



ABAC Adjudication Panel Determination 182/25

Determination Date	9 January 2026
Brand/Company	Tatachilla Wines/Vinarchy Australia Limited
Media	Facebook
ABAC Code provision	Part 3 (d)
Outcome	Dismissed

Part 1 - Determination Overview

Complaint:

A social media video post by Tatachilla Wines shows friends drinking a couple of bottles of Prosecco next to a swimming pool, providing the wrong impression of combining drinking with swimming.

Key findings:

The Panel dismissed the complaint, finding that the context of the video, specifically that the women are fully dressed and wearing make-up, establishes that swimming will not occur after the consumption of alcohol.





Marketing Communication:

[Link to Facebook Post](#)

The marketing communication is a video with a voiceover posted to Facebook, as described below.

The text accompanying the post reads:

“There’s sunshine, fresh sea air & nothing on the agenda. Lighter in alcohol yet retaining all the taste, Tatachilla wines were made for enjoying in these moments. Shop Tatachilla’s NEW Prosecco in store or online.”

<p>Voiceover (VO): Warm weather calls for something as easy as the afternoon itself.</p> <p>Light, refreshing and made to keep going.</p> <p>Tatachilla Prosecco was literally designed for the long, sun-stoked hours.</p>		
<p>VO: Because it's lower in alcohol, it lets the afternoon stretch out, and the way it's paired with seafood, it's almost so perfect.</p> <p>Crisp bubbles, salty oysters, prawns, whatever is fresh on the table. It's coastal energy you can taste.</p>		
<p>VO: Tatachilla's Prosecco just gets summer, and the label even changes colour when it's perfectly chilled.</p> <p>No effort. No overthinking. Just a bottle made for the daytime.</p>		

Part 2 - The Panel's View

1. This determination concerns a social media video post by Vinarchy ('the Company') promoting its Tatachilla Prosecco ('the product'). The complainant contends that the posts show the consumption of alcohol around a swimming pool and may provide incorrect information about the safety of doing so.
2. Part 3(d) of the Code provides that alcohol marketing may not depict or directly imply 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.
3. The policy intent of the Part 3 (d) standard is that alcohol marketing should not model alcohol consumption before or in conjunction with activities that are inherently

dangerous 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.

4. 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, surfing, scuba diving, etc, has finished and will not be recommenced.
5. Assessing whether a marketing communication complies with an ABAC standard is based on how a reasonable person would understand the marketing. A 'reasonable person' considers the typical life experiences, values, and opinions held by the majority of the community as the benchmark. Someone who interprets a marketing element differently is not 'unreasonable'; however, most people may not share that understanding.
6. The Company argues that a reasonable person would conclude that the posts align with the Code. It is contended:
 - No person is shown swimming.
 - No person is shown in the pool or likely to go into the pool;
 - No person is wearing bathers, nor are any bathers, towels, goggles, pool tools, or other swimming paraphernalia in the frame.
 - All four people are fully clothed in attire not typically worn for swimming, wearing full makeup and hair done.
 - No behavioural cues are suggesting imminent swimming. It is clear they have no intention of entering the pool, and the scene depicts a social dining occasion adjacent to a pool, not participation in a water activity.
7. The Panel does not believe that the post breaches the Part 3 (d) standard, noting:
 - The voice-over does not mention swimming.
 - The women are fully clothed, with their hair done and wearing makeup.
 - There are no items suggestive of swimming, such as towels, goggles or swimwear, shown in the video.

- It is permitted to place alcohol consumption near a swimming pool provided it is apparent that use of the pool will not occur before or during consumption.
- A reasonable person will understand from the context and scenario depicted in the video that swimming will not take place.

8. The complaint is dismissed.

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 Panelist Professor Louisa Jorm and Panelist Debra Richards.

Applicable ABAC Responsible Marketing Code Standard

Code Part 3 (d) - An Alcohol Marketing Communication must NOT 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.

Company Response

The Company was provided with an opportunity to respond to the complaint, and its principal comments were:

- For the reasons set out below, we submit that Vinarchy has not breached Part 3(d) of the Code and that the ABAC Panel should dismiss the Complaint.
- The Advertisement is a Facebook Reel created by influencer talent and reposted by the Tatachilla Brand of four friends enjoying a bottle of Tatachilla Prosecco near a swimming pool with food. In particular:-
 - No person is shown swimming.
 - No person is shown in the pool or likely to go into the pool;
 - No person is wearing bathers, nor are any bathers, towels, goggles, pool tools, or other swimming paraphernalia in the frame.

- They are eating food.
- All four people are fully clothed in attire not typically worn for swimming, wearing full makeup and hair done. No behavioural cues are suggesting imminent swimming. It is clear they have no intention of entering the pool, and the scene depicts a social dining occasion adjacent to a pool, not participation in a water activity.
- Decision 180/24 of the Panel:-
 - States “[i]t 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.” This is also reiterated in Decision 147/25.
 - Outlines what a reasonable person would understand a marketing communication set next to a swimming pool as to whether that person would consume the product and then enter the pool, to include: “How is the person dressed, e.g are they fully clothed or wearing swimming gear...”
- As outlined above, the setting and styling were intentionally designed to ensure that no reasonable person would interpret the scene as depicting alcohol consumption occurring before or during swimming. The talent is fully clothed, wearing full makeup, seated with food, and without towels, swimwear, or any behavioural cues indicating imminent swimming. The scene clearly depicts a social dining occasion adjacent to a pool, not participation in a water activity.
- Vinarchy is of the strong view that a reasonable consumer would recognise that the friends are enjoying a bottle of Prosecco between them next to the pool and are not dressed for or intending to enter the swimming pool.

Marketing Best Practice

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

- Vinarchy creates its alcohol marketing compliant with the ABAC Code. Further, the agency and influencer talent were provided with clear ABAC guidance during the briefing process. The direction specified that the talent must be fully dressed, appropriately made up, and not in swimwear. This was deliberate and adhered to on set.
- Vinarchy will carefully consider any decision of the Panel before taking or refraining from any action.

- This specific influencer content was not submitted to ABAC for formal pre-vetting. This is consistent with our standard process, where influencer content is assessed internally against ABAC guidelines rather than submitted for external approval. For completeness, all related Tatachilla OOH assets featuring similar waterside environments were formally ABAC pre-screened before release (namely, approvals 11743, 12306, and 12110 from application 10509-2025).
- Vinarchy staff are regularly provided with internal training on ABAC obligations. This training also addresses Vinarchy's internal marketing policies and compliance with the ACCC.
- In addition to creating ABAC-compliant marketing, Vinarchy trains its marketing teams on the ABAC Code and the Vinarchy Global Code of Responsible Practices for Alcohol Advertising. That Policy requires all marketing to ensure Responsible Placement; Responsible Content; be in Good Taste; communicate the Alcoholic Nature of the drink; and include a Social Responsibility Statement. Vinarchy has demonstrated a long-standing commitment to responsible marketing.