



ABAC Adjudication Panel Determination 113/25

Determination Date	28 August 2025
Brand/Company	Alcohol/Club Sapphire Merimbula
Media	Facebook and Instagram
ABAC Code provision	Part 3 (a)(ii) and (c)(iv)
Outcome	Dismissed

Part 1 - Determination Overview

Complaint:

The complainant is concerned about a video post made to Instagram and Facebook, which is argued to contain irresponsible messaging as it trivialises the importance of hydration and suggests alcohol is a preferred alternative.

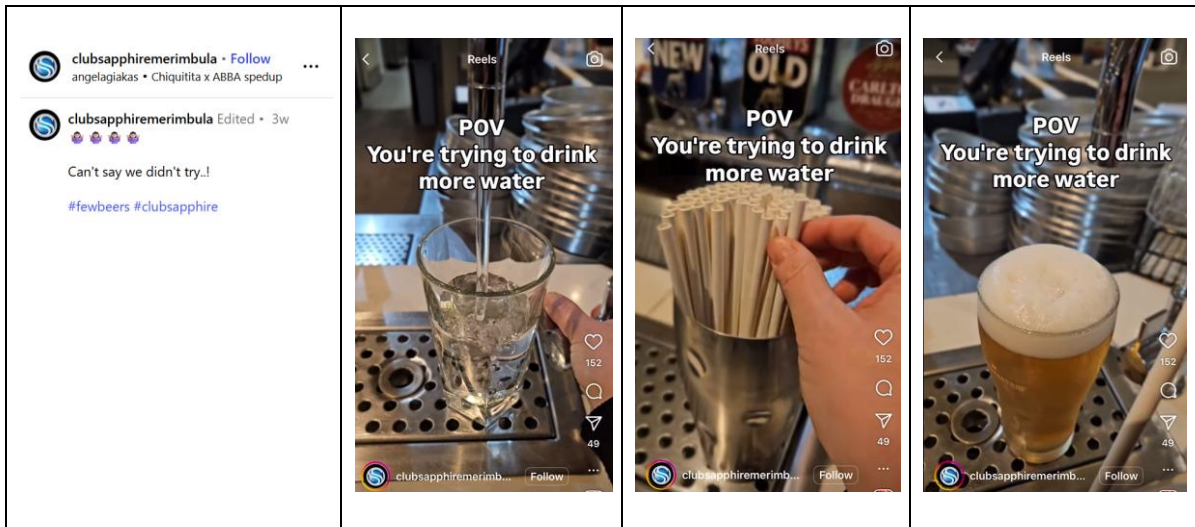
Key findings:

The Panel dismissed the complaint, finding

- The post is fanciful and would be understood in that light.
- The post:
 - does not refer to hydration and does not claim alcohol use offers a health benefit.
 - does not show or encourage excessive or rapid alcohol consumption.
 - does not depict irresponsible or offensive behaviour as such.

Marketing Communications:

The complainant is concerned about a social media post made to both Instagram and Facebook. The video post depicts a glass being filled with water, a person reaching out to pick up a straw, only to find that when they return, their glass of water has been replaced by a glass of beer. The images are superimposed throughout with the words 'POV You're trying to drink more water'.



Part 2 - The Panel's View

1. This determination considers a social media post promoting Club Sapphire Merimbula, which is located on the south coast of NSW. The video post depicts a glass being filled with water and a person reaching out to pick up a straw, only to find that when they return, their glass of water has been replaced by a glass of beer. The images are superimposed throughout with the words 'POV You're trying to drink more water'. The accompanying text includes emojis of four shrugging people, and the words 'Can't say we didn't try..!'.
2. The complainant is concerned that the post contains irresponsible messaging as it trivialises the importance of hydration and suggests alcohol is a preferred alternative. There is no precise alignment between this concern and an ABAC standard. The complaint implies that the post suggests alcohol offers the health benefit of hydration. Part 3 (c)(iv) of the Code requires alcohol marketing not to suggest that alcohol consumption offers any therapeutic or health benefit. Whereas Part 3 (a)(ii) provides that marketing must not treat rapid alcohol consumption or alcohol related irresponsible behaviour as amusing.
3. 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.
4. The Panel understands the point the complaint makes but believes that the ABAC standards have not been breached. In reaching this conclusion, the Panel noted:
 - The post is fanciful and would be understood in that light.
 - The post:

- does not refer to hydration and does not claim alcohol use offers a health benefit.
 - does not show or encourage excessive or rapid alcohol consumption.
 - does not depict irresponsible or offensive behaviour as such.
5. While the post may not expressly breach a Code standard, it is not appropriate to suggest that alcohol is an alternative to water, and the Company has acknowledged the complainant's concern. It removed the post and will have its staff responsible for social media do the ABAC training course. This speaks well of the venue's sense of corporate responsibility.
6. 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 in accordance with the [ABAC Rules & Procedures](#) and has regard to the principles of procedural fairness.

The Panel comprised Chief Adjudicator Professor the Hon Michael Lavarch AO, Health Sector Panelist Professor Richard Mattick AM and Panelist Debra Richards.

Applicable ABAC Responsible Marketing Code Standard

Code Part 3 (a) of the Code requires 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;*

Code Part 3 (c) of the Code requires that an Alcohol Marketing Communication must NOT:

- (iv) *Suggest that the consumption of Alcohol offers any therapeutic or health (including mental health) benefit, is needed to relax, or helps overcome problems or adversity.*

Company Response

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

- We understand the concerns of the complainant and have removed the promotion from our social media on 23 July.
- We apologise for this naive post and appreciate your time in letting us know about the concerns raised about it.

Marketing Best Practice

The Company was asked how it demonstrates a commitment to alcohol marketing best practices. It advised:

- The Club is currently not a signatory to the ABAC Code of Standards but would be happy to do so and comply with its expectations. Irrespective of this, we will accept your decision on this current matter.
- Additionally, I would be very pleased if our two part-time inexperienced marketing staff, as well as I and the Club's Operations Manager, could undertake your online training, so that we are all better educated on what is and what isn't acceptable.