

ABAC Adjudication Panel Determination 79/25

Determination Date	3 June 2025
Brand/Company	Coopers Dry 3.5 / Coopers Brewing
Media	Internet
ABAC Code provision	Part 3 (d)
Outcome	Dismissed

Part 1 - Determination Overview

Complaint:

The complainant is concerned that a video advertisement links drinking low-alcohol beer with driving and believes this shouldn't be permitted.

Key findings:

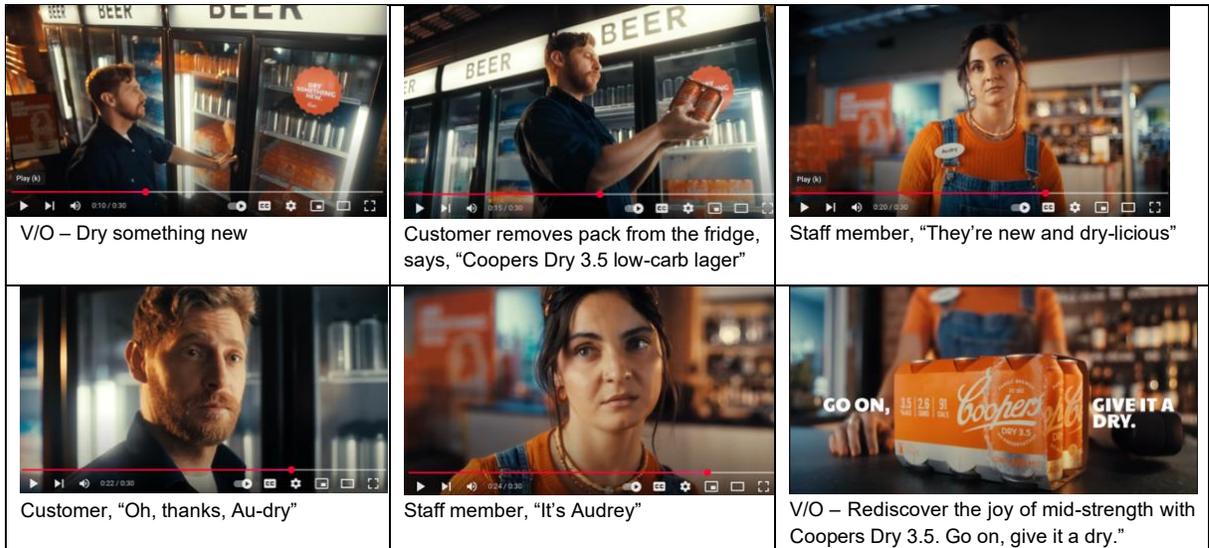
The Panel dismissed the complaint, finding:

- The ad illustrates the standard and lawful practice of purchasing alcohol from a bottle shop drive-through.
- The community expectation is that alcohol purchased from a drive-through will not be consumed until the completion of the car journey.
- The ad does not depict alcohol consumption, nor does it contain cues that suggest that alcohol use will occur before or during the further use of the vehicle.

Marketing Communication:

The video advertisement can be viewed at <https://www.youtube.com/watch?v=xexO1RCASI>





Part 2 - The Panel's View

1. This determination pertains to a video advertisement that features a man purchasing the product at a drive-through bottle shop. The complainant is concerned that the advertisement associates alcohol with driving.
2. The complaint raises Part 3 (d) of the Code, which stipulates that alcohol marketing cannot depict or directly imply the consumption of alcohol before or during any activity that, for safety reasons, requires a high degree of alertness or physical coordination, such as operating a motor vehicle.
3. The policy intent of the Part 3 (d) standard is that alcohol marketing should not model alcohol consumption before or in conjunction with inherently dangerous activities, such as driving a motor vehicle or swimming. This is because alcohol impacts a person's physical and mental capacities, reduces coordination and can contribute to a loss of inhibitions and the making of poor judgements. Further, driving under the influence of alcohol is an offence against traffic laws in all Australian States and Territories.
4. An advertisement that shows or encourages drink driving is a clear breach of the Code standard. However, the Code standard does not prohibit an alcohol brand from showing someone driving in an advertisement, provided there is no direct implication that they are driving or will drive after having consumed alcohol.
5. 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' refers to the life experiences, values, and opinions held by most members of the community. A person who interprets a marketing item differently is not 'unreasonable', but most people may not share their understanding.
6. The Company contends that the advertisement is not in breach of the Code standard as the dialogue and context make it clear that the person is briefly stopping at a drive-

through bottle shop on their way to a social gathering, and no alcohol consumption is shown or directly implied.

7. The Panel acknowledges the vital point made by the complainant that alcohol marketing should not be seen to encourage or condone drink-driving. However, the ad implicitly distinguishes between the purchase of alcohol and its subsequent consumption. Alcohol consumption is not shown, and there is no indication that the man has purchased the product and will consume it before or during further use of the vehicle.
8. Purchasing alcohol at a bottle shop drive-through is a standard and lawful practice, and the community expectation is that the product will not be consumed until after the journey has been completed. There is nothing in the ad to suggest this expectation will not be met.
9. The complaint is dismissed.

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 under the [ABAC Rules & Procedures](#) and has regard to the principles of procedural fairness.

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

Applicable ABAC Responsible Marketing Code Standard

Code Part 3 (d) - An Alcohol Marketing Communication must NOT show (visibly, audibly or by direct implication) the consumption of Alcohol before or during any activity that, for safety reasons, requires a high degree of alertness or physical coordination, such as the control of a motor vehicle, boat or machinery or swimming.

Company Response

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

- Coopers have reviewed the reasons for the complaint and respectfully disagrees with the inferences drawn by the complainant.
- The [product](#) is a mid-strength lager, and the reference to 'low' in the marketing is to carbohydrate content.

- The marketing opens with a male using a hands-free Bluetooth device while driving a vehicle (with both hands on the steering wheel), which is compliant with all relevant road rules. He is advising that he will shortly arrive at his location, which is inferred to be a social gathering, but first had to stop at the drive-through bottle shop. It is commonly understood that a person saying “*yeah, on my way. I just gotta nick into...*” is on route to a destination but has to stop briefly. This is not language used if intending to stay at a particular location for a prolonged period.
- Drive-through bottle shops are commonplace in Australia, and it is an accepted custom and practice that a person visiting would stop their vehicle for a brief period, purchase beverages or other products for sale, return to their car after making the purchase, and then resume their journey to their destination. It is evident in this marketing that the purchase location is not an on-premise licensed venue (where the product would be consumed). The marketing ends with the product being scanned by the cashier, and we don’t see the transaction finalised or a return to the vehicle with the product. No consumption of the product is shown in the marketing.
- There is no direct implication that the product will be consumed before leaving the premises by vehicle, nor while controlling the motor vehicle. The opening dialogue makes it clear that the protagonist was stopping en route to a social gathering. Accordingly, the marketing is not in breach of Part 3(d) of the Code.

Marketing Best Practice

The Company was asked how it demonstrates a commitment to alcohol marketing best practices, and advised:

- It is an ABAC signatory and has committed to meet ABAC Code Standards
- Employees who are responsible for the marketing referred to in the complaint have completed the current ABAC training course; and
- It maintains strict internal and external processes to help ensure compliance with the ABAC Code and regularly utilises the ABAC Pre-vetting Service for its activities; and
- Pre-vetting advice was sought on the marketing referred to in this complaint.