

ABAC Adjudication Panel Determination 11/25

Determination Date	3 March 2025
Brand/Company	Grog / Grog Drinks Pty Ltd
Media	Instagram
ABAC Code provision	Part 3 (a)(ii)
Outcome	Upheld

Part 1 - Determination Overview

Complaint:

- A social media post shows a man holding up a liquor store. This is just asking for trouble. I'm all about a great, funny ad, but using guns to rob a liquor store is stupid.

Key findings:

The Panel upheld the complaint, finding that while the post would not be likely understood as a serious call to rob a liquor store, it did depict an irresponsible scenario related to alcohol use.

Marketing Communications:

The complaint concerns a video post on Instagram, as described below.

		
<p>A man approaches a counter in a liquor store and places a case of Grog on it, saying: <i>"Hi - just this, please"</i></p> <p>The store attendant scans the product and informs the shopper that it will cost \$60.</p>	<p>The man turns to look at the camera and says: <i>"She doesn't know that I know this trick"</i></p>	<p>The man then pulls out a gun. The shop attendant gasps.</p>

Part 2 - The Panel's View

1. Chad Roberts and Max Stanley are social media content creators known as the 'Cold Ones'. The pair have built a substantial following with over 3 million YouTube followers and 1.5 million followers on TikTok. Leveraging their social media popularity, including content involving alcohol products, the Cold Ones have developed an RTD product branded as Grog. It is a social media post featuring Mr Roberts and the Grog product that has drawn the complaint.
2. The post is a video of Mr Roberts approaching the counter of a liquor store ostensibly to purchase a case of Grog. The store attendant advises the price as \$60, at which point Mr Roberts turns to the camera and says, 'She doesn't know that I know this trick' as he reaches for a handgun concealed in his trousers. Both the face of the store attendant and the gun are blurred, but there is no doubt that Mr Roberts is going for a firearm.
3. The complainant recognises the post is attempting a joke but believes it is irresponsible to depict the use of a gun to rob a liquor store. The issue for the Panel's determination is whether a reasonable person would probably understand the post is showing, encouraging, or treating as amusing, irresponsible or offensive behaviour that is related to the consumption or presence of alcohol - Part 3 (a)(ii) of the Code.
4. The Company contends that a reasonable consumer would understand that the post uses humour and satire to engage viewers without implying any endorsement of illegal activities or irresponsible drinking habits. It is argued that the post's visual and contextual elements establish that the scenario is staged and not a real-life call to action.
5. A cursory review of the content created by the Cold Ones and the brazen scenario the post depicts supports the idea that the post should not be taken seriously. Australians have a robust sense of humour, and a reasonable person would understand that the post is not to be taken literally as advocating for gun crime.
6. That said, the complainant's concerns are justified. The portrayal of armed robbery in any circumstances, but particularly when related to alcohol, needs to be done very carefully. Despite the Company's argument, no visual elements in the post establish a context. The post depicts irresponsible and offensive behaviour related to alcohol and breaches the Part 3 (a)(ii) standard.
7. The complaint is upheld.

Part 3 - Supporting Information

Panel Process

This complaint was received from Ad Standards (the common entry point for all marketing complaints by members of the Australian community). The Chief Adjudicator referred it to the ABAC Adjudication Panel for consideration against the ABAC Responsible Alcohol Marketing Code. The complaint process is explained [here](#).

The Panel operates following the [ABAC Rules & Procedures](#) and has regard to the principles of procedural fairness.

The Panel comprised Chief Adjudicator Professor the Hon Michael Lavarch AO, Health Sector Panelist Richard Mattick and Panelist Debra Richards.

Applicable ABAC Responsible Marketing Code Standard

Code Part 3 (a) - An Alcohol 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;*

Company Response

The Company was provided with an opportunity to respond to the complaint, and its principal comments were:

- **Contextual Presentation**
 - **Comedic Intent:** The advertisement portrays a fictional and humorous scenario where a man enacts a skit about robbing a liquor store. The exaggerated and funny nature of the skit ensures that it is perceived as entertainment rather than a promotion of criminal behaviour or irresponsible alcohol consumption.
 - **Clear Distinction from Reality:** Visual and contextual elements indicate that the scenario is staged and not representative of real-life actions, thereby preventing any misinterpretation that the advertisement endorses such behaviour.
- **Consumer Interpretation**
 - **Humour and Satire:** A reasonable consumer would understand that the advertisement uses humour and satire to engage viewers without implying any endorsement of illegal activities or irresponsible drinking habits.
 - **No Promotion of Alcohol Misuse:** The advertisement does not depict or suggest the consumption of alcohol in a manner that encourages excessive or

irresponsible drinking. Instead, it focuses on the humorous portrayal of a fictional scenario.

- **Non-Promotional Nature**
 - **Focus on Entertainment:** The primary objective of the advertisement is to entertain and create brand engagement through humour. No direct or indirect call to action promotes the purchase or consumption of Grog products in the context of the depicted skit.
 - **Balanced Messaging:** The advertisement maintains a balanced approach by ensuring that the humorous content does not overshadow the responsible portrayal of alcohol consumption, aligning with the ethical standards set forth by the ABAC Code.

Marketing Best Practice

The company was asked how it demonstrates a commitment to best practices for alcohol marketing. It advised:

- Grog Company is dedicated to upholding both the letter and spirit of the ABAC Code. To ensure ongoing compliance, we implement the following measures:
 - **Comprehensive Internal Review Processes**
 - **Thorough Content Evaluation:** Each advertisement undergoes a detailed internal review process to assess its adherence to all relevant codes and guidelines before dissemination.
 - **Continuous Monitoring and Improvement**
 - **Proactive Compliance Monitoring:** The Grog Company actively monitors our advertising strategies and campaigns to identify and promptly address potential compliance issues.
 - **Process Refinement:** We continuously refine our processes to enhance the effectiveness and responsibility of our marketing efforts, maintaining our commitment to ethical advertising.