



ABAC Adjudication Panel Determination 90/25

Determination Date	19 June 2025
Brand/Company	Hard Fizz/Fizzy Mates Pty Ltd
Media	Digital (TikTok)
ABAC Code provisions	Part 3 (b)(iii)
Outcome	Dismissed

Part 1 - Determination Overview

Complaint:

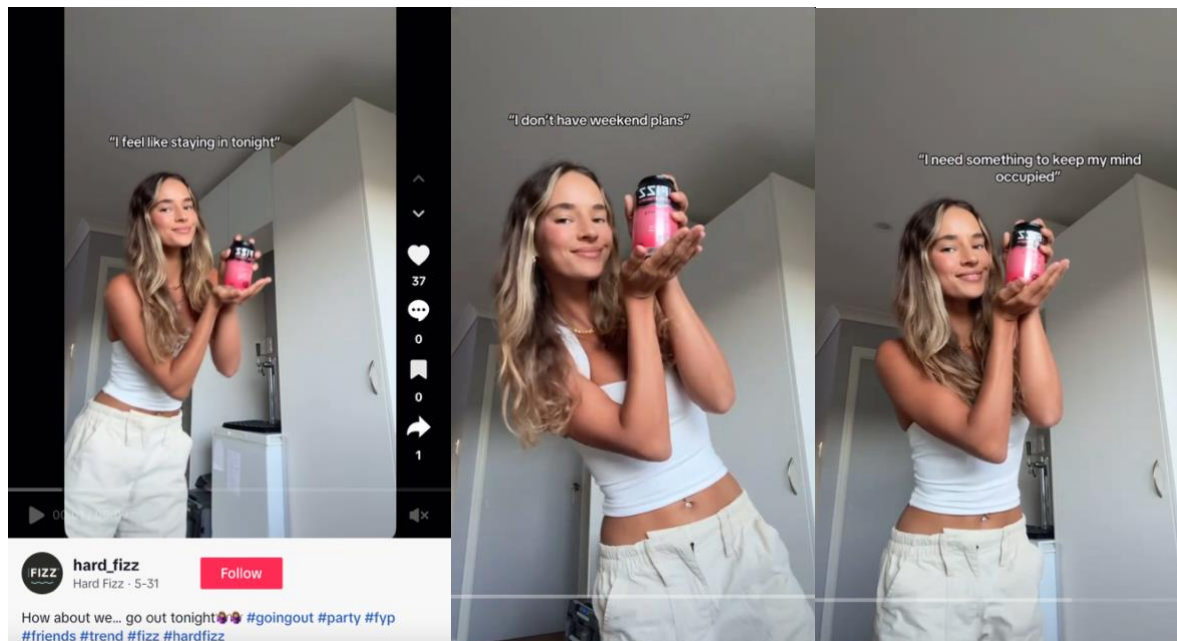
A TikTok ad features a video of a model who appears to be under 25 years of age.

Key findings:

The Panel dismissed the complaint, finding that the model is 28 years old and appears to be an adult.

Marketing Communication:

The marketing was a TikTok video at <https://vt.tiktok.com/ZSkXFeM1T/>:



Part 2 - The Panel's View

1. The complainant raises a concern that a model appearing in a TikTok ad for Hard Fizz seems to be under 25 years of age. A key standard of good alcohol marketing practice is that alcohol ads should not strongly appeal to minors. For a public-facing alcohol advertisement, one element in meeting this standard is that the people shown in an ad must be at least 25 years old and appear to be adults (Part 3(b)(iii)).
2. The age of a person used in advertising is a question of fact. In response to the complaint, Hard Fizz has advised that the model is 28, and that photo identification for her has been sighted to confirm this fact.
3. Regardless of the actual age of the person in the ad, the Code also requires that any person in the ad must not appear to be under 18 years of age. While the woman has a slight build, which contributes to her youthful appearance, the Panel does not believe she appears to be a minor; i.e. she seems to be at least 18 years old.
4. 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 Hon Michael Lavarch AO, Health Panellist Professor Richard Mattick AM and Panelist Debra Richards.

Applicable ABAC Responsible Alcohol Marketing Code Standard

Part 3 (b) – An Alcohol Marketing Communication must NOT:

(iii) depict in a visually prominent manner:

- (A) paid models, actors or Influencers that are and appear to be Adult but are under 25 years of age; or*
- (B) other people that are and appear to be Adult but are under 25 years of age UNLESS the depiction has been placed within an Age Restricted Environment.*

Company Response

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

- I have personally sighted valid photo identification for the model featured in the TikTok video and can prove she is 28 years old.

Marketing Best Practice

The Company was asked how it demonstrates a commitment to best practices in alcohol marketing.

The Company is not an ABAC signatory and did not use pre-vetting for the social media posts; however, it has cooperated with the Panel process.

The Company advised that they have now fully briefed on the ABAC Code the third-party entity that partially manages their TikTok account.