



## ABAC Adjudication Panel Determination 96/25

<b>Determination Date</b>	1 August 2025
<b>Brand/Company</b>	Alcohol/Bevanda Bar Wollongong
<b>Media</b>	Digital - Instagram
<b>ABAC Code provision</b>	Part 3 (a)(ii)
<b>Outcome</b>	Upheld

### Part 1 - Determination Overview

#### **Complaint:**

The complainant is concerned that an Instagram post promoting the Bevanda Bar *shows an individual 'long-arming' and 'sculling' a drink.*

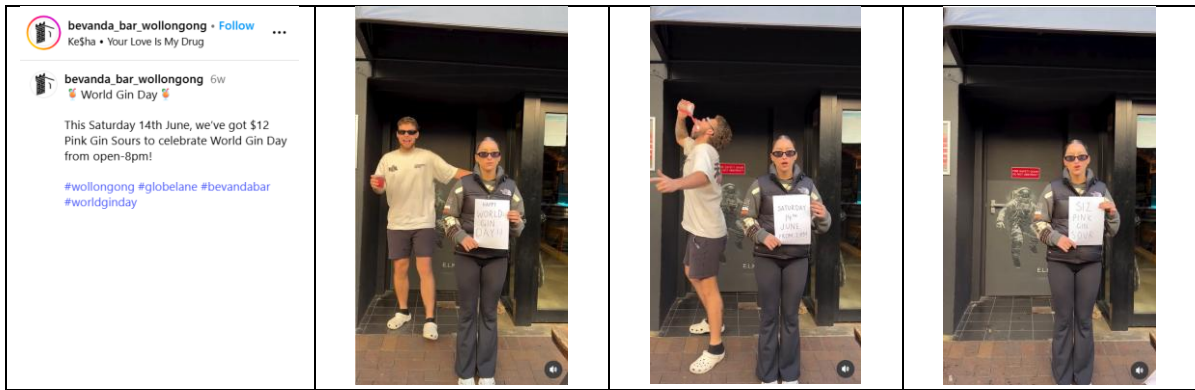
#### **Key findings:**

The Panel upheld the complaint, finding that:

- The post is light-hearted and would not be taken as a serious call to action to consume alcohol rapidly or irresponsibly.
- That said, the humour draws on the assumption that it is shared and accepted community behaviour to, on occasion, drink rapidly and/or excessively.
- A reasonable person would probably understand that the post is treating the rapid consumption of alcohol as amusing in breach of Part 3 (a)(ii) of the ABAC.

#### **Marketing Communications:**

The complaint concerns a video posted to Instagram promoting World Gin Day celebrations at Bevanda Bar. 'Your Love Is My Drug' by Ke\$ha is playing, and a woman is lip syncing to the song as she shows three different A4 signs. A man is dancing behind her and holds a drink up high to pour it towards his mouth before walking off.



## Part 2 - The Panel's View

1. The Bevanda Bar in Wollongong's CBD is a licensed premises that offers a range of cocktails and other alcohol products, as well as bar snacks and entertainment such as live music. The venue is licensed under the Liquor Act 2007 (NSW). It promotes its activities via social media platforms with this determination concerning an Instagram post for World Gin Day.
2. The post is a video set on the footpath outside the venue. It shows a woman lip-syncing to the song 'Your Love Is My Drug' while scrolling through three different A4-sized handprinted signs that read, respectively, 'Happy World Gin Day!!', 'Saturday 14th June from 2 pm' and finally '\$12 Pink Gin Sour'. Behind the woman is a man dancing to the music. He is holding a (presumably) pink gin sour in a plastic cup before holding his drink high and pouring it towards his mouth and over his face.
3. The complainant argues the post is irresponsible. It is contended that it shows 'long-arming' and 'sculling' a drink. This determination considers whether the Instagram post breaches Part 3 (a)(ii) of the Code by showing, encouraging, or treating 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.
4. The consistency of a marketing communication with an ABAC standard is assessed from a reasonable person's probable understanding of the marketing. A 'reasonable person' refers to the life experiences, values, and opinions held by most members of the community, serving as the benchmark.
5. The venue believes the post does not show or encourage irresponsible behaviour, arguing that:
  - The act of long arming is inherently humorous and physically inefficient. It typically results in a drink being spilled or poured over the person attempting it, rather than being successfully consumed. It is, at its core, a satirical or playful exaggeration of drinking culture — often used to mock the idea of "skulling" a drink rather than promote it.

- No reasonable person would view long arming as a practical or desirable way to consume alcohol. The result is almost always a mess — not intoxication. The performance is the point, not the drinking.
  - Advertising or sharing this kind of content on social media does not encourage increased alcohol consumption. Patrons are highly unlikely to go out and purchase a drink simply to pour it on themselves for the sake of imitation.
  - Suppose the objective is to tackle excessive consumption. In that case, other marketing activities and promotions are more pressing, such as ‘shot guessing’ and some mainstream alcohol branding, which encourage excessive alcohol purchases and/or binge drinking.
6. The video is light-hearted, and a reasonable person would interpret the marketing in this context. It is doubtful that a viewer would think the video models how a drink should actually be consumed. The Bar’s observation that the video would be understood in the context of drinking culture is agreed, however, the Panel draws a different conclusion from that advanced by the venue.
  7. In the Panel’s view, the underlying humour the video plays upon is that it is a shared and socially acceptable experience for everyone on occasion to drink excessively and/or rapidly and do silly things. Mostly, a silly action might be no more than long-arming a drink and spilling it. The implication is that this behaviour is basically harmless.
  8. The reality is, unfortunately, more serious. Alcohol misuse is the cause of significant personal and community harm. Health is damaged, relationships are destroyed, finances are ruined, and lives are lost. Alcohol is not just another product to be sold and marketed freely, and participation in the alcohol industry carries with it corporate, social and legal responsibilities that recognise the harm and impose an obligation to minimise it.
  9. This does not mean alcohol marketers are required to adopt a ‘sackcloth and ashes’ approach to creating marketing content. Marketing can be innovative, engaging and funny. Still, it shouldn’t reinforce a drinking culture that it’s ok and amusing to drink rapidly or excessively or to engage in alcohol related poor behaviour.
  10. The ABAC Scheme is an industry-led initiative for good marketing practice, and its standards are essentially mirrored in the direct regulatory obligations imposed on NSW liquor license holders. For instance, Liquor and Gaming NSW has issued Liquor Promotion Guidelines that apply to the Bar. The Guidelines contain a series of principles that include:
    - The promotion should not use emotive descriptions or advertising that encourages irresponsible drinking and is likely to result in intoxication. (Principle 4)
    - Promotions should not otherwise encourage irresponsible, rapid or excessive consumption of liquor. (Principle 6)

11. The Panel is not suggesting that the Bar does not operate consistently with its responsible service of alcohol requirements. Instead, its thoughtful response to the complaint indicates that it is very aware of its obligations, and its comments show an awareness and disapproval of promotional activities that are poor practice, e.g. shot guessing.
12. The ABAC Scheme has both a proactive and reactive regulatory focus. Its proactive work is based on a risk model to direct resources to lift compliance. It includes the Scheme's training initiatives, industry guides and resources and auditing of industry practice, such as in the use of age restriction controls to exclude minors from alcohol marketing communications. The complaints process is a form of reactive regulation in that a public complaint triggers it.
13. So, while in relative terms there may be more troubling marketing and promotional material in the marketplace, the Bar's Instagram post did receive a complaint, and the Panel has assessed the post against the Code standard as a result. The Panel believes the post is a breach of the Part 3 (a)(ii) standard in that a reasonable person would probably understand the post is treating rapid alcohol consumption as amusing.
14. 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, 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 Cristiano Lima.

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

*Part 3 (a) of the Code provides that 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.*

## **Company Response**

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

### **Response: Why Our Social Media Post Does Not Encourage Binge Drinking**

We appreciate the importance of responsible alcohol promotion and take such concerns seriously. However, we respectfully submit that the video in question — featuring the act of “long arming” — should not be considered an encouragement of binge drinking.

#### **1. Long Arming Is Satirical and Ineffective**

The act of long arming is inherently humorous and physically inefficient. It typically results in a drink being spilled or poured over the person attempting it, rather than being successfully consumed. It is, at its core, a satirical or playful exaggeration of drinking culture — often used to mock the idea of “skulling” a drink rather than promote it.

No reasonable person would view long arming as a practical or desirable way to consume alcohol. The result is almost always a mess — not intoxication. The performance is the point, not the drinking.

#### **2. Not an Incentive to Drink More or Faster**

Advertising or sharing this kind of content on social media does not encourage increased alcohol consumption. Patrons are highly unlikely to go out and purchase a drink simply to pour it on themselves for the sake of imitation. If someone does copy the act, they are spilling, not drinking — and therefore consuming *less*, not more.

#### **3. Other Trends Are Far More Aligned With Binge Drinking**

If the objective is to identify and limit content that encourages excessive alcohol consumption, there are far more pressing examples:

- **The “shot guessing” trend** that features multiple shots lined up, consumed rapidly in succession, with the added incentive of guessing the alcohol correctly, has gained significant traction on social media. This trend inherently encourages patrons to buy and consume three or more shots in a row — an act that promotes rapid, high-volume alcohol intake.
  - Some venues have even paired this trend with public figures or celebrities (e.g., Shannon Noll), further reinforcing its appeal and influence.
- **Mainstream alcohol branding** also features messaging that could be interpreted as encouraging overconsumption. A prime example is a major beer brand’s coaster slogan: *“Why have a Tooheys when you can have two?”* This suggests that patrons tend to buy more than they originally intended, and the presence of two drinks in front of them may lead to faster consumption due to temperature concerns or social pressure.

#### **4. Context and Intent Matter**

In contrast, our video is intended as light-hearted satire, not a consumption challenge. It does not glamorise or romanticise excessive drinking, nor does it feature rapid intake, multiple drinks, or encouragement to replicate the act in a harmful way. If anything, it makes a mockery of the idea of skulling a drink and highlights the impracticality and messiness of trying to do so in that fashion.

We respectfully argue that our content sits well outside the realm of what could reasonably be considered a promotion of binge drinking. If anything, it discourages it by showing the impractical and humorous consequences of trying to “look cool” while drinking.

We urge regulators to take a broader view of alcohol-related content and consider the context, intent, and actual behavioural outcomes associated with such posts.

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

The Company was asked how it demonstrates a commitment to best practices for alcohol marketing. It did not respond to this question.

The Panel notes that the Company:

- Is not a signatory to the ABAC Scheme.
- Did not utilise the ABAC pre-vetting service to develop the social media post.
- Has not undertaken the ABAC online training course.