

Australia's Responsible Alcohol Marketing Scheme

2023 First 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.

ABAC's recently published Annual Report found that during 2022 the level of ABAC Adjudication Panel activity returned to lower pre-Covid patterns, however high levels of pre-vetting activity continued the upward trend seen over the previous six years. Notably, all breaches arising from complaints received in 2022 resulted in removal, discontinuation or a commitment to modify the material. ABAC activity in 2022 included proactive compliance monitoring of alcohol marketing age restriction controls and strengthened education initiatives alongside the commencement of ABAC's periodic whole of Code review. Access ABAC's latest Annual Report and Year in Review [here](#).

After a comprehensive consultation process and review, ABAC will soon release a revised Responsible Alcohol Marketing Code. Alongside the Code changes, ABAC will report on the review process and publish updated Guidance notes and online training materials. A live webinar with the Panel Chief Adjudicator will be offered on 13 June at 10am AEST, covering Code changes, recent complaint trends and an opportunity to ask questions before the Code is implemented. Sign up for the live webinar [here](#).

Recent ABAC Panel determinations continue to offer guidance to industry and highlight areas where care is needed when developing marketing:

- Packaging that references confectionery or soft drink can have strong or evident appeal to minors. Recent decisions provide useful guidance [here](#) and [here](#).
- References to excessive consumption are not permitted and won't be saved by humour. Read the full decision [here](#)
- Care needs to be taken when licensing an alcohol brand for use on marketing collateral, such as T-shirts. This type of brand promotion falls within the scope of the Code and must meet ABAC standards. Read the full decision [here](#).
- Suggesting a product has a health benefit or is linked to sexual activity is problematic. Read the full decisions [here](#) and [here](#).

Pre-vetting Tip - With the launch of ABAC's new pre-vetting database last year, companies can now lodge revised material/concepts for an existing application direct through the database, rather than via email. This is the fastest and most efficient way to have revised material pre-vetted.

KEY STATISTICS

Complaints	57
Raising Code issues and referred for determination	39
Not raising Code issues*	14
Raising an issue previously considered by the Panel	4
Determinations	23
Upheld	9
Upheld as a No Fault Breach	0
Dismissed	14
Pre-vets	857
Rejected	143
Pending	1

* Complaints that did not raise Code issues fell outside the scope of the scheme as they raised concerns outside ABAC standards such as advertising not allowing the receiver to unsubscribe, misleading claims, general offence, racial or sexual discrimination or objectification of women which can fall within the scope of other regulators, including Ad Standards.

RECENT ALCOHOL MARKETING COMPLAINTS

Breach of ABAC Standards

MSC Boxtails (complaint regarding content)

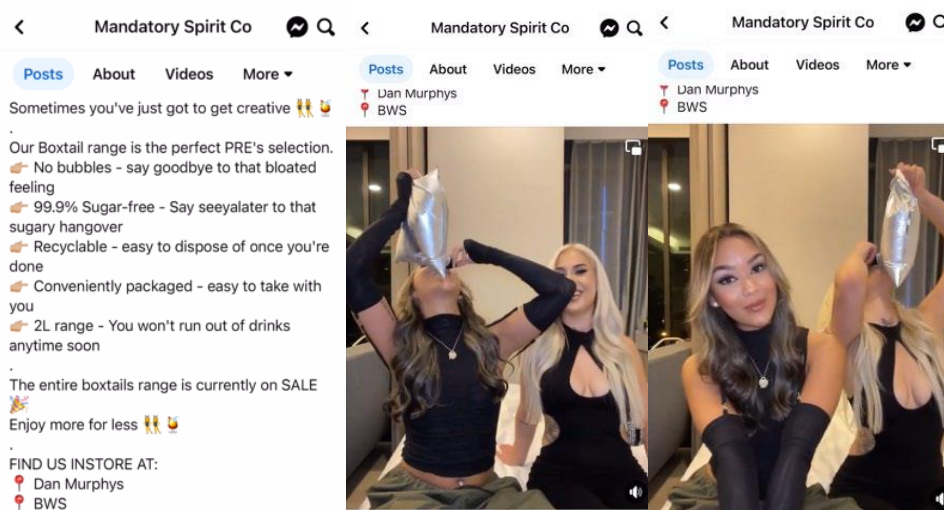
Complaint: Concern that the video glamorises and encourages people to consume the product in an inappropriate and excessive manner.

ABAC standard: Alcohol marketing must not show (visibly, audibly or by direct implication) or encourage the excessive or rapid consumption of an Alcohol Beverage, misuse or abuse of alcohol or consumption inconsistent with the Australian Alcohol Guidelines.

Decision: The Panel considered that the standard had been breached, noting:

- consumption directly into the mouth from a goon bag raises an implication of rapid consumption as clearly the product cannot be sipped as from a glass or cup and must be taken by the mouthful;
- the video provides context as to why the product is being consumed directly from the bag, namely there being no glasses – however this reason is diminished by the acknowledgement that there are mugs in the apartment and the reminiscence of past behaviour of drinking from a bag being 'more fun';
- while the video does not show excessive consumption with each woman having a single mouthful of the product, the reasonable implication is that further consumption will occur by reference to 'PRE's selection' in the text; and
- taken as a whole a reasonable person would probably understand that combined, the various elements of the post do encourage excessive consumption and misuse of alcohol to pre-load.

The post was removed on notification of the complaint.



BWS (complaint regarding content)

Complaint: Concern that the video and text imply the woman in the video would be consuming all the drinks she picks the same night and this is supported by a user generated comment 'Jeez – big night'.

ABAC standard: Alcohol marketing must not show (visibly, audibly or by direct implication) or encourage the excessive or rapid consumption of an Alcohol Beverage, misuse or abuse of alcohol or consumption inconsistent with the Australian Alcohol Guidelines.

Decision: While the Panel accepted that the company did not intend to encourage excessive consumption, the Panel believed that the most probable take out from the post is that a person is purchasing multiple alcohol products for consumption by a single person in a single evening. In reaching this conclusion the Panel noted:

- a reasonable person cannot be expected to study the post and accompanying text in fine detail and their impression will be shaped most strongly from the video and the text superimposed on the video;

- the video and superimposed text imply a single person is purchasing all their alcohol for single night and that the alcohol is intended for consumption on this single occasion;
- the accompanying caption does place context to the purchase, but this text is not as influential as the video and the far more prominent text superimposed on the video;
- the user generated comment, although not the words of the Company, does tend to support that a viewer of the post also believed it was showing a large alcohol purchase for immediate consumption.

The post was removed on notification of the complaint.



Hard Fizz (complaint regarding content)

Complaint: Concern that images of people that seem under the influence with the statement ‘who says this sh*t doesn’t get you drunk??’ implies getting drunk and is irresponsible.

ABAC standard: Alcohol marketing must not show (visibly, audibly or by direct implication) or encourage the excessive or rapid consumption of an Alcohol Beverage, misuse or abuse of alcohol or consumption inconsistent with the Australian Alcohol Guidelines.

Decision: The Panel held the view that:

- the person is shown in a party environment, holding a can of alcohol. There is an implication that they are consuming alcohol at this point in the video, and actual consumption is shown in subsequent scenes;
- a question is commonly framed in a ‘Who says...?’ manner by a person who has arrived at a contrary conclusion on the subject. The person is therefore confirming their understanding that Hard Fizz can get you drunk;
- the reasonable implication of the verbal exchange combined with the party scenes is that excessive consumption will occur or at least it is socially acceptable to drink to intoxication and this messaging is inconsistent with the ABAC standard.

The Company removed the post on receipt of the complaint.



Pina Colada Sparkling Hard Seltzer (complaint regarding content)

Complaint: Concern that the model in the ad performs provocative acts with food types and intimates sexual success as a result of the product.

ABAC standard: Alcohol marketing must not show or directly imply that the consumption or presence of the product will cause or contribute to sexual or other success.

Decision: The Panel held the view the ABAC standard had been breached, noting:

- a reasonable person is sufficiently worldly to associate the woman's actions with the fruit and whipped cream to have underlying sexual connotations;
- the story places product images with the woman as she is being sexually provocative; and
- taken as a whole, the series of story images and scenes give rise to a reasonable implication that the product is a contributor to the sexually provocative actions of the woman.

The Company did not remove the marketing material and the complaint was referred to the Queensland Liquor Authority.



Billson's Packaging (first complaint regarding content)

Complaint: Concern about bright packaging with names similar to products consumed by minors.

ABAC standard: Alcohol marketing must not have Strong or Evident Appeal to Minors.

Decision: The Panel considered a range of packaging, finding that the Fruit Tangle, Fairy Floss, Toffee Apple and Creamy Soda packaging failed to meet ABAC standards, but the other packaging considered did not have strong or evident appeal to minors:

Fruit Tangle Vodka

- the name 'Fruit Tangle' which strongly resembles and is easily confused with 'Fruit Tingle', the name of a confectionary item commonly consumed by children;
- wavy blocks of bright colours used on the can being eye-catching and appealing to children, and also being similar (not identical) to those used on the confectionery packaging;
- the alternating use of bright colours used for different letters making up the words 'Fruit Tangle', which would be eye-catching and appealing to children;

Fairy Floss Vodka

- the yellow and pink fairy floss images on the can, contrasts with the blue background and is highly noticeable and eye catching to minors;
- the combination of the product name with the can design and fairy floss imagery will likely create an illusion for a minor of a smooth transition from a familiar product to an alcohol product; and
- taken as a whole, a reasonable person would probably understand the packaging as having more than incidental appeal to minors and having strong appeal to minors.

Toffee Apple & Creamy Soda

- while some elements of the packaging support consistency with the standard, such as use of clear alcohol descriptions and a mature design, the 'reasonable person' benchmark is based on balance of probabilities and does not require that the Panel's view is beyond reasonable doubt;
- the names of both products draw on confectionery or a soft drink that are likely consumed more by minors than adults and will have a degree of familiarity for minors;

- the nostalgia appeal of the product names to adults is founded on the likely consumption of the confectionery/soft drink by adults while minors and there is no particular basis to believe there is not a continuing use of the products by minors;
- while the packaging uses alcohol descriptors and identifies the products as alcohol beverages, the combination of the product name and can imagery (particularly the toffee apple images) creates an illusion of a smooth transition from a non-alcohol product to an alcohol beverage;
- the Company's Creamy Soda Vodka packaging and its non-alcohol product (at the time of the complaint) as conceded by the Company were very similar and could likely contribute to confusion as to the vodka product being a soft drink; and
- while no one element alone is decisive, all factors combined would lead a reasonable person to probably understand that the packaging of both products has evident appeal to minors.

The Company has advised they will modify the packaging.



Billson's Packaging (second complaint regarding content)

Complaint: Concern that packaging is similar to flavours and colours of cordial and soft drinks known to children.

ABAC standard: Alcohol marketing must not have Strong or Evident Appeal to Minors.

Decision: The Panel considered a range of packaging, finding that the Grape Bubblegum, Rainbow Sherbet and Tropical Punch packaging failed to meet ABAC standards, but the other packaging considered did not have strong or evident appeal to minors:

Grape Bubblegum and Rainbow Sherbet

While the packaging uses a clear alcohol descriptor of 'vodka', the Panel noted that the combination of the following features would strongly attract the attention of minors:

- multiple bright colours in eye-catching designs;
- the descriptors 'bubble gum' and 'sherbet', which are both confectionery items commonly consumed by children;
- the term 'rainbow' elevates the appeal of the rainbow sherbet product to minors;
- the use of the names 'bubble gum' and 'sherbet' would likely contribute to an illusion of a smooth transition to an alcohol product for a minor; and
- taken as a whole, a reasonable person would conclude that the packaging has strong or evident appeal to minors.

Tropical Punch

- the familiarity of the product name to minors combined with the bright and contrasting colours employed in the outline of the fruit images, when taken as a whole would go beyond incidental appeal and have strong or evident appeal to minors.

The Company has advised they will modify the packaging.



VB T-shirt (complaint regarding content)

Complaint: Concern that a T-shirt with the VB logo shows a VB can dressed as a kid with the Santa Claus character who has very strong appeal to minors.

ABAC standard: Alcohol marketing must not have Strong or Evident Appeal to Minors.

Decision: The Panel held the view that the T-shirt breached the Part 3 (b) standard, noting:

- the anthropomorphised cans of VB, with arms, legs and faces, would appeal to children;
- sitting on Santa's knee is an experience that children would find relatable; and
- taken as a whole, a reasonable person would assess the t-shirt's overall impact as having strong or evident appeal to minors.

The marketing was removed from sale and destroyed.



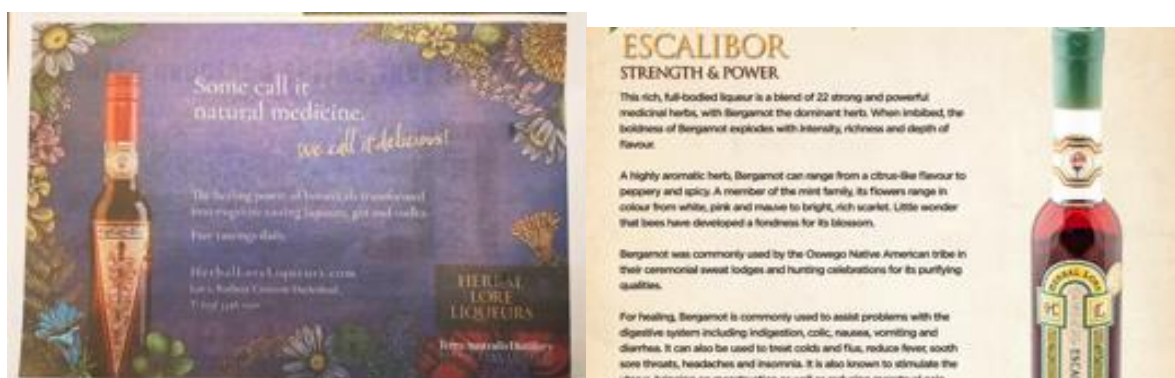
Herbal Lore Liqueurs (complaint regarding content)

Complaint: Concern that the print and website marketing makes misleading and deceptive claims that the products have therapeutic benefits and are calming. Fails to mention they are alcohol beverages.

ABAC standard: Alcohol marketing must not suggest that the consumption of an Alcohol Beverage offers any therapeutic benefit or is a necessary aid to relaxation.

Decision: The Panel found that various claims suggested that consumption of the product would result in health benefits and aid relaxation in breach of the Part 3 (c)(iv) standard.

The Company has advised they will modify the website.



Expedited Determination

BWS (complaint regarding content)

Complaint: Concern the marketing promotes excessive consumption, misuse and abuse of alcohol.

ABAC standard: Alcohol marketing cannot show or encourage excessive or rapid consumption of an alcohol beverage, misuse or abuse of alcohol or consumption inconsistent with the Australian Alcohol Guidelines.

Expedited Decision: The blackboard implies the consumption of 24 beers in a day which is inconsistent with the Australian Alcohol Guidelines.

The Company accepted the breach and removed the post.



Marketing Outside ABAC's Jurisdiction

Rum Nation (complaint regarding content)

Complaint: Concern that a Facebook & Instagram video encourages excessive consumption and would appeal to children as it uses cartoon characters.

Decision: The producer of Rum Nation did not have prior knowledge of the video, did not create the video and apparently has no entitlement to have the video removed or modified. As the video does not fall within the remit of the ABAC Scheme, the Panel had no jurisdiction to make a finding on whether the video portrayed alcohol use in a manner consistent with ABAC standards. The Panel recommended that the Company reflect on its business model regarding producing and retailing specialty brand products for fundraising. The actual model is perfectly legitimate, however, the Company should at a minimum provide its commercial partners with advice on good practice regarding alcohol promotion. Preferably it should include in its commercial terms an obligation that its counterparty in the fundraising endeavours promote alcohol products consistently with ABAC standards.



Marketing Consistent with ABAC Standards

VB (complaint regarding content)

Complaint: Concern that the marketing glorifies regular consumption of alcohol and the accessibility of having it delivered in minutes.

ABAC standard: Alcohol marketing must not show (visibly, audibly or by direct implication) or encourage the excessive or rapid consumption of an Alcohol Beverage, misuse or abuse of alcohol, consumption inconsistent with the Australian Alcohol Guidelines or irresponsible or offensive behaviour that is related to the consumption or presence of alcohol.

Decision: The Panel considered the very important issue raised by the complainant of how the public policy and regulatory regime that applies to alcohol and alcohol marketing intersects with the needs of an alcohol dependent person and the challenges they confront. The Panel found there had not been a breach of ABAC standards:

- ABAC is one part of a shared regulatory regime that applies to the marketing of alcohol. The Code applies to marketing delivered over social media platforms and marketing collateral such as the Big Green Button. While the Code has express provisions dealing with minors, alcohol dependency is not separately identified within the ABAC standards. Rather, the Code standards go to matters such as alcohol marketing not encouraging excessive consumption, or suggesting that alcohol is needed to be successful in life or is a necessary aid to relaxation;
- A fair interpretation of the Green Button item and YouTube video is that they are consistent with ABAC standards. This does not mean that the complainant's concerns are not genuine, and it is accepted that the challenges confronted by an alcohol dependent person in a society where alcohol use is often shown, and the product freely marketed are considerable.
- While not a complete answer nor a diminution of the requirement of alcohol companies to market responsibly, social media account holders can apply options to limit alcohol marketing being received and/or self-exclude from home delivery of alcohol by online alcohol retailers.



Bundaberg Rum Alcoholic Ginger Beer (complaint regarding placement)

Complaint: Concern about alcohol ads before 12pm during a Foxtel broadcast of Test Cricket.

ABAC standard: Alcohol marketing cannot be directed at Minors through its placement.

Decision: The Panel found the ABAC standards had not been breached, noting:

- there are no time of day restrictions on subscription television broadcasts;
- Foxtel does not have age restriction controls available to an alcohol marketer;
- the audience for the program comfortably exceeds the 75% adult requirement with ratings data of 96% of the audience being adult; and
- Cricket is a national sport followed across age groups, but broadcasts of cricket generally, and test cricket, in particular, cannot be said to be primarily aimed at minors. The broadcasts aim to attract adult audiences as confirmed by the ratings data.

Johnnie Walker (complaint regarding content and placement)

Complaint: Concern about alcohol ad showing and targeting youth.

ABAC standard: Alcohol marketing must not:

- have Strong or Evident Appeal to Minors; or
- depict a person under the age of 25.

Decision: The Panel found the ABAC standards had not been breached, noting:

- the ads are set in a studio and adopt a minimalist realism style without elements which would be familiar or relatable to minors;
- a plain yellow backdrop is used, which is not eye-catching and would not particularly attract the attention of minors;
- the ads do not feature 'actors' as contended by the complainant, but individuals with some level of profile within the LGBTQIA+ and the adult wider community;
- the messaging, style and tone of the ads is mature and raises adult issues;
- no minors are featured and people in the ads are all over 25 years of age (26-32) and are presented as adults; and
- the ABAC Placement Rules have been met and the audience of the ads, gleaned from ratings data has been overwhelmingly adult.



Grey Goose Vodka (complaint regarding content and placement)

Complaint: Concern about alcohol ad being relatable to minors and shown at 8:30am during the Today Show.

ABAC standard: Alcohol marketing must not:

- have Strong or Evident Appeal to Minors; or
- be directed at Minors through its placement.

Decision: The Panel found the ABAC standards had not been breached, noting:

- there are no time of day restrictions on digital television broadcasts;
- age restriction controls were applied to the digital broadcast of the advertisement;
- the audience for the program comfortably exceeds the 75% adult requirement;
- the Today Show cannot be said to be primarily aimed at minors; and
- the content would not have strong or evident appeal to minors as no minors are shown, the character in the ad is clearly an adult male and is 37 years old and the style and tone of the ad is mature and not highly relatable to children or adolescents.



Thirsty Camel (complaint regarding content)

Complaint: Concern that a radio advertisement promoting a basketball shooting competition is aimed at a young audience and the use of the term ‘hydrate responsibly’ suggests that alcohol has a therapeutic benefit.

ABAC standard: Alcohol marketing must not:

- have Strong or Evident Appeal to Minors; or
- suggest that the consumption of an Alcohol Beverage offers any therapeutic benefit.

Decision: The Panel held the view that the radio advertisement did not breach the standards, noting:

- the use of the term ‘hydrate responsibly’ was considered in Determination 120/22 – while the Panel did not within the context of the radio ad find the expression breached the Part 3 (c)(iv) standard, the Panel recommended that the Company cease using the phrase “hydrate responsibly” and simply use “drink responsibly”; and
- taken as a whole, the ad and the competition would be probably understood as being directed to adult consumers of alcohol with an interest in basketball with any appeal to minors being incidental rather than strong or evident as:
 - the competition was open only to adults able to demonstrate that a purchase at a Company’s retail outlet had been made;
 - the ad is spoken by an adult male and, while upbeat in tone, is factual in nature;
 - the background soundtrack consists of basketball sound effects and jaunty music that would not be more appealing to minors than it would to adults;
 - the ad has no reference to minors, or any indication the competition is open to minors; and
 - basketball fans would be familiar with LeBron James, and ‘Around the World’, but these references do not have a particular attractiveness for a minor beyond the general attractiveness they have for an adult.

Wrest Point Hotel Casino (complaint regarding content)

Complaint: Concern that girls on a dance floor holding is a health and safety issue.

ABAC standard: Alcohol marketing must not 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 coordination, such as the control of a motor vehicle, boat or machinery or swimming.

Decision: The Panel noted that dance is a physical activity that covers highly demanding physical performance at one end of the spectrum eg a professional ballet dancer, to a slow shuffle of the feet and not much else at the other end of the spectrum. It would not be appropriate to show alcohol consumption in conjunction with some forms of dance but a reasonable person would not be concerned on safety grounds with a scene of people on the dance floor at a wedding toasting the bride and groom. It is not uncommon for women in nightclubs to quietly dance while holding a drink (the concern with drink spiking being one reason). Of course, injury is possible with any physical activity involving movement, and there is a risk that spillage may make the floor slippery. That said, the Panel did not believe the television advertisement breaches Part 3 (d) standard. The women are dancing on an uncrowded dance floor and a reasonable person would not likely believe unsafe behaviour was being modelled.



VB T-shirts (complaint regarding content)

Complaint: Concern that T-shirts with the VB logo are aimed at minors and shouldn't show an open can of VB while mowing a lawn which is a highly dangerous activity.

ABAC standard: Alcohol marketing must not:

- have Strong or Evident Appeal to Minors; or
- 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.

Decision: The Panel held the view that the T-shirts did not breach the standards, noting:

- the anthropomorphised cans of VB are portrayed as adult (not a child as was the case in Determination 121/22);
- lawnmowing would not likely appeal to minors and is generally regarded as an adult activity;
- cricket has appeal across age groups including but by no means exclusively minors;
- the VB 'hard earned thirst' slogan would resonate with adults, most likely older males and not strongly with minors;
- taken as a whole, a reasonable person would regard the potential appeal to minors as incidental and not strong or evident;
- while it is accepted that care needs to be taken to use a lawnmower safely, the standard does not prohibit alcohol being placed with potentially dangerous activities - what cannot be shown is alcohol consumption before or during the activity;
- most likely the lawnmower image would be interpreted as a reference to the 'hard earned thirst' slogan and a person having a beer after the activity - once the 'thirst' has been earned by completing the task - the scene does not depict alcohol consumption and would not be likely understood as encouraging alcohol use before or during the activity.



Brewery Duty (complaint regarding placement)

Complaint: Concern about an alcohol ad during Home and Away on 7 Plus

ABAC standard: Alcohol marketing cannot be directed at Minors through its placement.

Decision: The Panel found the ABAC standards had not been breached, noting:

- there are no time of day restrictions on digital television broadcasts;
- age restriction controls were applied to the placement of the ad on 7Plus;
- the audience for the program comfortably exceeds the 75% adult requirement with ratings data of over 94% of the audience being adult; and
- while Home & Away has broad appeal it cannot be said to be primarily aimed at minors:
 - since 2008 the program has had a PG rating and has dealt with themes which appeal across age groups; and
 - characters within the show are depicted as aged from school aged children to middle aged adults.

VB (complaint regarding content)

Complaint: Concern that the ad shows a man skulling a VB in front of a tower of VB cans which are all empty and have been drunk in breach of Part 3(a)(i) of the ABAC.

ABAC standard: Alcohol marketing must not show (visibly, audibly or by direct implication) or encourage the excessive or rapid consumption of an Alcohol Beverage, misuse or abuse of alcohol or consumption inconsistent with the Australian Alcohol Guidelines.

Decision: While the interpretation placed on the post by the complainant was not considered to be farfetched, on balance the Panel did not believe that Part 3 (a)(i) had been breached. In reaching this conclusion the Panel considered that:

- the photo is clearly staged, with the man adopting an exaggerated pose for the camera;
- the man does not appear intoxicated, he is able to maintain his balance and is neatly dressed and composed;
- it is not possible to conclude the man is rapidly consuming the beer from the photograph; and
- the careful placement of the cans in the shape of a Christmas tree implies a level of creativity, co-ordination and concentration which is not consistent with excessive or rapid consumption.

Further the large number of cans in the tree is most likely to be understood as a Christmas themed novelty, more than evidence that the man has consumed excessively. Alcohol has a long shelf life, and a carton of beer (the base of the tree) can be consumed over a long period or by multiple people. It doesn't imply binge drinking.



Pure Blonde (complaint regarding placement)

Complaint: Concern about an alcohol ad during Married at First Sight on a daytime linear broadcast.

ABAC standard: Alcohol marketing cannot be directed at Minors through its placement.

Decision: The Panel found the ABAC standards had not been breached, noting:

- the program was shown on a school day in the 12-3pm timeslot in which alcohol advertising is permitted;
- free to air television does not have age restriction controls;
- the audience for the program comfortably exceeds the 75% adult requirement with ratings data of over 94% of the audience being adult; and
- Married at First Sight is a show considered to be adult in nature and can't be characterized as primarily aimed at minors, noting the people in the show are all adults and the show focuses on the development of adult relationships, featuring adult language and themes.

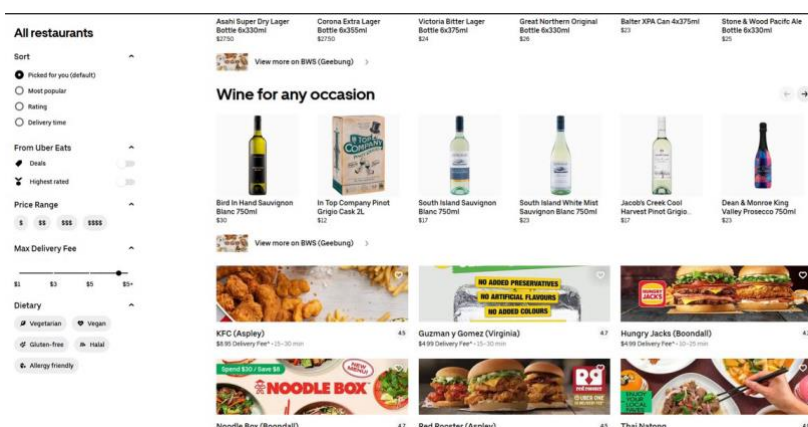
BWS (Uber Eats Website) (complaint regarding content and placement)

Complaint: Concern about listing alcohol products next to grocery and meal delivery items.

ABAC standard: Alcohol marketing cannot have strong or evident appeal to minors or be directed at Minors through its placement.

Decision: The Panel found the ABAC standards had not been breached, noting:

- placement rule 1 that requires compliance with media industry codes did not apply as the FreeTV Code does not apply to digital television advertising;
- on the available information, Uber Eats is not itself an alcohol retailer within the intended scope of the ABAC;
- BWS is an alcohol retailer and its marketing must occur consistently with ABAC obligations;
- BWS and Uber Eats have an agreement whereby BWS alcohol products are available to be ordered and delivered to consumers via the Uber Eats IT platforms and logistics/payment arrangements and this relationship results, in part, in BWS alcohol products being listed on the landing page of the Uber Eats website;
- the listing of the alcohol products on the landing page in terms of its content falls within the intended scope of a 'marketing communication' for ABAC purposes;
- BWS through entering into the merchant agreement with Uber Eats has either 'generated' the product listing on the landing page or given it sufficient control over the listing to make it a BWS marketing communication that must meet ABAC requirements;
- the content of the listing does not portray alcohol and the use of alcohol in an irresponsible manner and does not breach ABAC content standards
- the listing does not breach the ABAC Placement Rules given;
 - Uber Eats is a third party website that is not primarily related to alcohol;
 - BWS does not have access to an age restriction control that would exclude minors from entering the Uber Eats website;
 - the likely audience of the Uber Eats website exceeds 75% adults; and
 - the Uber Eats website is not primarily aimed at minors.



BWS (Uber Eats Website) (complaint regarding content and placement)

Complaint: Concern about alcohol ads during a digital broadcast of 'Carols in the Domain'.

ABAC standard: Alcohol marketing cannot be directed at Minors through its placement.

Decision: The Panel found the ABAC standards had not been breached, noting:

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

XXXX (complaint regarding content)

Complaint: Concern that the ad encourages people to drink XXXX like their lives depend on it, therefore daring or challenging people to drink XXXX to live a full life and achieve personal success.

ABAC standard: Alcohol marketing must not:

- challenge or dare people to consume an Alcohol Beverage; or
- show or directly imply that the consumption or presence of XXXX will cause or contribute to personal success.

Decision: The Panel does not believe most people will particularly understand what the strapline means and won't believe irresponsible alcohol use is being encouraged. In reaching this conclusion the Panel noted:

- the strapline would be recognised as a play on the expression 'like your life depends on it' as signifying a matter of great importance;
- it would be probably taken as a tongue in cheek statement that beer is of great importance;
- however, it does not say beer is necessary for life nor is it likely most people would interpret the message as a dare or challenge to drink the product;
- further, the message does not suggest the use or presence of the product will contribute to success in life;
- the overarching take out from a moving car of the roadside billboard is that the ad is promoting XXXX without much else being taken from the somewhat obscure meaning of the strapline.



The ABAC Complaints Panel is headed by Chief Adjudicator Professor The Hon Michael Lavarch AO. For more information on ABAC or to access the ABAC Adjudication Panel decisions referred to in this report, visit: <http://www.abac.org.au>.