

Australia's Responsible Alcohol Marketing Scheme

2025 Second Quarter Report

OVERVIEW

The ABAC Responsible Alcohol Marketing Code (the Code) establishes standards for responsible alcohol marketing in Australia. It governs alcohol marketing content and placement across all advertising platforms. The ABAC Scheme's Complaints Adjudication Panel independently assesses public complaints, issuing determinations on Code compliance.

We extend our gratitude to Jeanne Strachan, a founding Panelist, for 27 years of dedicated service and warmly welcome Cristiano Lima, an experienced market research professional with a focus on youth insights, to the Panel.

Recent ABAC Panel determinations provide crucial guidance for the industry, underscoring key areas requiring careful consideration in marketing development. Breaches last quarter emphasise the following:

- **Protection of Minors:** Marketing referencing confectionery, ice cream, Easter egg imagery or resembling non-alcoholic iceblocks, resulted in breaches due to strong appeal to minors.
- **Responsible Portrayal of Alcohol:** Breaches occurred for implying alcohol consumption by wildlife, overtly promoting high product strength, and using humorous memes that equated alcohol with food or suggested excessive consumption. Responsible and moderate portrayal is paramount.
- **Mood and Health Claims:** Social media posts implying improved mood or health benefits from alcohol use were found to be non-compliant.
- **Alcohol & Water Safety:** Following an increase in Code breaches of this standard, a new [Alcohol & Water Safety Guide](#) was published last month. We're pleased to report a reduction in related ad breaches this quarter.

UPDATED RESOURCES

ABAC continually updates its resources to support industry adherence to the Code - find out more [here](#):

- **Revised Digital Best Practice Guide:** This guide was updated last month providing valuable insights on using generative AI for content creation and targeting, expanding on consumer self-exclusion options, and offering additional cautions regarding targeting and unfair business practices.
- **Comprehensive Guidance Materials:** Detailed resources covering marketing content and placement.
- **Free Online Training Course:** A one-hour interactive course, complete with video clips and a completion certificate, is highly recommended for onboarding marketing and agency teams.
- **Tailored In-House Workshops:** Customisable training sessions are available
- **Pre-Vetting Advice:** Significantly reduce the risk of Panel breaches by utilising ABAC's pre-vetting service.

IMPORTANT REMINDER

Annual ABAC Industry Update & Webinar Date: 30 July 2025 **Time:** 11:00 AM AEST **Register via this [link](#).**

KEY STATISTICS

Complaints	61
Raising Code issues and referred for determination	32
Not raising Code issues*	27
Referred to an alternate complaints adjudication forum	1
Raising an issue consistently dismissed by the Panel	1
Determinations	24
Dismissed	12
Upheld	11
Upheld - Expedited	1
Pre-vetting	538
Rejected	38
Pending	1

* Complaints that did not raise Code issues fell outside the scope of the scheme as they raised concerns outside ABAC standards such as the advertising not being for an alcohol product, failure to disclose as advertising, a general objection to alcohol advertising and bait marketing which can fall within the scope of other regulators, including Ad Standards.

Part 3 (a) - Responsible and moderate portrayal of Alcohol

Upheld - Four Loko - Part 3 (a)(i) and (a)(ii) - [Click here](#)

The Panel upheld the complaint, finding that:

- The image shows the koala hanging over the can with drooping eyes, and while it is unlikely that the image is of a koala that is actually intoxicated, the image brings to mind the behaviours of someone who is intoxicated.
- While a reasonable person would understand that the koala in the picture has not actually consumed the product, the Code provides that directly implying offensive behaviour, namely alcohol consumption by wildlife, is not permitted.



The advertiser removed the post on being advised of the complaint.



Upheld - Quips Website - Part 3(a)(iv) - [Click here](#)

The Panel upheld a complaint in relation to the advertiser's website, noting the prominent listing of 'high strength' as a product attribute would be understood as encouraging the choice of the product in breach of Part 3(a)(iv). The Panel dismissed the complaint that the packaging was in breach of Part 3 (b)(i).

The advertiser modified the website.

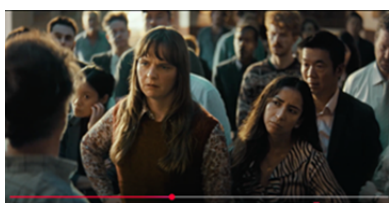
Upheld - Fireball Whisky - Part 3 (a)(i) and (a)(ii) - [Click here](#)

The Panel found that the most probable interpretation of two Instagram posts is that excessive alcohol consumption and/or an irresponsible approach to alcohol use is implicitly condoned, such as consuming shots in the morning, excessive consumption and equating alcohol with food.

The advertiser modified both posts.



A [Hard Fizz](#) determination was also found to breach Part 3 (a)(i), (a)(ii) and (a)(iii)



Dismissed - Balter Beer - Part 3 (a)(ii) and (a)(iii) - [Click here](#)

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.

Dismissed - Guinness - Part 3 (a)(ii) and Part 4 - [Click here](#)

The Panel found that in the case of a Guinness TV advertisement alcohol use is moderate and no person appears affected by alcohol.

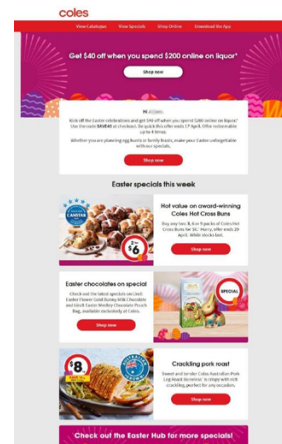
This determination also did not find a breach of the Part 4 Placement Standards.



Dismissed - Liquorland - Part 3 (a)(ii) and Part 4 - [Click here](#)

The Panel found that offering a discount is an encouragement to choose a supplier, but of itself does not encourage excessive consumption given pre-packaged alcohol has a long shelf life and can be consumed over many months or years, multiple people might consume the products, and not a single individual, the products might be bought for an event such as a family dinner or party and the offer wording did not suggest excessive consumption or imply a consumption pattern for the products acquired using the discount.

The Placement Standard in Part 4 (e) (iii) requires a marketer to not deliver a marketing communication to someone who has sought to be removed from the customer marketing database. This standard was not breached as Coles has several ways a customer can opt to be removed from email marketing communications. There is no evidence that the complainant opted out of marketing emails but continued to receive them.



The [Stryda Beer](#) determination was also found not to breach the Part 3 (a) Standard.

Part 3 (b) Responsibility toward Minors



Upheld - Boozicles Alcoholic Ice Blocks - Part 3 (b)(i) - [Click here](#)

The Panel found that the packaging of individual servings of Boozicles and also the 12 pack mixed box packaging would have strong or evident appeal to minors. Both items have factors that would combine to create an illusion that the product would be a smooth transition to an alcohol product.

The advertiser undertook to modify the packaging.

Upheld - Liquorland - Part 3 (b)(i) - [Click here](#)

The Panel considered a TikTok video showing how to make a Carameltini cocktail and determined that the cocktail's appeal to minors is considered strong or evident, given:

- The Caramello Koala confectionery item will be highly recognisable and strongly resonate with minors.
- The final section of the video depicts the addition of ice cream and the confectionery, creating the possibility that the alcoholic cocktail could be confused with a dessert and raising the illusion of a smooth transition from a non-alcoholic to an alcohol product;
- The video captions associate the cocktail with the chocolate theme of Easter, and while this appeals across age groups, it is an additional element likely to resonate with minors, and
- Taken as a whole, a reasonable person would probably understand the marketing video would have a strong or evident appeal to minors.



The advertiser removed the TikTok post on being advised of the complaint.

Upheld - Sapporo Premium Black Beer - Part 3 (b)(i) - [Click here](#)

The Panel upheld a complaint that an Easter Instagram post for Sapporo Premium Black Beer has strong or evident appeal to minors, finding:

- The Easter egg imagery will be highly recognisable and strongly resonate with minors.
- By presenting the product wrapped as if an Easter egg, a direct link to the confectionery item is made and this raises an illusion of an easy transition from a non-alcoholic product popular with minors to the alcohol product.
- Taken as a whole, a reasonable person would probably understand the marketing video would have a strong or evident appeal to minors.

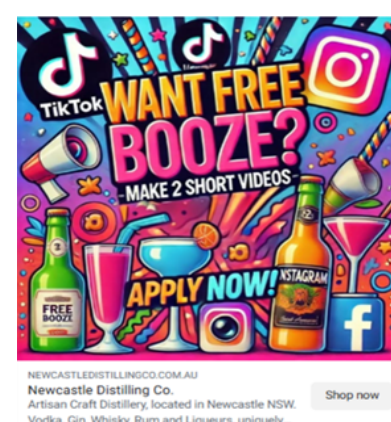


The advertiser removed the post.

Dismissed - Newcastle Distilling Co - Part 3 (b)(i) - [Click here](#)

The Panel dismissed the complaint that a social media post had strong or evident appeal to minors, finding that:

- The post consists of an image and detailed text information about the offer to receive products for the production of videos.
- Social media is accessed across age groups and is not solely or even predominantly used by minors, and adults and minors would recognise the platform logos.
- Taken as a whole, the post would be of no more significant appeal to minors than it would be to adults.



Dismissed - Hard Fizz - Part 3 (b)(iii) - [Click here](#)

The complainant raised a concern that a model appearing in a TikTok ad for Hard Fizz seems to be under 25 years of age.

The age of a person used in advertising is a question of fact. In response to the complaint, Hard Fizz advised that the model is 28, and that photo identification for her has been sighted to confirm this fact.

Dismissed - Sodens Hotel - Part 3 (b)(i), (b)(ii) and (b)(iii) - [Click here](#)

The complainant believes it is inappropriate for a minor to be sponsored by an alcohol retailer such as the Sodens Hotel. The Panel found that social media posts and the Hotel's name appearing on the Players' Profile Wall are not alcohol marketing within the intended scope of the ABAC Scheme. This is because the Hotel is a mixed business, with alcohol sales being one component of its overall operations, which include meals, entertainment, and function space hire. Only its marketing that references alcohol products or alcohol services is captured by the ABAC Scheme.



The social media posts and the Players' Profile in the HAW Clubhouse mention the Hotel's name but do not mention alcohol products. This means the references to the Hotel name are not alcohol marketing for ABAC purposes.

[Guinness](#) and [Quips](#) determinations were also not found to breach the Part 3 (b) Standards.

Part 3 (c) Responsible depiction of the effects of Alcohol

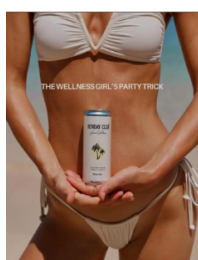
Upheld - Hard Fizz - Part 3 (a)(i), (a)(ii), (a)(iii), (c)(i) - [Click here](#)

An Expedited Determination found that the five videos breached the Code, in particular by:

- Calling on the viewer to 'get drunk and have fun'.
- 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'.
- 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'.
- 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]'.
- Featuring 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.



The Company accepted that the TikTok posts breached the Code and removed them on being advised of the complaint.



Upheld - Sunday Club Hard Seltzer - Part 3 (c)(iv) - [Click here](#)

The Panel found that the post breaches Part 3 (c)(iv) as 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.

The advertiser removed the Instagram Post on being advised of the complaint.

Dismissed - Ariane Vodka and Liquor Legends - Part 3 (c)(i), (c)(ii) and Part 4 (a) - [Click here](#)

The Panel dismissed the complaint in relation to a bollard cover, finding:

- the ad does not depict alcohol consumption and a series of extrapolations that cannot reasonably be made are required to conclude that the ad is encouraging excessive alcohol use and/or alcohol related risky behaviour; and
- the ad was not placed within 150 metres of a school.



Dismissed - Vodka Cruiser - Parts 3 (c)(i) and (c)(ii) - [Click here](#)

The complainant was concerned that the podcast hosts talk about how drinking Vodka Cruiser will help you be yourself. This implies that drinking it will enhance you as a person.

The Panel dismissed the complaint, finding:

- The ad does not suggest that the hosts have consumed the product, as such, and not as part of the 'bold' choices made.
- The ad associates the brand with a bold choice, but it does not suggest that using the product results in the choice.

Part 3 (d) - Alcohol and Safety

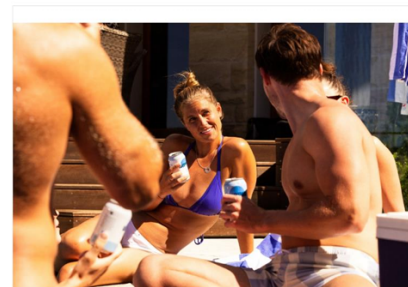
Upheld - Kippis - Part 3 (d) - [Click here](#)

The complainant was concerned that three Instagram posts showed people consuming alcohol whilst in and around water.

The Panel found that all three posts breached Part 3 (d) of the Code. One of the posts was a more marginal assessment, but on balance a reasonable person would believe that the people in the image are consuming alcohol before or while engaging in water activities as:

- consumption of the alcohol product is directly implied;
- the people are wearing swimwear;
- it can be directly implied that there is a swimming pool just outside the frame;
- the scene is during full daylight on an apparently hot day; and
- the caption includes a wave emoji bringing to mind water activities.

The advertiser removed the Instagram posts.

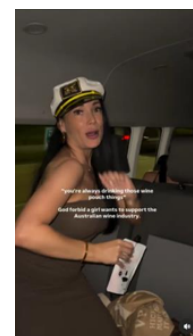


Upheld - Wine Not the Brand - Part 3 (d) - [Click here](#)

The Panel upheld the complaint, finding that:

- User-generated content is the responsibility of the account holder.
- The video, through its imagery and use of text, directly implies alcohol consumption by the passengers of the moving vehicle.
- One of the passengers is not wearing a seatbelt in circumstances where common sense and the law indicate the seatbelt should be worn for safety reasons.

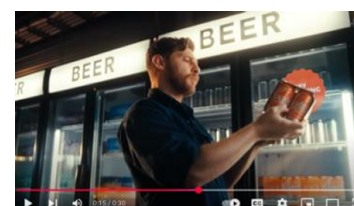
The advertiser removed the post.



Dismissed - Coopers Dry 3.5 - Part 3 (d) - [Click here](#)

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 alcohol use will occur before or during the further use of the vehicle.



Part 4 Placement Standards

Upheld - Stryda Beer

[Placement on Clarkey's NRL Column](#)

The Panel found that the Code's Placement Standard in Part 4 (b) had been breached due to age restriction controls not being utilised to ensure that they were only viewed by people aged 18 years and over.

The Panel dismissed the complaint in respect to Part 3 (a)(i), Part 4 (c) and Part 4 (d).

Upheld - No Fault Breach - Hard Rated and Carlton Dry

Placement on 123 GO! Zoo YouTube Channel

The Panel upheld the complaint as a no fault breach, finding that:

- The Company has advised that audience statistics showing the percentage of minor viewers on 123 GO! Zoo is not available to it. 123 GO! Zoo content is aimed at a younger rather than older audience, and it is reasonable to assume that the audience will exceed 20% minors. On this basis, the Panel believes Placement Standard 3 has been breached.
- The content of 123 GO! Zoo is primarily aimed at minors, and Placement Standard 4 has been breached.

As the breach arose due to YouTube's failure to classify the content correctly, the Panel believed a no-fault finding was appropriate.

Dismissed - BWS Google Business Profiles

BWS Google Business Profiles

The Panel dismissed the complaint, finding:

- No breach of the ABAC Placement Standards, as there are no available age-restriction controls on Google Business Profile listings to exclude minors, the reasonably expected audience of the listing would exceed 80% adults and a business directory listing for a store that sells alcohol products for adults is not primarily aimed at minors.
- The internal store displays are point-of-sale marketing regulated by liquor licensing bodies, not the ABAC Scheme.

Dismissed - Jameson Irish Whiskey

Placement During AFL Match

The Panel dismissed three complaints, finding that the ABAC Placement Standards aim for alcohol marketing to be directed to adults and, to the extent reasonably possible, away from minors. The standards have not been breached given:

- time of day restrictions on when alcohol ads can be shown on TV do not apply to subscription services, such as Foxtel, and in any event the applicable media code (CTICP) permits alcohol ads with live sports broadcasts;
- ratings data indicate the reasonably expected audience for AFL broadcasts easily exceed the 80% adult threshold; and
- AFL broadcasts are not primarily aimed at minors.

Dismissed - Liquorland/Flybuys

Direct Email Marketing

The Panel dismissed the complaint, as it was not possible to establish what occurred with the Flybuys chat function using the available information.

The [Liquorland Email](#), [Guinness](#), [Liquorland](#) and [Ariane Vodka](#) determinations were also found not to breach the Part 4 Standard.

The ABAC Complaints Panel is headed by Chief Adjudicator Professor The Hon Michael Lavarch AO. For more information on ABAC or to access the ABAC Adjudication Panel decisions referred to in this report, visit: <http://www.abac.org.au>.