

## ABAC Adjudication Panel Determination 83/25

<b>Determination Date</b>	25 June 2025
<b>Brand/Company</b>	Balter Brewing
<b>Media</b>	TV-Pay
<b>ABAC Code provision</b>	Part 3 (a)(ii) (c)(ii)
<b>Outcome</b>	Dismissed

### Part 1 - Determination Overview

#### ***Complaint:***





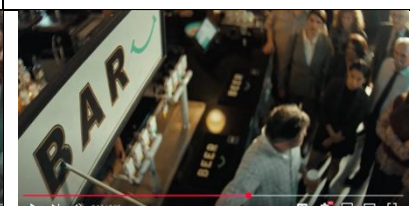

The complainant is concerned that a TV ad makes light of the issue of alcohol addiction by mimicking an AA meeting in a pub.

#### ***Key findings:***

The Panel dismissed the complaint, finding that the ad would not be understood as a parody of an AA meeting, nor does it treat excessive alcohol consumption or alcohol related offensive behaviour as amusing.

#### ***Marketing Communication.***

The complaint concerned a television advertisement seen on the streaming platform Kayo. The ad can be viewed at <https://youtu.be/FSU7nqs-nR8>.

 <p>Sounds of a beer being poured from a tap and then V/O - Cheers</p>	 <p>Sound of a crowd of people talking</p>	 <p>A man faces the crowd holding a beer, starts talking as the crowd goes quiet, 'I know you look at me and think he's got everything'</p>
 <p>Camera pans to the crowd, and the man continues – But I was just once like you, completely beerless,</p>	 <p>The man points to each letter on a bar sign, as inspirational music strikes up, and he continues: "Believe, you can have a beer, Ask for a beer, Receive a beer." The man smiles and sighs as the crowd stares at him, but with no reaction.</p>	 <p>A beer is placed on the bar next to a can of Balter XPA with superimposed text 'Beers do come true', and then 'Balter, with enjoyment'.</p>

## Part 2 - The Panel's View

1. Balter Brewing is a Queensland-based alcohol producer. The complaint pertains to a TV ad for Balter beer that was aired on the streaming platform Kayo. The complainant believes that the ad is a parody of an AA meeting and makes light of alcohol addiction.
2. The Company contends that the ad is consistent with ABAC standards, contending it:
  - Is a satirical take on the anticipation of getting a beer;
  - Would not reasonably be seen as a parody of an AA meeting; and
  - Does not reference abuse of alcohol, irresponsible behaviour associated with alcohol or portray abstinence in a negative light.
3. While the ABAC standards do not explicitly reference alcohol addiction, Parts 3(a)(ii) and (iii) of the Code prohibits irresponsible messaging in alcohol marketing, including encouraging excessive alcohol consumption or the misuse or abuse of alcohol or portraying the refusal of alcohol or choice of abstinence in a negative light. If an ad makes fun of alcohol addiction or treatment services, then it would certainly breach these Code standards.
4. The assessment of a marketing item's consistency with the Code standards is based on a reasonable person's probable understanding of the marketing. This means that the community's values, opinions, and life experiences serve as the benchmark. A person who interprets an ad differently is not 'unreasonable', but possibly their understanding of the ad's message would not be shared by most members of the community.
5. The ad is set in a crowded pub. It depicts a man, having just purchased a beer, delivering an impromptu 'tongue in cheek' speech on gaining a beer and how the other people can also get a beer. The performance quietens the crowd, who appear nonplussed at the unexpected intervention.
6. While the ad portrays beer as highly desirable, the Panel doesn't believe a reasonable person would likely associate the fanciful scenario depicted with a parody of an AA meeting. AA meetings typically begin with a prayer and a standard preamble, inviting participants to discuss and share their deeply personal experiences. In contrast, the ad shows a man sharing the trivial experience of getting a beer from the bar, with the humour being how he is delivering a speech to a startled but largely unimpressed crowd.
7. The ad would not be understood as portraying the refusal of alcohol or abstinence in a negative light. While the ad is light-hearted, it doesn't treat excessive consumption of alcohol-related offensive behaviour as amusing.
8. 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 and Procedures, taking into account 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 Jeanne Strachan.

### **Applicable ABAC Responsible Marketing Code Standard**

*Code Part 3 (a) - An Alcohol Marketing Communication must NOT:*

*(ii) show (visibly, audibly or by direct implication), encourage, or treat as amusing, rapid Alcohol consumption, misuse or abuse of Alcohol or other irresponsible or offensive behaviour that is related to the consumption or presence of Alcohol;*

*(iii) challenge or dare people to consume alcohol or portray the refusal of Alcohol or choice of abstinence in a negative light;*

### **Company Response**

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

- The Balter ad 'Beers Do Come True' is a satirical take on the anticipation of getting a beer. The ad features no reference to abuse of alcohol or irresponsible behaviour related to the consumption of alcohol. The ad is set in a busy bar filled with people, who witness (with growing impatience) a central character making a dramatic speech about his beer.
- The only similarity between this commercial and an AA meeting is that both involve the concept of a gathering. The gathering featured in the Balter ad takes place at a pub – beer is poured in the first shot, and the bar and beer taps are visible throughout. All patrons present in the pub are either talking to one another or waiting in line to receive a beer. The patrons are only facing or listening to the main character because he is blocking their way to reach the bar. The patrons are 'beerless' only because they are in line waiting for their beer – there is no implication that they are 'beerless' by choice (abstinence) or necessity.

- The speech delivered by the central character was intentionally impersonal and uninspiring. Patrons at the pub are confused and unimpressed as they watch the speech – they are all waiting in line to receive their beer, and the central character is holding up the line. The man does not talk to anyone in particular; he addresses the room and perplexes four separate featured characters (and numerous side characters). The rousing background music adds humour to the contrast between the speaker and his uninspired audience. In the final shot of the ad, after the ‘inspirational’ speech, no person moves or reacts – it is clear that the man has not enthused anyone.
- Asahi Beverages takes the responsible consumption of our alcohol products extremely seriously. We would never parody an AA meeting or produce a campaign with any reference (implied or explicit) to addiction. The character in the pub scene is comparable to a public speaker or lecturer - it is not reasonable to suggest that any gathering featuring an impassioned speaker is a parody of an AA meeting.
- The ad does not portray abstinence in a negative light. The main character does not mention abstinence or the refusal of alcohol at all. When he refers to the crowd being ‘beerless’ and how he was ‘once just like [them]’, he is referring to the fact that they are queued up for the bar and haven’t yet ordered/received a beer. The only difference between him and the crowd is that he’s received his beer first.
- The central character describes to the crowd how they can receive a beer (Believe, Ask, Receive) – he assumes the crowd wants a beer, but in no way portrays abstinence in a negative light.
- The overall intention of the ad is to show patrons at a bar being confused as to why a man is making a dramatic speech about his beer – they witness his proclamations, then go about their day, unaffected. We submit that a reasonable person would not interpret this ad as featuring any element of, or being comparable to, an Alcoholics Anonymous (AA) meeting.

### ***Marketing Best Practice***

The Company was asked how it demonstrates a commitment to best practices for alcohol marketing, and responded as follows:

- Asahi Beverages is an ABAC signatory and has committed to meet ABAC Code Standards and comply with Panel determinations.
- Asahi Beverages sought and followed advice from the ABAC Pre-vetting Service about the marketing referred to in the complaint, and it was approved.
- Asahi Beverages team members have completed the current ABAC online training course.
- Asahi Beverages has taken additional steps to ensure that its marketing practices and materials meet community expectations for responsible alcohol marketing.