



ABAC Adjudication Panel Determination 144, 148 & 152/25

Determination Date	23 December 2025
Brand/Company	Bacardi & Coca-Cola/Coca-Cola South Pacific Pty Limited and Bacardi-Martini Australia
Media	Packaging
ABAC Code provision	Part 3 (b)(i)
Outcome	Dismissed

Part 1 - Determination Overview

Complaints:

Three complaints contend that the packaging of two Bacardi & Coca-Cola products (Rum and Spiced Rum variants) has a strong or evident appeal to minors. The specific concerns are detailed below:

Complaint #	Concern
144/25	<p><i>The idea that the world's largest soft drink brands are now going to be available in alcoholic variants for Australian children to see and try is shocking to me.</i></p> <p><i>What a cruel hoax being played on children - using the world's biggest soft drinks, which they know and love, to lure them into drinking alcoholic versions of them.</i></p>
148/25	<p><i>The product immediately creates confusion with Coca-Cola's widely recognised soft drink offerings.</i></p> <p><i>With Coca-Cola being the largest soft drink brand in the world, its association with Bacardi not only blurs the lines between alcoholic and non-alcoholic beverages but also dangerously enhances the appeal of the alcoholic product to young consumers.</i></p> <p><i>Coca-Cola is one of the most recognised brands globally, consumed by billions daily. It holds a prominent position in consumers' minds, particularly among children and adolescents, whom Coca-Cola's extensive marketing has heavily targeted.</i></p> <p><i>Coca-Cola is the second most identifiable phrase on the planet, behind the word OK.</i></p>

Complaint #	Concern
	<p><i>The statistic that 3.75 million Australians consume Coca-Cola in any given week underscores its widespread presence and accessibility across demographics, thereby increasing the likelihood that minors will encounter Bacardi's premix products featuring Coca-Cola branding.</i></p> <p><i>Coke has 80,000 points of sale in Australia and reaches 90% of all postcodes and is also a major sponsor of many events for minors.</i></p> <p><i>... if a collaboration with the world's largest soft drink brand doesn't confuse [with soft-drink] then nothing does.</i></p> <p><i>The word rum is almost hidden on the packaging.</i></p> <p><i>Nothing on the packaging clearly states that it contains alcohol.</i></p> <p><i>Bacardi, as a brand, is not at all known for canned products.</i></p> <p><i>[The Bacardi brand] is foreign to most, if not all, minors.</i></p> <p><i>The focal point is all around Coca-Cola.</i></p>
152/25	<p><i>Coca-Cola is one of the world's most recognisable non-alcoholic beverage brands. It holds powerful appeal to minors due to its association with youth marketing, family-friendly advertising, and extensive visibility in everyday retail environments.</i></p> <p><i>By placing the Coca-Cola logo so prominently and in its standard brand styling alongside an alcoholic beverage, the packaging:</i></p> <ul style="list-style-type: none"> <i>• Creates confusion between a well-known soft drink and an alcohol product.</i> <i>• Leverages the Coca-Cola brand's appeal to minors to promote an alcoholic beverage.</i> <i>• Undermines responsible marketing principles, as minors may not readily identify the product as alcohol, particularly given its use of familiar soft-drink branding, colour scheme, and can design.</i>

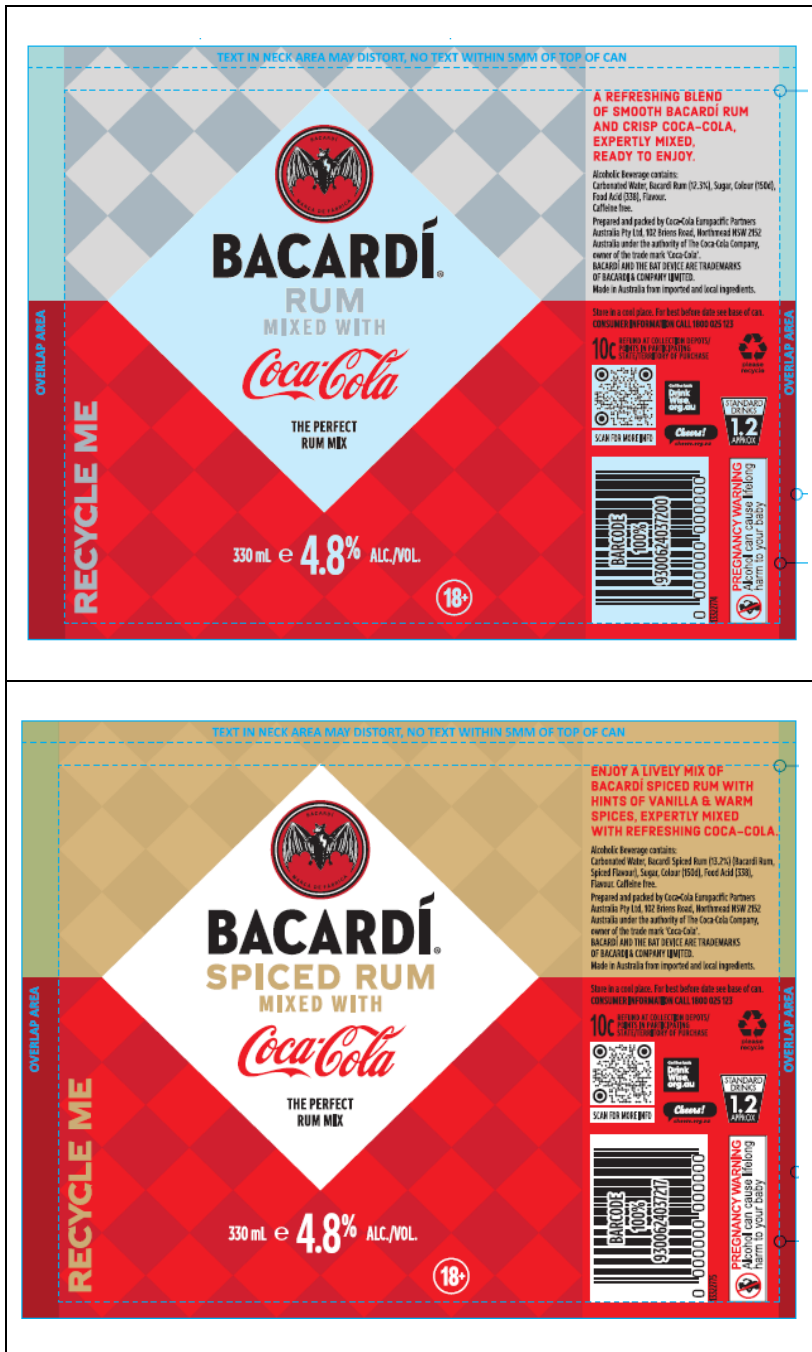
Key findings:

This determination acknowledges that the complainants have raised important issues about alcohol products and how the regulation of alcohol marketing should aim to minimise the harm caused by minors consuming alcohol. Accordingly, the determination provides an overview of how the Australian alcohol regulatory regime operates and explains how the ABAC Scheme sits within this framework. Panel precedents are considered to distill the factors to be weighed in assessing the consistency of the Bacardi & Coca-Cola packaging with the ABAC standard.

Following careful consideration, the Panel has dismissed the complaints, finding that:

- The packaging presents the product through shared branding between Bacardi and Coca-Cola.
- In doing so, the packaging employs a branding hierarchy in which the Bacardi name and bat logo are more prominent and occupy a larger area on the label than the Coca-Cola brand name.
- The reference to 'mixed with' places Coca-Cola as the mixer or subsidiary rather than the dominant element of the product descriptor.
- The overall packaging design is mature, with muted, rather than bright, contrasting colours and a chequered-pattern background.
- The product would not be confused with a soft drink, given:
 - The packaging does not resemble Coca-Cola varieties
 - Prominent alcohol cues are displayed
- While both brands are longstanding and well-known, Coca-Cola is one of the world's most prominent brands and would be the world's most widely recognised soft drink brand.
- The Bacardi and alcohol cue elements of the packaging are larger than the Coca-Cola reference. However, this must be weighed against the universal familiarity of the Coca-Cola logo, which means this element of the packaging will be recognisable and relatable to minors.
- Coca-Cola consumption data indicate the soft drink skews toward an adult audience, and the TCCC asserts its marketing is not directed at minors. That said, Coca-Cola products are ubiquitous, and minors are exposed to them.
- While familiarity of minors with the Coca-Cola name will elevate the relatability of the packaging to minors, this needs to be balanced against the overall design features of the packaging.
- Taking the packaging as a whole, a reasonable person would understand that Coca-Cola is not the leading brand element and is merely a mixer for a Bacardi product and would likely conclude that the packaging's appeal to minors is incidental rather than substantial.

Marketing Communications:



Part 2 - The Panel's View

Introduction

1. On 17 September 2024, the global beverage companies The Coca-Cola Company (TCCC) and Bacardi Limited (Bacardi) announced an agreement to launch an alcohol Ready-to-Drink (RTD) product in several markets worldwide in 2025. The Companies' media release stated that Bacardi mixed with Coca-Cola RTD packaging will feature two of the world's most recognisable global trademarks. This determination arises from three complaints about the packaging of the Australian version of the product, which is argued to be highly irresponsible because of its strong appeal to minors.
2. TCCC's collaboration with Bacardi reflects that a Bacardi and Coca-Cola has been a standard and popular bar cocktail (Cuba Libre) for over a century, with the Companies tracing its origins to Havana in 1900. It also reflects TCCC's broader strategy to move into the RTD alcohol market. A statement from TCCC in June 2022 noted that Coca-Cola's approach to alcohol focuses on three segments of RTD products released into various countries:
 - Firstly, Hard seltzers (Topo Chico Hard Seltzer, Topo Chico Ranch Water Hard Seltzer, Topo Chico Margarita Hard Seltzer)
 - Secondly, Hard alternatives (Lemon-Dou, Simply Spiked Lemonade)
 - Thirdly, Pre-mixed cocktails (Jack Daniel's & Coca-Cola, Fresca Mixed, Schweppes Pre-mixed Cocktails)
3. The Bacardi & Coca-Cola-branded product falls within the third category: pre-mixed cocktails. The product was released in 13 countries (Austria, Belgium, the Czech Republic, Estonia, Germany, Ireland, Latvia, Lithuania, Poland, Portugal, Serbia, Spain, and the UK) before entering the Australian market in September 2025. While the physical beverage may be consistent across countries, product packaging varies to some extent, reflecting local conditions, particularly national regulatory requirements.
4. The Companies contend that the Australian packaging has been designed to comply with the regulatory regime applicable to alcoholic beverages in Australia. This includes direct government requirements, such as the stipulations on alcohol product labelling in the Australian New Zealand Food Standards Code, as well as good-practice marketing standards based on industry initiatives such as the ABAC.
5. This is an important decision. As noted, the shared branding of RTD alcohol products between well-known alcohol and soft drink brands has recently been launched in numerous international markets. As well as alcohol with Coca-Cola, an RTD of Absolut Vodka and the TCCC-owned Sprite soft drink has been released in a range of European markets. While Bacardi and Coca-Cola may be the first globally recognised alcohol and soft drink brands to collaborate in the Australian RTD market, they are unlikely to be the only example.

6. As a result, this determination will serve as precedent for how the ABAC Scheme will consider the packaging of such products. As the concerns expressed by the complainants go beyond the appeal of packaging to minors and go to the desirability of the physical product itself, the determination places the ABAC standards within the wider public policy and regulatory context about RTD products and is structured as follows:

- Overview of Australian Alcohol Marketing Regulation and Minors
- The Complainants' contentions
- ABAC Standard on Responsibility Towards Minors
- The Companies Submission
- ABAC Pre-vetting advice
- Panel Precedents - Importance and General Guidance on shared branding
- Is the Packaging Consistent with the ABAC Standard

Overview of Australian Alcohol Marketing Regulation and Minors

7. Australia's regulation of alcohol is based upon the premise that alcohol is a lawful product that can be consumed by adults, recognising the serious harms that can arise from the misuse of alcohol. The minimisation of the individual and community harms of alcohol misuse is the central objective of public policy, and the National Alcohol Strategy embodies the collective policy goals and choices of Australian governments to reduce harm.
8. The Strategy identifies cohorts of the population that are at greater risk of alcohol related harm, with minors being a key group. The risk of alcohol use to minors is summarised in the 2022/2023 Australian Secondary Students' Alcohol and Drug (ASSAD) survey as follows: 'Drinking alcohol from a young age has both short and long-term consequences for the individual's wellbeing. For example, underage drinkers are more likely to engage in violent behaviour, use other drugs, and have poorer school outcomes. They are also more likely to develop alcohol use disorders in the future and to experience deficits in cognitive and emotional functioning that may persist into adulthood.'
9. Australian governments implement the harm minimisation objective of the National Alcohol Strategy through a combination of policy approaches, including economic (pricing and taxation), policing and enforcement (licensing systems and restrictions on the sale and supply of alcohol), public health responses and public education campaigns.
10. The foundational regulatory regime for alcohol and minors is sourced in State and Territory Liquor Acts (with supporting regulations and guidelines) that prohibit the sale, supply or service of alcohol to persons under 18 years of age. Some jurisdictions also

regulate the supply of alcohol to minors in private settings, with penalties applying where alcohol is provided without the involvement or consent of a parent or guardian. These measures reflect the uniform position across Australia that minors should not consume alcohol, and it is generally unlawful to permit or facilitate underage consumption.

11. Naturally enough, simply mandating a lawful drinking age does not mean that underage drinking does not or will not occur. The data collected in the ASSAD survey provides a reliable picture of the extent of substance use by adolescent Australians. First conducted in 1984, it provides trend data on alcohol use, with the most recent survey being undertaken in 2022/23. The data show that over the life of the study, there has been a general improvement in school-age children not drinking alcohol or drinking less frequently. Figure 1 in the survey report tracks alcohol use between 1996 and 2022/23 and shows:

- Ever drinking: 1996 - 88% of students compared to 2022/23 - 64.8% of students
- Having consumed in the last year: 1996 - 72% of students compared to 2022/23 - 43.7% of students
- Having consumed in the past month: 1996 - 46.7% of students compared to 2022/23 - 22.2% of students
- Having consumed in the last week: 1996 - 31.3% of students compared to 2022/23 - 10.8% of students
- Drinking at risky levels (beyond Alcohol Guidelines advice): 1996 - 9.4% of students compared to 2022/23 - 3.8% of students

12. The survey indicates a significant reduction in alcohol use and the frequency of use amongst Australian minors since 2000. However, it is noted that since 2017, the rate of improvement has been uneven across indicators, with some categories suggesting improvements have plateaued. Further, it is difficult to correlate any single reason, a series of reasons, or policy measures with the improvement. In any event, reducing underage alcohol use remains an ongoing priority for governments and the community at large.

13. State and Territory Liquor regulators have a suite of legislative powers to tackle underage drinking. The primary focus is on a liquor licensee's obligation to restrict underage access to alcohol under legislative provisions and licence conditions. This focus on alcohol supply and service is complemented by the powers to proscribe (ban) 'undesirable' physical alcohol products and prevent alcohol from being advertised and promoted in a way that might encourage underage consumption.

14. The legislative provisions governing the designation of an alcohol product as undesirable vary by jurisdiction. Still, it is generally common that a product considered to have 'special appeal' to minors or 'likely to be attractive to minors' could potentially be

a trigger for the use of the power. Importantly, a product may be designated as undesirable due to either the physical characteristics of the alcohol beverage or the design of its packaging. Packaging designs that are likely to be confused with soft drinks could be designated as undesirable.

15. To date, the power to designate undesirable products has been used sparingly by State/Territory Liquor regulators, with examples typically being physical products such as alcoholic powders, milk, or jelly, or novelty packaging types such as syringes. In NSW, the alcohol regulator, Liquor and Gaming NSW, has on occasion reached agreement with alcohol producers for the voluntary withdrawal of products from sale on the basis that the product's packaging is undesirable due to its likely appeal to minors, without formally designating the products as undesirable. For instance, in May 2024, Hard Solo and a range of variants in Billson's vodka RTD range were withdrawn from the market on this basis.
16. Beyond the power to remove a product from the market due to its special or likely appeal to minors, the State/Territory regulation also requires liquor licensees not to advertise in a manner that has appeal to minors. A common feature of jurisdictional promotional guidelines on alcohol is that promotional material in which alcohol may be confused with soft drinks or confectionery is an example of marketing that might appeal to minors.
17. Accordingly, Australia has no single statutory regime governing alcohol advertising. Instead, the various State/Territory legislative approaches operate in parallel with a mix of alcohol industry self-regulatory schemes, supplemented by codes governing broadcasting and outdoor advertising for all products and services, including, but not limited to, alcohol.
18. Collectively, the matrix of direct government regulation and industry marketing codes of practice aims for alcohol marketing not to target minors, is directed towards adults, and is presented in a manner that does not strongly appeal to minors. Within this layered and complex framework, the ABAC Responsible Alcohol Marketing Code sets out the primary nationally applicable regulatory standards governing the content and placement of alcohol marketing.
19. A core component of the ABAC Code is directed at responsibility towards minors. The Code:
 - Prohibits marketing that has a strong or evident appeal to minors.
 - Restricts the depiction of minors and adults under the age of 25 in alcohol marketing.
 - Requires alcohol marketers to use available age-restriction controls to avoid minors being sent alcohol marketing over digital platforms.
 - Restricts alcohol marketing in other media, e.g., broadcast TV and radio, to programs with an expected audience of at least 80% adults.

- Prohibits placing alcohol marketing with content or programs primarily aimed at minors.

20. While the policy goals and themes of the State/Territory legislative provisions and the ABAC standards for alcohol marketing that do not target or strongly appeal to minors are aligned, there are key differences in the scope and focus of the two regimes. For instance, the State/Territory regimes:

- Can apply to both the physical attributes of an alcohol product (colour, taste, etc, of the beverage) and the packaging and marketing of the product.
- Can apply to alcohol products as a class, as well as to single examples of a product or individual advertisements for a product.
- They are jurisdictionally limited in application; for example, a NSW decision to prohibit a product as 'undesirable' applies only to NSW, and the product may continue to be sold in the rest of Australia.
- Make regulatory decisions that are enforceable by law.

21. In contrast, ABAC is an industry-led good marketing practice self-regulatory scheme. It:

- Applies only to the marketing of alcohol products and not the physical alcohol beverage itself, e.g. ABAC does not assess the appeal to minors of the taste of a product.
- Assesses individual marketing communications on a case-by-case basis and cannot make determinations about alcohol products as a class.
- Makes decisions with nationwide application.
- Makes decisions that are not enforceable by law, instead relying on alcohol marketers voluntarily complying with findings of the consistency of a marketing communication with an ABAC standard.

22. The government regimes and the ABAC Scheme, while operating separately, are coordinated by:

- Both systems work towards the harm minimisation objectives of the National Alcohol Strategy.
- A series of MOUs that facilitate the cross-referral of complaints to the most appropriate regulator, the referral of an alcohol marketer not voluntarily complying with an ABAC determination to the relevant government regulator for consideration of action under State/Territory law and general sharing of information.
- Commonwealth government participation in the governance of the ABAC Scheme.

23. Drawing this together, the Bacardi and Coca-Cola RTD product is to satisfy a matrix of Australian regulatory requirements that:

- Accept, prima facie, that it is a lawful product that may be consumed by and marketed to adults.
- Recognise the harm that alcohol misuse causes and where public policy settings seek to minimise the potential harm of alcohol, particularly to vulnerable cohorts such as minors.
- Are sourced in a matrix of direct government and parallel self-regulatory regimes and codes of practice that collectively can remove from the market physical alcohol products and/or product packaging and marketing that strongly appeal to minors.
- Assign distinct powers and distinct focuses to government regulators and industry self-regulatory schemes.

The Complainant's Contentions

24. The complainants raise concerns that the packaging of Bacardi and Coca-Cola RTD products is inconsistent with ABAC standards on responsibility toward minors. While expressed in slightly different terms, the complaints advance several related propositions.

25. A central contention is that placing Coca-Cola branding on an alcoholic product will inevitably create confusion between a well-known soft drink and an alcoholic beverage. It is argued that the prominence of the Coca-Cola trademark on the can, combined with the Companies' use of Coca-Cola's familiar visual identity, makes it difficult for minors to distinguish the alcoholic product from Coca-Cola's non-alcoholic offerings.

26. In this regard, it is submitted that Coca-Cola is one of the world's most recognisable brands and has a strong appeal to minors due to its long history of youth-oriented marketing, family-friendly advertising, and extensive retail presence. Statistics on Coca-Cola's market penetration, consumption levels, and distribution scale are argued as establishing that an alcohol product co-branded with Coca-Cola will be relatable to and 'lure' minors.

27. It is argued that by placing the Coca-Cola name and trade dress so prominently, the packaging:

- Creates visual and conceptual confusion with a soft drink.
- Leverages the appeal of Coca-Cola to minors to promote an alcoholic product.
- Increases the risk that minors will be drawn to, or attempt to consume, the product.

28. The complainants further contend that the alcoholic cues on the packaging are not sufficiently prominent. In particular, it is stated that:

- The word “rum” is the most obscured element on the packaging.
- The alcohol content is not clearly stated or is overshadowed by the Coca-Cola branding.
- Bacardi is not a brand commonly recognised by minors, meaning the packaging’s dominant Coca-Cola features are the elements likely to be noticed.

29. Overall, the complainants argue that the packaging has a strong and evident appeal to minors due to its reliance on the Coca-Cola brand, its visual similarity to Coca-Cola soft-drink packaging, and the relative subtlety of the alcoholic cues, and therefore breaches the ABAC standard.

ABAC Standard on Responsibility Towards Minors

30. Part 3 (b)(i) of the Code provides that an alcohol marketing communication (which includes brand names and packaging) must not have a strong or evident appeal to minors. 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; or
- creates confusion with confectionery, soft drinks, or other similar products, so the marketing communication is likely to appeal strongly to minors.

31. The benchmark applied when assessing if an ABAC standard has been satisfied is the 'reasonable person' test. This means the Panel places itself in the position of a person with the life experiences, opinions, and values commonly held by most Australians, and assesses how that reasonable person would likely understand the marketing communication. A person who interprets the marketing item differently is not 'unreasonable', but most people may not share their interpretation.

32. The Panel has often considered the Part 3 (b) standard. While each marketing communication must always be assessed individually, some characteristics within marketing material that may make it strongly appealing to minors include:

- The use of bright, playful, and contrasting colours.

- Aspirational themes that appeal to minors wishing to feel older or fit into an older group.
- The illusion of a smooth transition from non-alcoholic to alcoholic beverages.
- Creating a relatable environment using images and surroundings commonly frequented by minors.
- Depiction of activities or products typically undertaken or used by minors.
- Language and methods of expression used more by minors than by adults.
- Inclusion of popular personalities of evident appeal to minors at the time of the marketing (personalities popular to the youth of previous generations will generally not have strong current appeal to minors).
- Style of humour relating to the stage of life of a minor (as opposed to humour more probably appealing to adults); and
- Use of a music genre and artists featured in youth culture.

33. Only some of these characteristics will likely be present in a specific marketing communication. The presence of one or more characteristics does not necessarily mean that the marketing item will have a strong or evident appeal to minors. The overall impact of the marketing communication, rather than an individual element, shapes how a reasonable person will understand the item.

34. Product packaging can create a strong appeal to minors if it is mistaken for confectionery or a soft drink. Confusion with a soft drink might occur if:

- The packaging fails to clearly identify the product as an alcohol beverage through the use of an alcohol term like beer, ale, vodka, style of wine, etc, or reliance is made on more subtle alcohol references or terms understood by regular adult drinkers but less likely to be understood by minors, e.g. IPA, NEIPA.
- The packaging features a visual design reminiscent of a soft drink, characterised by fruit imagery, bright block colours, and a font or iconography commonly used on soft drinks or fruit juices.
- The use of terms commonly associated with a soft drink or fruit juice, e.g. orange, lemon, blueberry, pop, smash, etc, and
- The type of physical package used and whether it is similar to that used for soft drinks or fruit juices, e.g., a Prima-style juice box.

35. When assessing the design of a can or bottle, it cannot be expected that a reasonable person will turn the container 360 degrees and study it in fine detail. Instead, it is the front of the can/bottle that will be most influential in shaping how the person

understands the packaging, and larger font sizes, predominant colours, and design features will most strongly shape impressions.

36. As mentioned, the ABAC Scheme does not regulate the physical characteristics of a product, such as its alcoholic strength, colour, or taste. In making this point, the Panel is not saying that the taste of a product is not an essential consideration in a product's appeal to consumers. But it will be no defence to a concern about the appeal of product packaging to minors to contend that minors won't like the taste of the product. Equally, if a product's packaging can be reasonably concluded as not strongly appealing to minors, the product packaging won't be in breach of the Code because the product is contended to have a taste that minors would be drawn to.

The Companies Submission

37. TCCC and Bacardi have provided a detailed joint submission that the packaging of the products is consistent with the Part 3 (b)(i) standard. The full submission is in Part 3 of this determination, with the Companies contending that extensive care was taken in the packaging design, including engagement with ABAC pre-vetting and the adoption of all feedback received. The main arguments advanced are summarised as follows:

- Bacardí is an internationally recognised rum brand, and the packaging design is based on Bacardí branding and evokes 1930s Havana art deco motifs.
- The products are marketed to adults, reference an established bar call well-recognised among adult drinkers, and present as alcoholic beverages through multiple clear alcohol cues.
- Bacardí is the primary brand on the packaging employing the Bacardí bat device displayed at the top front of the can, and the Bacardí brand name is more prominent than the Coca-Cola logo.
- The Coca-Cola logo is 38% smaller and in less prominent lettering than the Bacardí logo, with no Coca-Cola design elements having been transferred from Coca-Cola soft drink packaging.
- The packaging includes explicit references to the alcoholic content of the products, a transparent 18+ logo on the front of the can, and an explicit RUM callout, both above and below the Coca-Cola logo.
- Together, these features create a hierarchy of information that conveys that the product is an alcoholic beverage mixed with Coca-Cola, rather than a Coca-Cola soft drink.
- The design is consistent with Panel precedents holding that packaging does not breach the strong appeal to minors standard, and it can be clearly distinguished from the Hard Solo decision on the basis that Hard Solo adopted the core design, imagery, and brand architecture of the Solo soft drink. In contrast, the present packaging uses Bacardí as the dominant brand

and does not reproduce the design features of Coca-Cola soft drinks other than the logo.

- The reference to Coca-Cola has been qualified by the preceding words “Mixed With”, which makes it clear that Coca-Cola is simply an ingredient in what is first and foremost an alcoholic beverage.
- Mixing Bacardí rum with Coca-Cola is an existing behaviour by adults and an established “bar call” in licensed premises. Coca-Cola is the #1 mixer with alcohol globally and in Australia.
- Existing cola-based RTDs in the category skew towards older adults and significantly under-index with younger adult consumers. (Source: Kantar Australia U&A Report 2024); and
- In Australia, the vast majority (75%) of Coca-Cola consumers are aged 20-49. 13–17-year-olds are the smallest cohort of drinkers, accounting for only 3.6% of consumers (less than the total % of this age group in the Australian population). (Source: 2024).

ABAC pre-vetting clearance

38. The ABAC Scheme consists of three components: the Code itself, the pre-vetting service, and the public complaints process. The Companies placed weight on their packaging designs obtaining pre-vetting approval. Accordingly, it is important to explain the relationship between the pre-vetting service and the public complaints process.
39. The purpose of the pre-vetting service is to provide alcohol marketers with copy advice on proposed marketing communications and to assess the consistency of those proposals with ABAC standards. Seeking pre-vetting advice constitutes both best practice and prudent risk management for an alcohol marketer. Further, pre-vetting approval is required by certain media bodies before permitting the use of the medium to carry alcohol advertising, i.e., for free-to-air television and outdoor media such as billboards.
40. Pre-vetting approval, however, does not protect a marketing communication from being the subject of a public complaint, nor does the approval bind the Panel in considering the complaint. By way of an imperfect analogy, pre-vetting is akin to obtaining a highly informed opinion on what the Code requires with respect to a marketing communication. In contrast, the Panel's decision on a complaint constitutes a definitive ruling on what the Code requires with respect to that marketing communication.
41. The Code decision makers - the pre-vetters and the Panel members - seek to maintain consistency in how the Code is interpreted and applied. This is a key goal of the Scheme, as marketers need to operate with confidence regarding their ABAC marketing obligations and how to meet them. Statistically, there is a very high correlation between the advice provided in pre-vetting and the Panel's determinations in public complaints about marketing communications.

42. That said, on occasion, the Panel will reach a different conclusion regarding a marketing communication than the advice provided during pre-vetting. This can arise if the marketing material calls for an 'on-balance' decision when reasonable minds could disagree as to whether the marketing communication does or does not meet community expectations as embodied in the Code standards.
43. It can also arise in a novel case in which the marketing communication raises issues that have not previously been the subject of a direct Panel decision. In these cases, a pre-vetter is obliged to work from Panel precedents that are not precisely on point; hence, there is a prospect that the Panel may rule on the new issues in a different way from that applied by the pre-vetter.
44. In short, the Companies acted responsibly and prudently in engaging with the pre-vetting service. Still, pre-vetting clearance does not constrain the Panel's separate and independent role in considering public complaints and making its own assessment of the consistency of the packaging with the Code standard raised in a public complaint.

Panel Precedents - Importance and General Guidance on shared branding

45. While the Panel is not a Court or Tribunal that is obliged to follow its previous decisions, Panel precedents are critical to the operation of the Scheme. This is because like cases should be treated alike as a matter of procedural fairness, and consistency in interpreting Code standards enables marketers to understand their obligations and provide the basis for the advice given by the pre-vetting service. Further, precedents form the basis of ABAC's education and training materials on marketing, consistent with Code standards.
46. The ABAC standards were expanded to include product branding and packaging in 2009, and since then, nearly 150 decisions have been made regarding the consistency of product packaging with the Code standards. Many of these decisions have been on RTD products. It is also noted that the 2022/23 Australian Secondary Students' Alcohol and Drug Survey reported that of students who had consumed alcohol in the past week, 41.7% had used pre-mixed spirits, followed by spirits with 20.6% and beer with 14.1%.
47. Soft drink descriptors have commonly been used on RTD packaging to describe the mixer that accompanies the alcoholic component, traditionally cola, lemonade, and ginger ale. More recently, product innovation has seen:
- An expansion in the range of mixers used in RTD's
 - The description of the mixer move from a subsidiary to a more prominent element of the product branding; and
 - Alcoholised soft drinks where the brand name and the soft drink descriptor are the key branding elements (i.e. no traditional alcohol type) through to the inclusion of a recognised soft drink brand.

48. While the Panel has addressed complaints about branding and packaging that raise several Code standards, by far the most significant number of complaints about packaging have concerned the product's appeal to minors. Based on the cases considered by the Panel, RTD branding and packaging referencing soft drink brands, style or flavour can be plotted on a branding spectrum extending from:

- Point 1 - Core (lead) branding of a well-known non-alcohol brand (soft drink or other) with no or only minor prominence given to an alcohol brand name or alcohol type, e.g. Hard Solo, where the type of alcohol in the RTD wasn't referenced on the packaging.
- Point 2 - Core (lead) branding of a well-known non-alcoholic type but not an identified brand name, e.g. Hard Lemonade with no or minor reference to the alcohol type
- Point 3 - Equal branding between a well-known alcohol brand and a well-known non-alcoholic brand, i.e. the design gives equal prominence to both brands.
- Point 4- Shared branding between a well-known alcohol brand and a well-known non-alcohol brand, but where the design aspects elevate the alcohol brand over the non-alcohol brand.
- Point 5 - Core (lead) branding of a recognised alcohol brand or type and lesser prominence to a soft drink/food stuff/flavour and no identified non-alcohol brand, e.g. Jack Daniels mixed with cola

49. Packaging at any point on this branding spectrum may be consistent with, or in breach of, the ABAC Standard, and each branding/packaging example must always be assessed individually. In evaluating the branding/packaging and its potential appeal to minors, some factors to be considered include:

- If it is co- or shared branding, is there a clear brand and design hierarchy on the packaging that establishes that the alcohol brand is more prominent and influential than the non-alcohol brand?
- How well-known is the non-alcohol brand or product type, and does it have national reach? Has it existed for decades, or is it relatively recent with a limited profile? Is it a household staple?
- Evidence or indicators of whether the non-alcohol brand elements or product type/flavour referenced on the packaging would be regarded as skewed toward minors, including consumption data or other evidence of minors' likely engagement, relatability, or familiarity with the non-alcohol brand/product type.
- Does the packaging incorporate core recognisable brand elements from the non-alcohol brand that minors are likely to be familiar with, e.g., by using

references to well-known products such as Corn Flakes, ice-cream like Ben & Jerry's, or children's or family products such as Milo?

- The background of the non-alcohol product brand element and the manner in which the brand profile has been built. Would minors have been freely exposed to the media and marketing techniques used to develop and maintain the non-alcohol brand compared to the restrictions imposed on the alcohol brand element, e.g. no age restrictions on talent used in marketing communications or controls over where the non-alcohol brand can be seen, such as billboards opposite a school?

50. The Companies submitted that its packaging design is consistent with the interpretation of the Panel of the Part 3 (b)(i) standard given in earlier Panel determinations. Specifically, the Companies referenced:

- Hard Solo (2023)
- Bundaberg Alcoholic Ginger Beer (2022)
- Brookvale Union Alcoholic Ginger Beer (2025)

51. The Hard Solo decision examined the appeal to minors of the packaging of an RTD product based on the brand name and key branding elements of the very well-known Solo soft drink. In a comprehensive decision, the packaging was found to breach the Part 3 (b)(i) standard, with some key take-outs being:

- The dominant design features of the Hard Solo packaging are derived from the Solo soft drink branding, including the Solo name, use of the Solo font, lemon tree image and 'lemon' flavour descriptor.
- The packaging established that Hard Solo was an alcoholic beverage, and, even with the use of core 'Solo' brand elements, it would not be mistaken for a soft drink.
- Solo soft drink enjoyed a prominent and wide retail presence and a long and storied marketing history, which meant it would be recognised across age groups, including minors.
- While consumer data indicated that adults predominantly consumed Solo, 15% of Solo soft drink consumers were minors, with the majority in the 15-17 age group, accounting for 10% of total Solo consumers. 15 to 17-year-olds are only 3.6% of the Australian population.
- The use of the core Solo soft drink branding as the lead brand positioning of the RTD Hard Solo alcohol variant, combined with the high profile of the Solo soft drink, resulted in minors

- being highly familiar with the Solo brand

- being able to relate to the Hard Solo branding and packaging
- Hard Solo created an illusion of a smooth transition from a non-alcoholic product to an alcoholic product.

52. The Bundaberg Alcoholic Ginger Beer case involved a TV ad promoting a brand collaboration between the producer of Bundaberg Rum and the producer of the soft drink Bundaberg Ginger Beer. The TV ad showed the can of the alcoholic product, and a picture of the Bundaberg Ginger Beer soft drink was superimposed in a corner of the screen. The branding and packaging of the alcoholic incorporated the well-known and core brand elements of the alcohol brand, namely:

- the 'Bundy Bear' logo;
- the 'Bundaberg' name in the font and colouring used on products in the alcohol beverage range (not the soft drink), and
- Various other cues established the product as an alcoholic beverage

53. The Panel found that the TV ad did not have a strong appeal to minors, noting:

- The Alcoholic Ginger Beer packaging established it was an alcoholic beverage, using core branding features from the Bundaberg Rum livery
- The depiction of the soft drink in the TV ad was secondary: it conveyed that the alcoholic beverage contained the soft drink, but the Alcoholic Ginger Beer itself was not a soft drink.

54. The decision in Brookvale Union Alcoholic Ginger Beer concerned the appeal to minors of two packaging designs featuring multiple surrealist animals. The Panel dismissed the complaint, noting:

- The packaging, through its use of alcohol descriptors, identifies the products as being alcoholic.
- The packaging does not resemble that of any well-known soft drink, and it is unlikely that the products would be confused with soft drinks.;
- The imagery employed is in a surrealistic style and does not resemble depictions of animals used in well-known children's animation.
- The overall style of the design is adult in nature, and
- Taken as a whole, the packaging would, at its highest, have an incidental appeal to minors, not a strong or evident one.

55. The Panel notes the Companies' arguments regarding these three decisions and accepts that the Hard Solo decision sets parameters that are instructive in the current case. The Bundaberg Alcoholic Ginger Beer decision is of some assistance in

determining the relative weight to be given to the branding of the collaborating alcohol and soft drink producers. Still, it concerns a TV ad rather than product packaging as such. The Brookvale Union Alcoholic Ginger Beer decision canvasses criteria to be weighed when dealing with the application of the Part 3 (b)(i) standard to product packaging. Nevertheless, it does not address shared branding.

Is the Packaging Consistent with the ABAC Standard

56. The current packaging most closely fits the Point 4 category in the branding spectrum described in paragraph 48. It is the shared branding of two well-known brands: Bacardi Rum and Coca-Cola. Having regard to the considerations outlined in paragraph 49, the Panel notes:

- The packaging employs a branding hierarchy in which the Bacardi name and bat logo occupy a larger area on the label than the Coca-Cola brand name.
- Between the two brand names, there is no doubt that Coca-Cola would have greater recognition amongst the general population, including minors. Outside the tech giants Apple, Microsoft, and Amazon, Coca-Cola is generally regarded as one of the world's best-known brands.
- That said, Bacardi is a longstanding and well-known alcohol brand and would also be extensively recognised in the general population, including among adolescents.
- Consumption data supplied by the Companies indicate that Coca-Cola is consumed predominantly by adults, with only 3.6% of Coca-Cola drinkers in the 13-17 age bracket. It is noted that 7% of Australians are in this age group.
- That said, Coca-Cola is a universally recognised and iconic soft drink brand in Australia. It is found in every supermarket, convenience store, drink vending machine and petrol station.
- The Coca-Cola logo is included on the packaging, but no other design elements of the soft drink packaging are.
- Several alcohol cues are present in the packaging: the brand 'Bacardi' is featured prominently, the well-known alcohol type 'Rum' appears twice, and there is a reasonably prominent alcohol/volume % and an 18+ logo.

57. The TCCC asserts that it does not market Coca-Cola to minors under 15. The TCCC Australian Responsible Marketing Policy contains commitments including;

- Not to use media that directly targets children under 15.
- Placement of marketing where the predicted audience of the marketing is at least 75% aged 15 or above.

- Designing marketing so it doesn't directly appeal to children under 15 by, inter alia, avoiding techniques, merchandise, and the use of celebrities and social media influencers whose primary appeal is to children under 15.

58. TCCC is also a signatory to the Australian Beverages Council's Responsible Marketing Pledge, which aims to ensure that claims about non-alcoholic beverages are accurate and that sugar-sweetened drinks are not directly marketed to children under 15. The Company is also a signatory to the AANA Food and Beverages Advertising Code, which contains similar stipulations regarding responsible marketing to children.

59. There has been extensive media analysis of the changed consumption patterns of Coca-Cola (and related TCCC soft drink brands) over the last decade and the responses TCCC have employed in Australia and elsewhere to address declining sales and margins. In part, this has witnessed shifts in marketing to digital channels and the seminal 'Share a Coke' campaign that placed the most popular Christian names of the millennial generation onto Coca-Cola labelling. The move into the alcohol market is also a strategic decision to maintain and grow profit in response to declines in Coca-Cola consumption by teenagers.

60. Clearly, tastes evolve even for an iconic beverage such as Coca-Cola. Equally, community attitudes shift regarding what constitutes acceptable marketing messaging. That's why the ABAC Scheme commissions community research every few years to assess the Panel's alignment with community standards concerning alcohol marketing and the Panel's decisions on complaints. Marketing materials that may not have been consistent with community attitudes a decade ago may now be unexceptional, for example, regarding the use of coarse language. The Panel seeks to align with, and therefore adjust to, shifts in community standards.

61. It is beyond the Panel's remit to assess the effectiveness of TCCC's claims that it does not market Coca-Cola to minors under 15. In any event, the good practice marketing standards applicable to sugar-sweetened drinks are clearly directed at protecting minors aged 15 and below, not all minors under the legal alcohol consumption age of 18. Further, even if minors are not the primary audience for Coca-Cola's marketing, the ubiquity of Coca-Cola products means its branding is highly recognisable to minors.

62. It is accepted that the Bacardi & Coca Cola packaging is clearly distinguishable from the packaging considered in the Panel's Hard Solo decision. The current packaging design is not the equivalent of 'Hard Coke'. In packaging design terms, the lead brand is Bacardi, not Coca-Cola. Further, the can does not resemble any Coca-Cola product in terms of colour scheme or design.

63. The Panel does not believe that a reasonable person would mistake the Bacardi & Coca-Cola packaging as that of a soft drink. Beyond not resembling a variant in the existing Coca-Cola range, the packaging includes clear and sufficiently prominent cues that it is an alcohol beverage, namely:

- The well-known Bacardi brand name

- The alcohol descriptor of rum
- The inclusion of prominent alcohol/volume %
- The use of an 18+ logo.

64. That said, the primary purpose of the Part 3 (b)(i) standard regarding packaging is not that a minor would consume an alcohol product by mistake, thinking it was a soft drink, but rather to avoid the minor wishing to drink the product because the packaging design appealed strongly to them.

65. Boiled down to its very essence, the issue raised by the complaints is whether it should be permitted for the world's best-known soft drink brand to be both physically combined with alcohol and sold in RTD form and/or for the Coca-Cola name to be placed on the packaging and branding of an alcohol product. As explained, at the public policy level, the desirability of the product sits with the alcohol regulators and the power to designate a product as 'undesirable' under the various State/Territory Liquor Acts.

66. The Panel's remit is more limited and is to assess whether a reasonable person would probably understand that the inclusion of the Coca-Cola logo on the packaging means the packaging is strongly appealing to minors or that the appeal to minors is incidental rather than strong and evident.

67. Drawing all this together, on balance, the Panel does not believe that the Bacardi & Coca Cola packaging breaches the Part 3 (b)(i) standard. In reaching this conclusion, the Panel had regard to the following:

- The packaging presents the product through shared branding between Bacardi and Coca-Cola.
- In doing so, the packaging employs a branding hierarchy in which the Bacardi name and bat logo are more prominent and occupy a larger area on the label than the Coca-Cola brand name.
- The reference to 'mixed with' places Coca-Cola as the mixer or subsidiary rather than the dominant element of the product descriptor.
- The overall packaging design is mature, with muted, rather than bright, contrasting colours and a chequered-pattern background.
- The product would not be confused with a soft drink, given:
 - The packaging does not resemble Coca-Cola varieties
 - Prominent alcohol cues are displayed
- While both brands are longstanding and well-known, Coca-Cola is one of the world's most prominent brands and would be the world's most widely recognised soft drink brand.

- The Bacardi and alcohol cue elements of the packaging are larger than the Coca-Cola reference. However, this must be weighed against the universal familiarity of the Coca-Cola logo, which means this element of the packaging will be recognisable and relatable to minors.
- Coca-Cola consumption data indicate the soft drink skews toward an adult audience, and the TCCC asserts its marketing is not directed at minors. That said, Coca-Cola products are ubiquitous, and minors are exposed to them.
- While familiarity of minors with the Coca-Cola name will elevate the relatability of the packaging to minors, this needs to be balanced against the overall design features of the packaging.
- Taking the packaging as a whole, a reasonable person would understand that Coca-Cola is not the leading brand element and is merely a mixer for a Bacardi product and would likely conclude that the packaging's appeal to minors is incidental rather than substantial.

68. The complaints are 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 (b) of the Code requires that an Alcohol Marketing Communication must NOT:

(i) have Strong or Evident Appeal to Minors, in particular;

(A) Specifically target Minors;

(B) Have a particular attractiveness for a Minor beyond the general attractiveness it has for an Adult;

(C) Use imagery, designs, motifs, language, activities, interactive games, animations or cartoon characters that are likely to appeal strongly to Minors;

(D) Create confusion with confectionery, soft drinks or other similar products, such that the marketing communication is likely to appeal strongly to Minors; or

(E) Use brand identification, including logos, on clothing, toys or other merchandise for use primarily by Minors.

Companies Response

TCCC and Bacardi Martini were allowed to respond to the complaints. TCCC responded on behalf of both entities, with their principal comments being:

- We wish to say at the outset that we took extreme care in designing the products' packaging, chose to pre-vet the packaging through ABAC, took on board all ABAC's suggestions in that process, and received ABAC approval of the packaging on 25 January 2025 after several months of extensive consultation. We are confident that the products are consistent with the Code and do not have a strong or evident appeal to minors. To summarise, this includes:
 - The products are explicitly marketed to adults, and their names clearly reference one of the most globally recognised bar calls.
 - Bacardí is an internationally recognised rum brand, and the packaging design is based almost exclusively on Bacardí branding motifs, further reinforcing the product's position as an alcoholic beverage for adults.
 - The packaging design is sophisticated and mature, and does not include design elements that may appeal to minors. Instead, the harlequin design evokes 1930s Havana art deco motifs;
 - Other than the use of the Coca-Cola logo, no Coca-Cola design elements have been transferred from Coca-Cola soft drink packaging. Furthermore, the Coca-Cola logo is 38% smaller than the primary brand Bacardí logo; and
 - The packaging includes explicit references to the alcoholic content of the products as well as a clear 18+ logo on the front of the pack and an explicit RUM callout both above and below the Coca-Cola logo.
- The products are clearly distinguishable from other cases ABAC has considered.
- The packaging for the products does not breach Part 3(b)(i) of the Code by having a strong or evident appeal to minors in the manner described above, nor is it intended to.

- Bacardí and Coke is a widely recognised mixed drink among adults, which has historical roots dating back to the creation of the Cuba Libre cocktail in Havana, Cuba, in 1900. By creating and marketing the products, we are making this popular drink more accessible to adults who are already familiar with, and fans of, this combination.
- Bacardi mixed with Coca-Cola RTD is already sold in 13 countries, including Austria, Belgium, the Czech Republic, Estonia, Germany, Ireland, Latvia, Lithuania, Poland, Portugal, Serbia, Spain, and the UK, and we are unaware of any consumer concerns arising from its sale. We understand the importance of ensuring that our beverages meet applicable regulatory and community standards in every market in which we operate, and that these standards may differ. Therefore, we made several significant modifications to the global design to ensure the packaging complied with the ABAC Code and local regulatory and community standards.
- We are not in any way targeting minors and have taken extreme care in our design of the product's packaging to ensure that we are fully compliant with all aspects of the Code, including Part 3(b)(i).
- We have set out the reasons for our position in further detail below.
- **Bacardí is the primary brand on-pack, not Coca-Cola:** The product packaging has been intentionally designed to position Bacardí as the primary brand. For instance, the Bacardí bat device and the Bacardí brand logo are prominently displayed at the top of the front of the pack design. The distinct red-and-black Bacardí bat device occupies approximately one-third of the can's width. It is strategically placed at the top of the white diamond lock-up to immediately draw consumers' attention. Directly below the Bacardí bat device is the Bacardí brand logo, displayed prominently in large, bold black lettering that spans the full width of the can.
- On the other hand, the Coca-Cola logo has been positioned as the secondary brand, further down the can, directly below the words "RUM MIXED WITH" (or "SPICED RUM MIXED WITH"). Notably, the Coca-Cola logo is displayed in much smaller, less prominent lettering than the Bacardí logo, occupying only about half the can's width. In addition, the product's name is clearly stated as "Bacardí Rum mixed with Coca-Cola" or "Bacardí Spiced Rum mixed with Coca-Cola" and as such could not be mistaken as anything other than an alcoholic mixed drink.
- **The packaging design is based on the packaging of other Bacardí RTD products. It is not similar to any existing Coca-Cola products:** The front-of-pack design is distinguished by a white diamond lock-up, which has been used in several other Bacardí RTD products currently sold in Australia and overseas, as set out in the enclosed **Annexure**. Further, the red colour at the bottom of the can is based on well-established Bacardí iconography, with the Bacardí bat device at the top. Bacardí has, in fact, been selling a rum-and-cola RTD mixer product

overseas in European markets with an almost identical design: a white diamond lock-up against a red background. The key distinction is that the two Australian products feature silver and gold tops, respectively, intended to help consumers more easily distinguish between the regular rum and the spiced rum versions. There has therefore been no transfer of an existing Coca-Cola or other soft drink packaging design into the products, so that there are no design features that will be confusing, familiar, or particularly enticing to minors in Australia, or that would suggest that the products will provide a smooth transition from non-alcoholic to alcoholic beverages.



- **The packaging design is sophisticated and conservative, and is likely to appeal to adult audiences rather than minors.** The harlequin design featured on the product's packaging was inspired by the Art Deco architecture of Havana, Cuba, where the Cuba Libre cocktail was born in 1900. The Cuba Libre cocktail consists of Bacardí rum, Coca-Cola, and a squeeze of lime; hence, the packaging design references the product's historic origins. The product's packaging features a muted red with alternating dark and light red tiles as part of the harlequin design, paired with alternating dark and light gold (and silver) tiles on top for the two products. The colour theme and overall design are therefore sophisticated and conservative (almost old-fashioned) in nature and likely to appeal to an older audience. It does not employ childlike designs, imagery, language, animations or cartoon characters.
- **The product is clearly an alcoholic beverage: it is distinguishable as an adult beverage** rather than a soft drink intended for minors. There are clear alcohol cues in the form of the "Rum" and "Spiced Rum" references, which appear prominently below the Bacardí logo in the centre of the white diamond lock-up. The statement "The Perfect Rum Mix" also appears in bold black font at the bottom of the white diamond lock-up. In addition, the ABV is displayed in a large, bold font at the bottom of the can, in a contrasting colour against the harlequin red background, along with a distinct, clearly legible "18+" icon. The prominent manner in which these statements are featured on the packaging design reflects our commitment to exceeding our obligations under the Code in the design and marketing of the products. Accordingly, a reasonable person would clearly recognise the products as alcoholic beverages at first glance on the front of the package.

- Final ABAC pre-vetting approval for the packaging of the products was granted on 25 January 2025. We took great care throughout the ABAC pre-vetting process to ensure there could be no confusion between the products and any soft drinks and that the products would have no primary or evident appeal to minors. We engaged in significant and ongoing dialogue with ABAC throughout the ABAC pre-vetting process, considering multiple iterations of the packaging, and we welcomed and actively incorporated ABAC feedback and guidance into the products' packaging.
- We understand that consistency in interpretation between pre-vetting and Panel decision-makers is a key objective of the ABAC Scheme. On occasions, different conclusions might be reached if a decision is finely balanced or a novel issue is being considered: *ABAC Determination 119, 120, 121, 122, 125, 126, 127, 130, 132 & 136/23 (ABAC Hard Solo Determination)*. However, the current decision does not involve a novel issue. Instead, there have been several precedents which provide clear guidance supporting our position that the packaging of the products complies fully with the Code and, in particular, does not have a strong or evident appeal to minors in breach of Part 3(b)(i) of the Code.
- In particular, the packaging of the products can be distinguished from the following:
- **ABAC Hard Solo Determination:** In this decision, the Panel considered the packaging for Hard Solo, an alcoholic lemon beverage produced and marketed by Carlton United Breweries (**CUB**). In this instance, CUB used the core branding of its “beloved” and “iconic” soft drink for an alcoholic beverage, which was considered a novel issue. For instance, CUB had used the “SOLO” name on the Hard Solo product in the same font, size, and on-pack position as it appeared on the soft drink product. CUB had also incorporated the same lemon tree image and “LEMON” flavour descriptor on the Hard Solo product as appeared on the soft drink product, in essentially the same size, style and on-pack position. There was no reference to any other alcohol brand on the packaging; there were simply call-outs regarding the product's alcoholic nature. Taking into account the packaging design as a whole, the Panel considered that the Hard Solo product created an illusion of a smooth transition from a non-alcoholic product to an alcoholic product, given the design's familiarity and relatability to minors.
- On the other hand, the product packaging identifies Bacardí as the primary brand, not Coca-Cola. It is a world-famous alcohol brand that is highly unlikely to have any intense or evident appeal to minors. Further, the products' packaging is based on other Bacardí RTD designs, which will be familiar to adults but not to minors. There are no similarities between the products and any existing Coca-Cola products, apart from the use of the Coca-Cola logo, which has been significantly reduced in size and prominence within the pack's hierarchy of information. Accordingly, the products' packaging design is clearly distinguishable from that of Hard Solo, as there has been no transfer of a soft drink packaging design to the products. There is therefore no suggestion whatsoever that the products will provide a smooth transition from non-alcoholic to alcoholic beverages – instead, the products are clearly distinguished as alcoholic beverages made with a non-

alcoholic mixer, and not alcoholic soft drinks. As a result, any appeal of the products to minors based on the presence of Coca-Cola branding on-pack will at most be incidental only, and not a strong or evident appeal.

- We submit that the packaging of the products is more closely analogous to the following:
- **ABAC Determination 11/22 (“Bundaberg Alcoholic Ginger Beer”)**: In this decision, the Panel considered a television advertisement for Bundaberg Alcoholic Ginger Beer, which was a product collaboration between the brand owners of Bundaberg Rum (i.e. Diageo) and Bundaberg ginger beer soft drink (i.e. Bundaberg Brewed Drinks). The product packaging reflected some of Bundaberg rum's core branding livery, namely the Bundy Bear image and the font for the “Bundaberg” name. The packaging also made a secondary reference to Bundaberg Brewed Drinks. Further, the television advertisement at issue in the complaint featured a standalone image of the Bundaberg ginger beer soft drink. In its decision, the Panel found that the placement of the Bundaberg ginger beer was done in a manner which reasonably conveyed that the alcohol beverage *contained* the soft drink, but that, importantly, the alcohol beverage itself was not a soft drink. On this basis, and taking into account the overall mature tenor of the ads, the Panel concluded that any appeal of the ads to minors was incidental and not strong or evident and therefore dismissed the complaint. The current case concerning the products is closely analogous to this case. This is because the product packaging is primarily based on Bacardí's core branding livery, given that the products are alcoholic. For instance, we refer to the Bacardí bat device, the Bacardí brand logo, and the white diamond lock-up, which are core design features of Bacardí RTD products currently sold in Australia and overseas.
- On the other hand, the Coca-Cola logo is significantly smaller and is positioned lower on the pack. The packaging, therefore, creates the impression that the Products are alcoholic beverages, in line with other Bacardí RTD products currently on the market. Hence, the products cannot be regarded as having an attraction to minors greater than that for adults; nor can the packaging design be fairly said to be targeted at minors. Taken as a whole, it is clear that any appeal of the products to minors based on the appearance of the Coca-Cola brand on the packaging is incidental and not strong or evident.
- **ABAC Determination 105/25 (“Brookvale Union Alcoholic Ginger Beer”)**: In this decision, the Panel considered the packaging of Brookvale Union Alcoholic Ginger Beer. Although the product packaging identified the product as ginger beer, the Panel dismissed the complaint on the ground that the packaging clearly indicated that the product was alcoholic and did not resemble any well-known soft drink. It would be unlikely to be mistaken for a soft drink, and the overall design style was adult in nature. The current packaging of the products closely resembles the case at issue. As explained above, the clear indicators reference the alcoholic nature of the products, and the packaging design does not resemble that of any Coca-Cola product or other soft drink. It would be unlikely to be mistaken for a soft

drink, given the strong Bacardí branding, and the overall packaging design is sophisticated and adult in nature. Hence, it is clear that, taken as a whole, the product packaging would at most have only incidental appeal to minors, not a strong or evident appeal.

- Accordingly, the Panel decision should be consistent with ABAC Pre-Vetting Final Approval No. 11556.
- **Our consumption data for Coca-Cola products shows low consumption among minors aged 13-17 in Australia.** 13–17-year-olds are the smallest cohort of drinkers, accounting for only 3.6% of consumers (less than the total % of this age group in the Australian population). Adults aged 18+ constitute more than 96% of Coca-Cola TM drinkers.

Age	% Coca-Cola TM Drinkers	Index to Category	Index to Population
13-17 year olds	3.6%	93.7	95.2
18+	96.4%	100.2	100.2

Source: Kantar Australia Consumer Consumption Diaries Full Year 2024 (8449 people) for "Coca-Cola Trademark"

- Please note that Coca-Cola’s policy is not to collect data from individuals under 13; therefore, data for this age range is not available. In Australia, companies may conduct market research involving residents under the age of 14 only with parental/guardian consent. The decision not to research The Coca-Cola Company's brands for this age group is based on the company's Global Responsible Marketing Policy, which states that “We will not design our marketing communications in a way that directly appeals to children under 13”. In Australia, that marketing communication threshold is 15+. The current brand health and consumption tracker we use is consistent across Coca-Cola subsidiaries worldwide.
- The target consumers for the products are adults aged 18 to 49. The products are expected to appeal to this target audience and not to minors because:
- Mixing Bacardí rum with Coca-Cola is an existing behaviour by adults and an established “bar call” in licensed premises. Coca-Cola is the #1 mixer with alcohol globally and in Australia.
- Bacardí is one of the most recognised alcohol brands in the world. The light rum segment, of which Bacardí has ~90% share, skews towards older adults. The vast majority (83%) of consumers in this category are Millennials (ages 29-44) or older. (Source: IWSR 2025, 1200 Australian consumers 18+).
- Existing cola-based RTDs in the category skew towards older adults and significantly under-index with younger adult consumers. (Source: Kantar Australia U&A Report 2024).

- In Australia, the vast majority (75%) of Coca-Cola consumers are aged 20-49. 13–19-year-olds are the smallest cohort of drinkers, accounting for only 5.7% of consumers (less than the total % of this age group in the Australian population). (Source: Kantar Australia Consumption Diaries 2024).
- All digital media and communications for the products are age-gated and targeted to adults 18+, and therefore not accessible to minors.
- **The product name references an established cocktail:** Bacardí and Coke is a widely recognised mixed drink among adults, which has historical roots dating back to the creation of the Cuba Libre cocktail in Havana, Cuba, in 1900. The name of the product, as displayed prominently on the front of the pack (“Bacardí Rum mixed with Coca-Cola”), has therefore been chosen to align with the globally recognised and common bar call “Bacardí and Coke,” which will be familiar and instantly recognisable to adults but not to minors. Today, ~40% of Bacardí is consumed with Coca-Cola as a mixer (BACARDI & COCA-COLA, BACARDI COMPANY internal data).
- **The packaging design is almost exclusively based on Bacardí branding motifs, ensuring** that Bacardí is the primary brand and not Coca-Cola. This is reflected in the use of core Bacardí branding motifs on front-of-pack, including the Bacardí brand logo, the bat device, and the white diamond lock-up, which are also used across other Bacardí RTD products currently sold in Australia. Hence, these are design elements that will be familiar and appealing to adults but not to minors.
- The packaging design is sophisticated and conservative, with a harlequin pattern and a muted red/silver (and red/gold) colour scheme inspired by the Art Deco architecture of Havana, Cuba, and the origins of the Cuba Libre cocktail on which the products are based. The design does not employ childlike designs, imagery, language, animations, or cartoon characters likely to appeal to minors.
- **Other than the Coca-Cola logo, there are no Coca-Cola design elements that have been transferred from Coca-Cola’s soft drink packaging design.** No Coca-Cola design elements are appearing on the front of the pack other than the Coca-Cola logo, and the Coca-Cola logo itself has been significantly reduced in size and prominence relative to the balance of information on the pack. Further, the reference to Coca-Cola has been qualified by the preceding words “Mixed With,” which make it clear that Coca-Cola is simply an ingredient in what is, first and foremost, an alcoholic beverage. Hence, there are no packaging design elements that would cause the products to appeal strongly to minors.
- **The products include explicit references to their** alcoholic content on the front of pack, including “Rum” (and “Spiced Rum”), the statement “The Perfect Rum Mix”, the ABV, and an “18+” icon. A reasonable person would therefore clearly recognise the products as alcoholic beverages at first glance.

- It is Coca-Cola's position that the product's packaging unequivocally complies with all elements of the Code.

Annexure



Marketing Best Practice

The Companies were asked how they demonstrate a commitment to alcohol marketing best practices. CCSP, responding on behalf of itself and Bacardi Martinin, advised:

- Coca-Cola has been an ABAC signatory since 2022 and is committed to meeting ABAC Code Standards and complying with Panel determinations. Bacardi participated in the ABAC Scheme in Australia via its membership in Spirits & Cocktails Australia.
- To date, Coca-Cola, on its own behalf and on behalf of Bacardi, has submitted 100% of its alcohol beverage advertising materials for ABAC pre-vetting.
- Coca-Cola sought and followed the advice of the ABAC Pre-vetting Service regarding the marketing referred to in the complaint. Final ABAC Pre-vetting Approval was received on 25 January 2025.
- All Coca-Cola and agency staff responsible for the marketing referred to in the complaint have completed the current ABAC online training course. In addition, we have held three all-company and agency ABAC training sessions and one training workshop, facilitated by an ABAC Pre-vetter, held on-site at our North Sydney office on 20 March 2025.
- We also take additional steps to ensure that marketing practices and materials comply with community expectations for responsible alcohol marketing, through our internal approvals process and Coca-Cola's global commitment to responsible marketing beyond the ABAC Scheme. As a worldwide company deeply embedded in Australian culture, The Coca-Cola Company (**TCCC**) takes its responsibility to market all products with integrity and care, and this extends to Coca-Cola South Pacific and its other subsidiaries. This commitment is grounded in our long-

standing Responsible Marketing Policy, first introduced in 1956, which continues to evolve to reflect the highest community standards. In Australia, this policy meets or exceeds all industry advertising code requirements, ensuring that our marketing of non-alcoholic drinks does not target anyone under the age of 15, in accordance with the Australian Association of National Advertisers (AANA).

- Building on this foundation, TCCC's Responsible Alcohol Marketing Policy (RAMP) — developed in collaboration with the International Alliance for Responsible Drinking (IARD) and the World Federation of Advertisers (WFA) — sets a clear global standard for how alcohol brands are marketed and sold. RAMP applies to all brands containing added alcohol, using an alcohol trading name, or representing a non-alcoholic variant of an alcohol brand or category. It mandates that all marketing (including, but not limited to, influencer engagement, merchandising, direct marketing, research, PR, media, packaging, sampling, activations, and sponsorships) be directed exclusively to legal-purchasing-age adults, and that our messaging consistently promotes moderation among those who choose to drink. The policy includes stringent age, channel, talent, and placement restrictions that comply with, or exceed, applicable local laws and voluntary codes, including the Alcohol Beverages Advertising Code.
- All employees, agencies, and partners working with our alcohol brands receive mandatory training and annual refreshers to ensure full compliance, supported by pre-vetting, independent audits, and digital safeguards, including age gating, audience targeting, and influencer criteria (minimum age 25; 80% adult audiences). In addition, TCCC allocates at least 5% of its alcohol marketing spend to responsible drinking and community education programs in partnership with organisations such as DrinkWise.org.au, thereby reinforcing its commitment to addressing alcohol-related harm and empowering consumers to make informed choices.