



## ABAC Adjudication Panel Determination 167/25

|                             |                                  |
|-----------------------------|----------------------------------|
| <b>Determination Date</b>   | 12 December 2025                 |
| <b>Brands/Company</b>       | Real McCoy Whiskey/Vok Beverages |
| <b>Media</b>                | Digital – Instagram              |
| <b>ABAC Code provisions</b> | Part 3 (a)(i)                    |
| <b>Outcome</b>              | Upheld                           |

### Part 1 - Determination Overview

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

The complainant contends that an Instagram post promoting Real McCoy Whiskey shows or encourages reckless drinking by showing two women bringing mini bottles of the product into a pub, which are consumed in addition to alcohol purchased at the pub.

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

The Panel, on balance, upheld the complaint, finding that:





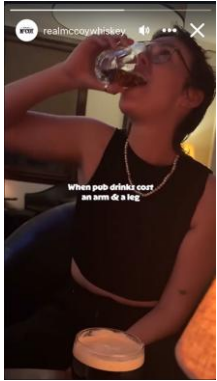
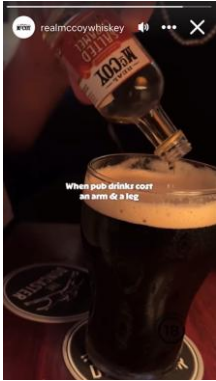
- The women are depicted drinking whiskey and a schooner of beer in quick succession.
- The scenario of 'sneaking' the bottle of alcohol from home to drink in the pub, together with the pace at which one of the women consumes the whiskey, is suggestive of at least rapid and quite likely consumption beyond the equivalent of four standard drinks.
- While only a small portion of the whiskey is shown being added directly to a beer, the mixing of spirits and beer suggests heavier, rather than more moderate, alcohol consumption.
- Taken as a whole, a reasonable person would probably understand that the scenario and the demeanour of the women are endorsing more than moderate alcohol consumption.



#### ***Marketing Communication:***

A summary of the marketing communication is provided below. The video can also be viewed at the following link:

[Stories • Instagram](#)

The words “When pub drinks cost an arm and a leg” are superimposed while music from “Sunny” by Boney M plays throughout the video.

|   |   |   |
|---|---|---|
| <p>A woman searches a row of small bottles of Real McCoy Whiskey before choosing a bottle of Real McCoy Salted Caramel Whiskey. This scene is set in a hotel room or private home.</p>  |    |    |
| <p>The scene moves to a bar or pub. The woman has brought the Whiskey from the earlier scene and pours the contents into a glass.</p> <p>A second woman is shown pouring Buttered Popcorn Whiskey into a glass. The implication is that this product was also brought from the private home/hotel room.</p> |   |   |
| <p>The first woman sculls the Whiskey, and then the second woman is shown putting what appears to be a few remaining drops of Salted Caramel Whiskey into what seems to be a glass of stout.</p>  |  |  |

|  |   |   |
|--|---|---|
| <p>The first woman drinks from the glass of stout, and the second woman drinks from her glass of Buttered Popcorn Whiskey.</p> |  |  |
|--|---|---|

## Part 2 - The Panel's View

1. This determination considers the messaging about alcohol use that would likely appear in an influencer-created social media post featuring Real McCoy Whiskey products. While not created by Vok Beverages (the Company), the post has been added to the Company's Instagram account and, as such, constitutes a marketing communication under ABAC standards for which the Company is responsible.
2. The post is a video. It starts with two female friends selecting two 50ml bottles of whiskey from a private home (or maybe a hotel room). The scenario is that, due to the cost of drinks at a bar/pub, women take whiskey to the bar/pub to supplement the beer they have purchased.
3. In the complainant's view, the post is irresponsible as it promotes 'reckless' alcohol consumption. While the complainant doesn't elaborate on what is intended by 'reckless', the Panel takes the concern to raise the ABAC standard that alcohol marketing must not show or encourage consumption inconsistent with the Australian Guidelines to Reduce Health Risks from Drinking Alcohol (more than four standard drinks on any one day) - Part 3 (a)(i) of the Code.
4. The Company argues the messaging from the video is consistent with the ABAC standard, submitting that:
  - The post promotes the consumption of alcohol before heading out for the evening to manage expenditure.
  - It suggests consuming 1.2 standard drinks either on ice or neat.
  - Separately, it promotes adding a few drops of liqueur to beer to alter the flavour/experience.
  - It does not show or encourage consumption inconsistent with the guidelines.
  - While we do not accept a breach of the standard, the post has been removed.

5. 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'; their take may not be shared by most people.
6. With a social media video, a reasonable person will usually view the post once before scrolling on to the next post. Accordingly, a video won't typically be studied in fine detail, the most prominent visual aspects will be the most influential in shaping how the video's messaging is understood, rather than subtle details and accompanying text. The main takeaways from the video in the Panel's view are:
  - The women selecting the small bottles of whiskey.
  - Taking the whiskey bottles to a pub, consuming the whiskey immediately, followed by drinking a beer chaser.
  - This is being done because buying alcohol at a pub is expensive.
7. This is a borderline case on which reasonable minds might differ as to the most probable interpretation of the message regarding the pace and extent of alcohol consumption. On balance, however, the Panel believes that the post breaches the Part 3 (a)(i) standard. In reaching this conclusion, the Panel noted:
  - The women are depicted drinking in quick succession, the whiskey and a schooner of beer.
  - The scenario of 'sneaking' the bottle of alcohol from home to drink in the pub, together with the pace at which one of the women consumes the whiskey, is suggestive of at least rapid and quite likely consumption beyond the equivalent of four standard drinks.
  - While only a small portion of the whiskey is shown being added directly to a beer, the mixing of spirits and beer is suggestive of heavier rather than more moderate alcohol consumption.
  - Taken as a whole, a reasonable person would probably understand that the scenario and the demeanour of the women are endorsing more than moderate alcohol consumption.
8. 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 takes into account the principles of procedural fairness.

The Panel comprised Chief Adjudicator Professor the Hon Michael Lavarch AO, Health Sector Panellist Professor Louisa Jorm and Panellist Cristiano Lima.

### ***Applicable ABAC Responsible Marketing Code Standard***

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

|               |   |
|---------------|---|
| <i>(a)(i)</i> | <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:</i><br><br><i>(A) excessive Alcohol consumption (more than 10 standard drinks per week or more than four standard drinks on any one day); or</i><br><br><i>(B) Alcohol consumption while pregnant or breastfeeding;</i> |
|---------------|---|

### ***Company Response:***

The Company was provided with an opportunity to respond to the complaint. Its principal comments were:

- The advertisement in question shows:
  - Consumers tipping a 50ml glass bottle of Real McCoy Liqueur (30% abv) containing 1.2 standard drinks into individual glasses, and one consumer consuming the drink rapidly;
  - a consumer adding a few (3-4) drops of Real McCoy Liqueur (30% abv) to what appears to be a pint of Guinness; and
  - a reference to “when pub drinks cost an arm and a leg”.
- The advertisement was produced by an influencer sourced via an agency. We have been advised that the ad was made available only via paid TikTok or Meta.
- In reviewing the advertisement, we are of the view that it promotes alcohol consumption before heading out for the evening to manage expenditure. It suggests consuming 1.2 standard drinks either on ice or neat. Separately, it promotes adding a few drops of liqueur to beer to alter the flavour/experience. On that basis, the advertisement neither shows nor encourages consumption that is inconsistent with the guidelines.

- We have, however, arranged for the alleged offending advertisement to be removed from circulation.

***Marketing Best Practice.***

The Company was asked how it demonstrates a commitment to alcohol marketing best practices and advised that Vok Beverages:

- Is not an ABAC signatory;
- Will accept the Panel's decision about this complaint;
- Has in the past sought advice from ABAC Pre-vetting Service, but has not sought advice regarding this Advertisement, given it was created and distributed via a third party.
- Further, our marketing team undertake the ABAC online training course as part of their employment training and also receives/reviews ABAC updates and reports regularly. In my role, I provide oversight to ensure compliance with both the Code and community expectations for responsible alcohol marketing, including reviews of packaging, promotions, trade marketing, and communications.