 7 Plus has an age restriction capacity, but in practical terms the account will be held by an adult and the shows will be co-viewed by all people in the household including children.
21. Placement Rules 3 and 4 go to the reasonably expected audience and the nature of the program with which the alcohol ad was placed. Rule 3 provides that an alcohol ad may only be placed where the audience is reasonably expected to comprise at least 75% adults. It is possible to assess the audience of TV

programs through the ratings system and the Company has supplied ratings data. This data reveals that the audience for Australia's Got Talent over both linear free to air TV and accessed 'on demand' on 7Plus meets the 75% adult benchmark.

22. Rule 4 provides an alcohol ad must not be placed with programs or content primarily aimed at minors. 'Primarily aimed' means the program must be more than being of interest to minors. It means that the program has minors as its primary focus. This can be assessed by considering factors such as:
  - the subject matter of the program and whether the subject matter has themes likely to predominately appeal to children or adolescents;
  - the use of familiar children's characters or whether children and adolescents are principal characters within the program;
  - the storyline and whether the complexity of the plot suggests its target audience is adult;
  - the use of language and the presence of adult themes such as violence and the portrayal of sexuality; and
  - the actual audience of the program.
23. Australia's Got Talent is an Australian reality television talent show that first screened in 2007 and has been broadcast on the 7 Network and for a time on Channel 9. It features performers of all ages, including minors, competing for a cash prize. In 2011 the winner was 14-year-old singer Jack Vidgen.
24. The host for the current season is Ricki-Lee Coulter and the judging panel consists of Shane Jacobson, Kate Ritchie, and Britain's Got Talent judges David Walliams and Alesha Dixon none of whom are predominately recognised as children's entertainers. The program has translated into popular culture, with organisations such as workplaces, schools, churches and community sporting clubs similarly naming their own talent competitions (for example, "*ABAC's Got Talent*" or "*X School's Got Talent*"). There is no doubt the show has appeal across age groups, but the show cannot be fairly said to be primarily aimed at under 18-year-olds. It does not have a particular attractiveness for a minor beyond the general attractiveness it has for an adult.
25. Drawing all this together, there has not been a breach of the ABAC Placement Rules by showing alcohol ads with Australia's Got Talent given:

- the age restriction controls available on the 7 Plus BVOD platform were utilised to exclude account holders who are minors from being served with alcohol ads;
- the audience for Australia's Got Talent fell comfortably within the 75% adult requirement of the Placement Rules; and
- while Australia's Got Talent has wide appeal, including to minors, it cannot be said to be primarily aimed at minors.

### **Smirnoff Vodka advertisements and Strong Appeal to Minors**

26. Beyond the question of the placement of the ads with Australia's Got Talent, it was argued that the content of the ad drew the attention of children. The relevant content standard is contained in Part 3 (b)(i) of the Code and provides that an alcohol ad must not have strong or evident appeal to minors. This might be breached if the ad:

- specifically targets minors;
- has a particular attractiveness for a minor beyond the general attractiveness it has for an adult; or
- uses imagery, designs, motifs, animations or cartoon characters that are likely to appeal strongly to minors.

27. The benchmark applied when assessing if an ABAC standard has been satisfied is the 'reasonable person' test. This means the Panel puts itself in the shoes of a person who has the life experiences, opinions and values commonly held by most Australians, and assesses how this reasonable person would probably understand the marketing communication.

28. The Company, submitted that the ad was consistent with ABAC standards arguing:

- the coloured cans in the advertisement do not resemble soft drinks as they show adult tattoo-style graphics of Mexican elements to cue the Mexican-style alcoholic cocktail flavours;
- the Smirnoff brand holds 85% prompted awareness and is a highly recognisable brand globally and in Australia. The key iconography of the

Smirnoff crown logo and the Smirnoff eyebrow is used, in line with the Smirnoff range of product offerings;

- the word “Vodka” is included on both cans, high in the packaging hierarchy, so that it is unambiguous that this product is vodka-based and alcoholic in nature. The text/supers on screen throughout the advertisements shows “Vodka” twice – at the beginning of the ads on the product and in the middle of the ads;
- the ABV is shown in the centre, bottom of the can and serves as another alcohol cue, along with the inclusion of 7% ALC/VOL on the end frame of the advertisements to ensure that it is unambiguous that this product is vodka-based and alcoholic in nature;
- the advertisements do not depict fun environments or activities that minors would relate to and find appealing. The two 15-second advertisements referenced in the complaint shows a group of adults in an adult house party setting;
- both ads feature a casting talent of adults aged 25 years or older in adult scenes, to appeal to an adult spirits drinker;
- additionally, in conjunction with the above, the end frame depicts a whole chili, a mature spicy flavour that would not appeal to minors;
- overall, the design elements of the cans shown in the advertisements are adult in nature and do not depict an environment or activities that minors would relate to or find appealing. Any appeal of this product or advertisement to minors would likely be incidental rather than strong or evident.

29. The Panel has considered the factors that might give rise to a strong or evident appeal to minors on previous occasions. While each marketing communication must always be assessed individually, some characteristics within marketing material which may make it strongly appealing to minors include:

- the use of bright, playful, and contrasting colours;
- aspirational themes that appeal to minors wishing to feel older or fit into an older group;
- illusion of a smooth transition from non-alcoholic to alcoholic beverages;



- creation of a relatable environment by use of images and surroundings commonly frequented by minors;
  - depiction of activities or products typically undertaken or used by minors;
  - language and methods of expression used more by minors than adults;
  - inclusion of popular personalities of evident appeal to minors at the time of the marketing (personalities popular to the youth of previous generations will generally not have strong current appeal to minors);
  - style of humour relating to the stage of life of a minor (as opposed to humour more probably appealing to adults); and
  - use of a music genre and artists featuring in youth culture.
30. It should be noted that only some of these characteristics are likely to be present in a specific marketing communication and the presence of one or even more of the characteristics does not necessarily mean that the marketing item will have strong or evident appeal to minors. It is the overall impact of the marketing communication rather than an individual element that shapes how a reasonable person will understand the item.
31. The Panel does not believe the ads breach the ABAC standard. It was noted:
- all characters depicted in the ad are clearly adult and no minors are shown in incidental or other roles;
  - the ad does establish the product is alcoholic through depictions of the product packaging and logo which use the well recognised alcohol term of vodka;
  - while the backdrop is a bright and fast-moving party, the tone is adult and is not considered highly relatable to children or adolescents.
  - taken as a whole, the ad is unlikely to appeal strongly to minors.

## **Conclusion**

32. It is acknowledged that the complainant has raised a genuine concern regarding the placement of the ad with Australia's Got Talent. The program is not "primarily aimed at minors" but it can be fairly recognised that a talent show which includes under 18 year olds as contestants will be relatable to minors. Shows of this nature

are of a general family entertainment orientation and it is notable that the show was broadcast on free to air at 7 pm. This means under the Commercial Television Industry Code of Practice, alcohol advertising was not able to be broadcast with the show as alcohol advertising is not generally permitted prior to 8:30 pm.

33. The time slot on free to air TV also reflects how the 7 Network views the program. Ratings for the free to air broadcast of the show still demonstrate a predominately adult audience - only 7 % being aged under 18 - but minors will certainly come across the program. While there has been no breach of the ABAC requirements, it would be prudent for the Company to be mindful of the nature of the show in giving instructions to its agencies for the placement of marketing.
34. Accordingly, the complaint is dismissed.