



ABAC Adjudication Panel Determination 128/25

Determination Date	15 September 2025
Brand/Company	Newtownner 3.5% / Young Henrys Brewing Company Pty Ltd
Media	Instagram
ABAC Code provision	Part 3 (a)(i)
Outcome	Upheld

Part 1 - Determination Overview

Complaint:

The complainant is concerned about an Instagram video encouraging excessive alcohol consumption.

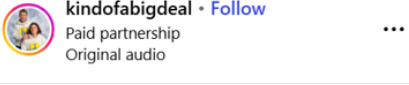
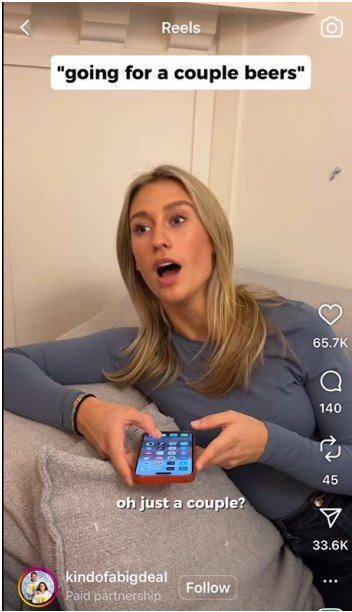
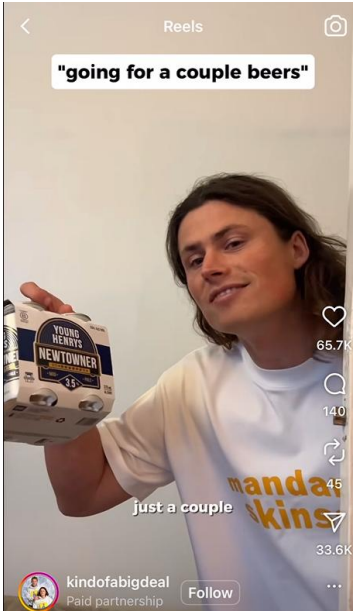

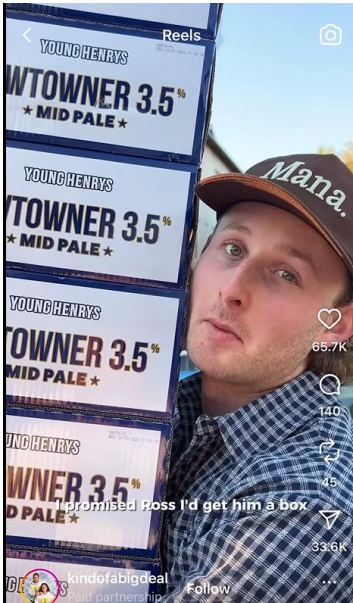
Key findings:


The Panel upheld the complaint, finding:

- While no one is shown drinking alcohol, the scenario establishes that the men are going to consume the product, and hence, consumption is directly implied.
- The sheer number of cartons shown supports that excessive consumption is likely, even if the consumption involves several people (the boys).
- The accompanying text - "*The famous couple beers strikes again*" - would likely be understood as ironically suggesting the drinking session is not going to be two beers but many beers.
- While the Company may not have intended the posts to convey irresponsible messaging about alcohol use, the benchmark is how the posts would most likely be understood by a reasonable person, rather than the marketer's intended meaning.
- The humour of the post is drawn from an assumed common experience that people will sometimes do irresponsible things when consuming alcohol, and it is this implicit message that excessive alcohol consumption is socially acceptable, which is inconsistent with the ABAC standards.
- The most probable interpretation of the post is that excessive alcohol consumption is implicitly condoned.

Marketing Communication:

The marketing communication consisted of a video posted to Instagram.

	 <p>kindofabigdeal • Follow Paid partnership Original audio</p> <p>kindofabigdeal 7w The famous couple beers strikes again #beer #bromance #couplebeers</p>	
<p>The video is headed up “going for a couple of beers”. It commences by showing a domestic scene where a man is letting a woman know that he is going out.</p> <p>Man (M): See ya</p> <p>Woman (W): Hey, where you going?</p> <p>M: Oh ahh just going with the boys for a couple of beers.</p> <p>W: Oh, just a couple?</p> <p>M: Just a couple (holds up a four-pack of beer)</p> <p>W: Aw, have fun. Say hi from me.</p> <p>M: See ya. Don't wait up</p>	 <p>Reels</p> <p>"going for a couple beers"</p> <p>oh just a couple?</p> <p>kindofabigdeal Paid partnership Follow</p>	 <p>Reels</p> <p>"going for a couple beers"</p> <p>just a couple</p> <p>kindofabigdeal Paid partnership Follow</p>
<p>The man is seen leaving, holding a four-pack of beer and in his other hand/arm five cartons of Newtowner 3.5%.</p> <p>He meets a second man (M2) on the street, who is holding even more cases of Newtowner 3.5% beer.</p> <p>M: Sup, sorry to keep you waiting.</p> <p>M2: Nah, you're all sweet.</p> <p>M: Good to go?</p> <p>M2: Gotta make one stop. I promised Ross I'd get him a box.</p>	 <p>Reels</p> <p>don't wait up</p> <p>kindofabigdeal Paid partnership Follow</p>	 <p>Reels</p> <p>promised Ross I'd get him a box</p> <p>kindofabigdeal Paid partnership Follow</p>

<p>The video closes with the two men walking down the street with multiple boxes of Newtowner 3.5% beer.</p>		
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Part 2 - The Panel's View

1. 'Kind of a Big Deal' is the name used by New Zealand-based comedy duo and social media influencers Ryan Forlong and Bryn Fredheim. Young Henry's (the Company) is a craft brewery located in the Sydney suburb of Newtown. Operating since 2012, the Company produces a range of standard and limited-release beers. This determination concerns an Instagram post for the Company's Newtowner 3.5% Pale Ale (the product) featuring Messrs Forlong and Fredheim.
2. The post is a video entitled "*Going for a couple beers*". It depicts Bryn telling his girlfriend/wife that he is going out for just a couple of beers, as he holds up a four-pack of the product as if to demonstrate the number of beers he will consume. In fact, Bryn leaves with five cases of the product in addition to the four-pack. He meets with Ryan, who is holding multiple cases of the product. The words "*The famous couple beers strikes again*" accompany the post.
3. While the video was created by Ryan and Bryn and posted to the Kind Of A Big Deal Instagram page, there is no question that the post is alcohol marketing captured by the ABAC standards. This is because the Company has a contractual arrangement with "Kind Of A Big Deal" to promote its products, and it approved the video concept before it was published on the creator's channel. Accordingly, the Company has reasonable control over the marketing.
4. The complainant had two concerns about the post. The first was that it failed to be appropriately identified as advertising. The second was that it encouraged excessive alcohol consumption. The first concern is not within the scope of the ABAC Scheme but rather is captured by the general code of ethics that applies to all social media marketing, irrespective of the product being promoted.

5. The second concern is an ABAC issue and enlivens Part 3 (a)(i) of the ABAC which requires that an alcohol marketing communication must not show, encourage, or treat as amusing, consumption inconsistent with the Australian Guidelines to Reduce Health Risks from Drinking Alcohol, such as excessive alcohol consumption (more than 10 standard drinks per week or more than 4 standard drinks on any one day).
6. 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.
7. The Company submits that the post is consistent with the ABAC standard. It is argued:
 - The video offers a satirical and humorous take on the common Australian colloquialism "a couple of beers", without condoning, encouraging, or portraying irresponsible or excessive consumption as amusing.
 - The dialogue refers to meeting up with "the boys", which implies the alcohol is intended for a group of people over an unspecified period.
 - The video does not depict anyone drinking alcohol, let alone excessively or irresponsibly.
 - The product's ABV of 3.5% means the consumption of the four-pack is consistent with the Alcohol Guidelines of no more than four standard drinks on any single day.
8. A reasonable person has a robust sense of humour and would understand the video is a satirical take on the "couple of beers" trope. The post would not be understood as seriously advocating for the consumption of multiple cartons of beer in a single drinking session. It is also a fair comment that alcohol, by its nature, has a long shelf life, and a carton of beer might be consumed over time by multiple people.
9. Where the Panel departs from the view submitted by the Company is what a reasonable person would probably understand about the message in the post about alcohol use. The humour of the scenario is underpinned by an assumed common understanding that a "couple of beers" can, on occasion, convert into the excessive consumption of alcohol. It is this assumed knowledge that it is socially acceptable to drink excessively and that we all can relate to an experience where a couple of beers turned out to be many, many beers, which is inconsistent with the Part 3 (a)(i) standard.
10. Accordingly, the Panel believes that the post breaches Part 3 (a)(i) of the Code. In reaching this conclusion, the Panel noted:
 - While no one is shown drinking alcohol, the scenario establishes that the men are going to consume the product, and hence, consumption is directly implied.

- The sheer number of cartons shown supports that excessive consumption is likely, even if the consumption involves several people (the boys).
- The accompanying text - “*The famous couple beers strikes again*”- would likely be understood as ironically suggesting the drinking session is not going to be two beers but many beers.
- While the Company may not have intended the posts to convey irresponsible messaging about alcohol use, the benchmark is how the posts would most likely be understood by a reasonable person, rather than the marketer’s intended meaning.
- The humour of the post is drawn from an assumed common experience that people will sometimes do irresponsible things when consuming alcohol, and it is this implicit message that excessive alcohol consumption is socially acceptable, which is inconsistent with the ABAC standards.
- The most probable interpretation of the post is that excessive alcohol consumption is implicitly condoned.

12. 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 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:

- (i) *show (visibly, audibly or by direct implication), encourage, or treat as amusing, consumption inconsistent with the Australian Guidelines to Reduce Health Risks from Drinking Alcohol, such as:*

(A) excessive Alcohol consumption (more than 10 standard drinks per week or more than 4 standard drinks on any one day); or

(B) Alcohol consumption while pregnant or breastfeeding.

Company Response

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

Question 1: Is the post an Alcohol Advertising Communication?

Yes. Young Henrys had a paid, contractual arrangement with "Kind Of A Big Deal" to promote our Newtowner 3.5% product. We approved the video concept before it was published on the creator's channel. As such, it is an Alcohol Advertising Communication under the Code.

Question 2: Does the post breach Part 3(a)(i) of the Code?

We submit that the post does not breach Part 3(a)(i). The video offers a satirical and humorous take on the common Australian colloquialism "a couple of beers," without condoning, encouraging, or portraying irresponsible or excessive consumption as amusing.

A reasonable person would interpret the content as follows:

- **Satire and Exaggeration:** The humour is derived from the visual exaggeration of a person carrying multiple cartons. This is a clear parody, not a literal depiction or encouragement of an individual consuming that amount of alcohol.
- **Context of Sharing:** The dialogue refers to meeting up with "the boys," which implies the alcohol is intended for a group of people over an unspecified period.
- **No Consumption Shown:** The video does not depict anyone drinking alcohol, let alone excessively or irresponsibly.
- **The product is Mid-Strength:** the product shown is Newtowner, 3.5% ABV. The initial four-pack shown would equate to approximately four standard drinks, which is within the daily guidelines mentioned in the Code.

Given this context, the post uses humour based on a relatable phrase, rather than promoting drinking behaviours inconsistent with the Australian Guidelines.

This addresses the Panel's questions and demonstrates our ongoing commitment to the ABAC Code.

Marketing Best Practice

The Company was asked how it demonstrates a commitment to best practices for alcohol marketing, and responded as follows:

- Young Henrys is committed to the responsible marketing of alcohol. We confirm that all relevant staff have completed ABAC training, and we accept the Panel's authority in this matter.

- We take our obligations seriously. Although this specific post was not pre-vetted, we have previously utilised the ABAC pre-vetting service and remain committed to using it for future campaigns.
- We value the Panel's role in maintaining high industry standards. As a gesture of our commitment to this process, we are prepared to ask "Kind Of A Big Deal" to remove the post if the Panel deems it appropriate.