

## Expedited Determination No. 90-91/25

**Product:** Hard Fizz

**Company:** Fizzy Mates Pty Limited

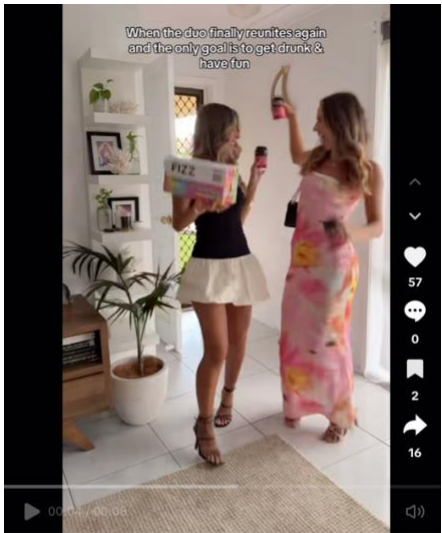
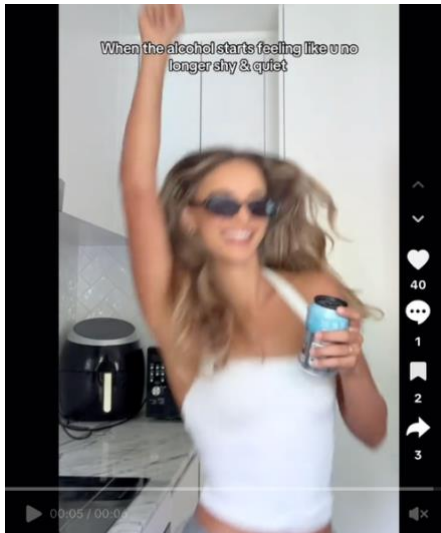

**Date of Complaint:** 18 June 2025

**Complaint:** TikTok videos encourage excess drinking and suggest alcohol will enhance your mood.

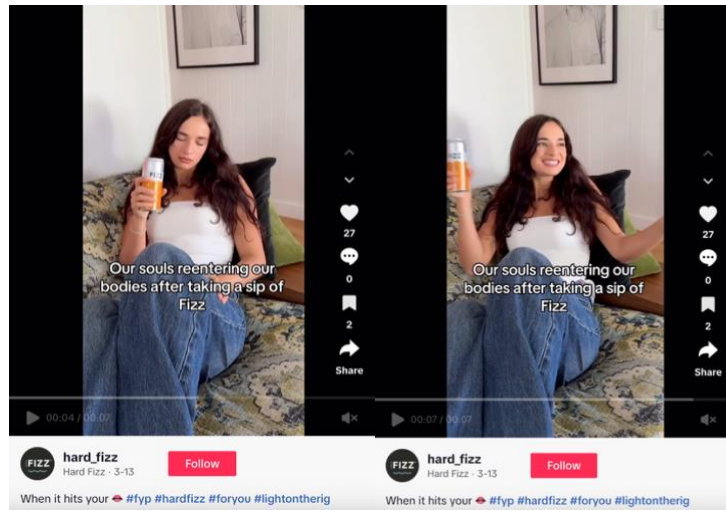
**Code Standards:** The ABAC Code provides that a Marketing Communication must NOT:

- Show (visibly, audibly or by direct implication), encourage, or treat as amusing, consumption inconsistent with the Australian Guidelines to Reduce Health Risks from Drinking Alcohol, such as:
  - (A) Excessive Alcohol consumption (more than 10 standard drinks per week or more than 4 standard drinks on any one day); or
  - (B) Alcohol consumption while pregnant or breastfeeding – Part 3(a)(i)
- 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 – Part 3 (a)(ii);
- Challenge or dare people to consume Alcohol or portray the refusal of Alcohol or choice of abstinence in a negative light – Part 3(a)(iii)
- Suggest that the consumption or presence of Alcohol may cause or contribute to an improvement in mood or environment – Part 3 (c)(i).

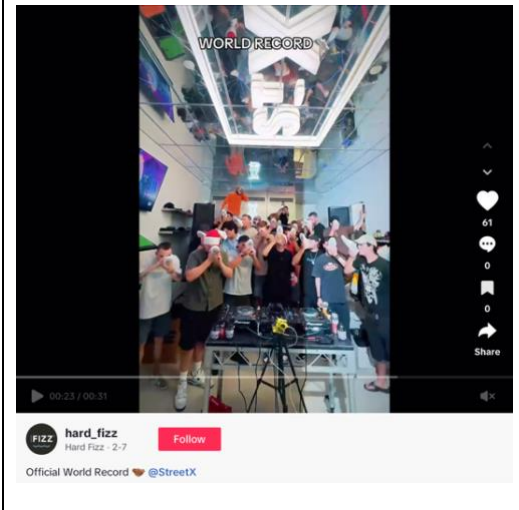
**Marketing:** TikTok videos, screenshots of which are shown below:

| Video 1   | Video 2  | Video 3  |
|---|--|--|
|  <p>When the duo finally reunites again and the only goal is to get drunk &amp; have fun</p> <p>hard_fizz<br/>Hard Fizz · 6-7</p> <p>Goal: get drunk &amp; have fun 🍷 #fyp #fizz #trend #nightout #party</p> |  <p>When the alcohol starts feeling like u no longer shy &amp; quiet</p> <p>hard_fizz<br/>Hard Fizz · 5-20</p> <p>You know? #fyp #shy #bts</p> |  <p>"You look happier"<br/>Thanks I've been drinking x</p> <p>hard_fizz<br/>Hard Fizz · 4-24</p> <p>Way Happier 🍷 #letsgetfizzy #happy #lightontherig</p> |

Video 4



Video 5



**Company Action:** The Company accepted the breaches and removed the TikTok videos.

#### **Nature of Breach:**

##### Excessive consumption and misuse of alcohol - Code Part 3 (a)(i)-(ii)

- Video 1 – superimposed text, 'When the duo finally reunites again and the only goal is to get drunk and have fun' and the caption, 'Goal: Get drunk and have fun'

##### Alcohol causing or contributing to an improvement in mood or environment – Code Part 3 (c)(i)

- Video 2 –showing a woman with a neutral expression drinking from a can of Hard Fizz and then smiling broadly and jumping around with text superimposed, 'when the alcohol starts feeling like u no longer shy & quiet' and the caption 'You know?'
- Video 3 - showing two women dancing around with a can of Hard Fizz in their hands with text superimposed, "' You look happier" Thanks, I've been drinking x' and the caption 'Way Happier'.
- Video 4 - showing two women lying on a couch expressionless, taking a sip of Hard Fizz and then sitting up and smiling with text superimposed, 'Our souls re-entering our bodies after taking a sip of Hard Fizz' and the caption 'When it hits your [lips emoji]'.

##### Rapid consumption, alcohol related irresponsible behaviour and challenging or daring to consume alcohol - Code Part 3 (a)(i)-(iii)

- Video 5 – a man encouraging and also pressuring people to scull a can of Hard Fizz from a shoe for a world record attempt, and a large group of people are then shown sculling a can of Hard Fizz from a shoe.

Chief Adjudicator

18 June 2025