



ABAC Adjudication Panel Determination 42/25

Determination Date	6 May 2025
Brand/Company	Liquorland/Coles
Media	TikTok
ABAC Code provision	Part 3 (b)(i)
Outcome	Upheld

Part 1 - Determination Overview

Complaint:

The complainant is concerned about a post made to TikTok, as *it shows using a Caramello Koala to garnish an alcoholic beverage. Caramello Koalas are a well-known Australian chocolate with a strong or evident appeal to minors. While this confectionary can attract all ages, it particularly appeals to minors.*



Key findings:

The Panel upheld the complaint, finding:

- Caramello Koalas are a well-known and popular confectionery item across age groups, including minors.
- The inclusion of a confectionery item within an item of alcohol marketing will often elevate the potential appeal of the marketing communication to minors.
- Whether the marketing communication's appeal to minors is strong and evident or only incidental is a case-by-case assessment.
- In the current case, the appeal is considered strong or evident, given:
 - The Caramello Koala confectionery item will be highly recognisable and strongly resonate with minors.
 - The final section of the video depicts the addition of ice cream and the confectionery, creating the possibility that the alcoholic cocktail could be confused with a dessert and raising the illusion of a smooth transition from a non-alcoholic product to an alcohol product;

- The video captions associate the cocktail with the chocolate theme of Easter, and while this appeals across age groups, it is an additional element likely to resonate with minors, and
- Taken as a whole, a reasonable person would probably understand the marketing video would have a strong or evident appeal to minors.

Marketing Communication:

<p>The marketing is a 30-second TikTok video tutorial depicting the making of a “Carmeltini” cocktail. The clip shows an adult male behind a bar adding cocktail ingredients individually. The final ingredient shown in the last 5 seconds of the video is a Caramello Koala garnish. The combined ingredients are chocolate syrup, Bailey’s Irish Cream, Grey Goose Vodka, vanilla ice cream, ice, and Caramello Koalas.</p>		
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Part 2 - The Panel’s View

1. This determination considers a video posted on TikTok showing the making of a sweet cocktail called a ‘carmeltini’. The video shows a man making the cocktail which combines Bailey’s, vodka, vanilla ice-cream and a garnish of a Caramello Koala chocolate. The complainant contends that the video has a strong appeal to minors because of the popularity of Caramello Koalas with children.
2. The video was created by the alcohol retailer Liquorland (the Company) at Easter time in 2025. The Company sells the alcohol products used in the cocktail, not Caramello Koalas or ice cream. The video intends to position the cocktail as an Easter themed option to be made by a consumer at home, and Liquorland as the retailer to acquire the required alcohol products.
3. The Company contends that the video is consistent with ABAC requirements, submitting:
 - Caramello Koalas have a nostalgic appeal to people of all ages, and do not have a particular attractiveness for a minor beyond their general attractiveness for an adult.
 - To further mitigate the ad’s strong or evident appeal to minors, Coles Liquor did not display the brightly coloured packaging/wrapping of the chocolate.

- The advertisement has been removed from TikTok pending the outcome of the Panel review.
4. Assessment of the consistency of a marketing communication with an ABAC standard is from 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.
 5. Part 3 (b)(i) of the Code states that an ad must not appeal strongly to minors. The standard might be breached if the marketing:
 - specifically targets minors;
 - has a particular attractiveness for a minor beyond the general attractiveness it has for an adult;
 - uses imagery, designs, motifs, language, activities, interactive games, animations or cartoon characters that are likely to appeal strongly to minors; and
 - creates confusion with confectionery, soft drinks, or other similar products, so the marketing communication is likely to appeal strongly to minors.
 6. The Panel has often considered the Part 3 (b) standard. While each marketing communication must always be assessed individually, some characteristics within marketing material that may make it strongly appealing to minors include:
 - The use of bright, playful, and contrasting colours.
 - Aspirational themes that appeal to minors wishing to feel older or fit into an older group.
 - The illusion of a smooth transition from non-alcoholic to alcoholic beverages.
 - Creating a relatable environment using images and surroundings commonly frequented by minors.
 - Depiction of activities or products typically undertaken or used by minors.
 - Language and methods of expression used more by minors than by adults.
 - Inclusion of popular personalities of evident appeal to minors at the time of the marketing (personalities popular to the youth of previous generations will generally not have strong current appeal to minors).
 - Style of humour relating to the stage of life of a minor (as opposed to humour more probably appealing to adults); and
 - Use of a music genre and artists featuring in youth culture.

7. It should be noted that only some of these characteristics are likely to be present in a specific marketing communication, and the presence of one or more of them does not necessarily mean that the marketing item will have a strong or evident appeal to minors.
8. The ABAC standards are directed solely to the marketing of alcohol products and not the physical products themselves. This means the Panel is not assessing if the cocktail has a taste profile that minors might find appealing or whether it is desirable or not that a confectionery item is used in making an alcoholic drink.
9. It is tricky to assess whether the video breaches the Part 3 (b)(i) standard. There is no easily accessible public information on the age breakdown of Caramello Koalas consumers. The confectionery item has been on the market since 1966, and it is reasonable to assume the product is well recognised and popular with minors. For instance, the lolly is sometimes a treat item in school lunch boxes, and Caramello Koalas (like Freddos) are often used in fundraising for schools or children's sports teams.
10. Equally, the Company's contention that Caramello Koalas have a nostalgia appeal to adults is based on current adult memories of eating the confectionery in their youth, and there is no reason to believe Caramello Koalas do not remain popular with the current generation of minors. The Panel thinks a reasonable person would understand that including the confectionery item in the video elevates the appeal of the video to minors.
11. Conversely, the video runs for 30 seconds, and the ice cream and confectionery items are introduced at the 20-second mark. The appeal of the video is to be assessed as a whole, and given the enormous range of fast-paced videos on TikTok showing viral trends, an adult male sedately making a cocktail is not likely to strongly attract minors. However, the cocktail resembles a dessert and will appeal to different age groups.
12. On balance, the Panel believes the Part 3 (b)(i) standard has been breached, noting:
 - Caramello Koalas are a well-known and popular confectionery item across age groups, including minors.
 - The inclusion of a confectionery item within an item of alcohol marketing will often elevate the potential appeal of the marketing communication to minors.
 - Whether the marketing communication's appeal to minors is strong and evident or only incidental is a case-by-case assessment.
 - In the current case, the appeal is considered incidental rather than strong, given:
 - The Caramello Koala confectionery item will be highly recognisable and strongly resonate with minors.
 - The final section of the video depicts the addition of ice cream and the confectionery, creating the possibility that the alcoholic cocktail could be confused with a dessert and raising the illusion of a smooth transition from a non-alcoholic product to an alcohol product.

- The video captions associate the cocktail with the chocolate theme of Easter, and while this appeals across age groups, it is an additional element likely to resonate with minors, and
 - Taken as a whole, a reasonable person would probably understand that the marketing video would strongly or evidently appeal to minors.
13. It is noted that the Company was conscious that the video could appeal to minors and took steps to limit the prospect of minors being served with the video by posting it as a “dark post” on TikTok, not on an organic feed or page. This meets the placement standard of seeking to exclude minors from engaging with the video, but it does not of itself overcome the requirement that the content of marketing not strongly appeal to minors.
14. 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 - An Alcohol Marketing Communication must NOT:

- (b)(i) have Strong or Evident Appeal to Minors, in particular;*
 - (A) specifically target Minors;*
 - (B) have a particular attractiveness for a Minor beyond the general attractiveness it has for an Adult;*
 - (C) use imagery, designs, motifs, language, activities, interactive games, animations or cartoon characters that are likely to appeal strongly to Minors;*
 - (D) create confusion with confectionery, soft drinks or other similar products, such that the marketing communication is likely to appeal strongly to Minors or*
 - (E) use brand identification, including logos, on clothing, toys or other merchandise for use primarily by Minors.*

Company Response

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

- Coles Liquor submits that the Advertisement does not breach Part 3 (b)(i) of the Code and does not have a strong or evident appeal to minors.
- Caramello Koalas were first sold in Australia in 1966 and have been in production for 59 years. Coles Liquor submits that they have a nostalgic appeal to people of all ages and are not particularly attractive to minors beyond the general attractiveness they have for adults.
- To further mitigate the ad's strong or evident appeal to minors, Coles Liquor did not display the chocolate's brightly coloured packaging/wrapping. Furthermore, The Advertisement was posted as a "dark post" on TikTok, not on an organic feed or page. The post was age-gated to be visible only to users over 21.
- Please note that The Advertisement has been removed from TikTok pending the outcome of the Panel Review.
- Coles Liquor respectfully submits that the ABAC Panel should dismiss this complaint.
- Coles Liquor confirms it will accept the decision made by the ABAC Adjudication Panel about this complaint.

Marketing Best Practice

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

- Coles Liquor has been a signatory to the Alcohol Beverages Advertising Code since 2013. We take our alcohol advertising obligations very seriously and are committed to industry best practice, including compliance with the ABAC Responsible Alcohol Marketing Code's spirit and intent.
- Coles Liquor has demonstrated a long-standing commitment to the responsible service, supply, advertising, and promotion of alcohol.
- Coles Liquor is also a key contributor to DrinkWise, an independent, not-for-profit organisation whose primary focus is to help bring about a healthier and safer drinking culture in Australia.
- Coles Liquor is mindful of the importance of responsible advertising of alcohol products. To this end, Coles Liquor never intends to publish advertisements that could contravene the ABAC Code.

- Coles Liquor confirms the ABAC Pre-Vetting Service was not used for this social media post, and the team members responsible for making the Advertisement may not have completed the current ABAC online training course.
- Coles Liquor submits that robust internal compliance processes regarding liquor advertising are maintained, and a strong culture of compliance training has been embedded throughout the business. Coles Liquor's internal ABAC Code training is assigned to relevant team members to ensure our teams have the necessary skills to successfully navigate this heavily regulated environment.