



ABAC Adjudication Panel Determination 9/25

Determination Date	3 March 2025
Brands/Companies	Vodka Cruiser and Hard Rated / Asahi Canadian Club / Beam Suntory
Media	TV – Pay (Prime)
ABAC Code provision	Part 3 (c)(i), (c)(ii) and (c)(iv)
Outcome	Dismissed

Part 1 - Determination Overview

Complaint:

- *The complainant is dealing with alcohol dependency and is concerned by the extent of alcohol advertising on Amazon Prime (over 75% of the ads seen) and the messaging in the advertising, which is argued to be disgusting, inappropriate and immoral.*
- *Three ads were identified as typifying the problem:*
 - *Vodka Cruiser - where a 'random' person is invited to be in a Cruiser commercial and becomes elated and dances around like an idiot.*
 - *Hard Rated - where a person overcomes a dilemma due to alcohol giving them a good idea.*
 - *Canadian Club - where people switch from beer to Canadian Club and are once again happy with life.*
- *These ads show people having more fun with a drink or enhancing their lives. They also appear at all hours of the day, not just after 8:30 p.m., which is the regulated allowed time.*

Key findings:





The Panel acknowledged the legitimate points raised about the challenge of navigating alcohol dependency given extensive depictions of alcohol use in society, including alcohol marketing. Only some aspects of the complaint fall within the remit of the ABAC Scheme, and other elements rest directly with government.

On the consistency of the three ads with ABAC standards, the complaint was dismissed as the ads did not suggest that alcohol was the cause of social success or caused an improvement in mood and environment.





Marketing Communications:


The complaint concerns three television advertisements promoting different products. The advertisements are described below.

Vodka Cruiser 'Bold Choice'





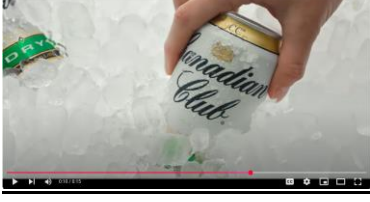
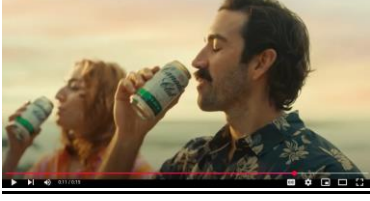

<p>The 'Bold Choice' advertisement commences with Zoe standing on a stage before opening curtains.</p> <p>The words 'Vodka Cruiser Presents' are superimposed beneath the product logo. Costumed, professional dancers are shown behind the curtain, leading Zoe in a dance routine.</p>		
<p>We are shown a scene from two minutes earlier in which Zoe is asked on the street, "Do you want to be in a Vodka Cruiser ad?" The ad closes with the dancers surrounding Zoe, holding a bottle of Vodka Cruiser. The words "Bold Choice" and images of three Vodka Cruiser bottles are superimposed.</p>		

Hard Rated Cheeky Cheese

<p>The advertisement commences with an image of a man holding many pieces of cheese on sticks as he takes another from a tray held by a delicatessen worker, who asks:</p> <p><i>"Would you like to buy some?"</i></p>		
<p>The man replies,</p> <p><i>"I'm not much of a cheese guy."</i></p> <p>An image of a smaller, identical man emerges from the man's head. He claps and says,</p>		

<p><i>"Cheeky."</i></p>		
<p>The closing scene shows the small replica man sitting on the main character's shoulder, holding a can of Hard Rated. The main character is shown drinking Hard Rated before turning to the small replica man and smiling.</p> <p>A voiceover says,</p> <p><i>"Hard Rated. Born Cheeky."</i></p>		

Canadian Club

<p>The opening scene shows a man and woman barbecuing on the beach. They are both holding bottles of beer.</p> <p>The man pours some of his beer onto the BBQ.</p> <p>The woman asks,</p> <p><i>"Hey, why do you pour beer on the barbie?"</i></p>		
<p>The man replies,</p> <p><i>"I don't want to drink all of it."</i></p> <p>The man and woman pour their beers onto the BBQ, and the music from "I Can See Clearly Now" starts playing.</p>		
<p>The words from "I Can See Clearly Now" are now played, notably "It's going to be a bright sunny day", as a can of Canadian Club is taken from some ice.</p>		
<p>The man and woman are both shown drinking from cans of Canadian Club.</p> <p>The closing scene shows a can of Canadian Club being placed in front of an esky at the beach. The words "Over beer?" are displayed.</p>		

Part 2 - The Panel's View

Background

1. The complainant is dealing with alcohol dependency and is self-described as a recovering alcoholic. Alcohol dependency is a serious and harmful health issue for the individual and the community as a whole, and the complaint draws out how the ubiquitous references to and depictions of alcohol use in society contribute to the significant challenge for people struggling with alcohol dependency.
2. At its core, the complaint raises issues about the most appropriate way alcohol should be regulated. Ultimately, this is a matter for government and involves complex and interrelated public policy settings in public health, regulatory policy, policing, enforcement and taxation.
3. The National Alcohol Strategy recognises alcohol marketing as one component of this larger policy response to alcohol related harms. The regulation of alcohol marketing is a shared space between direct government regulation and industry-led codes of practice. Some of the issues raised by the complaint fall within the domain of government agencies, while the concern about the messaging within the ads identified by the complainant are questions for the ABAC Scheme and are within the remit of the Panel to decide.
4. The issue raised by the complaint that rests directly with the government is the volume and frequency of advertising permitted on subscription services like Amazon Prime. The Australian Communications and Media Authority regulate advertising volumes.
5. The complainant also mentioned that alcohol advertising was restricted on TV to time slots after 8-30 pm, yet ads on Amazon Prime were encountered at all times of the day. It is correct that there are time-of-day restrictions on alcohol advertising on free-to-air TV. There are, however, no time-of-day restrictions on subscription TV and streaming services. The ABAC Placement Standards impose limitations on where alcohol ads can be shown, but these limitations endeavour to exclude or limit the audience of minors to alcohol ads. There are no placement restrictions in the ABAC applicable to broadcast media aimed at adults.
6. Drawing this together, only a partial scope of the issues raised by the complaint can be addressed in this determination. Specifically, the question within the remit of the ABAC Scheme and hence the Panel is whether the content of the three ads is consistent with the ABAC standards.

The advertising content and the ABAC standards.

7. The complainant raised concerns about advertising for three alcohol brands, which are argued to be '*disgusting, inappropriate and immoral*'. Each brand has several different ad versions within current marketing campaigns. After liaising with the complainant and checking with the brand owners about which ads were shown on Amazon Prime, three specific ads were identified for review. These ads and the complainant's concern are:

- *Vodka Cruiser - where a 'random' person is invited to be in a Cruiser commercial and becomes elated and dances around like an idiot.*
 - *Hard Rated - where a person overcomes a dilemma due to alcohol giving them a good idea.*
 - *Canadian Club - where people switch from beer to Canadian Club and are once again happy with life.*
8. These concerns enliven the following ABAC Code standards that an alcohol marketing communication must not:
- suggest that the consumption or presence of alcohol may cause or contribute to an improvement in mood or environment – Part 3 (c)(i);
 - show (visibly, audibly or by direct implication) the consumption or presence of alcohol as a cause of or contributing to the achievement of personal, business, social, sporting, sexual or other success – Part 3 (c)(ii); or
 - 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 – Part 3 (c)(iv).
9. The Panel will consider the advertisements against these Code standards. The consistency of a marketing communication with an ABAC standard is assessed based on a reasonable person's probable understanding of the marketing. A 'reasonable person' means that the life experiences, values, and opinions held by most of the community are the benchmark. A person who interprets a marketing item differently is not 'unreasonable', but most people may not share their understanding.

Vodka Cruiser 'Bold Choice'

10. The Vodka Cruiser 'Bold Choice' ad shows a woman (Zoe) wearing everyday clothing standing on a stage before a curtain. As the curtain ascends, stage performers in costume guide Zoe through a choreographed dance routine. The end of the ad provides context by showing a flashback scene where Zoe is approached on the street and asked if she would like to be part of a Vodka Cruiser ad.
11. The complainant's contention is that the ad directly implies that the product contributes to a person becoming happier, more confident and achieving success by having her skills acknowledged and appreciated by others (professional entertainers).
12. Asahi argues the ad is consistent with the ABAC standard, submitting:
- The ad is intended to celebrate acts of spontaneity and the unexpected. Zoe has displayed a 'Bold Choice' by saying yes to being in an ad that requires her to dance on stage;

- No product or consumption is shown until the end frame, when Zoe only holds a bottle of Vodka Cruiser as a prop. A reasonable person would not correlate the presence of Vodka Cruiser with any mood change or achievement of success;
- Zoe's spirit and vibe remain the same throughout the whole experience. The ad is a social experiment, and the most likely understanding is that Zoe is an inherently happy and enthusiastic person who took up the challenge of performing the ad irrespective of the product, i.e., whether it is Vodka Cruiser or toothpaste.

13. The Panel does not believe that the Vodka Cruiser Bold Choice ad breaches Part 3 (c)(i) and (c)(ii), noting that:

- The key concept in the ABAC standard Part 3 (c) standards is causation. It is not permitted to suggest that alcohol is a cause or contributor to the achievement of success or that alcohol elevates a mood or environment.
- Alcohol can be placed with attractive, successful people and a happy occasion, provided it is not suggested the mood or the success was caused by alcohol.
- In the ad, alcohol use does not play a part in setting the mood or Zoe performing in the mood, with the product only shown after the performance.
- The mood reflected in the ad is consistently vibrant and does not shift with the introduction of the product.
- A reasonable person would probably not understand that the ad is portraying alcohol use as the cause of Zoe's choice to participate in the ad or her success in performing the dance routine.

Hard Rated Cheeky Cheese

14. The Hard Rated ad shows a man in a delicatessen taking and holding multiple servings of cheese samples from the tray held by an unimpressed deli employee. After being asked whether he would like to buy some cheese, the man replies that he is '...not much of a cheese guy'. A miniature version of the man emerges from the top of his head, clapping, smiling and saying 'cheeky'. The ad's final scene shows the miniature version sitting on the man's shoulder, holding a can of Hard Rated, as the more prominent man takes a drink from a can of the product. The ad voiceover concludes that Hard Rated was 'born cheeky'.

15. The complainant has construed the ad as portraying that alcohol enhances a person's mind or gives them good ideas. Asahi argues that:

- there is no depiction or consumption of the product until the end frame. The main character has not consumed, nor has anything to do with, Hard Rated until the end frame where the product is shown;

- the person coming out of the protagonist's head is unrelated to Hard Rated. It is merely an extension of the man. There is no causation between the presence of Hard Rated and any of the behaviours depicted;
- we do not believe a reasonable person would view the man's 'inner cheeky' clapping as achieving personal success – there is no gain for the main character. He also isn't implied to be drinking his Hard Rated as a result/reward for his 'cheeky' behaviour – a reasonable person would view the end frame as the man and his 'inner cheeky' simply enjoying a refreshing Hard Rated; and
- it is never implied or suggested that alcohol has had anything to do with the 'inner cheeky' arriving. A reasonable person would understand that every person has an 'inner cheeky' who sometimes comes out in different social situations.

16. The Panel does not believe that the Hard Rated Cheeky Cheese ad breaches Part 3 (c)(i) and (c)(ii), noting that:

- The key concept in the ABAC Part 3 (c) standard is causation. It is not permitted to suggest that alcohol is a cause or contributor to the achievement of success or that alcohol elevates a mood or environment.
- In the ad, the man is depicted as cheeky, taking multiple cheese samples but deflecting the inquiry about purchasing by saying he doesn't like cheese.
- The product was not introduced until after the exchange at the deli had concluded, and the man's response was not caused or contributed to by its use or presence.
- The ad associates a cheeky action and response with the product but does not portray the product as the cause of the clever response.

Canadian Club

17. The Canadian Club advertisement shows two people barbecuing on the beach. They are both holding bottles of beer. After the man pours some of this beer onto the BBQ, the female character queries why he has done that. In response, the man speculates that it is so he doesn't have to drink the beer. The woman then also empties her beer on the BBQ. Both characters then switch to drinking Canadian Club as the song 'I Can See Clearly Now' is played.
18. The complainant argues that the ad shows people becoming happier after drinking Canadian Club. Beam Suntory responded that the ad does not breach the ABAC standards and noted that it has been used for several years without raising concerns. It was pointed out that pre-vetting approval had been obtained for the ad, and there was no intention to suggest that the product lightens a mood or makes a person happy.
19. While pre-vetting advice is a component of the ABAC Scheme, the complaints process is freestanding and independent of pre-vetting. The Panel makes its own decision

regarding the complaint and its consistency with the relevant ABAC standard raised by a complainant.

20. The Panel acknowledges the complainant's point but does not believe on balance that the ad breaches Part 3 (c)(i) or (c)(iv) of the Code, noting that:

- The mood depicted is calm and passive and remains constant during the ad; and
- While the couple is shown enjoying Canadian Club rather than being bored with the earlier choice of beer, the most probable understanding of the ad is that it is about the comparative choice of the product types rather than suggesting that Canadian Club improves mood.

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 (c) - An Alcohol Marketing Communication must NOT:

- (i) suggest that the consumption or presence of Alcohol may cause or contribute to an improvement in mood or environment;*
- (ii) show (visibly, audibly or by direct implication) the consumption or presence of Alcohol as a cause of or contributing to the achievement of personal, business, social, sporting, sexual or other success;*
- (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.*

Company Response

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

Vodka Cruiser 'Bold Choice'

- The marketing does not breach Part 3 (c)(i) or (ii).
- 'Bold Choice' depicts a woman, Zoe, participating in a performance. The ad begins with Zoe standing in front of a closed curtain – she's excited and unsure what will happen. When the curtain opens, she is encouraged by the dancers to participate in a spontaneous performance. Zoe is more than happy to participate; she is excited and surprised by the entire performance. The end cut of the video is captioned '2 minutes earlier...', and shows Zoe being asked if she wants to be in a Vodka Cruiser ad on the street. She is curious and open, playfully pretending to think about it, and her full reaction is cut as we move to the end frame, which shows her holding a bottle of Vodka Cruiser as the finale to the performance. The ad is intended to celebrate acts of spontaneity and the unexpected. Zoe has displayed a 'Bold Choice' by saying yes to being in an ad that requires her to dance on stage.
- The starting frame of the ad features the writing 'Vodka Cruiser presents'. No product or consumption is shown until the end frame, when Zoe is only holding a bottle of Vodka Cruiser as a prop. A reasonable person would not correlate the presence of Vodka Cruiser with any mood change or success. Before Zoe even enters the dance, she is seen smiling and excited. Her spirit and vibe remain the same throughout the whole experience. The ad is clearly a social experiment; a reasonable person would not deduce that Zoe is happier or successful because she has taken part in a performance.
- The use of the product is secondary and an afterthought; the purpose of the ad is to see if people will say 'yes' to dancing in an ad. The physical Vodka Cruiser is placed into Zoe's hand in the last second – it is clearly a mere prop that she is not sure what to do with. This peripheral use of the Vodka Cruiser bottle further confirms that while the ad is for Vodka Cruiser, it is not actually about Vodka Cruiser.
- When seeking pre-vetting approval for the 'Bold Choice' campaign, the pre-vetting officer advised that: "A reasonable person wouldn't find it credible that a person off the street would be capable of immediately dancing with the same skill as trained dancers. Having a go is acceptable but not being competent."
- Zoe is clearly not completing the dance with the same skill or technique as the dancers. She is a few beats behind, and the dancers pull her into certain positions. The dancers are encouraging and friendly to Zoe throughout the entire ad – she is in no way more successful or appreciated just by finishing the dance. Zoe was never at a 'lower' level that she has elevated herself from - she is included, smiled at and treated as a member of the performance the whole time.

- As the Panel determined in Complaint 17/24 Hahn Beer:
 - “The most likely understanding is that the man is inherently competitive and not that alcohol played a part in the man’s attitude to the run nor his performance in the run;
 - However, the product is shown after the finishing of the run and marks the achievement of completing the run and not as causing or contributing to that achievement;
 - A reasonable person would not probably conclude that alcohol has caused the success of the person or the event.”
- Zoe is no more acknowledged or appreciated by the dancers at any point in the ad. The entire time, they are engaged and inclusive. She is also no more personally happier or confident – we can clearly see her demeanour remains constant throughout the whole ad where she is excitedly confused yet enthusiastic about what is happening.
- We submit that the most likely interpretation of this ad is that Zoe, an inherently happy and enthusiastic woman, has participated in an ad by dancing – something that she would have done regardless of whether it was an ad for Vodka Cruiser or toothpaste. The product is only shown after the performance is complete. Even then, it is not consumed – it is treated as an object.
- The Panel also considered this standard in Complaint 120, 122 & 125/16 Hahn beer, where they determined: “The key concept in this standard is that of causation. This means that an advertisement can associate alcohol with appealing and exciting environments and with people portrayed in a highly engaged and happy mood, provided it is not suggested that an alcohol product caused or contributed to the significant change in either mood or environment.”
- The ‘Bold Choice’ ad is part of an exciting campaign featuring many characters who are consistently highly engaged and happy. We do not show or imply that Vodka Cruiser (its presence or consumption) contributed to this environment; it is merely the vehicle for the social experiment.

Hard Rated – Cheeky Cheese

- The Hard Rated – Cheeky Cheese advertisement does not breach Part 3 (c)(i) or (ii).
- In this ad, we open at a deli, where a man takes many cheese samples from an unimpressed deli worker. The man is asked if he would like to buy some, and he says he’s “not much of a cheese guy”, despite the handful of cheese samples he’s already had. A miniature version of himself rises from the man’s head, clapping and stating “cheeky”. The next frame removes the man from the deli, showing him and

his miniature against a black backdrop, now drinking Hard Rated with the caption 'Born Cheeky'.

- The purpose of the ad is to make light of people who act against unwritten and harmless social norms, such as taking more than one sample of a product when shopping.
- As with the Vodka Cruiser ad, there is no depiction or consumption of the product until the end frame. The main character has not consumed, nor has anything to do with, Hard Rated until the end frame where the product is shown.
- Consumers do not know what the ad is for until the final seconds, when the characters are removed from the deli environment.
- As the Panel determined in Complaint 17/24 Hahn Beer, the complainant contended that the ABAC standard does not permit the association of alcohol with winning or success. This is not correct. The key concept in the Part 3 (c)(ii) standard is causation. It is not permitted to suggest that alcohol was a cause or a contributor to achieving success.
- The person coming out of the protagonist's head is not related to Hard Rated at all. It is merely an extension of the man. There is clearly no causation between the presence of Hard Rated and any of the behaviours depicted. Throughout the ad, the man's behaviour and facial expressions are consistently 'cheeky' – he does not experience a mood change from saying his 'funny' line, receiving claps (noting these are still prior to consumption) or drinking Hard Rated at the end.
- He also does not receive any success—personal, business, social, sporting, sexual, or otherwise. The only other person in the ad is the deli worker, who is obviously unimpressed.
- We do not believe a reasonable person would view the man's 'inner cheeky' clapping as achieving personal success – there is clearly no gain for the main character. He also isn't implied to be drinking his Hard Rated as a result/reward for his 'cheeky' behaviour – a reasonable person would view the end frame as the man and his 'inner cheeky' simply enjoying a refreshing Hard Rated.
- It is never implied or suggested that alcohol has had anything to do with the 'inner cheeky' arriving. A reasonable person would understand that every person has an 'inner cheeky' who sometimes comes out in different social situations. Additionally, the 'inner cheeky' is an exact replica of the man – he's not drinking and has no Hard Rated references on him.

Beam Suntory was provided with an opportunity to respond to the complaint, and its principal comments were as follows:

- The marketing does not breach the Code.

- ABAC pre-vetting approval was obtained for the marketing.
- There is no intention to show Candian Club as causing a lightening in the mood.

Marketing Best Practice

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

- Asahi Beverages and Carlton & United Breweries (CUB) take the responsible advertising of alcohol seriously. We are aware of the Code requirements, and our policy and practice are in line with ensuring compliance with all relevant alcohol and marketing guidelines.
- It is an ABAC signatory and has committed to meet ABAC Code Standards and comply with Panel determinations;
- It sought and followed advice from the ABAC Pre-vetting Service about the marketing referred to in the complaint;
- Team members have completed the current ABAC online training course; and
- Asahi Beverages has taken other steps to ensure that its marketing practices and materials meet community expectations for responsible alcohol marketing.

Beam Suntory was asked how it demonstrates a commitment to alcohol marketing best practices. It advised:

- Pre-vetting approval was obtained for the marketing shown.
- Beam Suntory is an ABAC Signatory.