



ABAC Adjudication Panel Determination 138/25

Determination Date	14 October 2025
Brand/Company	Hard Rated/Asahi Beverages
Media	TV - Free to Air
ABAC Code provision	Part 3 (a)(ii)
Outcome	Dismissed

Part 1 - Determination Overview

Complaint:

That two Hard Rated television commercials are irresponsible by encouraging mockery and harassment of retail workers.

Key findings:

The Panel dismissed the complaint, finding that:






- The ads are light-hearted and would not be interpreted as advocating actual behaviour.
- The alcohol product was introduced after the depicted scenarios had concluded, and it is not portrayed as the cause of the heroes' actions.
- While the heroes' behaviour may be considered irritating or perplexing to the retail staff involved, a reasonable person would probably not feel the scenarios as encouraging violent, irresponsible or offensive behaviour.

Marketing Communications:

The complainant refers to two television commercials for Hard Rated.







Hard Rated Cheeky Cheese

[Link to Cheeky Cheese TVC on YouTube](#)

<p>The advertisement commences with an image of a man holding many pieces of cheese on sticks as he takes another from a tray held by a delicatessen worker, who asks:</p> <p><i>"Would you like to buy some?"</i></p>		
<p>The man replies,</p> <p><i>"I'm not much of a cheese guy."</i></p> <p>An image of a smaller, identical man emerges from the man's head. He claps and says,</p> <p><i>"Cheeky."</i></p>		
<p>The closing scene shows the small replica man sitting on the main character's shoulder, holding a can of Hard Rated. The main character is shown drinking Hard Rated before turning to the small replica man and smiling.</p> <p>A voiceover says,</p> <p><i>"Hard Rated. Born Cheeky."</i></p>		

Hard Rated Cheeky Dead Plant

[Link to Cheeky Dead Plant TVC on YouTube](#)

<p>The advertisement commences with footage of a female customer approaching a counter in a plant store. She says,</p> <p><i>"Just returning this one"</i></p> <p>as she places a dead plant on the counter.</p>	 A woman with dark hair, wearing a grey t-shirt and a yellow bag, stands in a plant store. She is looking at a counter where a dead plant is placed.	 A close-up shot of a dead plant with brown, wilted leaves and a small white tag attached to it.
<p>The man working in the shop responds,</p> <p><i>"It's dead"</i></p> <p>to which customer replies:</p> <p><i>"I'll just take store credit"</i></p>	 A man with a grey beard and a green shirt stands behind a counter in a plant store. He is looking at the camera.	 A woman with dark hair and glasses, wearing a grey t-shirt and a yellow bag, stands in a plant store. She is looking at the camera.
<p>An image of a smaller, identical person emerges from the customer's head. She laughs and says,</p> <p><i>"Cheeky."</i></p>	 A small woman, identical to the main character, is shown from the chest up. She is sitting on the main character's shoulder and drinking from a can of Hard Rated.	
<p>The closing scene shows the small replica woman sitting on the main character's shoulder, drinking from a can of Hard Rated. The main character is also shown drinking Hard Rated.</p> <p>A voiceover says,</p> <p><i>"Hard Rated. Born Cheeky."</i></p>	 A woman is shown drinking from a can of Hard Rated. The can is labeled "HARD RATED ALCOHOLIC LEMON". The text "BORN CHEEKY" is overlaid on the image.	

Part 2 - The Panel's View

1. This determination concerns two television commercials promoting the RTD alcohol product Hard Rated, which are part of the wider 'Born Cheeky' themed marketing campaign for the product. Both ads depict scenarios in retail settings in which a 'hero character' interacts with a retail worker and engages in 'cheeky' behaviour driven by the hero's inner self.
2. The complainant takes exception to the ads. It is contended that both ads draw their humour from the hero mocking or harassing the retail worker, and that in a social environment of escalating violence in the retail sector, the ads are irresponsible. This irresponsibility is amplified by the ads being for an alcohol product.
3. At its core, the complaint is not about alcohol as a product per se, but rather about the depiction of the exchange between the hero character and the retail worker. It can reasonably be assumed that the complainant would be equally troubled if the ads promoted chocolate milk. To this extent, the complaint falls more squarely within section 2.6 of the AANA Code of Ethics, which provides that advertising (of all products, including but not limited to alcohol) shall not depict material contrary to prevailing community standards on health and safety.
4. In terms of the ABAC Code, the complainant's concern goes to the Code standard in Part 3 (a)(ii), which requires that an alcohol marketing communication must not show, encourage, or treat as amusing, ... irresponsible or offensive behaviour that is related to the consumption or presence of alcohol.
5. Asahi submits that the TV commercials are consistent with the Code standard, arguing:
 - The ads are designed to entertain, not to be interpreted literally or to promote irresponsible attitudes or behaviours.
 - The creative intention is to reflect relatable, light-hearted fun, not to encourage or trivialise any form of misconduct.
 - Notably, alcohol consumption is not shown at any point during the scenes depicting the humour or social interaction. The product only appears at the end of the advertisement, after the interaction has ended. This creative sequencing clearly separates the humorous exchange from any portrayal of drinking, so there is no suggestion that the behaviour depicted is caused by or linked to alcohol consumption.
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. A person who interprets the marketing item differently is not 'unreasonable', but their take on it may not be shared by most people.

7. The Panel acknowledges the complainant's point. It has been widely reported that in recent years, retail workers have experienced increased levels of aggressive and, on occasion, violent behaviours from consumers. It is also true that alcohol use can be a contributing factor to intemperate or dangerous behaviour.
8. That said, the Panel does not believe that the advertisements breach the Part 3 (a)(ii) standard. In reaching this conclusion, the Panel noted:
 - The ads are light-hearted and would not be interpreted as advocating actual behaviour.
 - The alcohol product was introduced after the depicted scenarios had concluded, and it is not portrayed as the cause of the heroes' actions.
 - While the heroes' behaviour may be considered irritating or perplexing to the retail staff involved, a reasonable person would probably not feel the scenarios as encouraging violent, irresponsible or offensive behaviour.
9. 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 Panellist Professor Richard Mattick AM, and Panellist Debra Richards.

Applicable ABAC Responsible Marketing Code Standard

Code Part 3 (a)(ii) 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;*

Company Response

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

- Hard Rated has been positioned as a light-hearted, tongue-in-cheek brand that uses distinctly Australian humour to engage with its adult audience. The brand's identity is grounded in playful irreverence and satire—a self-aware, cheeky tone that celebrates everyday social moments in an exaggerated, humorous way. Its content is designed to entertain, not to be interpreted literally or to promote irresponsible attitudes or behaviours.
- The humour in Hard Rated advertising is deliberately exaggerated and situational, consistent with the brand's "Born Cheeky" platform. It draws on familiar social dynamics, such as awkward interactions, in a way that mature audiences recognise as parody. The creative intention is to reflect relatable, light-hearted fun, not to encourage or trivialise any form of misconduct.
- Asahi Beverages does not believe the Hard Rated "Born Cheeky" advertisements breach the ABAC Code. The advertisements do not show, encourage or treat as amusing rapid alcohol consumption, misuse or abuse of alcohol, nor do they depict or endorse irresponsible or offensive behaviour related to the consumption or presence of alcohol.
- The Hard Rated brand adopts a deliberately exaggerated, tongue-in-cheek comedic style consistent with its established "Born Cheeky" platform. The humour is situational and character-driven, relying on satire and playful exaggeration to portray light-hearted, fictional moments of social awkwardness. The creative intent is to amuse through relatable, exaggerated scenarios. The ads in no way promote or normalise irresponsible conduct.
- Notably, alcohol consumption is not shown at any point during the scenes depicting the humour or social interaction. The product only appears at the end of the advertisement, after the interaction has ended. This creative sequencing clearly separates the humorous exchange from any portrayal of drinking, so there is no suggestion that the behaviour depicted is caused by or linked to alcohol consumption. To draw a correlation between the characters' exaggerated behaviour and the presence or effect of alcohol would therefore be unfounded.
- The brief depictions involving retail staff are not intended to mock, harass or demean. These moments are presented as humorous exaggerations of everyday social encounters that adult audiences would recognise as absurd, fictional and harmless. The tone and delivery make it evident that the scenario is not real or encouraged, but rather an expression of the brand's characteristic dry, self-aware humour.

Conclusion

- A representative adult viewer, considering the tone, style and placement of the advertisement, would interpret the content as clearly comedic and not as condoning, encouraging or treating disrespectful behaviour towards others as amusing.
- The Hard Rated advertisements are intended for adult audiences who understand and appreciate Australian humour and irony. The brand does not promote or condone irresponsible or offensive behaviour, and its creative execution maintains clear separation between humour and the responsible portrayal of alcohol.

Marketing Best Practice

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

- Asahi Beverages takes the responsible marketing of alcohol seriously. We are committed to compliance with all relevant codes and guidelines, including the ABAC Code, and our marketing is developed in line with these standards.
- Asahi Beverages is an ABAC signatory and has committed to meeting the ABAC Code Standards and complying with Panel determinations.
- Asahi Beverages sought and followed the advice of the ABAC Pre-vetting Service regarding the marketing referred to in the complaint.
- Asahi Beverages team members have completed the current ABAC online training course.
- Asahi Beverages has taken other steps to ensure marketing practices and materials meet community expectations for responsible alcohol marketing.
- Asahi Beverages is committed to ensuring that our promotional and marketing materials, and those of our associated entities, are in line with the ABAC code. Our goal is for adults to enjoy our products responsibly and in moderation.