

Australia's Responsible Alcohol Marketing Scheme

2025 First Quarter Report

OVERVIEW

The ABAC Responsible Alcohol Marketing Code (the Code) establishes standards for responsible alcohol marketing in Australia. It governs alcohol marketing content and placement across all advertising platforms. The ABAC Scheme receives and decides public complaints about alcohol marketing with its Complaints Adjudication Panel issuing determinations as to whether a marketing communication is consistent with Code standards. To ensure ongoing alignment with community expectations, ABAC conducts external assessments of determinations. The ABAC Panel has recently refreshed its determination format to make it more concise and accessible.

Recent ABAC Panel determinations provide crucial guidance for the industry, underscoring key areas requiring careful consideration in marketing development. Breaches last quarter emphasise the following:

- **Avoidance of Excessive or Rapid Consumption:** Marketing must not depict or encourage excessive or rapid alcohol consumption. Examples of breaches last quarter included an implication of consuming ten alcoholic beverages and promotion of rapid consumption through alcohol-branded "shoey's."
- **Protection of Minors:** Alcohol marketing should not employ themes relatable to minors. Recent breaches involved ads with school lunchbox themes, beach toys, soft drink flavours and breakfast cereal imagery.
- **Safety Around Water Activities:** Marketing must not depict alcohol consumption before or during water-based activities, as these require high levels of alertness and physical coordination. Four complaints were upheld on this basis last quarter.

In late 2024 and early 2025, the Panel addressed complaints regarding alcohol ads placed on children's podcasts. Investigations revealed that the publisher's incorrect podcast classification was the primary cause. ABAC engaged with podcast platforms, resulting in advice that best practice guidance would be developed for the audio industry.

Panel determinations and breaches in 2024 reached their highest levels since the COVID-impacted year of 2021, highlighting the importance of proactive measures to achieve compliance. Marketers are strongly encouraged to educate their teams and agencies on responsible marketing practices to ensure adherence to the Code. ABAC offers resources to support this:

- **Comprehensive Guidance Materials:** Resources covering content and marketing placement guidelines are available [here](#).
- **Free Online Training Course:** A one-hour interactive course with video clips, culminating in a certificate of completion, is recommended for onboarding marketing and agency team members. Access the course [here](#).
- **Tailored In-House Workshops:** Interactive training sessions customised for specific team needs are available. Further information can be found [here](#).
- **Pre-vetting Advice:** Utilising ABAC's pre-vetting service significantly reduces the risk of Panel breaches and is available to both signatories and non-signatories. Details are accessible [here](#).

Key Reminder - Implementing Age Restrictions

Implementing age restriction controls in your marketing is straightforward, with detailed instructions provided in ABAC's [Organic Placement Checklist](#) and [Paid Placement Checklist](#). Employing age restrictions demonstrates a clear commitment to marketing alcohol and alcohol alternative products exclusively to adult audiences.

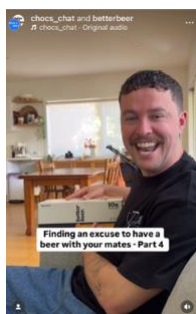
KEY STATISTICS

Complaints	40
Raising Code issues and referred for determination	22
Not raising Code issues*	16
Raising an issue previously considered by the Panel	2
Raising an issue consistently dismissed by the Panel	0
Determinations	26
Dismissed	13
Upheld	12
Upheld - Expedited	1
Pre-vetting	574
Rejected	56
Pending	2

* Complaints that did not raise Code issues fell outside the scope of the scheme as they raised concerns outside ABAC standards such as the advertising not being for an alcohol product, failure to disclose as advertising, a general objection to alcohol advertising and bait marketing which can fall within the scope of other regulators, including Ad Standards.

Click on any of the following images to view the Panel decision.

Part 3 (a) - Responsible and moderate portrayal of Alcohol



Upheld - Better Beer - Part 3 (a)(i)

The Instagram video was found to depict the excessive consumption of alcohol.

In reaching this view, the Panel noted the implication that other people will also be bringing beer and Jake's statements - "it's only 10 beers" and "it's just 10" - as he takes the 10-pack with him.

The posts were removed.

Upheld - Grog - Part 3 (a)(ii)

A video Instagram post showing an armed holdup of a liquor store was found to breach the Code by depicting irresponsible behaviour. The advertiser removed the post.



Upheld - Hard Fizz - Parts 3 (a)(ii) and (d)

The Panel found that a "Shoey" marketing collateral item and Instagram posts showing people doing "shoey's", or long pours, breached the Code by showing the rapid consumption of alcohol.

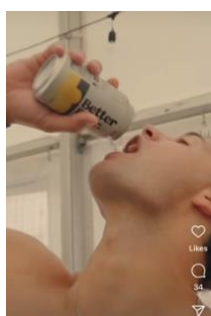
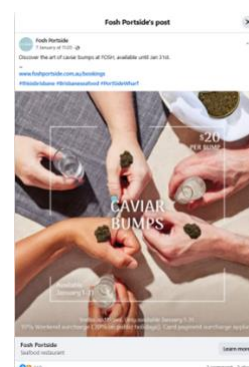
Some posts were also found to breach the Code by depicting alcohol consumption when undertaking activities that, for safety reasons, require a high degree of alertness or physical coordination.

The advertiser advised that it would discontinue the "Shoey" collateral marketing item, and deleted the posts.

After the initial determination, another complaint was received, also raising issues about social media posts showing rapid consumption and alcohol being consumed in unsafe situations. An expedited determination (click [here](#)) was made, and the posts were deleted.

Dismissed - Fosh Portside - Part 3 (a)(ii)

The Panel dismissed the complaint, finding that a caviar bump is a culinary tradition and that the practice is unrelated to drug use. Further, a reasonable person would not understand that the post is showing or encouraging irresponsible behaviour related to alcohol use.



Dismissed - Better Beer - Part 3 (a)(ii)

On balance, the Panel believed the video shows an enjoyable series of activities; however, rapid or excessive alcohol use is neither actually shown nor necessarily implied.

Part 3 (b) - Responsibility toward Minors

Upheld - Evil Thoughts Bar - Part 3 (b)(i)

The Panel found that the post has strong or evident appeal to minors, noting that:

- showing popular children’s snacks and confectionery items will be highly familiar and relatable to minors;
- the graphics of chalk outlines of the noughts and crosses game, paper plane and the like will be recognisable and relatable to minors;
- the juxtaposition of this imagery with alcoholic drinks raises the implication of a smooth transition from non-alcoholic foods and drinks to the use of alcohol; and
- as a whole, a reasonable person would probably understand the post has a strong or evident appeal to minors.



The advertiser removed the Instagram post.



Upheld - Little Ripples Wine - Part 3 (b)(iii)

The Company could not verify the woman’s age, and internet research indicated she could be under 25. As such, the Panel upheld the complaint that the post included an image of a person under 25.

The advertiser removed the post after being advised of the complaint.

Upheld - Moon Dog Brewing - Part 3 (b)(i)

In relation to posts promoting Fizzer Seltzer, the Panel noted that:

- the descriptors “Creamy Soda” and “Orange”, in particular, are commonly applied to non-alcoholic drinks and would be recognisable and relatable to minors;
- products are shown in a glass similar to that used for non-alcoholic drinks; and
- the use of bright colours and playful font, would be eye-catching and appealing to minors.



In relation to a post promoting Moon Dog Beach Club, the Panel noted that:

- the post fails to establish the beverage is alcoholic and could cause confusion with a soft drink; and
- the use of props, including sand, a bucket and a shark toy, would be familiar and relatable to minors.

The Company removed the social media posts.



Upheld - Modus Brewing - Parts 3 (b)(i) and (d).

The post uses imagery of Froot Loops cereal alongside the alcohol can, resulting in the Instagram post being likely to be understood as strongly appealing to minors, in breach of Part 3 (b).

This determination also found that two Instagram posts breached the Code by showing people consuming alcohol before or while swimming.

The advertiser removed all Instagram posts found to breach the Code.

Dismissed - Minus 196 Suntory - Parts 3 (a)(i) and (b)(i)

The Panel dismissed the complaint finding:

- The ad sufficiently establishes the product as an alcohol beverage and it would not be confused with an energy drink.
- The 3D animated format of the ad is eye-catching compared to a static billboard, but it has no greater appeal for a minor than it would have to an adult.
- The ad does not depict alcohol consumption and does not contain messaging suggestive of excessive alcohol consumption or drunken behaviour.



Dismissed - Menulog - Parts 3 (b)(ii) and (b)(iii).

The age of a person used in advertising is a question of fact. The ad was voiced by actor, beatboxer, and professional voice-over artist BVT, who is 29 years old. Regardless of the actual age of the person in the ad, the Code also requires that they not appear to be a minor. The actual words spoken in the ad do not contain cues suggesting the speaker is a minor, and the Panel believed a reasonable person would assume the person speaking is an adult.

Dismissed - Vodka Cruiser - Part 3 (b)(i) and Part 4

The Panel did not find the ad has strong or evident appeal to minors, noting:

- All of the participants in the ad are adults aged 25 or over;
- The scenario, and the production values of the ad are not reminiscent of the viral dance videos popular on TikTok;
- The ad doesn't feature personalities or a well-known music score prevalent in youth culture;
- The dancing is in theatre and not a setting more likely to resonate with teenagers, such as a club or private household; and
- The ad would have no more significant appeal to minors than adults at its highest.



The Panel also found that placement of the ad with the movie "Spider-Man: No Way Home" did not breach ABAC's Placement Standards.

The [Lula Rum](#) determination found a breach of Part 3(d) but not the Responsibility toward Minors standard.

Part 3 (c) - Responsible depiction of the effects of Alcohol

OUR WINES ARE CRAFTED TO BRING HAPPINESS & DELIGHT

Upheld – Drop of Sunshine Wines – Part 3 (c)(i) and (ii)

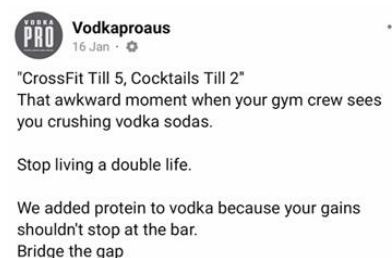
The Panel found that the website tile suggests the product improves mood by bringing happiness and delight. The Panel also found that a podcast pre-roll ad positions the product as a contributor to achieving personal/social success of meaningful connections. The marketing was modified.

Upheld - Vodka Pro - Part 3 (c)(iv)

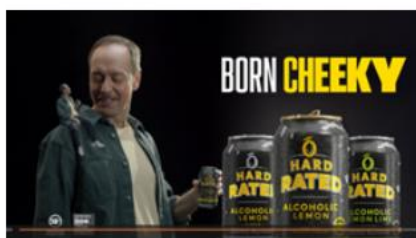
The Panel found that two posts breach the ABAC standard in Part 3 (c)(iv):

- Post 1- hashtags #HealthyCocktails and #Wellness Beverage would be understood that use of the product is healthy, aiding wellbeing; and
- Post 2- accompanying text suggests health gains from product use.

The posts were deleted.

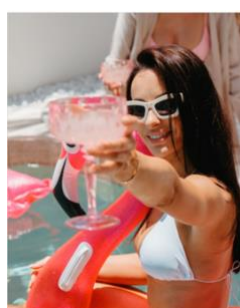


Dismissed - Vodka Cruiser, Hard Rated and Canadian Club - Part 3 (c)(i), (c)(ii) and (c)(iv).



The complaint was dismissed as the ads did not suggest that alcohol was the cause of social success or an improvement in mood and environment.

Part 3 (d) - Alcohol and Safety



Upheld - Lula Rum - Part 3 (b)(i) and (d)

The Panel found three posts breach the Part 3 (d) standard, noting that each post shows a woman floating on a pool toy while wearing swimwear and holding a glass, implying alcohol consumption is occurring. The posts are set at a time of day when swimming is likely to occur.

The advertiser removed the Instagram posts.

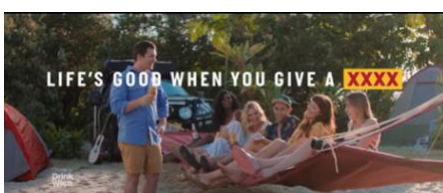
The complainant was also concerned about an Instagram post's strong or evident appeal to minors. However, the Panel dismissed this aspect of the complaint.

Determinations referenced above also found a breach of the Alcohol and Safety standards and were removed:

Hard Fizz - Part 3 (a)(ii) and (d)	Hard Fizz - Part 3 (a)(ii) and (d)	Modus Brewing - Part 3 (b)(i) and (d)

Dismissed - Jim Beam - Part 3 (d)

The Panel dismissed the complaint, noting the standard does not prohibit alcohol being associated with a motor vehicle but prohibits showing alcohol consumption before or during driving. This ad does not show alcohol consumption or driving, with the image likely being understood as a couple in a coastal setting after completing a journey.



Dismissed - Lion XXXX - Part 3 (d)

The Panel dismissed the complaint finding alcohol use is not shown by the operator of the winch or the man directing the raising of the hammock until after it has been raised and secured, people are not shown on the hammock until it, has been raised, it is securely fastened and not raised far from the ground and taken as a whole the ad is not dangerously encouraging alcohol use.

Part 4 - Placement Standards

Upheld (No Fault Breach) - BWS

Placement During “Calm Kids Bedtime Stories” on Spotify

The breach arose from Spotify’s error in correctly classifying the Calm Kids Bedtime Stories. A no-fault finding was made as the Company had acted to age-restrict the ad, and the breach was outside the Company’s reasonable control.

The company remedied the breach after being advised of the complaint.

Upheld (No Fault Breach) - First Choice Liquor and/or Liquorland

Placement During “Trivia for Kids” Podcast

The Company submitted that it had given instructions on the placement of its advertising with podcasts that included the application of available age restriction controls and a specific ‘whitelist’ of approved podcasts for the ads. These instructions were not adhered to. Further and critically, the Trivia for Kids podcast had been incorrectly classified in terms of its content.

The company remedied the breach after being advised of the complaint.

Dismissed - Fireball Whisky

Placement on Spotify Free

The Panel dismissed the complaint, taking into consideration that:

- the Company advised that it only serves alcohol ads to logged-in consumers who fit its target brand demographic, which in every instance includes an 18-year-old audience;
- it is reasonably clear from the data supplied by the Company together with the age of Spotify account holders, that it is unlikely that the audience of content on Spotify would exceed 20% minors; and
- in the current case, the content would be a playlist selected presumably by the complainant and suitable for children. The Placement Standard is not applicable and would not be breach

Dismissed- BWS

Placement During Matildas vs Brazil

The Panel dismissed the complaint noting that the CTICP permits an alcohol ad to be shown with the Matildas’ game at or around 6 pm, available age restriction controls were used, 97% of the viewers of a match held on 1 December 2024 were adults, and that the game was not primarily aimed at minors.

Dismissed - Canadian Club, Devils Corner Pinot Noir and Guinness

Placement During Optus Sport English Premier League

The Panel dismissed the complaint, noting that:

- To view Optus Sports, an adult in the household must initially open an account, which requires the giving of a date of birth.
- EPL Highlights shown on Optus Sport attract a predominantly adult audience, and it is evident that the placement rule benchmark of an 80% adult audience has not been breached.
- EPL games and their broadcast cannot be fairly regarded as primarily aimed at minors.

A Vodka Cruiser determination was also not found to breach the Placement Standards

Part 2 - Application of the Code



Dismissed - Jim Beam - Part 2 (b)

The Panel dismissed the complaint, finding that the placement of the Jim Beam name and logo on the player's shorts resulted from a sponsorship agreement by the Company of the Newcastle team and hence falls within the exception to the application of the Code contained in Part 2 (b)(v).

Dismissed - BWS - Part 2 (b)(iv) and Part 3 (b)(i)

The complainant was concerned that Christmas ornaments on display in a BWS store have a strong or evident appeal to minors.

The Panel did not believe the in-store decorations were within the scope of the ABAC standards and were properly understood as point-of-sale marketing within the intended meaning of Part 2 (b)(iv) of the Code. This means the display falls within the intended jurisdiction of the Victorian Liquor Licensing regulator rather than the ABAC Scheme.



The ABAC Complaints Panel is headed by Chief Adjudicator Professor The Hon Michael Lavarch AO.

For more information on ABAC or to access the ABAC Adjudication Panel decisions referred to in this report, visit: <http://www.abac.org.au>.