



## ABAC Adjudication Panel Determination No 44/23

**Product:** Vodka Cruiser  
**Company:** Carlton & United Breweries  
**Media:** YouTube and Instagram  
**Date of decision:** 18 April 2023  
**Panelists:** Professor The Hon Michael Lavarch (Chief Adjudicator)  
Professor Richard Mattick  
Ms Debra Richards

### Introduction

1. This determination by the ABAC Adjudication Panel (“the Panel”) arises from a complaint received on 7 March 2023 and concerns YouTube and Instagram marketing for Vodka Cruiser (“the Product”) by Carlton & United Breweries (“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:
  - (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 the 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 7 March 2023.
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 obtained for the marketing.

## The Marketing Communications

10. The complaint relates to a YouTube video and four Instagram posts, as described below.

### YouTube Video

The following is a link to the 60 second YouTube video:

[The Vodka Cruiser Solo Project - 60" - YouTube](#)

**Jess:** Mas

**Lisa:** Tur

**Jess:** Ba

**Lisa:** Tion

**Lisa:** There. We said it.

**Lisa:** But we need to do more than just talk about it.

**Jess:** That's why we're kind of sort of breaking up.

**Lisa:** So together with Vodka Cruiser we're going solo and writing our own solo songs for the first time ever.

**Jess:** To empower more females and femme people to talk about going solo too.



**Chantelle Otten:** Self pleasure is all about having fun and enjoying your own body but only 1 in 3 female Aussies feel confident in talking about masturbation.



**Jess:** It's 2022 and somehow this is still taboo but words of whisper won't do shit to remove the stigma.



**Chantelle:** I'm so excited about a brand that's all about fun and breaking down the barriers of masturbation.

**Jess:** Play the songs after the club, down at the pub. Don't just talk about it with your friends. Sing it.



**Lisa:** I hope you feel as empowered singing it as I did writing it.

**Lisa:** Any final words?



**Jess:** Yeah. Go fuck yourself.

**Lisa:** [Laughs]. I love it that she gets to say that.



## Instagram Post 1

The following is a link to Instagram Post 1:

[https://www.instagram.com/p/CiZlnQuOsrc/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/CiZlnQuOsrc/?utm_source=ig_web_copy_link)

Instagram Post 1 is a series of slides, screenshots of which are provided below. The following text accompanies the post:



vodkacruiser 🌟 We're getting real LOUD about female & femme ma\$urbation with @theveronicasmusic who are going solo for the first time eva to help end the self-pleasure stigma. Click the link the learn more about The Solo Project #sayless

30w



## Instagram Post 2

The following is a link to Instagram Post 2:

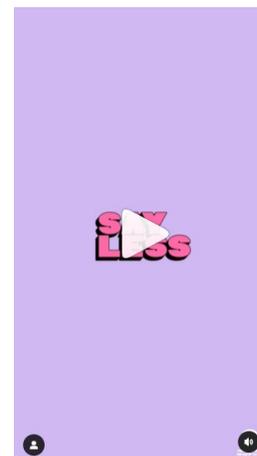
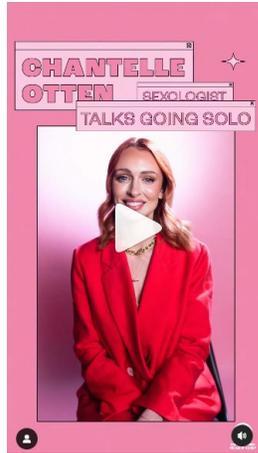
[https://www.instagram.com/reel/CihURXyJAzU/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/reel/CihURXyJAzU/?utm_source=ig_web_copy_link)

The post is a video, set to music. Screenshots are provided below. The following text accompanies the post:



vodkacruiser 🌟 When @chantelle\_otten\_sexologist speaks, you just HAVE to listen. Learn more about everything female & femme self-pleasure from Chantelle on The Solo Project site. Link in bio #sayless

Edited · 29w



### Instagram Post 3

The following is a link to Instagram Post 3:

[https://www.instagram.com/p/CiYhu3xj2YH/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/CiYhu3xj2YH/?utm_source=ig_web_copy_link)

The video shows The Veronicas talking about The Solo Project, as described below and is accompanied by the following text:



**Jess:** Yep – The Veronicas are going solo for self-pleasure.



**Lisa:** Like literally.

**Lisa:** Together with Vodka Cruiser we're writing our own songs for the first time ever.



**Jess:** To empower more females and femme people to talk about going solo too.



## Instagram Post 4

The following is a link to Instagram Post 4:

[https://www.instagram.com/p/Cil1P8gBbnk/?utm\\_source=ig\\_web\\_copy\\_link](https://www.instagram.com/p/Cil1P8gBbnk/?utm_source=ig_web_copy_link)

Instagram Post 4 is a series of slides, screenshots of which are provided below. The following text accompanies the post:



**vodkacruiser** ✓ Have you heard @jessicaveronica & @lisa\_veronica solo songs for The Solo Project yet? Hint: Hint: play 'em loud, sing 'em proud & let's end the female & femme self-pleasure stigma #sayless

29w



## The Complaint

11. The complainant objects to the marketing as follows:
- *I am writing to express my objection to your recent initiative, 'The Solo Project', which is aimed at breaking down the societal stigma associated with female and femme masturbation.*
  - *While I understand your intentions to promote self-pleasure and encourage women to talk openly about the topic, I believe that this campaign is misguided and potentially harmful.*
  - *Sexual liberation is an important issue, but using alcohol as a means to promote it sends the wrong message.*
  - *Alcohol can impair judgment and lead to risky behaviours, which can be dangerous, particularly when it comes to sexual activity. This initiative could give the impression that alcohol is necessary for sexual exploration, which is not only untrue but also perpetuates harmful stereotypes.*
  - *Furthermore, enlisting pop artists and a sex and relationship expert to promote this message is not a responsible approach. While music and public figures can be powerful tools to raise awareness, they can also trivialize important issues and perpetuate harmful stereotypes. Sex education should be provided by trained professionals who can provide comprehensive and accurate information in a safe and supportive environment.*
  - *Finally, while it is commendable that you are donating proceeds to charity, it is not an excuse to use sexual liberation as a marketing tactic. Promoting sexual empowerment should be done in a respectful and responsible manner, not as a way to increase sales.*
  - *I urge your brand to reconsider this campaign and focus on promoting responsible drinking and advocating for comprehensive sex education that promotes healthy sexual relationships. By doing so, you can contribute to a more positive and empowering culture for all individuals, regardless of gender identity.*

## The ABAC Code

12. Part 3 of the ABAC Code provides that a Marketing Communication must NOT:
- (a)(ii) show (visibly, audibly or by direct implication) or encourage irresponsible or offensive behaviour that is related to the consumption or presence of an Alcohol Beverage;

(c)(ii) show (visibly, audibly or by direct implication) the consumption or presence of an Alcohol Beverage as a cause of or contributing to the achievement of personal, business, social, sporting, sexual or other success;

(c)(iv) suggest that the consumption of an Alcohol Beverage offers any therapeutic benefit or is a necessary aid to relaxation.

## **The Company's Response**

13. The Company responded to the complaint by letter emailed on 22 March 2023. The principal comments made by the Company were:

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

- The alcohol marketing communications referred to in the complaint did not receive Alcohol Advertising Pre-vetting Service Approval.

### **Responsible portrayal of Alcohol Beverages**

- The marketing does not breach Part 3 (a)(ii) of the Code by showing (visibly, audibly or by direct implication) or encouraging irresponsible or offensive behaviour that is related to the consumption or presence of an Alcohol Beverage.
- The marketing is not irresponsible by promoting the benefits of 'solo' sexuality when alcohol use during sexual activity may impair judgement and result in irresponsible, risky sexual behaviour.
- The purpose of this campaign was to highlight an issue that is important to Vodka Cruiser's consumer base. Vodka Cruiser partnered with the iconic Australian pop duo The Veronicas and prominent relationship expert and accredited psycho-sexologist Chantelle Otten to provide awareness and education around the important topic of female masturbation. Chantelle very much embodies the complainant's request for a "trained professional who can provide comprehensive and accurate information in a safe and supportive environment."
- In launching The Solo Project, we conducted quantitative research among Australians females and femmes aged 18-54 years old, which has revealed that while the majority of Australians who identify as women find masturbation to be fun and healthy (72%), 34% are uncomfortable discussing the topic with friends and 22% feel ashamed while masturbating. Despite this, 60% believe now is the time for female self-pleasure to be normalised, and a third of women want more people to be talking openly about the topic.

- Within this context Vodka Cruiser wanted to provide a platform for both expert advice and normalisation of cultural conversations on the subject of female masturbation. Chantelle Otten was engaged to provide expert advice and to ensure that the campaign was informative and educative, and Lisa and Jessica Origliasso were invited to promote the campaign by literally 'going solo', i.e. each creating a music track as an individual performer. Proceeds from the sale of a vinyl record featuring the two music tracks were donated to Monash University's Women's Health Research Program at the conclusion of the campaign.
- In designing this campaign, we were very conscious of the need to ensure that alcohol consumption is not depicted in the context of engaging in sexual activity, and that brand references were kept to a minimum and were strictly reflective of the brand's function as a platform from which to build awareness, eliminate shame and create a more open and honest dialogue about the subject.
- Vodka Cruiser's role in this campaign was to provide a platform for conversations about an important topic, amplifying the expertise of Chantelle Otten and the personal experiences of Lisa and Jessica Origliasso. No consumption of alcohol is depicted in the media shared by the complainant, alcohol consumption is not referenced or implied in any of the media, and Vodka Cruiser does not support the consumption of alcohol in the circumstance of any sexual activity.

### **Responsible depiction of the effects of alcohol**

- The marketing does not breach Part 3 (c)(ii) or (iv) of the Code by showing (visibly, audibly or by direct implication) or suggesting that the consumption or presence of an Alcohol Beverage is a cause or contributor to the achievement of personal or sexual success or that consumption offers any therapeutic benefit.
- The marketing does not imply that alcohol is a contributor to wellbeing and sexual benefits obtained from personal sexual exploration and masturbation.
- To reiterate, consumption of alcohol is not depicted in the media shared by the complainant, alcohol consumption is not referenced or implied in any of the media, and Vodka Cruiser does not support the consumption of alcohol in the circumstance of any sexual activity.
- The placement of bottles of the product throughout the video of Jesse and Lisa Origliasso and Chantelle Otten combined with mild sexual imagery does not reinforce the impression that alcohol will contribute to the achievement of sexual success.

- Imagery of the bottles only occurs in the portions of the video that reference the music clips created by Jessica and Lisa to accompany their songs. The intention behind the brand placement is for it to be clear that the Vodka Cruiser brand endorses the normalisation of cultural conversations about the subject of female masturbation, and never to imply that consumption of the products will lead to sexual success.
- Carlton & United Breweries is committed to ensuring our promotional and marketing material is always compliant with the ABAC Code. Our goal is for consumers to enjoy our products responsibly and in moderation, and to uphold community standards when it comes to the placement and content of our advertising.

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

14. In September 2022 the Company in collaboration with pop duo Jess and Lisa Origliasso (the Veronicas) and sexologist Chantelle Otten launched a campaign called the Solo Project. The stated aim of the campaign was to help normalise female and femme masturbation and encourage a more open conversation on the subject.
15. The campaign featured the Veronicas releasing solo songs and accompanying music videos with Jess performing 'Seeing Stars' and Lisa 'Crusin on my own'. In addition, both performers along with Ms Otten appeared in a video explaining the Solo Project with this video in part using short clips from the music videos. Also produced were several supporting social media posts with information drawn from research commissioned by the Company.
16. The complainant has serious concerns about the Solo Project campaign, not in terms of the subject matter of female and femme masturbation but stemming from an alcohol company's role in sponsoring the campaign. In short it is contended that alcohol as a product can impair judgement and contribute to risky behaviours and should not be associated with sexual activity. Sexual empowerment, it is argued, should not be used as a marketing technique to increase sales.
17. The Solo Project might be understood as the Company engaging in a form of marketing that sits in a space between surrogate marketing and brand activism. The campaign places the brand with the issue of female and femme sexuality and leverages the standing and popularity of the Veronicas to promote the issue and by association the brand.
18. The Panel acknowledges the wider point made in the complaint, but the ABAC does not seek to neither authorise nor prohibit any particular marketing technique. Rather the Code sets out standards that individual marketing communications must not offend. Whether it was desirable or not for the Veronicas to have a relationship with the Company and whether public

awareness of the topic of female masturbation is ideally one for an alcohol company to be involved, is beyond the Panel's remit. Like alcohol sponsorship of sport or other activities, these questions rest properly with government.

19. The Panel's task is more confined and is centred on determining if the video and social media posts are consistent with ABAC standards. The relevant standards require that a marketing communication must not:
  - show or encourage irresponsible or offensive behaviour that is related to the consumption or presence of an Alcohol Beverage - Part 3 (a)(ii);
  - show the consumption or presence of an Alcohol Beverage as a cause of or contributing to the achievement of sexual or other success - Part 3 (c)(ii); or
  - suggest that the consumption of an Alcohol Beverage offers any therapeutic benefit - Part 3 (c)(iv).
20. The assessment of whether a marketing communication is consistent with a Code standard is from the probable understanding of the marketing by a reasonable person taking the content of the marketing as a whole. This means the benchmark is the values, opinions and life experiences shared by most members of the community. If a marketing communication can be interpreted in several ways, the most probable understanding is to be preferred over a possible but less likely interpretation.
21. The Panel believes the marketing does not breach the ABAC standards. In reaching this conclusion the Panel noted:
  - it is not a breach of an ABAC standard for an alcohol company/brand to be involved in contentious or sensitive issues provided alcohol use is not shown or encouraged in a manner inconsistent with ABAC standards;
  - the marketing items place the brand and product with Jess and Lisa but do not show alcohol consumption nor is alcohol associated with anti-social or other irresponsible behaviour;
  - the marketing does not suggest that alcohol is the cause of social or sexual success; and
  - while Instagram Post 2 provides the benefits of masturbation, being the release of endorphins, reduction in stress and boost in mood, it is clear that these positive health outcomes are achieved by masturbation, and not through the consumption of an alcohol product.
22. The complaint is dismissed.