



## ABAC Adjudication Panel Determination 187/25

|                             |  |
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| <b>Determination Date</b>   | 13 January 2026                          |
| <b>Brand/Company</b>        | Coopers Brew Kit/Coopers Brewery Limited |
| <b>Media</b>                | Digital – Social Media                   |
| <b>ABAC Code provisions</b> | Part 3 (b)(i)                            |
| <b>Outcome</b>              | Dismissed                                |

### Part 1 - Determination Overview

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

A social media post promoting Coopers Brew Kits adopts a Christmas theme, showing a reindeer and a Christmas tree, and would strongly appeal to minors.

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

The Panel dismissed the complaint, finding that while the post was an example of cross-category brand promotion within the scope of the ABAC Code, it did not have a strong appeal to minors, given:

- The advertised product is intended for an older audience.
- The Christmas tree and reindeer are standard Christmas tropes, not explicitly associated with minors but with the season more broadly.
- Taken as a whole, the post at its highest would have an incidental as opposed to a strong or evident appeal to minors.

## Marketing Communication:

### [Link to Facebook Post](#)



## Part 2 - The Panel's View

1. This determination concerns a social media post by Coopers Brewery Limited (the Company) promoting its DIY brewing kits. The post adopts Christmas themes - a reindeer and a Christmas tree - and is set on a beach as a nod to an Australian Christmas. The words 'Brew-Dolph Loves an Aussie Xmas' are superimposed over the image. Coopers' branding is visible on the brew kit boxes. The accompanying text reads: 'Christmas unboxing never looked so good. Unwrap the perfect gift for any beer lover (or yourself!) with pricing and outlet information'.

### ABAC Scheme and Brand Extensions

2. The Company contends that the post is not a marketing communication captured by the ABAC Scheme. It is argued that, because the post markets brew kits rather than a beverage, they do not constitute 'alcohol brand extensions to non-alcohol beverage products,' as the kits are a foodstuff.
3. Brand extensions are a form of marketing that uses an established alcohol brand name on non-alcoholic products. They can be broadly categorised into two classes, namely:
  - Line extensions- i.e. new products in the same general category, such as an alcohol producer adding zero-alcohol products to their beverage range; and
  - Category extensions- i.e. alcohol company branding applied to entirely different products or services, such as clothing or food.

4. The ABAC Scheme applies to the marketing of alcohol beverages by Australian alcohol producers, distributors, and retailers. The application of the ABAC Code is dealt with in Part 2 and adopts a wide and non-exhaustive list of examples of marketing communications, which includes 'cross category brand promotion.' (Part 2 (a)(vi)).
5. Over time, the Panel has considered various types of brand extensions found to be within the scope of the ABAC Code, including:
  - Determination 59/19 - Jack Daniel's branding on a set of BBQ implements.
  - Determination 82/19 - Bundaberg Rum branding on Ice Break Iced Coffee packaging.
  - Determination 118/19 - Bundaberg Rum branding on Paul's Egg Nog packaging.
  - Determination 124/20 - VB branding of a male fragrance.
  - Determination 185/20 - VB branding on Volley sandshoes.
6. The current case is an example of cross-category brand extension of the Company's branding on a non-alcoholic beverage product. It is within the intended scope of Part 2 (a)(vi), and, consistent with longstanding Panel precedents, it is a marketing communication to which the ABAC standards apply.

### **Strong and Evident Appeal to Minors**

7. The complainant contends that the post will appeal to minors because it depicts a Christmas tree and Rudolph the Red-Nosed Reindeer and has an overall Christmas theme. This concern brings into focus the ABAC standard in Part 3 (b)(i) of the Code that provides that alcohol marketing must not have a strong or evident appeal to minors.
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, serving as the benchmark for what is reasonable.
9. The Part 3 (b)(i) 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, such that the marketing communication is likely to appeal strongly to minors.

10. The Panel has considered the Part 3 (b) standard on many occasions. 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;
- creation of a relatable environment by use of images and surroundings commonly frequented by minors;
- depiction of activities or products typically undertaken or used by minors;
- language and methods of expression used more by minors than 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); and
- use of a music genre and artists featuring in youth culture.

11. It should be noted that only some of these characteristics are likely to be present in a specific marketing communication, and the presence of one or even more of the characteristics does not necessarily mean that the marketing item will have a strong or evident appeal to minors. It is the overall impact of the marketing communication, rather than any individual element, that shapes how a reasonable person will understand the item.

12. While submitting the marketing was not within the scope of the ABAC Code, the Company nonetheless argued the post did not have a strong appeal to minors, arguing that:

- The celebration of Christmas is not limited to children or teenagers; participation is open to all ages.
- A reasonable person does not immediately equate the presence of 'Christmas imagery' with children, and to do so fails to consider the nature of the celebration as a whole.
- Neither the use of a decorated Christmas tree with presents beneath it nor a reindeer in a Coopers DIY kit box has a strong or evident appeal to minors, as both are images associated with Christmas generally.

- Renaming Rudolph the Red-Nose Reindeer as Brew-Dolph does not have a strong or evident appeal to minors,
  - There is no particular appeal in the marketing to children beyond the general appeal to an adult who might be interested in home brewing.
13. The Panel believes the post does not breach the Part 3 (b)(i) standard. In reaching this conclusion, the Panel noted that:
- The use of Christmas imagery in the marketing of all products is a common practice. It reflects the broad relevance of Christmas to the community, including, but not by any means exclusively, minors.
  - Care needs to be taken when using Christmas imagery in alcohol marketing because of the potential for the imagery to appeal to minors.
  - That said, there is no prohibition on Christmas imagery in alcohol marketing, with each example to be assessed on its own merits.
  - The post would not likely appeal to minors, given:
    - The advertised product is intended for an older audience.
    - The Christmas tree and reindeer are standard Christmas tropes, not explicitly associated with minors but with the season more broadly.
    - Taken as a whole, the post at its highest would have an incidental as opposed to a strong or evident appeal to minors.
14. 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 Panellist Professor Louisa Jorm and Panellist Debra Richards.

## ***Applicable ABAC Responsible Marketing Code Standard***

*Part 2 of the Code provides that:*

- (a) ...  
*Examples of marketing communications and media the Code applies to include, but are not limited to:*  
...  
  
(vi) *cross category brand promotion;*  
...

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

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

### ***Company Response:***

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

- Coopers has reviewed the marketing in question (*the Marketing*) and confirms it is within the control of Coopers.
- Coopers contend that the Code does not apply to the Marketing as the Code does not capture the product being advertised. The Marketing is for a homebrew product (specifically, a DIY beer brewing kit), which is a foodstuff (used to produce an alcoholic product through an involved fermentation process). We do not consider the product to be captured by the Code, as not only is it not an Alcohol Beverage, it also does not meet the understood meaning of “alcohol brand extensions to non-alcohol beverage products” as it is a food product.
- Despite the Marketing not being captured by the Code, out of an abundance of caution, Coopers utilise the pre-vetting service for much of the marketing of its DIY products.

- We confirm that Coopers utilised the Pre-vetting Service in relation to this Marketing, and interim approval was obtained on 24 November 2025 (Application 12337-2025). Advice was provided regarding the use of Christmas characters and themes. In accordance with that advice, no amendments were made, and the Marketing proceeded as submitted.
- Notwithstanding that Coopers do not consider the Marketing to be captured, for completeness, we have addressed the questions you raised in your letter.
- Coopers are of the view that in considering if the elements of the Marketing have a strong or evident appeal to minors, it is crucial to consider how a reasonable person might look at such. In doing so, it is prudent to reflect on the nature of Christmas as a celebration.
- In Australia, Christmas is widely celebrated in both the private and public spheres by people of many faiths, backgrounds, and ages. The celebration of Christmas is not reserved solely for children or teenagers, but rather for those who celebrate. Participation is at all age ranges. It is an accepted part of the Christmas tradition to purchase or make gifts for family and friends of all ages, with this writer anecdotally noting that they have purchased gifts this year for friends and family aged between 2 years and 86 years of age, several of whom would have an interest and use for the product. Coopers contend that a reasonable person does not immediately equate the presence of “Christmas imagery” to children, and to do so fails to consider the nature of the celebration as a whole.
- Turning then to the Marketing itself, Coopers consider that:
  - Neither the use of a decorated Christmas tree with presents beneath it nor a reindeer in a Coopers DIY kit box has a strong or evident appeal to minors, as both are images associated with Christmas generally.
  - Renaming Rudolph the Red-Nose Reindeer as Brew-Dolph does not have a strong or evident appeal to minors, and
  - There is no particular appeal of the Marketing for Children beyond the general appeal to an adult who might be interested in home brewing.
- Further, Coopers notes that the Marketing is only available on Facebook, TikTok, Google Ads and Instagram, where it is age-gated (and accordingly is not viewable by those under the relevant age) or through our electronic email subscriber list, where people are required to confirm their age before being subscribed and for which minors are unable to be added.
- For the reasons set out above, we consider that there is no Strong or Evident Appeal to minors and accordingly the Marketing is not in breach of Part 3(b)(i) of the Code.

***Marketing Best Practice:***

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

- Coopers Brewery Limited (*Coopers*) is committed to the ABAC Scheme and strives to fulfil its obligations to market its products responsibly. The company maintains strict internal and external processes to help ensure compliance with the ABAC Responsible Alcohol Marketing Code (*the Code*). It regularly utilises the ABAC Pre-vetting Service in connection with its activities.
- With reference to the queries set out in the Complaint regarding our commitment to responsible alcohol marketing practices, Coopers confirms:
  - It is an ABAC signatory and has committed to meet ABAC Code Standards.
  - Cooper's employees who are responsible for the marketing referred to in the complaint have completed the current ABAC training course; and
  - Coopers has taken a variety of steps to ensure that its marketing practices and materials comply with community expectations for responsible alcohol marketing.
- Coopers reiterate its commitment to the responsible marketing of its products and its obligations under the Code. Coopers considers the Code and ABAC's administration of such to be robust and supports the scheme operators.