



ABAC Adjudication Panel Determination 123/25

Determination Date	19 September 2025
Brand/Company	Wine / The Wine Vault
Media	Telemarketing
ABAC Code provision	Part 4 (e)
Outcome	Upheld

Part 1 - Determination Overview

Complaint:

The complainant is concerned about repeated voice and text marketing messages being made to a child's telephone, despite requests to cease the marketing.

Key findings:

The Panel upheld the complaint, noting that while The Wine Vault had failed to respond to the complaint, there was no reason to doubt that the complaint was genuine. The Company had failed to stop the direct delivery of marketing after receiving a request for the marketing to cease in breach of Part 4 (e)(iii).

Marketing Communications:

The marketing consists of repeated phone calls and text messages made to a child's telephone, despite being requested to stop.

Part 2 - The Panel's View

1. The Wine Vault (the Company) is an online wine retailer. It appears that the Company adopts a direct marketing style involving unsolicited telemarketing to potential customers. This determination arises from the complainant's experience of calls and texts from the Company to a number on a phone used by a child. The complainant states the Company has been told several times to remove the number from their marketing list.
2. Part 4 (e)(iii) of the ABAC provides that an alcohol marketing communication must not be delivered directly to any person who has sought removal from the marketing list. A 'marketing communication' encompasses telemarketing calls and texts. Consequently, it is the responsibility of an alcohol retailer not to make calls or texts to a consumer who has requested that no marketing calls be made to their telephone number.

3. Accordingly, the Part 4 (e)(iii) standard will be breached if:
- An alcohol marketer employs direct communication techniques to contact individual consumers or potential consumers.
 - The marketer has access to a list or database that contains names and contact details of persons (of any age, not simply minors);
 - A person takes an action to request the removal of their name or contact details from the marketer's list.
 - The marketer fails to act on the person's request not to be contacted and continues to forward the person marketing communications.
4. The Company is not a signatory to the ABAC Scheme, and several attempts to contact the Company and gain its response to the complaint have been unsuccessful. The Panel has no reason to doubt that the complaint is genuine, but without any information from the Company, it is not possible to assess what has happened and why the complainant's attempts to have the calls and texts cease have been fruitless.
5. While the Panel can go no further in investigating the circumstances of why the calls have continued, on its face, it appears the ABAC standard has been breached.
6. The complainant's attention is drawn to the Do Not Call Register. This Register is maintained by the Australian Communications and Media Authority (ACMA) and enables a consumer to limit the number of calls and SMS messages from marketers. Once a telephone number is added to the Register, a marketer has an obligation to 'wash' their contact lists against the numbers on the Register and ensure the number is not contacted for marketing purposes. It is a breach of the law for a marketer (all products, not just alcohol) to contact a number on the Register.
7. 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 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 Panellist Professor Richard Mattick AM and Panellist Cristiano Lima.

Applicable ABAC Responsible Marketing Code Standard

Code Part 4 (e) of the Code requires that an Alcohol Marketing Communication must not be delivered directly to:

- (i) a Minor by hand (except where the communication primarily relates to a matter unrelated to alcohol, for example, a shop receipt or a dining voucher);*
- (ii) a Minor by electronic direct mail (except where the mail is sent to a Minor due to a Minor providing an incorrect date of birth or age); or*
- (iii) any person that has sought removal from the marketing list.*

Company Response

The Company declined the opportunity to respond to the complaint.

Marketing Best Practice

The Company was asked how it demonstrates a commitment to alcohol marketing best practices, but it chose not to respond. It is noted that The Wine Vault is not a signatory to the ABAC Scheme.