



## ABAC Adjudication Panel Determination No 105/22

**Product:** Travla Beer  
**Company:** Travla Pty Ltd  
**Media:** Packaging  
**Date of decision:** 21 December 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”) arises from a complaint received on 21 November 2022 and concerns the packaging, in particular the naming, of Travla Beer (“the Product”) produced by Travla Pty Ltd (“the Company”).
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:
  - 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 the retail and wholesale sale of alcohol, and contain some provisions dealing with alcohol marketing;
  - 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 21 November 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 not sought for the marketing.

## The Marketing Communication

10. The complaint relates to the packaging, in particular the naming, of Travla Beer:



## The Complaint

11. The complainant objects to the marketing as follows:
- *'Travellers' (drinking a beer whilst driving) were banned in Australia over 10 years ago and I think this brand calling themselves 'Travla' are trying to link themselves with this illegal act of grabbing a beer on the way home from work and drinking while driving.*
  - *I have seen in marketing communications 'Grab a couple Travla's' - which is a colloquial term for an alcoholic beverage while driving.*
  - *[This is] breaching the ABAC code and packaging code [which requires that a marketing communication 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' and 'show, directly imply or encourage irresponsible or offensive alcohol related behaviour '*

## The ABAC Code

12. Part 3 of the ABAC Code provides that a Marketing Communication must NOT:
- (d) 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 coordination, such as the control of a motor vehicle, boat or machinery or swimming.

## The Company's Response

13. The Company responded to the complaint by letter emailed on 25 November 2022. The principal comments made by the Company were:

### Introduction

- As an introductory comment we would like to point out that our Founders name is Travis Fimmel - affectionately known by mates around the world as "Trav". Trav, is himself a prolific traveller and the name of the business is directly derived from this and a reference to the land in which he became famous: Los Angeles, California. Trav + LA = Travla. So, launching the "Aussiefied" version of traveller as "Travla" here in Australia, Travis's homeland, was a no brainer for us.

- At this point we are also resisting the urge to input the dictionary definition of the word traveller but would point out that the word itself is globally recognised as capturing the spirit of adventure, much more so than simple tourism. Anthony Bourdain is famously quoted as saying “be a traveller, not a tourist” and we believe that it is this spirit of adventure that is captured in the name of our beer brand.
- Without any knowledge of in common parlance a term “traveller” being a reference to drink driving – we feel this complaint must be from someone of a different generation – and perhaps confusing it with the use of the word “roadie”? And to this point we would like to acknowledge that this potentially outdated turn-of-phrase has almost certainly been removed from modern Australian vernacular. This is likely due in large part to the outlawing of open containers in cars over a decade ago in most Australian states as well as prolific anti-drink driving campaigns nationally over a longer period.
- Arguably the complainant has taken the most limited use of the phrase traveller asserting its meaning is “grabbing a beer on the way home from work and drinking while driving”. Far more common is the use of “traveller” in relation to beer as a beer purchased in a takeout container in the UK and consumed on the walk between venues.
- There is nothing in our branding or our advertising or marketing that suggests we are making any link to this complainants understanding of the term traveller, and far more to assert and support our response that there is no such nuance to our choice of language and in this case “traveller”, actually just means, is intended to just mean, and is actively promoted and marketed to mean – a traveller –someone that travels with the spirit of adventure.
- To the specific points you have sought a response on:

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

- We did not obtain pre-vetting service approval. The idea of traveller, being Aussiefied into Travla plus the link to our founders name and land in which he became famous felt too good to question, but we have realised our error in not pre-vetting things with you and are well aware of the process and will ensure we do so with all material and concepts from now on.

#### **First retail sale of Product**

- The Product was first supplied for bona fide retail sale in the ordinary course of business in Australia in September 2022.

## **Safety and responsible portrayal**

- We have never drawn the reference that the name of Product – Travla – encourages the consumption of alcohol whilst driving, or heard this reference before – the style of our marketing and ambition of the brand is global, travel, getting out there, - use of the terms on pack “get out there”, “Don’t Fence Me In” and showcasing the beautiful outdoors and Australian scenery – we are in no way showcasing, linking, advocating or promoting alcohol and the use of vehicles.
- If this is a way in which the word traveller is used in Australia it would be a very limited crowd and it is by no means defined, or part of the everyday language of modern Australia.
- In no case in our advertising is this connection made, we are very aware of the code and our advertising and marketing teams are very clearly briefed on what we are achieving which is a connection of the brand and product with an outdoor lifestyle, getting out there and experiencing the world.

## **The Panel’s View**

14. Travla Beer, which is based in Melbourne, launched in October 2022. The Company has been founded by the Australian actor Travis Fimmel and MasterChef personality Andy Allen. The complaint goes to the packaging of the product and specifically the brand name ‘Travla’.
15. The Company explains that the brand name is derived from the nickname of Mr Fimmel of ‘Trav’. It also relates to Mr Fimmel’s wide international travels and ‘the land in which he became famous: Los Angeles’ or LA. Equally the branding reflects the desire for the beer to be known Australian wide as opposed to local inspirations behind many craft beers.
16. The complainant takes the brand name in a very different way. It is argued that the name ‘Travla’ is referencing the practice of ‘grabbing a beer on the way home from work and drinking while driving’, which is colloquially referred to as a ‘traveller’. By doing so, the complainant contends that the product name is showing or encouraging the irresponsible and illegal practice of drink driving.
17. Since the extension of the ABAC Scheme to brand names and product packaging in 2009, the largest number of complaints have raised issues about the potential of the packaging to have strong appeal to minors through potential confusion with a soft drink. There have been some determinations going to brand names suggesting sexual success and even fewer raising an issue with other Code standards.

18. In part this is because it is unusual, although not impossible, for a brand name alone to be reasonably understood as encouraging or suggesting irresponsible behaviour such as drink driving. More commonly, a concern might arise through a combination of the brand name with imagery or messaging contained on the product packaging.
19. In this case, the argument is that the Travla name alone will be taken as invoking the practice of consuming alcohol, typically a beer, while driving a motor vehicle. In response to this argument, the Company contends that if 'traveller' once had this connotation in relation to beer, the meaning has passed out of common use. Further it is submitted that the Company's branding and marketing makes no references or links to consuming a beer while driving a car.
20. The assessment of the consistency of a marketing communication with an ABAC standard is from the probable understanding of the marketing item by a reasonable person taking its content as a whole. This means the benchmark is the attitudes, values and life experiences shared commonly in the community. If a marketing communication could be interpreted in several ways, it is the most probable interpretation which is to be preferred over a possible but less likely understanding of the marketing message.
21. The Panel believes that the Code has not been breached. In reaching this conclusion the Panel had regard to:
  - it is unlikely that the Travla brand name would be readily associated with drinking a beer while driving by the great majority of the public;
  - there are no cues, messaging or imagery on the product packaging which suggests that the product should be consumed while operating a motor vehicle;
  - while the term 'traveller' was used to describe the practice identified by the complainant, it is unclear how widely this term was recognised in the general public and it seems likely to have faded from colloquial use;
  - the more likely understanding will develop from the brand's marketing messaging of the product alluding to Travis Fimmel and brand attribute of a sense of adventure;
  - this interpretation of the name 'Travla' is supported by other text on the label, including 'Don't fence me in', 'A taste of home, wherever you are' and '...to savour the restless spirit of adventure in everyone'; and

- taken as a whole a reasonable person would not believe the brand name alone to be promoting irresponsible practices regarding alcohol use

22. The complaint is dismissed.