



ABAC Adjudication Panel Determination 165/25

Determination Date	18 December 2025
Brands/Company	Alcohol/The Prince Hotel
Media	Digital – Instagram
ABAC Code provisions	Part 3 (b)(i)
Outcome	Upheld

Part 1 - Determination Overview

Complaint:

The complainant contends that social media posts for cocktails have a strong or evident appeal to minors, by including images of and references to confectionery and Milo.

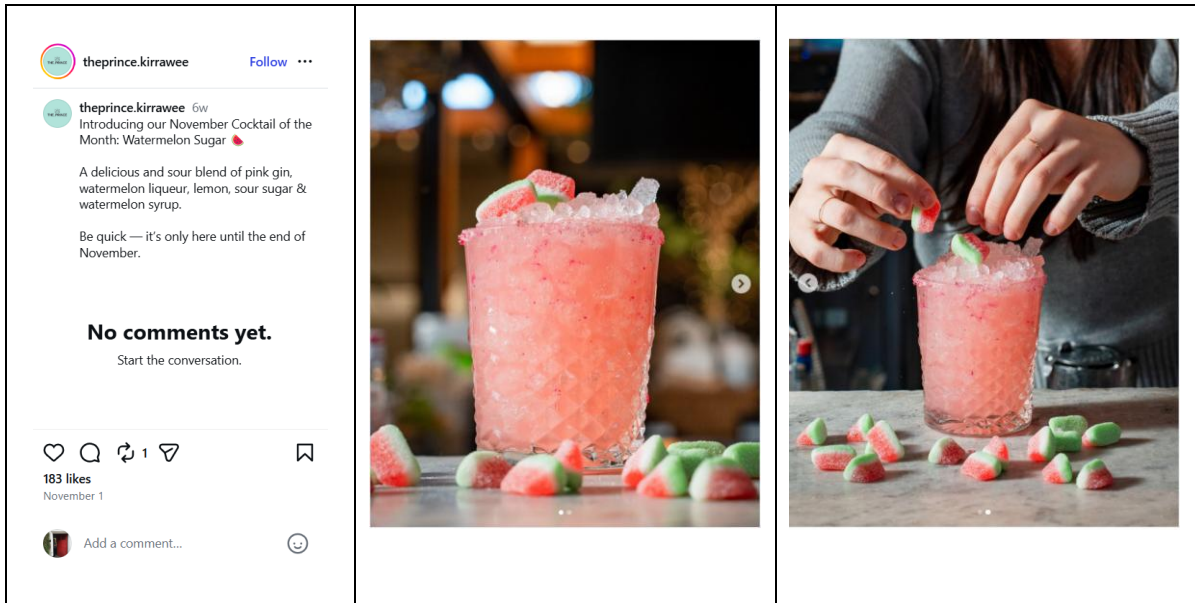
Key findings:

The Panel upheld the complaint, finding that:

- The inclusion of a confectionery item within an item of alcohol marketing will often elevate the potential appeal of the marketing communication to minors.
- Equally, since its release in 1934, Milo has been marketed to children, and public data indicates that flavoured milk is consumed most extensively among children aged 9 to 13 and 14 to 18.
- While it is legitimate for alcohol marketing to play on nostalgic themes for adults, reflecting childhood use of lollies or drinking Milo, confectionery and flavoured milk remain popular with minors today.
- The confectionery imagery, the depiction of a can of Milo, and the use of Milo would likely be understood as creating an illusion of a smooth transition from a well-known non-alcoholic product to an alcoholic beverage.

Marketing Communication:

Instagram Post 1



Instagram Post 2



Part 2 - The Panel's View

1. This determination concerns social media marketing for the Prince Hotel, located in Kirree, Sutherland Shire, NSW. The Hotel offers food and drink across a bistro, bars and function areas. The Hotel promotes itself via Instagram and Facebook with some posts featuring a cocktail of the month.
2. The cocktail promoted for October 2025 was called a Milotini (Post 2), with the November 2025 cocktail called a Watermelon Sugar (Post 1). It is the posts for these two cocktails that have drawn the complaint, which contends that the posts' imagery will have a strong appeal to minors.

3. The Hotel is licensed under the NSW Liquor Act 2007 and is required to operate in accordance with the terms of its licence and the provisions of the Act. There is no suggestion that the Hotel fails to meet its obligations under responsible service of alcohol, including ensuring that alcohol is not served to persons under the legal drinking age. Its obligations, however, extend beyond this and include its promotional materials, including social media posts that do not have a strong appeal to minors. The ABAC Scheme and NSW Liquor and Gaming cooperate on maintaining high standards in marketing.
4. Post 1 depicts photographs of the Watermelon Sugar, alongside confectionery items, including the lollies being placed into the cocktail. Post 2 comprises several pictures of the Milotini, with one image showing a can of Milo held behind the cocktail as a person sprinkles a spoonful of Milo around it.
5. The issue for assessment is whether the posts have a strong or evident appeal to minors in breach of the ABAC standard in Part 3 (b)(i) of the Code. The standard might be breached if the marketing:
 - specifically targets minors;
 - has a particular attractiveness for a minor beyond the general attractiveness it has for an adult;
 - uses imagery, designs, motifs, language, activities, interactive games, animations or cartoon characters that are likely to appeal strongly to minors; and
 - creates confusion with confectionery, soft drinks, or other similar products, so the marketing communication is likely to appeal strongly to minors.
6. 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 are 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).
 - Use of a music genre and artists featured in youth culture.
7. 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.
 8. The consistency of a marketing communication with an ABAC standard is assessed from a reasonable person's probable understanding of the marketing. A 'reasonable person' refers to the life experiences, values, and opinions held by most members of the community and serves as the benchmark.
 9. The Panel believes that both posts breach the Part 3 (b)(i) standard. In reaching this conclusion, the Panel noted:
 - The inclusion of a confectionery item within an item of alcohol marketing will often elevate the potential appeal of the marketing communication to minors.
 - Milo, since its release in 1934, has been marketed to children, and public data indicates that flavoured milk is consumed most extensively among children aged 9 to 13 and 14 to 18.
 - While it is legitimate for alcohol marketing to play on nostalgic themes for adults reflecting childhood use of lollies or drinking Milo, confectionery and flavoured milk remain popular with minors today.
 - The confectionery imagery, the depiction of a can of Milo, and the use of Milo would likely be understood as creating an illusion of a smooth transition from a well-known non-alcoholic product to an alcoholic beverage.
 10. The Company is not an ABAC signatory and has not made a prior commitment to consistently market ABAC standards. This, in itself, is not unusual, as many licensed premises are not ABAC signatories. More unusually, the Company did not respond to the complaint. Irrespective of this, the Panel always decides on public complaints referred to it and will liaise with NSW Liquor and Gaming regarding the enforcement of Panel breach determinations if an alcohol marketer fails to remedy the breach and remove the offending material.
 11. 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 Cristiano Lima.

Applicable ABAC Responsible Marketing Code Standard

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

<i>(b)(i)</i>	<i>have Strong or Evident Appeal to Minors, in particular;</i> <i>(A) specifically target Minors;</i> <i>(B) have a particular attractiveness for a Minor beyond the general attractiveness it has for an Adult;</i> <i>(C) use imagery, designs, motifs, language, activities, interactive games, animations or cartoon characters that are likely to appeal strongly to Minors;</i> <i>(D) create confusion with confectionery, soft drinks or other similar products, such that the marketing communication is likely to appeal strongly to Minors;</i> <i>or</i> <i>(E) use brand identification, including logos, on clothing, toys or other merchandise for use primarily by Minors</i>
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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.