



ABAC Adjudication Panel Determination 142/25

Determination Date	20 October 2025
Brand/Company	Event/Seventh Day Brewery
Media	Digital - Instagram
ABAC Code provision	Part 3 (b)(i), (c)(ii), (c)(iii), (c)(iv)
Outcome	Dismissed

Part 1 - Determination Overview

Complaint:

That an Instagram post:

- Appeals to minors through the use of surf culture imagery and language.
- Suggests that alcohol consumption contributes to positive mental health outcomes by advertising that \$1 from every XPA pint sold on the day will be donated to Lifeline.
- Suggests that the success of a social occasion depends on alcohol consumption.












Key findings:

The Panel dismissed the complaint, finding that the post

- is not strongly appealing to minors; and
- does not suggest that alcohol offers a health benefit or is needed for the success of a social occasion.

Marketing Communication:

The complainant refers to an Instagram post as shown below. The post consisted of a total of five images, only one of which was referred to by the complainant.

<div><div><div><div><div></div><div><h1>SURF CLASSIC LAUNCH PARTY!</h1><p>SELECTED PROCEEDS TO LIFELINE NORTHERN BEACHES, RESCUES TO HOSPITALS</p><div><div>SAT 11 OCT 2PM-LATE</div><div><div>SLIM JIMZ</div><div>raffles & giveaways</div></div><div>+ DOUSED, LORELEI, DJ NAKED JOEL & CROSS POLLINATE</div><div><div>donate a board & we'll flog it 4 lifeline</div><div>REGISTER AT DOUSED</div></div><div><div>pizza by also pepe</div><div></div></div><div><div>7TH DAY BREWERY 14/9 POWELLS RD, BROOKVALE</div><div>SECOND HAND SURFBOARD ENQUIRIES STEVE 0400 150 737</div><div></div></div></div><div><div>SEVENTH DAY BREWERY</div><div>live bands & djs</div></div></div></div></div></div></div>			
			
<div><div><div></div><div>7thdaybrewery and 2 others</div></div><div>7th Day Brewery</div><div><div><div></div><div>7thdaybrewery Edited • 3d</div></div><div>@lifelinenb SURF CLASSIC LAUNCH PARTY! 🍻</div><div>SAT 11TH OCT, 2PM TIL LATE 🌈</div><div>x @sydneysurfdaily x @thetawnyfrogmouth</div><div>Get ready for another sweet surf party for a damn good cause in our Brookvale Taproom 🍷</div><div>We're raising some much needed dosh before we paddle out for the @lifelinenb Surf Classic & go full kook mode in Queensie corner!</div></div></div>	<div><div><div></div><div>7thdaybrewery and 2 others</div></div><div>7th Day Brewery</div><div>So, to do our bit we'll be donating \$1 from every XPA pint sold on the day, we'll have a pop up board sale w 100% of proceeds going to the cause (flick us a DM if you have a board you'd like to give us!) & there'll be some sweet raffles & giveaways from @sydneysurfdaily !</div></div>	<div><div><div></div><div>7thdaybrewery and 2 others</div></div><div>7th Day Brewery</div><div>& my oh my have we got some epic, epic bands to boogie down to as well 🍻 @slimjimzband on headline duties w support by @doused.in @crosspollinateband & @lorelei_band + Crazy Joel on the wheels of steel for an epic arvo car park DJ set! Get ready, this is gonna be another one of those nights in the taproom! Lesssgoooo legends 🍷</div></div>	

Part 2 - The Panel's View

1. The Lifeline Surf Classic is an annual fundraising event to support the suicide prevention and crisis counselling services provided by Lifeline Northern Beaches to the residents of Sydney’s coastal areas from Mosman to Kirribilli. The website for the event explains that competing surf teams raise funds for Lifeline in whatever way you like:

host a trivia night, put on a BBQ, auction off your time or services, have a garage sale...anything goes!

2. Seventh Day Brewery (the Company) is a craft brewery and taproom located in Brookvale. The Company's website outlines the Company's strategy of 'Drink Good, Do Good', which features a commitment to operate sustainably and to support the Northern Beaches community through crowdfunding for various charitable causes. One of the initiatives taken by the Company is to help the Lifeline Surf Classic.
3. The determination arises from the Company's posting on Instagram about its support for the Surf Classic. The post promotes a Surf Classic launch party held at the Company's venue involving live bands, raffles and giveaways. The post includes the Lifeline name and logo and advises that selected proceeds will be donated to Lifeline, including funds raised from the sale of surfboards and '\$1 from every XPA pint sold on the day'.
4. The complainant believes the post is irresponsible. It is argued that it breaches three ABAC standards, namely:
 - Part 3 (b)(i) - by using surf culture imagery and language that will strongly appeal to minors;
 - Part 3 (c)(iv) - by linking the purchase of alcohol to supporting Lifeline implies that alcohol consumption leads to positive mental health outcomes; and
 - Part 3 (c)(iii) - by suggesting the success of the launch party depends on alcohol consumption.
5. The Company responded to the complaint by advising that it had raised over \$2,500 for Lifeline from selling donated surfboards, but the \$1 contribution from XPA sales did not occur due to concerns expressed by Lifeline. The Company accepted it was an error of judgment to raise funds in this manner, and it had removed the social media posts with the alcohol sale donation reference.
6. While the complaint has been framed against specific ABAC standards, the underlying concern is that an alcohol producer and retailer should not be promoting its products or activities with reference to Lifeline, given that alcohol misuse can be a contributing factor to individual and community harm. The fact that Lifeline requested the Company remove reference to the alcohol sales donation indicates that Lifeline itself thought this direct association between alcohol consumption and its counselling/crisis services was not appropriate.
7. The Panel acknowledges that there is a broader public policy question concerning alcohol use in society. Still, these questions go well beyond the Panel's remit, which is confined to assessing the individual social media post against the relevant ABAC standards.

8. 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 most people may not share their take on it.

Responsibility toward Minors

9. The first issue raised is whether the post has a strong or evident appeal to minors in breach of the ABAC standard in Part 3 (b)(i) of the Code. The standard might be breached if the marketing:
- Specifically targets minors;
 - Has a particular attractiveness for a minor beyond the general attractiveness it has for an adult.
 - Uses imagery, designs, motifs, language, activities, interactive games, animations or cartoon characters that are likely to appeal strongly to minors; and
 - Creates confusion with confectionery, soft drinks, or other similar products, so the marketing communication is likely to appeal strongly to minors.
10. The complainant is concerned that the post breaches Part 3 (b)(i) of the Code through the use of surf culture imagery and language. The Panel believes that the post does not breach this standard. In reaching this conclusion, the Panel noted:
- Surfing is a sport enjoyed across age groups, including but by no means exclusively or even predominantly by minors.
 - The images used would not specifically attract minors.
 - Casual language is used, but it would not have a particular attractiveness for a minor beyond the general attractiveness it has for an adult.

Responsible depiction of the effects of Alcohol

11. The complainant's other concerns go to Part 3 (c) of the Code, which requires the responsible depiction of the effects of alcohol. In particular, the complainant contends that the donation of funds linked to the purchase of the XPA product suggests that alcohol use offers a mental health benefit. The complainant also argues that the post indicates that the success of a social occasion depends on alcohol consumption.
12. The key question is whether the post would be understood as suggesting the product – a pint of XPA - offers a health benefit. While different people might take their own message from the post, the Panel believes it is unlikely that a reasonable person would interpret the post as suggesting that the product offers a health benefit. In reaching this conclusion, the Panel noted:

- The post does not make any positive health claims about the product.
 - To conclude that the use of the product will provide a health benefit requires a series of extrapolations that cannot be drawn from the content of the post.
13. Equally, the post would not be understood as claiming that the success of the launch party depends on alcohol consumption. The post is unexceptional and simply highlights features of the event, including live music, raffles, giveaways and second-hand board sales. Alcohol is mentioned, but there is no suggestion that the success of the event, the organiser or attendees, relies on alcohol consumption.
14. 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 Cristiano Lima.

Applicable ABAC Responsible Marketing Code Standard

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

(b)(i)	<p><i>have Strong or Evident Appeal to Minors, in particular;</i></p> <p><i>(A) specifically target Minors;</i></p> <p><i>(B) have a particular attractiveness for a Minor beyond the general attractiveness it has for an Adult;</i></p> <p><i>(C) use imagery, designs, motifs, language, activities, interactive games, animations or cartoon characters that are likely to appeal strongly to Minors;</i></p> <p><i>(D) create confusion with confectionery, soft drinks or other similar products, such that the marketing communication is likely to appeal strongly to Minors; or</i></p> <p><i>(E) use brand identification, including logos, on clothing, toys or other merchandise for use primarily by Minors</i></p>
(c)(ii)	<p><i>show (visibly, audibly or by direct implication) the consumption or presence of Alcohol as a cause of or contributing to the achievement of personal, business, social, sporting, sexual or other success;</i></p>

(c)(iii)	<i>suggest that the success of a social occasion depends on the presence or consumption of Alcohol; or</i>
(c)(iv)	<i>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.</i>

Company Response

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

- Lifeline reached out to me after one of the posts had gone out and asked us to void the raising of money of \$1 for every XPA pint sold - I edited that post right away. I have since noticed that another previous post also had similar wording and have deleted that.
- We raised over \$2,500 on Saturday, selling off unused boards that were donated to us by the community, and we look to reach our goal of \$5,000.
- I hope you can appreciate that this was an error in judgment on my behalf that has been amended.

Marketing Best Practice

The Company was asked how it demonstrates a commitment to alcohol marketing best practices, but did not respond. The Panel notes that:

- The Company acted quickly to remove the post complained about.
- The Company is not a Code signatory.
- Staff members have not undertaken ABAC's online training course.
- ABAC pre-vetting approval was not obtained for the marketing.