



## ABAC Adjudication Panel Determination No 35/24

**Product:** Little Ripples Wine  
**Company:** Little Ripples  
**Media:** Digital (Facebook)  
**Date of decision:** 4 April 2024  
**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 26 February 2024 in relation to digital marketing for Little Ripples Wine (“the product”), by Little Ripples (“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 26 February 2024.
8. The Panel endeavours to determine complaints within 30 business days of receipt of the complaint. The complaint has been determined within that time frame.

## 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

10. The complaint relates to the following digital (Facebook) marketing for Little Ripples Wine:

Facebook Post 1	Facebook Post 2
<p><b>Little Ripples Wine</b> Sponsored · 🌐</p> <p>🥂 Start 2024 off right with our NEW Low Alcohol Range!</p> <p>This NEW range has Half the Alcohol, Half the Calories, and ALL of the Flavour 🍷. 5.5% and 36 Calories per Serve!</p> <p>The Little Ripples Full Range - ★★★★★ - Over 2000 5-star reviews 🍷 Low carb, 0 grams of sugar &amp; low sugar option, vegan, and much more 🥂 New Low Alc Range just launched 💰 Money back guarantee! We know you will love the wine! ✅ Little Ripples is premium Australian wine, from Australia's best regions!</p> <p>For every wine bottle sold, we provide one year of clean water to one person in need. 💧 🌱</p> <p>To date, we've provided the equivalent of 380,000 people with one year of clean drinking water!</p> <p>🍷 Drinking wine has never been this powerful.</p> <p>Learn why Aussies are switching to Little Ripples today.</p> <p>Explore the range - <a href="https://www.littleripples.co/collections/wines">https://www.littleripples.co/collections/wines</a></p>  <p>littleripples.co <b>Toast to a Healthier 2024!</b> Learn more We love our wines and kn...</p>	<p><b>Little Ripples Wine</b> Sponsored</p> <p>0 grams of sugar per glass! 🥂 Start 2024 off right and Ditch the unnecessary sugar!</p> <p>★★★★★ - Over 2000 5-star reviews 🍷 Low carb, 0 grams of sugar &amp; low sugar option, vegan, and much more 🥂 New Low Alc Range just launched 💰 Money back guarantee! We know you will love the wine! ✅ Little Ripples is premium Australian wine, from Australia's best regions!</p> <p>For every wine bottle sold, we provide one year of clean water to one person in need. 💧 🌱</p> <p>To date, we've provided the equivalent of 380,000 people with one year of clean drinking water!</p> <p>🍷 Drinking wine has never been this powerful.</p> <p>Learn why Aussies are switching to Little Ripples today.</p> <p>Explore the range - <a href="https://www.littleripples.co/collections/wines">https://www.littleripples.co/collections/wines</a></p>  <p>LITTLERIPPLES.CO Start 2024 with 0 Sugar! Learn more Little Ripples is a socially responsible Australian wine company. We turn wine to water!</p> <p><a href="https://www.facebook.com/ads/library/?id=1351430345732784">https://www.facebook.com/ads/library/?id=1351430345732784</a></p>

### Facebook Post 3

**Little Ripples Wine** Sponsored · 🌐

Zero guilt wine? Yes! Our Sauvignon Blanc comes with 0g of sugar per glass 🍷 and it tastes amazing 🍷

Join the wave of over 2000+ Aussies who've given us FIVE-star reviews! 🌟🌟🌟🌟🌟

For every wine bottle sold, we provide one year of clean water to one person in need. 💧🌍 Isn't that amazing!💧

We know you will love this wine as it is:

- ✅ Premium Australian product, from the Best wine regions!
- 🍷 0 grams of sugar & 1-2 carbs per serve, vegan, and much more in our range.

🛡️ Money back guarantee! We know you will love it 🍷

Explore the range - [www.littleripples.co/collections/wines](http://www.littleripples.co/collections/wines)



[littleripples.co](http://littleripples.co)  
**You will love this wine** ❤️  
Money back guarantee

[Shop now](#)

### Facebook Post 4

**Little Ripples Wine** Sponsored · 🌐

Drumroll please! Here come the zero sugar reds 🍷🍷 Sipping guilt free? Yes!

Join the wave of over 2000+ Aussies who've given us FIVE-star reviews! 🌟🌟🌟🌟🌟

For every wine bottle sold, we provide one year of clean water to one person in need. 💧🌍 Isn't that amazing!💧

We know you will love this wine as it is:

- ✅ Premium Australian product, from the Best wine regions!
- 🍷 0 grams of sugar & 1-2 carbs per serve, vegan, and much more in our range.

🛡️ Money back guarantee! We know you will love it 🍷

Explore the range - [www.littleripples.co/collections/wines](http://www.littleripples.co/collections/wines)



[littleripples.co](http://littleripples.co)  
**Coonawarra Cab Sav & Barossa Shiraz**

[Shop now](#)

### Facebook Post 5

**Little Ripples Wine** Sponsored · 🌐

Drumroll please! Here come the zero Pinot Noir 🍷🍷 Sipping guilt free? Yes!

Join the wave of over 2000+ Aussies who've given us FIVE-star reviews! 🌟🌟🌟🌟🌟

For every wine bottle sold, we provide one year of clean water to one person in need. 💧🌍 Isn't that amazing!💧

We know you will love this wine as it is:

- ✅ Premium Australian product, from the Best wine regions!
- 🍷 0 grams of sugar & 1-2 carbs per serve, vegan, and much more in our range.

🛡️ Money back guarantee! We know you will love it 🍷

Explore the range - [www.littleripples.co/collections/wines](http://www.littleripples.co/collections/wines)

### Facebook Post 6

Library ID: 1518275005380172  
● Active  
Started running on 3 Jan 2024  
Platforms 🌐 📱 📺

**Little Ripples Wine** Sponsored  
Library ID: 1518275005380172

0 grams of sugar per glass! 🍷 Start 2024 off right and ditch the unnecessary sugar!

- 🌟🌟🌟🌟🌟 - Over 2000 5-star reviews
- 🍷 Low carb, 0 grams of sugar & low sugar option, vegan, and much more
- 🛡️ New Low Alc Range just launched
- 🛡️ Money back guarantee! We know you will love the wine!
- 🌍 Little Ripples is premium Australian wine, from Australia's best regions!

For every wine bottle sold, we provide one year of clean water to one person in need. 💧🌍

To date, we've provided the equivalent of 380,000 people with one year of clean drinking water!

- 💧 Drinking wine has never been this powerful.

Learn why Aussies are switching to Little Ripples today.

Explore the range - <https://www.littleripples.co/collections/wines>



Facebook Post 7



Facebook Post 8

Little Ripples Wine  
Sponsored · 🌐

**FULL TASTE & 0g SUGAR**

- ✅ Premium Australian wine, that TASTES AMAZING!
- ✅ Range of low & 0g sugar per serve
- ✅ Low Carb & Vegan Friendly
- ✅ For every wine bottle sold, we provide one year of clean water to one person in need. 💧 🌱

🏆 2000+ Five Star Reviews

💰 Money back guarantee!

Explore the range -  
[www.littleripples.co/collections/wines](http://www.littleripples.co/collections/wines)

littleripples.co  
**AMAZING Taste & 0g Sugar per serve** [Shop now](#)

Little Ripples Wine  
Sponsored · 🌐

0 grams of sugar per glass! Ditch the headaches and unnecessary sugar!

- 🍷 Low Carb, 0 grams of sugar, vegan, and much more
- 💰 Money-back guarantee! We know you will love the wine!
- ✅ Little Ripples is premium Australian wine, from Australia's best regions!

★★★★★ - Over 1000 5-star reviews

For every wine bottle sold, we provide one year of clean water to one person in need. 💧 🌱

To date, we've provided the equivalent of 247,000 people with one year of clean drinking water!

🍷 Drinking wine has never been this powerful.

Learn why Aussies are switching to Little Ripples today.

## Complaint

11. The complainant objects to the marketing as follows:

- *Using the terms “zero guilt” and “worry less” in conjunction with the nutrition claims - zero sugar, 0g sugar and low carb, less calories and keto friendly - could lead viewers to believe there are minimal risks in terms of nutritional or health outcomes which is plainly inappropriate for alcohol marketing. As was raised in another complaint to ABAC about Island Mist*

*'Guilt Free' Hard Seltzer "guilt free" or in this case 'Zero Guilt' implies that the product has no negative side effects and is differentiated from other alcohol products that impact on health. Further it implies drinking the product will solve your worries and make you healthy. This kind of communication delivers an inappropriate and misleading message.*

- *In the 5 Facebook ads the terms Zero guilt, Healthy me and Worry Less are some of the most prominent words on the ads – and certainly larger than the brand name or product name. They are the main takeaway messages. We take this claim about the avoidance of a negative consequence to be understood as equating to a positive health claim.*
- *We also have concerns with the phrase 'ditch the headaches'. This is an alcoholic product. We are concerned using this phrase on an alcoholic product could lead to consumer confusion about the health risks of the product including side-effects caused by the alcohol content.*
- *We believe these ads breach part 3 (c) of the code by suggesting therapeutic benefits including relaxation and better mental health through less worry and zero guilt. It also implies a healthier self even though this product is still an alcoholic product.*

## **The ABAC Code**

12. Part 3 (c) of the Code provides that a marketing communication must NOT:
- (iv) suggest that the consumption of Alcohol offers any therapeutic or health (including mental health) benefit, is needed to relax, or helps overcome problems or adversity.

## **The Company Response**

13. The Company responded to the complaint by letter emailed on 6 March 2024. The principal comments made by the Company were:
- We do not believe that the marketing breaches Part 3(c)(i) of the code as "Worry Less" is combined with 0g of Sugar, Low Carb, and Keto-friendly statements. As many consumers are focusing on reducing sugar and carb consumption, we are highlighting that our wine is 0g of sugar per serve and low carb, so they do not need to worry about the hassle of breaking their diet by ingesting too much sugar or carbs.
  - The aim of Facebook post 1 was to promote our new low-alcohol range and to highlight reducing alcohol consumption with the combined statement of "Less Alcohol, Less Calories". Upon review, we acknowledge that we could have used better wording.

- We do not agree that Facebook post 2 is suggesting that wine will result in improved mental health or provide a health benefit. “Worry Less” is combined with 0g of Sugar, Low Carb, and Keto-friendly statements. As many consumers are focusing on reducing sugar and carb consumption, we are highlighting that our wine is 0g of sugar per serve and low carb, so they do not need to worry about the hassle of breaking their diet by ingesting too much sugar or carbs.
- Facebook Posts 3- 6 include statements “Zero Sugar, Zero Guilt”, “Zero Sugar, Zero Guilt, Zero Problem”, “Sipping Guilt Free” combined with additional text that highlights “0g of sugar per serve” and other statements.
  - We believe that a reasonable person would interpret the statements of “guilt free” or “zero guilt” to be related to the 0g of sugar per serve and other USP callouts and not that the advert is stating that drinking wine (an alcoholic beverage) has no negative side effects or that the alcohol in our wine is any different/better than the alcohol in other alcoholic beverages.
  - To double check this, we just went outside and showed approx. 15 random people these ads and asked them if they interpret “Worry Less” or “Zero Sugar, Zero Guilt” as either a) suggesting that drinking alcoholic wine will improve mental health and has no negative side effects due to these statements, or b) choosing this wine that is 0g of sugar per serve, low carb and keto-friendly could provide convenience to a consumer on a diet and then cause them to worry less. 100% of the people asked stated option b. With this, we believe that a reasonable person would not interpret these messages as implying that the wine has no negative side effects or contains a different type of alcohol that has additional health impacts.
  - Please note that these are digital ads and the billboards are photoshopped and are not real.
- In Facebook post 8 - the statement “ditch the headaches” is included in the ad copy where it mentions 0g of sugar, Low carb, Vegan, Money back guarantee and 1000+ 5 star reviews. The intention of the informal statement was to imply that it’s a hassle-free purchasing decision. Upon review, we acknowledge that there are better wording alternatives.

### **The Panel’s View**

14. Part 3 (c)(iv) of the Code provides that an alcohol marketing communication must not suggest that the consumption of alcohol offers any therapeutic or health (including mental health) benefit, is needed to relax or helps overcome problems or adversity. This determination concerns the consistency of 8 separate Facebook posts with this standard.



15. Each post is promoting Little Ripples Wine. While each post is different and needs to be assessed individually, the basic message contained in the posts is that the wine:
- is a premium product;
  - contains 0 grams of sugar, is vegan and has 1-2 carbs per serve;
  - has received many five star reviews;
  - comes with a money back guarantee; and
  - the Company is socially responsible by providing one year of clean water to a person in need for every bottle sold.
16. This sales pitch for the wine is not the subject of the complaint as such and on its face is not problematic in terms of the Part 3 (c)(iv) standard. What has drawn the complaint is the accompanying imagery and/or puffery about the product based on the claimed product characteristics i.e. the sugar content, being vegan and the 1-2 carbs per serve. Various claims or conclusions about the use of the product are included in the posts such as 'healthy me' or 'worry less' or 'zero guilt' or 'ditch the headaches'.
17. The complainant contends that these claims and descriptors create the perception that there are minimal health risks associated with consuming the product and that the product has no negative side effects. This in turn equates to a positive health claim that the product is different from other alcohol beverages that are detrimental to health. Further some posts suggest that consuming the alcohol product leads to a therapeutic benefit including relaxation and better mental health through less worry and zero guilt.
18. The Company submits the posts are consistent with the Code standard although it is conceded a couple of the posts could have been worded a little more carefully. It is argued that the posts clearly link the phrases referenced in the complaint to the product having 0g sugar, low carb, low alcohol, and being keto-friendly. It follows, according to the Company, that a reasonable person would not understand the posts as suggesting the product has a health benefit. The Company also surveyed a small sample of 15 people and those surveyed did not think the messaging to be problematic.
19. The intent of the Part 3 (c)(iv) standard is to prohibit messaging in an alcohol ad from suggesting that the use of an alcohol beverage offers a positive health benefit. For instance, it cannot be claimed that a moderate level of red wine consumption is good for the heart. On the other hand it is permitted to explain the ingredients of a product and how the product is made. Hence it is acceptable to state that a product is low in calories or does not contain sugar.
20. The question that often arises when complaints are made about marketing and this ABAC standard is when the marketing message goes beyond a claimed factual statement and draws a conclusion as to the consequence of the



ingredients or another product characteristic. If for instance, the marketing communication makes it very clear that saying less sugar is a good thing, then the marketing will possibly be acceptable. If however the marketing item would be understood as saying that the product is good for you, it will likely offend the standard.

21. The consistency of an alcohol marketing communications with Part 3 (c) standard is assessed from the standpoint of the probable understanding of the marketing item by a reasonable person. This means the life experiences, values and attitudes found by most people in the community is the benchmark.
22. While each marketing communication must always be assessed individually, some guidance can be taken from the following indicators:
  - visual components such as photographs will tend to be more influential than text;
  - headings and larger font text will be more influential than smaller font 'fine print' text;
  - prominent imagery and dominant colours will stand out from background colours; and
  - it is the overall impact of the communication within context that is decisive as opposed to a single sentence or image.
23. The Panel has considered each Facebook post against the standard in Part 3 (c)(iv) and concluded that posts 1 and 6 are in breach for the following reasons:
  - Facebook Post 1 – the photograph and prominent messaging of New Year, Healthy Me! Less Alcohol, Less Calories, suggests that consuming the product will improve your health.
  - Facebook Post 6 - The photograph showing two bottles of wine with two glasses and the caption 'sipping guilt free' is the most prominent element of the post. While ditching unnecessary sugar is referenced in the accompanying text, the likely take out of the post is that two bottles of wine can be consumed by two people 'guilt free.' This implies excessive consumption can occur without any negative consequences.
24. The Panel believes that Facebook Posts 2, 3, 4, 5, 7 and 8 are not in breach of the standard for the following reasons:
  - Facebook Post 2 – While the term 'worry less' would in a variety of contexts breach the Code standards, in this case the term is contextualised by the phrase being followed by the prominent phrases '0 grams sugar, low carb and keto-friendly' leading a reasonable consumer to the basis for the phrase 'worry less' being related to these attributes.

- Facebook Posts 3, 4 and 5 – In each of these posts, in both the image and the caption, the reference to zero guilt is clearly linked to the product containing zero sugar and due to the linking and equal prominence given to the terms ‘Zero Guilt’ and ‘Zero Sugar’ the most likely interpretation of this ad is that the consumer can consume this product without guilt as it has zero sugar, and would not believe the post is asserting that the wine is offering a positive health benefit.
- Facebook Post 7 – This post references the features of the product in a factual manner and does not suggest the product offers a positive health benefit.
- Facebook Post 8 - The text begins with ‘0 grams of sugar per glass!’ and then states: ‘Ditch the headaches and unnecessary sugar’. Given the balance of the text message, the ‘ditch the headaches’ reference would most likely be understood to be related to the lack of sugar and not a general claim of the product offering a positive health benefit.

25. The complaint is upheld in part.