

ABAC Adjudication Panel Determination 82/25

Determination Date	19 June 2025
Brand/Company	Sunday Club Hard Seltzer
Media	Instagram
ABAC Code provision	Part 3 (c)(iv)
Outcome	Upheld

Part 1 - Determination Overview

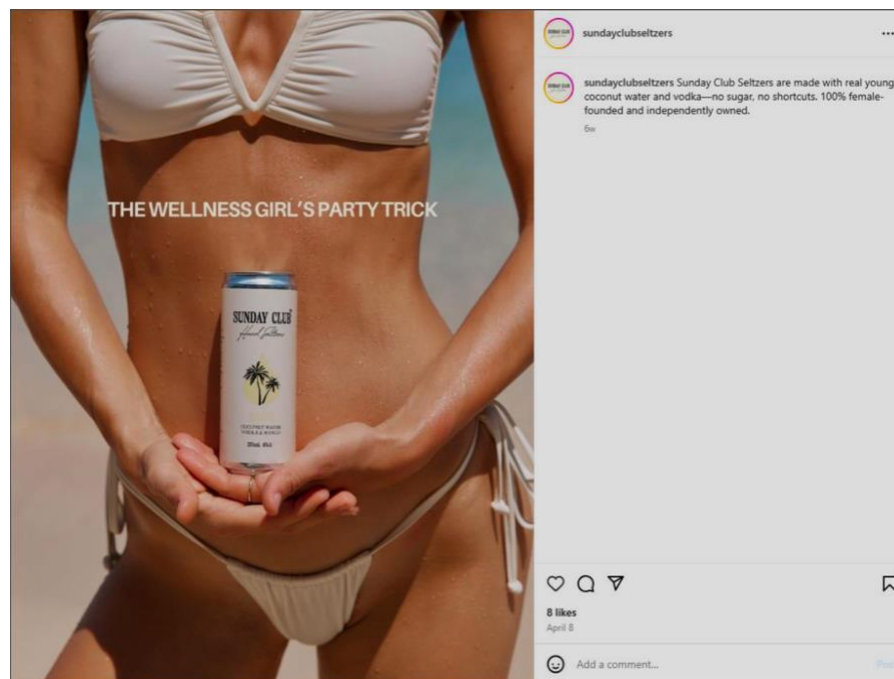
Complaint:

An Instagram post presents an alcohol drink as a ‘wellness’ activity.

Key findings:

The Panel upholds the complaint and finds that the post breaches Part 3 (c)(iv) as the most probable understanding of the marketing message is that the product is a ‘party trick’, i.e. a product that delivers the benefit of wellness.

Marketing Communication:



Part 2 - The Panel's View

1. This determination arises from a complaint about an Instagram post promoting Sunday Club Hard Seltzer. The post shows an image of a bikini-clad woman's torso with superimposed text 'The Wellness Girl's Party Trick'. The caption of the post states, 'Sunday Club Seltzers are made with real young coconut water and vodka – no sugar, no shortcuts. 100% female-founded and independently owned.'
2. The complainant contends that the post presents the product as a 'wellness' activity. This concern raises Part 3 (c)(iv) of the Code that states that an alcohol marketing communication must not 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. The question for the Panel is whether the post offends this standard.
3. The assessment of the consistency of a marketing communication with a Code standard is from the standpoint of a reasonable person's probable understanding of the marketing item. This means that the life experiences, values, and attitudes of most people in the community are the benchmarks. If the marketing item could be understood in several ways, the most probable interpretation is to be preferred over a possible but less likely understanding of the marketing.
4. The essential issue is how a reasonable person would understand the message, 'The Wellness Girl's Party Trick'. If this were understood as promoting the product as a suitable option for a 'wellness girl', i.e., a health-conscious person, but the product itself does not impart any health benefits, then it would not breach the standard.
5. Alternatively, the message might be understood as suggesting that the alcohol product is a 'party trick' that offers a health benefit for a person seeking wellness. If this is how a reasonable person would probably understand the message, then the post breaches the standard.
6. For its part, Sunday Club Hard Seltzer explained the post's wording was meant to align with modern social language and the broader trend of mindful moderation, rather than to suggest any health-related outcomes. It did not concede that the post breached the ABAC standard as it does not expressly or implicitly claim any specific health benefit from alcohol consumption. That said, it accepted the possibility of misinterpretation and removed the post. This action demonstrates the marketer's commitment to acting responsibly.
7. The Panel has considered references to 'wellness' in prior Determinations, including:
 - Determination 14/25. -The Panel found that the use of hashtags #HealthyCocktails and #WellnessBeverage would be understood to indicate that the use of the product is healthy and aids wellbeing.
 - Determination 36/20 – The Panel found that the statement 'you can get your wellness hit' was a breach of the standard.

8. This is a case where reasonable minds might disagree; however, on balance, the Panel believes the post breaches the Part 3 (c)(iv) standard. Taking the photograph, along with the text message, the most probable understanding is that the post suggests the product is a 'party trick', i.e., a product that helps a 'girl' obtain the benefits of wellness.
9. 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 under the ABAC Rules and [Procedures](#) and has regard to the principles of procedural fairness.

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

Applicable ABAC Responsible Marketing Code Standard

Code Part 3 - An Alcohol Marketing Communication must NOT:

- | | |
|----------------|---|
| <i>(c)(iv)</i> | <i>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.</i> |
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Company Response

The Company was provided with an opportunity to respond to the complaint and advised:

- The referenced Instagram advertisement was only live for a short period and has since been removed.
- Concerning the phrase “the wellness girl’s party trick,” it was not our intention to imply that the product provides any therapeutic or health benefit. The wording was intended to align with modern social language and the broader trend of mindful moderation, rather than to suggest any health-related outcomes. That said, we understand how this could have been misinterpreted and appreciate the feedback.
- At this stage, we remain uncertain as to whether the advertisement constitutes a breach of Part 3 (c)(iv) of the Code, as it does not expressly or implicitly claim any specific health benefit from alcohol consumption. However, we take our

responsibilities around alcohol advertising seriously and are committed to upholding community standards and ABAC principles.

Marketing Best Practice

The Company was asked how it demonstrated a commitment to best practices in alcohol marketing. Its response outlined a commitment to responsible alcohol marketing and to learning from this process to improve communications in the future. The Company:

- is not a signatory to the ABAC Scheme;
- did not engage with the ABAC pre-vetting service in developing the posts, noting that use of pre-vetting is not generally expected for social media posts; and
- has not undertaken the ABAC online training course.

It did, however, advise that it was taking the following steps:

- The post in question has been removed.
- We are reviewing our marketing guidelines and internal sign-off procedures to ensure compliance with the Code moving forward.