

ABAC Adjudication Panel Determination 151/25

Determination Date	6 November 2025
Brand/Company	Wine/Cheeky Wine Co
Media	Digital – Facebook and Instagram
ABAC Code provision	Part 3 (a)(i)
Outcome	Upheld

Part 1 - Determination Overview

Complaint:

Social media posts encourage alcohol consumption beyond the levels recommended by the Australian Guidelines to Reduce Health Risks from Drinking Alcohol.


Key findings:

The Panel upheld the complaint, finding that the posts breach Part 3 (a)(i) of the ABAC by raising a direct implication of excessive alcohol consumption through a combination of:

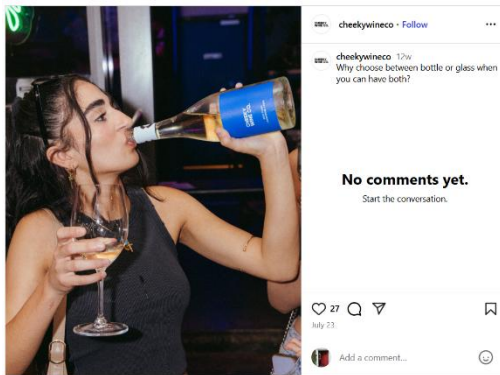
- depicting consumption directly from a wine bottle;
- showing multiple bottles of wine and/or glasses of wine with a single person; and
- accompanying text suggesting excessive or uncontrolled consumption.

Marketing Communication:

The complainant refers to Facebook and Instagram posts as shown below.

<p>Post 1:</p> 	<p>Post 2:</p> 
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Post 3:



Post 4:



Part 2 - The Panel's View

1. This determination has arisen from a complainant's concern that four social media posts by Cheeky Wine Co (the Company) show or encourage the excessive consumption of alcohol. The contention is that the posts depict women consuming directly from 750ml wine bottles.
2. This concern enlivens Part 3 (a)(i) of the Code 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).
3. The Company responded to the complaint by deleting the posts but did not address the substantive issue of the consistency of the posts with the Part 3 (a)(i) standard which 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.
4. The Panel believes that the posts breach the Code standard having regard to the following:
 - Post 1 - by showing a woman consuming directly from a wine bottle along with the position of a second bottle of wine raising a direct implication of excessive consumption of alcohol.
 - Post 2 - by showing a woman consuming directly from a wine bottle while also holding a glass of wine which raises a direct implication of excessive consumption of alcohol.
 - Post 3 - by showing a woman consuming directly from a wine bottle while holding a glass of wine which raises a direct implication of excessive consumption of alcohol. This implication is further reinforced by the accompanying text 'Why choose between bottle or glass when you can have both?'

- Post 4- by showing two women consuming directly from a wine bottle raising a direct implication of excessive consumption which is further reinforced by the accompanying text 'Sometimes the best cheers don't need a glass'.

5. 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 Debra Richards.

Applicable ABAC Responsible Marketing Code Standard

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

- (a)(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 advising the posts had been removed. It declined to address the substantive issue of the consistency of the marketing with the ABAC standard.

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 posts 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.