

## ABAC Adjudication Panel Determination 116/25

<b>Determination Date</b>	1 September 2025
<b>Brand/Company</b>	Drink Onn/WE ARE ONN Pty Limited
<b>Media</b>	TikTok
<b>ABAC Code provision</b>	Part 3 (c)(iv)
<b>Outcome</b>	Dismissed

### Part 1 - Determination Overview

#### **Complaint:**

The complainant is concerned about two TikTok posts, which it is argued imply that consuming Drink Onn will not result in a hangover because it contains water, and that the product is hangover-free.

#### **Key findings:**

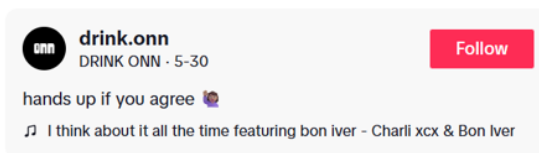
The Panel dismissed the complaint, finding:

- The posts do not make any positive health claims about the product as such.
- The posts don't emphasise the still water content of the product, nor would they likely be understood to suggest the product prevents hangovers.
- To conclude that the use of the product will stop a hangover requires a series of extrapolations that cannot be drawn from the content of the videos.

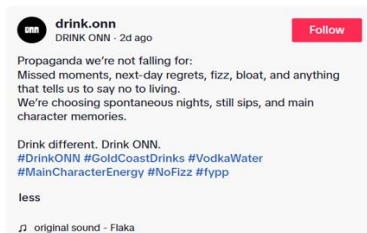
#### **Marketing Communications:**

The complainant is concerned about two TikTok posts.

#### **Post 1**



## Post 2



## Part 2 - The Panel's View

1. Drink Onn (the Company) is a new Gold Coast-based producer of Ready-to-Drink (RTD) products that combine vodka with still water. The products come in three flavours: Hard Margarita, Watermelon & Lychee, and Cucumber & Lime. The Company uses social media as a marketing channel, with this determination concerning two posts on TikTok.
2. The complainant contends that the posts are irresponsible as they imply the product won't give you a hangover, as it contains water. This concern raises Part 3 (c)(iv) of the Code, which requires that an alcohol marketing communication must not suggest that the consumption of alcohol offers any therapeutic or health benefit, is needed to relax, or helps overcome problems or adversity.
3. Post 1 is a video of four unopened cans randomly placed on a bench top, one of which is sitting in a clear plastic cup. The footage is superimposed with text: 'Propaganda we're NOT falling for' above three bullet-pointed items: 'staying in on the weekend', 'just one drink', and 'hangovers'.
4. Post 2 is a video of a woman holding a can of Drink Onn in front of her face. Superimposed text reads - 'Propoganda I'm NOT falling for' with bullet points 'saying no to spontaneous nights out', 'next day hangovers', 'missed opportunities', 'fizzy drinks', 'saving not living', 'bloating from drinks', 'not drinking enough water' and 'thinking booking a flight won't solve all your problems'. The video is accompanied by the message:



5. 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. If an item of marketing could be understood in several ways, the most likely interpretation is to be preferred over a possible but less likely understanding of the material.
6. The Company submits that the videos do not breach the ABAC standard, with its key contentions being:
  - The posts do not state, suggest, or imply that Drink Onn prevents hangovers, confers health benefits, or aids relaxation/problem-solving.
  - The phrase "*propaganda I'm NOT falling for*" introduces a satirical list of lifestyle tropes (e.g., saving not living, booking flights, bloating, missed opportunities). "Next day hangovers" appears only as one item within this broad, non-alcohol-specific list.
  - The posts contain no words such as "hangover-free," "prevent," "cure," "relax," or "health," nor do they link Drink Onn to water content or any mechanism that prevents hangovers.
  - The appearance of a Drink Onn can is standard product placement; the imagery does not create a "before/after" or therapeutic message.
  - The text reads as a personal rejection of behaviours leading to hangovers, not as a claim that the product eliminates them.
  - The brand positions itself as a champion of moderation and balance, rather than excess.
7. While the Company denies that the Code standard has been breached, it has nonetheless removed the posts and committed to engaging with ABAC educational resources going forward.
8. A reasonable person will not usually examine a social media post in fine detail; instead, they will scan the post before scrolling to the next one. This means the most influential elements will be imagery, with the accompanying text providing a context. It is unlikely that the average viewer will undertake the careful grammatical analysis outlined in the Company's response to the complaint.
9. The key issue is whether the posts would be understood as suggesting the product offers a health benefit. While different people might take their own message from the posts, the Panel believes it is unlikely that a reasonable person would interpret the product as offering a health benefit. In reaching this conclusion, the Panel noted:
  - The posts do not make any positive health claims about the product as such.

- The posts don't emphasise the still water content of the product, nor would they likely be understood to suggest the product prevents hangovers.
  - To conclude that the use of the product will stop a hangover requires a series of extrapolations that cannot be drawn from the content of the videos.
10. While the Panel is dismissing the complaint, the Company needs to be mindful that its marketing position does not suggest the product has health benefits. It is legitimate to refer to the product's production method and its ingredients in a factual manner, e.g. no sugar, low calories and the use of still and not sparkling water as the vodka mixer. Care must be taken to ensure that it is not then asserted that the product offers a health benefit stemming from these attributes.
11. 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 Michael Lavarch, Health Sector Panelist Professor Louisa Jorm and Panelist Debra Richards.

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

*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:

- No breach is made out. Read as a whole, the posts do not state, suggest, or imply that the product prevents hangovers or confers any health/therapeutic benefit, nor that alcohol is needed to relax or overcome problems. The complainant's characterisation "TikTok videos implying that their product won't give you a

hangover as it contains water” and “Alcoholic drink implies it’s hangover free” is not supported by the words, imagery, or overall message of the posts identified.

- In Post 2, no text or audio mentions the product as preventing hangovers, offering a remedy, or conferring health benefits. The words “hangover-free”, “avoid”, “prevent”, “cure”, “health”, “relax”, “stress”, or similar do not appear. Nor does the post state or suggest that Drink Onn “contains water” as a reason for any outcome.

**No express claim; no implied causal nexus.**

- The listed items sit under a satirical, meta-commentary headline (“propaganda I’m NOT falling for”), which places *all* items (most of which are not alcohol-related) in the realm of general lifestyle tropes. The presence of “next-day hangovers” in that list does not create a causal link between the product and the absence of hangovers. There is no call-to-action and no representation that consuming Drink Onn leads to a hangover-free outcome.

**The post is not “about” product efficacy.**

- The dominant message is attitudinal: it rejects a set of ideas (e.g., “saving not living”, “thinking booking a flight won’t solve all your problems”). Several items are wholly unrelated to alcohol (missed opportunities; booking a flight; saving not living), making clear the post is a broad lifestyle collage, not a product performance claim.

**No “health/therapeutic” or “problem-solving” claim.**

- The content does not present alcohol consumption as a means to relax, to improve health (physical or mental), or to overcome problems/adversity. To the contrary, “thinking booking a flight won’t solve all your problems” undercuts the notion that any single behaviour (including drinking) is a solution.

**No water-based inference.**

- The complainant’s phrasing relies on an inference that the product “contains water,” hence “no hangover.” The posts themselves do not refer to product composition, hydration, or any mechanism that would suggest such an inference. The only mention of “water” in the on-screen text is the generic lifestyle line “not drinking enough water”, which is not presented as a feature of Drink Onn or as a reason to consume it. There is no statement akin to *“because Drink Onn has water, you won’t get a hangover.”*

**Ordinary meaning of the words used.**

- “Propaganda I’m NOT falling for: next day hangovers” reads, in its ordinary sense, as the speaker’s personal stance against behaviour that *leads to* hangovers (e.g., overconsumption), not as a promise that a particular alcoholic beverage eliminates

hangovers. Absent connecting words (e.g., “Drink Onn means no hangovers” or “this won’t give you a hangover”), the alleged implication is too remote.

**Imagery does not convert attitude into a claim.**

- The mere presence of a can bearing the Drink Onn brand is standard brand placement. The imagery does not portray “before/after” outcomes, medical symbols, wellness badges, or other therapeutic cues that would convert the attitude list into a product efficacy message.

**Audience and brand positioning do not rescue an implication.**

- Our consumer base is professional and responsibility-oriented; we promote moderation and balance, not excess. Nothing in the posts suggests otherwise. An implication cannot be derived simply from brand personality when the textual and visual content lacks any health, relaxation, or problem-solving claims.
- Respectfully, the posts do not state or imply that the product will not cause a hangover, as it contains water. The posts neither reference product composition nor claim a hangover-free outcome. The complainant’s inference is not grounded in the actual words or images of the communication identified in your letter.
- An implication that the alcoholic drink is hangover-free does not arise on an objective reading of the posts as a whole. The absence of any causal language, combined with the multi-topic list under a sardonic headline, means a reasonable viewer would not take away a claim that *consumption of Drink Onn avoids hangovers*.

**Steps taken (without concession)**

- Upon first notice of concern, both posts were removed promptly.
- We have implemented an internal Social Media Marketing Policy that requires senior approval for all alcohol-related content and expressly prohibits any suggestions of health/therapeutic benefits, as well as claims related to hangover prevention.
- Training: our Director has commenced the ABAC online training and will ensure all staff and interns complete it.
- Signatory status: while not currently an ABAC signatory, WE ARE ONN is willing to apply to become one and, regardless, accepts the Panel’s decision in this matter.
- These measures are precautionary and reflect our commitment to best practice; they are not admissions that the Code was breached.

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

The Company was asked how it demonstrates a commitment to best practices for alcohol marketing. It is advised that, since receiving the complaint, ABAC has implemented an internal Social Media Marketing Policy and requires staff and interns to complete ABAC's online training course.

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 posts.