

## Expedited Determination No. 34/24

**Product:** Beer

**Company:** Blackflag Brewing

**Date of Complaint:** 26 February 2024

**Complaint:** The marketing shows alcohol consumption in a passenger vehicle.

**Code Standards:** Part 3 (a) of the ABAC Code provides that a Marketing Communication must NOT:

- (ii) show (visibly, audibly or by direct implication), encourage, or treat as amusing, rapid Alcohol consumption, misuse or abuse of Alcohol or other irresponsible or offensive behaviour that is related to the consumption or presence of Alcohol.

**Marketing:** The complaint concerns a video posted to Instagram, showing passengers in a vehicle consuming alcohol while on a road trip.



**Company Action:** The Company was advised of the complaint on 28 February 2024, when it responded that the breach of Part 3 (a)(ii) was accepted, and that the video had been removed from both Instagram and Facebook.

**Nature of Breach:** A video posted to social media breaches Part 3 (a)(ii) of the Code by showing irresponsible behaviour. The consumption of alcohol by passengers while travelling in a vehicle is illegal in some but not all Australian jurisdictions. The video is clearly set in Queensland and the Traffic Act of that State makes it unlawful for alcohol to be consumed by the passengers of a vehicle. Alcohol marketing showing or encouraging unlawful activity involving alcohol use is irresponsible.

Chief Adjudicator  
28 February 2024