



ABAC Adjudication Panel Determination 184/25

Determination Date	12 January 2026
Brand/Company	Neu Drink/Deltaforce Drinks Pty Ltd
Media	Packaging and Digital – Instagram
ABAC Code provisions	Part 3 (c)(iv)
Outcome	Dismissed

Part 1 - Determination Overview

Complaint:

The packaging of Neu Drink, and a supporting social media video, claim the product provides a health benefit

Key findings:

The Panel dismissed the complaint, finding:

- The packaging contained information about the product's contents but did not assert that the product offered positive health benefits.
- The social media video highlights shared concerns about premix drinks but makes no mention of the health benefits of Neu Drink.

Marketing Communications:

Packaging





Social Media Post

<p>The social media video depicts different people answering the question 'What are your red flags when choosing a drink for a night out?' This question is superimposed throughout the video.</p>	<p> neu.drink • Follow Original audio ...</p> <p> neu.drink What are your red flags when it comes to choosing a go-to drink for a night out?</p> <p>Neu Drink is the first Vodka + Electrolytes drink without bubbles. Low sugar, all-natural flavours, colours and sweeteners</p>
<p>Person 1 (P1): <i>I personally don't like the really sweet drinks, like a mediciney aftertaste in your mouth.</i></p>	<p> neu.drink • Follow Original audio</p> <p>WHAT ARE YOUR RED FLAGS WHEN CHOOSING A DRINK FOR A NIGHT OUT?</p> 
<p>P2: <i>I tend to avoid bubbles. I just hate feeling like bloated.</i></p>	<p> neu.drink • Follow Original audio</p> <p>WHAT ARE YOUR RED FLAGS WHEN CHOOSING A DRINK FOR A NIGHT OUT?</p> 

<p>P3: I hate drinks that are really, really sugary because you can't drink them freely. They make you feel really sick. Your whole night is ruined. So that's a major red flag.</p>	
<p>P4: I hate when fizzy seltzers make you really bloated.</p>	

Part 2 - The Panel's View

1. This determination considers the packaging and social media marketing of Neu Drink ('the product') by Deltaforce Drinks Pty Ltd ('the Company'). The complainant is concerned that both forms of marketing focus on the product's purported health benefits.
2. This concern raises the ABAC standard in Part 3 (c)(iv), which provides 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. The two marketing items will be considered in turn below.

Packaging

3. The packaging of Neu Drink can be described as follows:
 - It is packaged in a 330 ml can that is predominantly white, with a yellow asterisk or stylised star on the front.
 - The word 'Neu' is shown across the front of the can in large black letters. Beneath 'Neu' are the words 'Lemon Crush & Vodka' in smaller font.

- Towards the top of the can are the words 'No Bubbles' followed by 'For Your Belly'.
- At the bottom of the can, the information states that the product contains electrolytes, that the can contains 330mls, that it is 4% ABV, and that it is equivalent to one standard drink. Information on the quantities of sodium, calories, magnesium, potassium, sugar, and calcium is also shown at the bottom of the can.
- The back of the can contains information about the Company and nutritional and other information about the product. It also includes the words 'Introducing a Neu way to drink. This isn't your average premix. No bubbles. No gas. Just smooth vodka mixed with natural lemon flavour, electrolytes and minerals. Naturally sweetened, and sweet bugger all calories too. Oh, and tasty! How refreshing'.

4. 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 for what is reasonable.
5. When assessing the design of a can or bottle, it cannot be expected that a reasonable person will turn the container 360 degrees and study it in fine detail. Instead, it is the front of the can/bottle that will be most influential in shaping how the person understands the packaging, and larger font sizes, predominant colours, and design features will most strongly influence impressions. This means that information on the side and rear of a can should be noted, but it will have less influence.
6. The Company argues that the packaging design does not suggest that it offers a health benefit. It is submitted:
 - The phrase 'No bubbles for your belly' serves solely to communicate that NEU is a non-carbonated product. It does not assert, imply, or infer any therapeutic, functional, or health-related benefit, nor does it suggest that the product will aid relaxation, mitigate adversity, or provide any beneficial physiological effect.
 - We disclosed electrolytes and their quantities solely for product transparency. This disclosure does not attribute any functional or therapeutic benefit to the presence of electrolytes.
7. The Company is entitled to select the posture of its brand and, in doing so, draw on the ingredients used to make the product and/or describe its method of manufacture. Issues with the Part 3(c)(iv) standard arise when marketing goes beyond a factual statement of claimed product attributes and asserts impacts or benefits of the ingredients and method of production.

8. The Panel believes that the packaging does not contravene the Part 3(c)(iv) standard. In reaching this conclusion, the Panel noted:

- The key concept in the Part 3 (c) standard is causation. It is not permitted to suggest that alcohol offers any therapeutic or health benefit, is needed to relax, or helps overcome problems or adversity.
- The terms 'No Bubbles' and 'For Your Belly' would likely be understood together as indicating that the product is not carbonated. The terms do not purport to confer a health benefit.
- The information listed regarding the product's contents does not constitute a claim that these contents offer a health benefit.

Social Media Post

9. The social media post is a video in which four women answer the question, 'What are your red flags when choosing a drink for a night out?' They variously respond that they don't like sugary drinks that make them feel sick, or fizzy drinks that make them feel bloated. The text accompanying the post reads that 'Neu Drink is the first Vodka + Electrolytes drink without bubbles. Low sugar, all-natural flavours, colours and sweeteners'.

10. The Company contended that the video reflected generalised consumer sentiment about premixed alcohol products rather than comparative claims about competitor products. Given the possibility that the video, with its accompanying text, might be understood as asserting that Neu Drink may avoid specific negative experiences associated with other products, the Company removed the post.

11. In specific contexts, a marketing claim may promote a product by asserting that it avoids the adverse effects of alcohol use, thereby constituting a claim that the product offers a positive health benefit. Each case must always be assessed on its own merits, but in this instance, the Panel does not believe the Part 3 (c)(iv) standard has been breached. The Panel noted:

- The most influential component of the post is the video, with the accompanying text being of less influence.
- The video consists of comments from women who don't like certain premixed drinks, primarily because they find the drinks 'overly sweet' or because they cause bloating.
- The product is not mentioned in the video.
- The accompanying text describes the product's characteristics but makes no health-benefit claim based on those characteristics.
- Even if the post was understood as claiming the product does not have the 'disadvantages' noted in the video, i.e. no poor aftertaste, not overly sweet,

does cause bloating, these claims do not go to the product providing a health benefit.

12. 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 Louisa Jorm and Panellist Debra Richards.

Applicable ABAC Responsible Marketing Code Standard

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

(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>
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Company Response:

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

- Deltaforce Drinks Pty Ltd (“Deltaforce”), owner of the NEU brand, is an Australian start-up whose objective is to establish a new sub-category within the vodka premix segment. As the market currently offers exclusively carbonated vodka premix products, we identified a material gap for a non-carbonated alternative. Given that consumers purchasing vodka premix products would ordinarily expect carbonation, it is essential from a consumer transparency and non-misleading conduct standpoint that our packaging and marketing communications clearly state that NEU is a non-carbonated beverage.

NEU Packaging

- Explicit reference to the absence of carbonation is necessary to avoid misleading consumers. The phrase “No bubbles for your belly” serves solely to communicate that NEU is a non-carbonated product. It does not assert, imply,

or infer any therapeutic, functional, or health-related benefit, nor does it suggest that the product will aid relaxation, mitigate adversity, or provide any beneficial physiological effect. This language was validated through consumer focus groups with our Gen Z target audience, who uniformly interpreted the message as referring only to the product's non-carbonated nature.

- The product contains electrolytes as part of its formulation. Consistent with accepted practice across the premix category, where products routinely disclose sugar content, caloric content, carbohydrate levels, gluten status, and similar factual attributes, we disclosed electrolytes and their quantities solely for product transparency. This disclosure does not attribute any functional or therapeutic benefit to the presence of electrolytes.

Instagram Post

- To demonstrate our good faith, cooperation, and respect for ABAC processes, we have already removed the referenced Instagram post.
- The post reflected common terminology used by our target demographic. Within this context, "red flags" denote consumer preferences or dislikes, such as high sugar content, excessive carbonation, or feelings of bloating. These are issues that are frequently and consistently raised in our consumer research and are widely understood within the premix category. Should the Panel require verification, we are prepared to provide unedited footage of consumer interviews substantiating that these comments reflect generalised consumer sentiment rather than comparative claims about competitor products.
- Notwithstanding the foregoing, we acknowledge that the caption "Neu Drink is the first Vodka + Electrolytes drink without bubbles. Low sugar, all-natural flavours, colours and sweeteners" may be construed, when viewed in conjunction with the video content, as implying that NEU may avoid specific negative experiences associated with other products. We have noted this concern and recognise how such an interpretation could arise.

Marketing Best Practice:

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

- The NEU packaging (both the can and the four-pack outer wrap) was submitted to the ABAC Pre-Vetting Service and received full approval on 22 May 2025.
- We reaffirm our commitment to responsible marketing practices and will implement enhanced internal processes to ensure stricter review and compliance with all future social media content.
- Deltaforce accepts the Panel's determination in relation to the social media post complaint.

- We confirm that we sought and followed the advice of the ABAC Pre-Vetting Service regarding the packaging materials referenced in the complaint.
- Our agency has now completed the ABAC online training programme. Copies of the completion certificates are enclosed.
- Although Deltaforce is not a signatory to the ABAC Code, we recognise its importance and remain fully committed to ensuring that all NEU marketing materials align with community standards and expectations for responsible alcohol marketing. We appreciate the Panel's consideration of our response and remain available to provide any further information or clarification required.