



## ABAC Adjudication Panel Determination 155/25

<b>Determination Date</b>	2 December 2025
<b>Brand/Company</b>	Gin/Garden Street Gin Club
<b>Media</b>	Digital – Instagram
<b>ABAC Code provisions</b>	Part 3 (c)(iv), (d)
<b>Outcome</b>	Upheld

### Part 1 - Determination Overview

#### ***Complaint:***

The complainant is concerned that two social media posts breach ABAC standards, specifically:



- Post 1 - suggests alcohol use helps overcome problems and is needed to relax (Part 3 (c)(iv)); and
- Post 2 - suggests alcohol will be consumed in conjunction with swimming (Part 3 (d)).

#### ***Key findings:***

The Panel upheld the complaint, finding that:

- Post 1 positions alcohol as a coping mechanism for a bad day and for feeling stressed; and
- Post 2 directly implies the use of alcohol in conjunction with swimming.

## Marketing Communications:

Post 1	Post 2
<p><b>Garden Street Gin Club's post</b></p> <p>Garden Street Gin Club 22 October · 🌐</p> <p>Whatever the question, gin's the answer. 🍸🌟 Bad day? Good day? Somewhere-in-between day? We've got a bottle for that. <a href="#">#GardenStreetGinClub</a> <a href="#">#SipSavourRepeat</a> <a href="#">#GinMood</a> <a href="#">#AustralianGin</a> <a href="#">#CraftGinAustralia</a></p> 	<p><b>Garden Street Gin Club's post</b></p> <p>Garden Street Gin Club 6 September · 🌐</p> <p>Taking your tastebuds to where the Nullarbor meets the sea 🌊🍸 Streaky Bay Distillery Very Little Islands Gin carries the brightness of backyard citrus and subtle saltbush, shaped by this wild stretch of South Australia. And if you look just beyond the glass... you'll spot the Very Little Islands themselves. <a href="#">#GardenStreetGinClub</a> <a href="#">#StreakyBayGin</a> <a href="#">#VeryLittleIslandsGin</a> <a href="#">#GinOfTheMonth</a> <a href="#">#SpringSipping</a> <a href="#">#AustralianGin</a></p> 

## Part 2 - The Panel's View

1. The Garden Street Gin Club (the Company) is an online, subscription-based alcohol retailer. The Company's basic business model is home delivery of different gin types and flavours, along with matched tonics, garnishes, snacks, and other treats. This determination considers two social media posts made by the Company. The complainant is concerned that:
  - Post 1 - suggests alcohol use helps overcome problems and is needed to relax.
  - Post 2 - suggests that alcohol will be consumed in conjunction with swimming.
2. These concerns raise the ABAC standard in Parts 3 (c)(iv) and (d), namely that alcohol marketing communications must not:
  - 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 – Part 3 (c)(iv).

- Show (visibly, audibly or by direct implication) the consumption of alcohol before or during any activity that, for safety reasons, requires a high degree of alertness or physical coordination, such as swimming – Part 3 (d).
3. The Company is not an ABAC signatory and has not given a prior commitment to market consistently with good practice standards. This of itself is not unusual, as most smaller alcohol retailers are not ABAC signatories. What is remarkable is that the Company did not respond to the complaint, and this failure places the Company at the outer limit of the alcohol industry, as almost universally, all industry participants accept the social license obligation to market responsibly and engage in the ABAC public complaints process.
  4. 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 for what is reasonable.

### **Responsible depiction of the effects of Alcohol**

5. Post 1 depicts a sign that reads that gin is the answer to a bad day, good day or when stressed, and the accompanying text reads "Bad day? Good day? Somewhere in between day? We've got a bottle for that."
6. The Panel believes the Post breaches the Part 3 (c)(iv) standard. In reaching this conclusion, the Panel noted:
  - The most influential element of the post is an image showing that gin is the answer to a bad day or being stressed.
  - The accompanying text amplifies that the consumption of alcohol reduces problems.
  - The key concept in the Part 3(c) standard is causation. It is not permitted to suggest that alcohol offers any therapeutic or health (including mental health) benefit, is needed to relax, or helps overcome problems or adversity.
  - In this case, alcohol is depicted as a coping mechanism for a bad day and to deal with stress.

### **Safety**

7. Post 2 is two photos. The first is of a woman in swimwear drinking what appears to be gin from a glass, sitting on the beach beneath an umbrella and beside an esky. The second photo is of a closed bottle of the product at the water's edge. The accompanying text describes the product and the region where the beach is located.

8. Part 3 (d) of the Code provides that alcohol marketing cannot show or directly imply alcohol consumption before or during any activity that, for safety reasons, requires a high degree of alertness or physical coordination, such as swimming.
9. The policy intent of the Part 3 (d) standard is that alcohol marketing should not model alcohol consumption before or in conjunction with inherently dangerous activities, such as driving a motor vehicle or swimming. This is because alcohol impacts a person's physical and mental capacities, reduces coordination and can contribute to a loss of inhibitions and the making of poor judgements.
10. It is important to note that the Code standard does not prohibit an alcohol brand from being associated with water-based activities. The point of the standard is that alcohol should not be consumed while undertaking the activities, and marketing should not suggest that it is acceptable to use alcohol in this way. What this means for water-based activities is that an item of marketing can:
  - show an alcohol product at a beach or adjacent to a swimming pool if it is clear that alcohol is not being consumed; or
  - show alcohol consumption, but it is established that the dangerous activity, like swimming, has finished and will not be recommenced.
11. So, what factors might influence how a reasonable person would interpret a marketing communication regarding whether a person shown was going to drink alcohol and then swim? Some factors could include:
  - How is the person dressed, for example, are they fully clothed, wearing swimming gear, a floppy hat with sunglasses, or a swimming cap with goggles?
  - The positioning of the person, that is, whether they are in the water, immediately next to the water, or some distance away from the sea;
  - Whether the person is depicted consuming the product (including, if not shown, consumption is directly implied);
  - How is the alcohol product presented, for example, is it in an open can or bottle or closed, or does it appear the product has already been partially consumed?
  - The time of day in the scene shown; for example, it's more likely that swimming is finished in the late afternoon than in the morning.
12. While it is not entirely clear, the Panel, on balance, believes that Part 3 (d) of the Code has been breached. In reaching this conclusion, the Panel noted:
  - The woman is wearing swimwear while sitting on the beach and is consuming the product.

- The inclusion of the esky indicates that the trip to the beach will be relatively long, suggesting that various activities, including swimming, given the woman's attire, will be undertaken during this time.
- There are no indicators that the day's activities, including swimming, have concluded, e.g. the woman is not wearing other clothing beyond swimwear, and the light suggests it is not late afternoon.

13. 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**

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

(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>
(d)	<i>show (visibly, audibly or by direct implication) the consumption of Alcohol before or during any activity that, for safety reasons, requires a high degree of alertness or physical coordination, such as the control of a motor vehicle, boat or machinery or swimming.</i>

#### **Company Response:**

The Company was allowed to respond to the complaint, but did not do so.

#### **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 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.