

## Expedited Determination No. 92/24

**Product:** Tocayo Cocktails  
**Company:** TOCAYO Pty Limited  
**Date of Complaint:** 20 June 2024

**Complaint:** A video posted to Facebook and Instagram encourages people to consume the product in an inappropriate and excessive manner. This is evidenced by the pouring of alcohol directly into the mouth of partygoers.

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

- (i) show (visibly, audibly or by direct implication), encourage, or treat as amusing, consumption inconsistent with the Australian Guidelines to Reduce Health Risks from Drinking Alcohol, such as:
  - (A) excessive Alcohol consumption (more than 10 standard drinks per week or more than 4 standard drinks on any one day);
- (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 the following images from a video posted to Facebook and Instagram.



**Company Action:** The Company accepted the breach and advised that the video posted had been removed.

**Nature of Breach:** The images of long pours of alcohol breach Part 3 (a)(i) and (ii) of the Code by showing the excessive, rapid and irresponsible consumption of alcohol.

Chief Adjudicator  
27 June 2024