



## ABAC Adjudication Panel Determination 170/25

<b>Determination Date</b>	24 December 2025
<b>Brands/Company</b>	Bone Dry Drinks/CW Wines
<b>Media</b>	Digital – Social Media
<b>ABAC Code provisions</b>	Part 3 (c)(i), (c)(ii) & (c)(iii) and Part 4 (b)
<b>Outcome</b>	Upheled

### Part 1 - Determination Overview

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

The complainant was concerned that:

- Influencer social media posts were not properly identified as advertising;
- The posts referenced alcohol but did not contain a drink responsibly message;
- The posts imply that alcohol is integral to celebration, luxury or success; and
- The posts were not age-restricted.

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

The Panel upheld the complaint in part, finding that:

- The posts are marketing communications for ABAC purposes.
- The posts were not age-restricted and hence in breach of Part 4 (b) of the ABAC Code.

The complaint was otherwise dismissed, with the Panel finding:

- The proper identification of material as advertising falls under the jurisdiction of Ad Standards and the AANA Code of Ethics, and not the ABAC Scheme.
- There is no ABAC standard requiring alcohol marketing to carry a Drink Responsibly message.
- The posts did not suggest that alcohol caused or contributed to the success of the two social influencers or that the success of the 2025 ARIA Awards depended upon the presence of alcohol.

## Marketing Communications:

Post 1	Post 2	Post 3
<p><u>Instagram</u></p> 		

## Part 2 - The Panel's View

1. This determination arises from three Instagram posts from the wine producer Bone Dry Drinks (the Company):
  - Post 1 was posted to the fashion\_critical Instagram account and comprises five images of the Influencer modelling what she is wearing to the ARIA Awards. The text accompanying the post in part reads:
 

‘When [@bonedrydrinks](#) invited me to the ARIAS to celebrate their dry AF rosè, I understood the assignment. ❤’

The remainder of the text thanks the photographer and suppliers of various aspects of her outfit.
  - Post 2 was posted to the a\_p\_artistry Instagram account and depicts several full champagne glasses stacked in a pyramid.
  - Post 3 was made to the fashion\_critical Instagram and shows a partially consumed bottle of Bone Dry Rosé, superimposed with the words ‘When @bonedrydrinks invited me to the ARIAs, I got the memo’.

2. The complainant raises several concerns about the posts, namely:
  - That the posts fail to meet the AANA Code of Ethics standards that advertising shall be clearly distinguishable as such (section 2.6) and by failing to contain a ‘drink responsibly’ message, the posts depict material contrary to prevailing community standards (section 2.6); and

- That the posts fail to meet the AANA Code of Ethics standards that advertising shall be clearly distinguishable as such (section 2.6) and by failing to contain a ‘drink responsibly’ message, the posts depict material contrary to prevailing community standards (section 2.6); and

- That ABAC standards have been breached by the posts not being age restricted, and the content of the posts suggests that alcohol causes or contributes to the achievement of social success.

3. The AANA Code of Ethics is a set of good-practice advertising standards that apply to the marketing of all products and services, including, but not limited to, alcohol. Complaints about advertising that does not meet the standards set out in the Code of Ethics are handled by Ad Standards and adjudicated by the Ad Standards Community Panel. These are not within the remit of the ABAC Scheme; accordingly, the Panel will not comment on them.

4. It is not uncommon for some styles of alcohol marketing to include a 'drink responsibly' message. That said, there is no mandatory requirement under the ABAC Code for such a message to be included in alcohol marketing communications, and no breach of an ABAC standard arises from the posts' failure to include this message.

5. In contrast to the general application of the Code of Ethics, the ABAC standards constitute an additional set of good-practice standards that apply specifically to the marketing of alcohol as a product. This means alcohol marketing must *inter alia* satisfy:

- direct government regulation of marketing, eg protections against misleading and dishonest claims contained in Australian Consumer Law;
- direct government regulation of alcohol as a product sourced in State/Territory Liquor Acts;
- The generally applied standards in the AANA Code of Ethics; and
- The alcohol as a product specific standards set out in the ABAC Code.

6. This means that the complainant's concerns that fall within the scope of the ABAC Code relate to the social media posts implying that alcohol is integral to celebration, luxury or success and that the posts were not age restricted.

7. The Panel has considered social media influencer marketing by alcohol companies in previous determinations. In brief:

- Influencers are a potentially powerful means of giving a brand credibility and authenticity, given the influencer's standing with their followers.
- An alcohol marketer may engage an influencer to promote or reference a brand through a direct commercial relationship; in such a case, the relevant post constitutes a marketing communication for ABAC purposes.
- In other instances, the relationship between the influencer and the alcohol marketer may be indirect, and the test is whether it can be said the marketer had either a reasonable measure of control over the influencers' posts or the marketer can be said to have 'generated' the post which references the alcohol brand or product.

This requires a case-by-case assessment of the factual circumstances surrounding how the post arose.

- If an influencer's post constitutes an ABAC marketing communication, all ABAC Content and Placement standards apply to the post, and the alcohol marketer is responsible for ensuring that ABAC requirements are satisfied.

8. The complaint concerns posts by two influencers. The social media accounts under the handle of - a\_p\_artisty - are created by Melbourne-based Adelle Petropoulos. Ms Petropoulos has built her following from cooking videos and fashion/lifestyle commentary. She is popular on TikTok (185K followers) and Instagram (50K plus followers).

9. Fashion Critical is a longstanding (in social media influencer terms) account providing commentary on Australian and international celebrities and their fashion choices. The creator of the account was, until very recently, anonymous, but after the tragic December 2025 Bondi Beach mass shooting, the account owner, Dani Lombard, revealed her identity in solidarity with Sydney's Jewish community. A feature of Ms Lombard's posts was her attendance at gala events while maintaining her online anonymity.

10. The Company explained its relationship with Ms Petropoulos and Ms Lombard was as follows:

- It had a formal contractual agreement with @fashion\_critical to create content during the ARIA Awards event. Posts that formed part of this agreement were subject to its review. The posts identified in the complaint, however, were not part of the agreed deliverables.
- Adelle of @a\_p\_artistry was invited to attend the ARIA Awards on behalf of Bone Dry Drinks, with her ticket, flights, and accommodation provided. The post in question depicted an art piece created at the Warner After Party. It did not involve alcohol consumption and was an organic post outside of any formal contractual agreement.

11. The creation of the posts by the influencers outside of the terms of their contractual agreement with the Company does not necessarily mean that the Company has no responsibility for the posts for ABAC purposes. The business model of a social media influencer is based on a relationship with the provider of goods and services, with the intent of gaining financial benefit. This can be a direct payment or the provision of products.

12. While the precise commercial terms between the Company and the influencers are beyond the scope of this determination, the Company advised it had a level of control over the posts of the influencers, including review rights. The influencers' going off-script and posting material not expected by the Company does not preclude the Company from at least requesting that the influencers remove or modify references to its products. Further, the influencers would not have created the posts except for the

relationship with the Company and their attendance at the ARIA event. The Panel believes the posts are within the scope of the ABAC Scheme.

### **ABAC Placement Standards**

13. The complainant argued the posts were not age-restricted. This brings into play the ABAC Placement Standards that have the policy aim that alcohol marketing should, to the extent possible, be directed towards adults and away from minors. The standard in Part 4 (b) obliges an alcohol marketer to utilise available age restriction controls to exclude minors from the audience of a marketing communication, such as posts on social media.
14. The Company advised that its social media accounts are age-restricted, but it was unable to confirm the position with the two social media influencers. It is possible to age-restrict individual Instagram posts without applying this setting to a person's entire account. A review conducted by the ABAC Complaints Officer confirmed that the Bone Dry Drinks Instagram account is age restricted; it seems the Fashion\_Critical and a\_p\_artistry accounts and the posts in question were not. Accordingly, Part 4 (b) has been breached.

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

15. The second ABAC issue raised by the complainant is that the content of the posts implies that alcohol is integral to celebration, luxury or success. This concern enlivens the following Code standards that an alcohol marketing communication must not:
  - Suggest that the consumption or presence of alcohol may cause or contribute to an improvement in mood or environment – Part 3 (c)(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 – Part 3 (c)(ii);
  - Suggest that the success of a social occasion depends on the presence or consumption of alcohol – Part 3 (c)(iii).
16. The Company believed the posts did not breach these standards, arguing that:
  - The posts referenced attendance at a high-profile event. They did not suggest that alcohol consumption improved mood or environment, nor did they depict alcohol as essential to the enjoyment of the event.
  - The posts did not portray alcohol consumption as a cause of personal, business, social, sporting, sexual, or other success. Attendance at the ARIA Awards was the focus, and Bone Dry Drinks was mentioned solely in connection with event participation.
  - The posts did not suggest that the success of the ARIA Awards depended on alcohol consumption. The event itself was the subject matter, and Bone Dry Drinks

was referenced as part of the hospitality experience, not as a determinant of the event's success.

17. The assessment of whether a Code standard has been breached is based on the probable understanding of the marketing by a 'reasonable person'. The reasonable person test is drawn from the common law system. It means that the life experiences, values and attitudes held commonly by most people in the Australian community are the benchmark.
18. The key concept in the Part 3 (c) standard is causation. It is acceptable to place alcohol with successful, attractive people in enjoyable settings. What is not permitted is to suggest that alcohol caused or contributed to the success of a person or that the success of a social occasion depends on alcohol.
19. The posts are set in the context of the 2025 ARIA Awards. While alcohol is depicted at the awards and the two influencers reference Bone Dry Wine, the Panel does not believe the posts suggest that the success of the ARIA Awards as an event or the social standing of the two influencers was attributable to alcohol. Alcohol is an adjunct to attending the event, not a contributing factor to the success of the influencers or the event.
20. The complaint is upheld with respect to placement standard in Part 4 (b) and dismissed with respect to compliance with Part 3 (c) of the Code.

### **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 (c) of the Code requires that an Alcohol Marketing Communication must NOT:*

(i)	<i>suggest that the consumption or presence of Alcohol may cause or contribute to an improvement in mood or environment;</i>
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(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>
(iii)	<i>suggest that the success of a social occasion depends on the presence or consumption of Alcohol; or</i>

*Part 4 of the Code requires that:*

(b)	<i>Available Age Restriction Controls must be applied to exclude Minors from viewing an Alcohol Marketing Communication and an Alcohol Alternative Marketing Communication.</i>
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**Company Response:**

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

**Agreement with influencers**

- Bone Dry Drinks had a formal contractual agreement with @fashion\_critical to create content during the ARIA Awards event. Posts that formed part of this agreement were subject to our review, with responsible consumption messaging included. The posts identified in the complaint, however, were not part of the agreed deliverables.

**Nature of the complained-about posts**

- **Post 1 (Fashion Critical):** This post did not feature an alcohol product or consumption. It simply highlighted the influencer's outfit and acknowledged attendance at the ARIA Awards with Bone Dry Drinks.
- **Post 2 (Adelle / @a\_p\_artistry):** Adelle was invited to attend the ARIA Awards on behalf of Bone Dry Drinks, with her ticket, flights, and accommodation provided. The post in question depicted an art piece created at the Warner After Party. It did not involve alcohol consumption and was an organic post outside of any formal contractual agreement.
- **Post 3 (Event setup):** This post showed the ARIA Awards ceremony room setup, with tables prepared for guests. As the official wine supplier, Bone Dry Drinks provided wine and ice buckets to each of the 140 tables. The post reflected the event environment rather than individual consumption.

## Responsibility for posts

- Bone Dry Drinks exercised control over posts that were part of the contractual deliverables with @fashion\_critical. The posts at issue in this complaint were created independently by the influencers and were not subject to our prior review. From our perspective, these posts did not depict irresponsible drinking, nor did they suggest that alcohol consumption was integral to success or enjoyment of the event.
- While the posts were created independently and outside any contractual arrangement, in light of this complaint, we have proactively contacted the influencers to request, where the platform allows editing, that they consider adding an appropriate disclaimer, including 'AD', to ensure clear disclosure of their attendance being facilitated by Bone Dry Drinks.

## Placement Standards – Part 4 of the Code

- **Age restriction controls.** Bone Dry Drinks' own Instagram account employs available age restriction controls to limit access by minors. We cannot confirm whether the influencers' accounts have implemented identical restrictions, as these settings are managed independently by each account holder.
- **Content alongside minors' material.** The posts were published in the context of coverage of the ARIA Awards, a mainstream entertainment event. To our knowledge, the posts did not appear alongside content primarily aimed at minors. The influencers' accounts are lifestyle and fashion-oriented, with audiences predominantly comprised of adults.

## Content Standards – Part 3(c) of the Code

- **Mood or environment:** The posts referenced attendance at a high-profile event. They did not suggest that alcohol consumption improved mood or environment, nor did they depict alcohol as essential to the enjoyment of the event.
- **Success or achievement:** The posts did not portray alcohol consumption as a cause of personal, business, social, sporting, sexual, or other success. Attendance at the ARIA Awards was the focus, and Bone Dry Drinks was mentioned solely in connection with event participation.
- **Social occasion success.** The posts did not suggest that the success of the ARIA Awards depended on alcohol consumption. The event itself was the subject matter, and Bone Dry Drinks was referenced as part of the hospitality experience, not as a determinant of the event's success.

## Conclusion

- Bone Dry Drinks acknowledges the importance of the ABAC Code and the Panel's role in upholding responsible alcohol marketing. While the posts in question were

not generated or controlled by our company, we remain committed to cooperating fully with the Panel and to adopting best practices to ensure that our marketing activities comply with community standards.

***Marketing Best Practice:***

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

- **ABAC signatory status:** Bone Dry Drinks is not currently a signatory to the ABAC Scheme.
- **Acceptance of Panel decision:** While not a signatory, Bone Dry Drinks will accept and comply with the Panel's determination in respect of this complaint.
- **Pre-vetting service:** The content in question was not submitted to the ABAC Pre-vetting Service because it was independently generated by influencers.
- **Training:** Staff responsible for Bone Dry Drinks' marketing have undertaken internal training on responsible alcohol promotion. We are reviewing ABAC's online training course and will ensure that relevant staff complete it.
- **Other steps:** Bone Dry Drinks maintains internal guidelines to ensure marketing practices align with community expectations. We are committed to strengthening these processes, including closer monitoring of influencer-generated content to ensure compliance with responsible marketing standards. As part of this ongoing improvement, and noting that some posts were created independently outside any contractual arrangement, we have proactively contacted the influencers involved to request that, where static posts can be edited, they consider adding clear disclosure, such as "AD" or an appropriate disclaimer, to avoid any future ambiguity for audiences.