



ABAC Adjudication Panel Determination 166/25

Determination Date	22 December 2025
Brands/Company	Topsy Tea/Coastal Moon Distillery
Media	Digital – Instagram and Website
ABAC Code provisions	Part 3 (a)(i), (c)(ii) and (c)(iv)
Outcome	Upheled in part

Part 1 - Determination Overview

Complaint:

The complainant contends that a website entry and three social media posts for Tipsy Tea either:

- Encourage the excessive consumption of alcohol.
- Suggest that alcohol causes the attainment of social success.
- Depict that the product has no adverse side effects and that there are minimal short-term and long-term health risks associated with alcohol consumption.

Key findings:

The Panel upheld the complaint regarding Item 2, finding that the caption of the social media post would be understood as asserting that the product's presence at a gathering would enhance the success of the person bringing it.

The Panel dismissed the complaint on the other three Items, finding:

- Item 1 - the context of the post suggests the product is desirable, but it did not support the extrapolations required to imply excessive consumption was being encouraged.
- Items 3 and 4 - 'guilt-free' in the context of the marketing items would be understood as describing the product attribute of no sugar as opposed to the product offering a health benefit.

Marketing Communications:

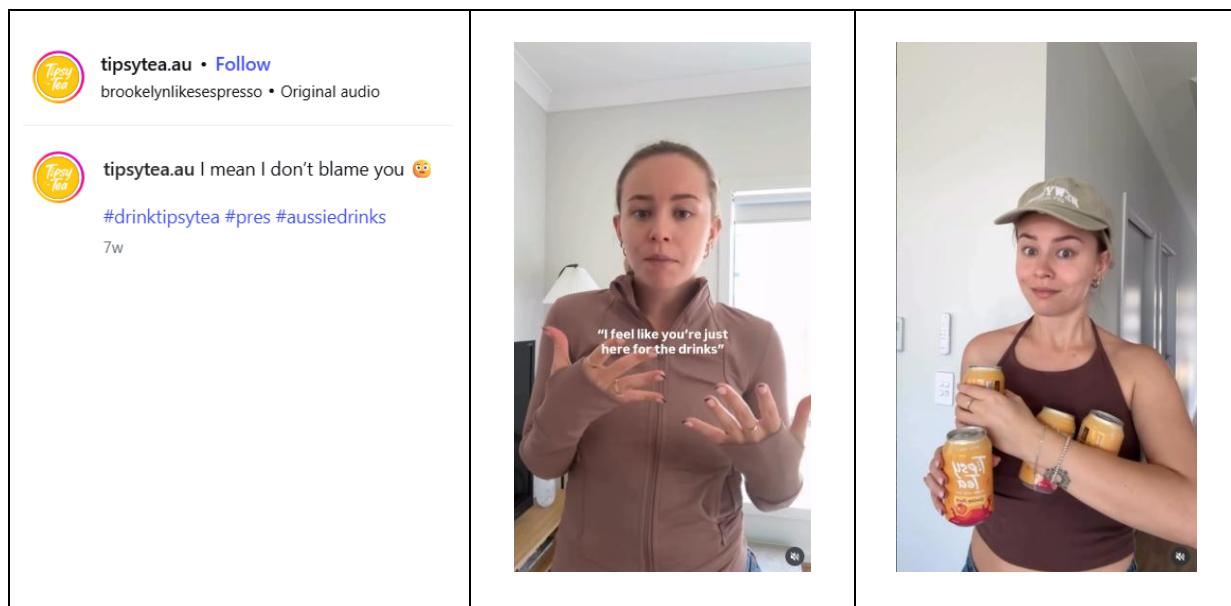
Item 1 – Social Media

Item 1 is a video social media post. It shows two images of a woman lip-syncing an exchange taken from the US reality TV program 'Summer Loving':

Image 1: '*I feel like you're just here for the zip line.*'

Image 2: (holding four cans of Tipsy Tea): '*What?*'

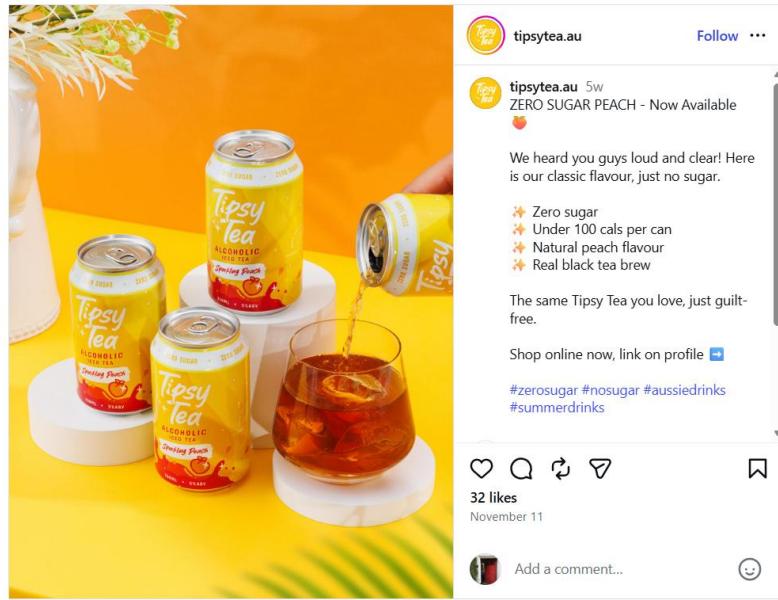
The words superimposing the first scene read 'I feel like you're just here for the drinks'.



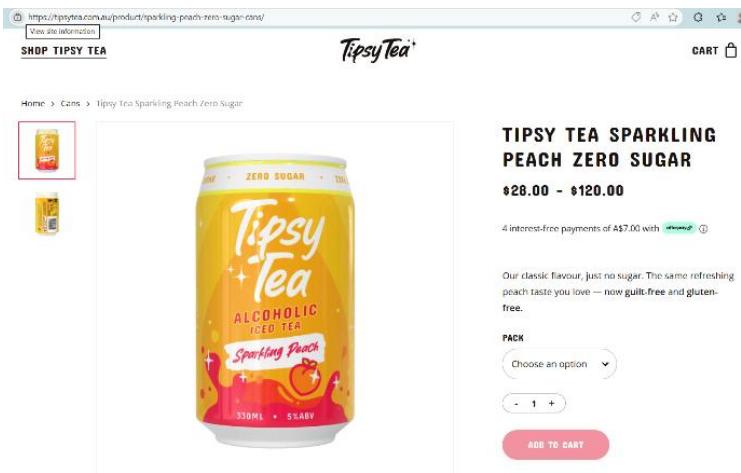
Item 2



Item 3



Item 4 - Website



Part 2 - The Panel's View

Introduction

1. This determination concerns three social media posts and a website entry regarding the RTD Tipsy Tea (the product) produced by Coastal Moon Distillery (the Company). The complainant believes that each marketing communication conveys irresponsible messaging about alcohol use as follows:
 - Item 1 (social media post): depicts a woman holding four cans of Tipsy Tea, which amounts to 5.2 standard drinks, exceeding the Australian National Guidelines recommendation that no more than four standard drinks should be consumed on any one day.

- Item 2 (social media post): shows a person carrying two four packs of Tipsy Tea and states, 'Show up with these, and you're instantly everyone's favourite'. The complainant is concerned that this can be interpreted as claiming that alcoholic beverages can increase social success.
- Item 3 (social media post) and Item 4 (website): use the term 'guilt-free', which implies that the products have no adverse side effects and that there are minimal short and long-term health risks associated with alcohol consumption.

2. The Panel will consider the marketing items and concerns raised by the complainant in turn below. 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. A person who interprets the marketing material differently is not 'unreasonable', but most people may not share their interpretation.
3. The Company is not an ABAC signatory and has not responded to the complaint within the Panel's timeframes. This is surprising, as the Company fully participated in a prior complaint process that led to Determination 91/24. At that time, the Company committed itself to good marketing practices and corporate social responsibility, including public accountability through the complaints process.

Item 1 – Social Media Post

4. Item 1 is a video social media post. It depicts an exchange (played by the same person) lip syncing '*I feel like you're just here for the zip line.*', to which the second character, holding four cans of the product, replies '*What?*'. Words are superimposed on the video, 'I feel like you are just here for the drinks'. The text accompanies the video 'I mean, I don't blame you 😊'.
5. Part 3 (a)(i) of the Code requires that an alcohol marketing communication must not 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 excessive alcohol consumption (more than 10 standard drinks per week or more than four standard drinks on any one day).
6. The post does not show alcohol consumption, and accordingly, the issue is whether a reasonable person would probably understand the post is directly implying that the woman will consume in a single day all four cans of the product. This raises the distinction between a reasonable implication and a series of extrapolations.
7. For instance, if a scene shows a single person with a glass of beer in a bar, it can be reasonably implied that the person is consuming the beer even if the person is not shown actually doing so. In contrast, if a scene depicts a person purchasing a 6-pack of beer from a bottle shop, it would require extrapolations to conclude that excessive consumption is being encouraged, namely, that the person buying the 6-pack will consume the beer in a single day. Whereas it is quite possible:

- The 6-pack will be stored and not consumed, or
- A single person will consume it over several days, weeks, or months, or
- Multiple people will share the beers.

8. How a reasonable person will interpret an ambiguous marketing communication will depend on both the context depicted in the communication and the viewer's own experience and expectations regarding alcohol use. The assessment the Panel must make requires careful consideration of the marketing item's context and an effort to ground the reasonable viewer's understanding of the marketing at the whole-of-community level, rather than in the subjective perspective of each Panel member.

9. The ABAC Scheme conducts regular community research to check the alignment of Panel determinations against community standards. To date, the research has indicated that the Panel decisions have been well aligned with community standards. The most recent research study will be released in the first quarter of 2026.

10. Returning to Post 1, the context is an exchange between two women in a private home. The dialogue is a clip from the US reality TV program 'Summer Loving' set at a resort. The concept of the show is a variant of the 'Bachelor' where numerous men compete for the attention of one woman, with several male contestants eliminated in each episode. The dialogue is from one of the elimination rounds, in which a male contestant is told that his elimination was due to the woman's perception that he was more interested in the resort's facilities (the zip line) than in making a connection with her. The man is confused and says, 'What?'.

11. It is unlikely that most viewers of the post will appreciate the audio clip's origins. Still, the inference that one person is more interested in Tipsy Tea than the other person will likely be understood from the context and the superimposed text. In other words, the message is that the product is more desirable or attention-grabbing than the woman.

12. But would a reasonable person also interpret the post as directly implying that all four cans of the product will be consumed at once, or at least within a single day by a single person? The Panel believes that the post does not breach the Part 3 (a)(i) standard. In reaching this conclusion, the Panel noted:

- No alcohol consumption occurs, and the woman does not appear to be affected by alcohol use.
- The primary message is that the product is desirable. The woman holding four cans of the product would demonstrate the product's appeal, rather than suggesting a pattern of consumption.
- It requires a series of extrapolations regarding the product's subsequent consumption to conclude that excessive consumption is encouraged. Merely holding four cans does not mean all the product will be consumed by a single person on a single day.

- While the post is ambiguous, the context doesn't support the extrapolations required to support the conclusion that it encourages excessive alcohol use.

Item 2 – Social Media Post

13. Item 2 is a social media post depicting a person holding two four-packs of Tipsy Tea. The words accompanying the post read “Show up with these, and you’re instantly everyone’s favourite .”
14. Part 3 (c)(ii) of the Code requires that an alcohol marketing communication must not show (visibly, audibly or by direct implication) the consumption or presence of alcohol as a cause of or contributing to the achievement of personal, business, social, sporting, sexual or other success.
15. The key concept in the Part 3 (c)(ii) standard is causation. It is not permitted to suggest that alcohol was a cause or a contributor to achieving success. This means alcohol can be placed with attractive people in an enjoyable situation. It cannot be suggested that alcohol played a part in a person's success or in an occasion's success.
16. The issue is whether a reasonable person would understand that the post suggests the product will cause or contribute to a person achieving social success. The Panel believes that the post breaches Part 3 (c)(ii) standard. The caption clearly communicates that if you bring cans of Tipsy Tea to a gathering, you will be everyone's favourite and therefore achieve social success.

Item 3 – Social Media Post and Item 4 - Website

17. Item 3 is a social media post. It shows three closed cans of Zero Sugar Peach Tipsy Tea sitting on a table. Alongside them, a can of the product is being poured into a glass. The words accompanying the post state that the product contains no sugar and fewer than 100 calories per can. The sentence “The same Tipsy Tea you love, just guilt-free” is also included.
18. Item 4 is an extract from the Company's website in relation to the zero-sugar product. It includes the words 'Our classic flavour, just no sugar. The same refreshing peach taste you love — now guilt-free and gluten-free.'
19. The complainant argues that the words 'guilt-free' imply that the product has no adverse side effects and that there are minimal health risks associated with alcohol consumption. This concern raises Part 3 (c)(iv) of the Code, which requires that an alcohol marketing communication 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.
20. The intent of the Part 3 (c)(iv) standard is to prohibit messaging in an alcohol ad from suggesting that the use of an alcohol beverage offers a positive health benefit. For instance, it cannot be claimed that a moderate level of red wine consumption is good for the heart. On the other hand, it is permitted to explain the ingredients of a product

and how the product is made. Hence, it is acceptable to state that a product is low in calories or does not contain sugar.

21. The question that often arises when complaints are made about marketing and this ABAC standard is whether the marketing message goes beyond a claimed factual statement and draws a conclusion regarding the consequences of the ingredients or another product characteristic. If, for instance, the marketing communication makes it clear that reducing sugar is a good thing, the marketing may be acceptable. If, however, the marketing material is understood as asserting that the product is good for you, it will likely contravene the standard.
22. While each marketing communication must always be assessed individually, some guidance can be taken from the following indicators:
 - Visual components, such as photographs, will tend to be more influential than text;
 - Headings and larger font text will be more influential than smaller font 'fine print' text;
 - Prominent imagery and dominant colours will stand out from background colours; and
 - It is the overall impact of the communication within context that is decisive as opposed to a single sentence or image.
23. The Panel has considered the use of the term 'guilt-free' in alcohol marketing in previous determinations. The appropriateness of the expression always turns on the context in which it is used. There is no outright prohibition of the term. However, care needs to be taken that its use does not suggest alcohol provides a positive health benefit as opposed to emphasising a product attribute such as a beverage not containing sugar.
24. On balance, the Panel believes that the Part 3 (c)(iv) standard has not been breached. In reaching this conclusion, the Panel noted that the most prominent messaging is about the product having zero sugar content, and a reasonable person would understand the reference to 'guilt-free' as being linked to the fact that this variant of Tipsy Tea has no sugar, rather than understanding that the product itself has a health benefit through no adverse consequences.
25. The complaint is upheld with respect to Item 2 and dismissed with respect to the other marketing items.

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:

(a)(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> <i>(A) excessive Alcohol consumption (more than 10 standard drinks per week or more than 4 standard drinks on any one day); or</i> <i>(B) Alcohol consumption while pregnant or breastfeeding;</i>
(c)(ii)	<i>show (visibly, audibly or by direct implication) the consumption or presence of Alcohol as a cause of or contributing to the achievement of personal, business, social, sporting, sexual or other success;</i>
(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>

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.