



ABAC Adjudication Panel Determination 191/25

Determination Date	14 January 2026
Brand/Company	Various / Funsters
Media	Digital – Social Media
ABAC Code provision	Part 3 (a)(i) & (a)(ii)
Outcome	Upheled

Part 1 - Determination Overview

Complaint:

Four social media videos show or encourage excessive and/or rapid alcohol consumption by depicting individuals drinking directly from the bottles of Funsters flavoured vodka (20% ALC/VOL, 500ML).

Key findings:

The Panel upheld the complaint on Video 1, finding that excessive consumption was directly implied through a combination of:

- Depicting the consumption of glasses of the product, followed by further consumption directly from the product bottle.
- The implication that the product had been extensively consumed, based on the bottle being substantially empty.
- The 'pre-loading' connotation raised by the scenario depicted.

The Panel upheld the complaint on Video 2, finding that excessive and rapid consumption was directly implied. In reaching this conclusion, the Panel noted:

- The scenario depicted concerns the product's potential use at a family Christmas lunch to assist with navigating obnoxious and tiresome relatives.
- The depiction of the product being consumed directly from the bottle appears several times, including a shot overlaid with the text "*That goes down way too easily,*" which is suggestive of rapid consumption.
- The consumption of the entire bottle of the product is suggested - "we can promise to shut up your annoying rellites for as long as the bottle lasts" and this implies excessive consumption.

- The product's introduction and the subsequent demeanour of various party attendees are suggestive of excessive consumption.
- While no single scene in the video necessarily breaches the Code standard, the combined impact of various scenes, taken as a whole, would be understood by a reasonable person as showing or encouraging rapid and/or excessive consumption.

The Panel dismissed the complaint on Video 3, finding:

- The scenario depicts the product's potential as an easy Christmas gift choice.
- The video depicts the four products in the Company's range and shows cocktails prepared with the products. It does not address the rate or extent of the product's consumption.
- In the context of the video as a whole, the two shots of the product being consumed directly from the bottle are more likely to be understood as depicting the product being tasted than as modelling rapid or excessive consumption.

The Panel upheld the complaint on Video 4, finding that rapid consumption was directly implied. In reaching this conclusion, the Panel noted:

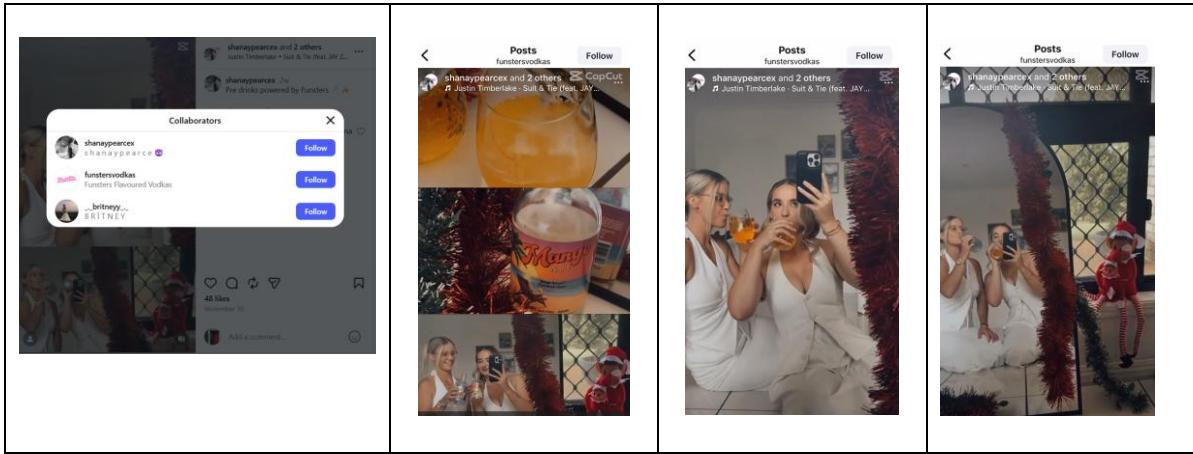
- While no single person is shown drinking more than once from a bottle, the quick intercutting of shots of 28 individuals each drinking contributes to a reasonable implication of rapid consumption.
- Several shots show bubbles in the neck of the bottle as the product is consumed, establishing that more than a mouthful is being taken, and that consumption is occurring rapidly.
- A reasonable person would understand that rapid, uncontrolled consumption is endorsed as an appropriate method of consuming the product.

Marketing Communications:

Video 1

[Instagram](#)

A private individual created the video. It depicts two well-dressed women filming a video in front of a mirror while drinking Funsters products. Initially, the women drink from a glass and then directly from the bottle. The accompanying text reads 'Pre drinks powered by Funsters 🥂✨'. Funsters is shown as a collaborator on the social media post.



Video 2

Instagram

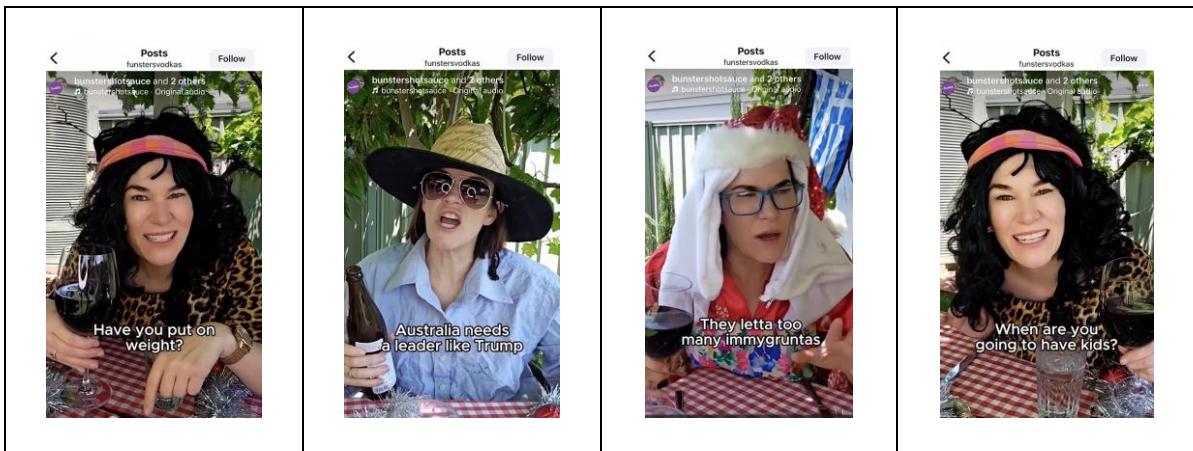
A video that depicts the product's potential role in navigating a Christmas lunch with obnoxious relatives.

 bunstershotsauce and 2 others ...
Original audio

 bunstershotsauce 1w
Need a distraction to take to the Family Christmas Lunch? Look no further than Chockers, Snickers flavoured Vodka.
95% of the time, it works every time.
Comes with a money back satisfaction guarantee*

*we just guarantee the drink will be good. We can't guarantee your Christmas lunch will be good.

#aussieboardgames #christmasgiftideas
#onlyinaustralia #bunsters
#shitthebedhotsauce #drinkinggames
#funstersdrinks #funsters
#flavouredvodka #bunsterscocktails
#straya #memewhileinaustralia



Person 1 (P1): Have you put on weight?	P2: Australia needs a leader like Trump.	P3: They let too many immygruntas into my country.	P1: When are you going to have kids?
			
Voice Over (VO): Are you already dreading another awkward Christmas lunch with the family?	VO: Has helping in the kitchen	VO: Sitting at the kids' table P4 talking to a child: Bitcoin had a sick run this year.	VO: Or bringing a board game not helped in the past?
			
VO: This year, you need to bring Chockers.	VO: Snickers flavoured Vodka	VO: Tastes like silky smooth chocolate, caramel and roast peanuts, just like a Snickers bar with a cheeky boozy kick.	VO: And only 95 calories per serve. A person drinks from an alcohol bottle.

			
<p>VO: <i>It's guaranteed to change the conversation.</i></p> <p>P1: <i>That's only five Weight Watchers points. Baileys is eight.</i></p>	<p>P3: <i>Ooh, it's a gooda grappa. You make it in the bathtub?</i></p>	<p>P2: <i>It tastes just like Snickers. These people are going to get sued.</i></p>	<p>VO: <i>No dairy, low sugar, just irresistible chocolate, caramel and peanut flavoured vodka.</i></p>
			
<p>VO: <i>That goes down way too easily.</i></p> <p>A woman drinks from an alcohol bottle.</p>	<p>VO: <i>We can't promise your Christmas won't suck, but we can promise to shut up your annoying rellies for as long as the bottle lasts.</i></p>	<p>VO: <i>And for extra insurance, buy all four flavours. There's Cherry Ripe...</i></p>	<p>VO: <i>...Fruit Tingles and Mango Gelato. And they all come with a money-back guarantee just in case Auntie Karen doesn't like them.</i></p> <p>A woman drinks from an alcohol bottle.</p>

Video 3

Instagram

A video in which a woman speaks to the camera and advocates the products as a choice for Christmas presents.

<p>Person 1 (P1): <i>If you're stuck on what to get your friends and family who love a cocktail and a [unintelligible], listen here, I have the perfect gift for you.</i></p>		
<p>P1: <i>I'm going to be so real with you. Christmas is one month away, and I haven't even started my Christmas shopping. But the Funster's range has saved me.</i></p> <p><i>There are four vodkas to choose from – Bomba, Zingle, Mangaz and Chockers. So, you can pick the flavour that suits whoever you are buying for.</i></p>		
<p>P1: <i>So, on Christmas Day, when everything is so chaotic, you can just pour it over ice and mix it in with whatever is in your fridge. It couldn't get easier if you tried.</i></p> <p><i>Honestly, this is the easiest win; this is perfect for your friends, family, Secret Santa.</i></p> <p><i>Grab a few, and your Christmas shopping is basically finished.</i></p>		

Video 4

Instagram

The video compares the alcohol consumer's point of view (POV), being a row of Funsters alcohol products, to the bottles' POV view of 28 individuals drinking directly from a bottle.



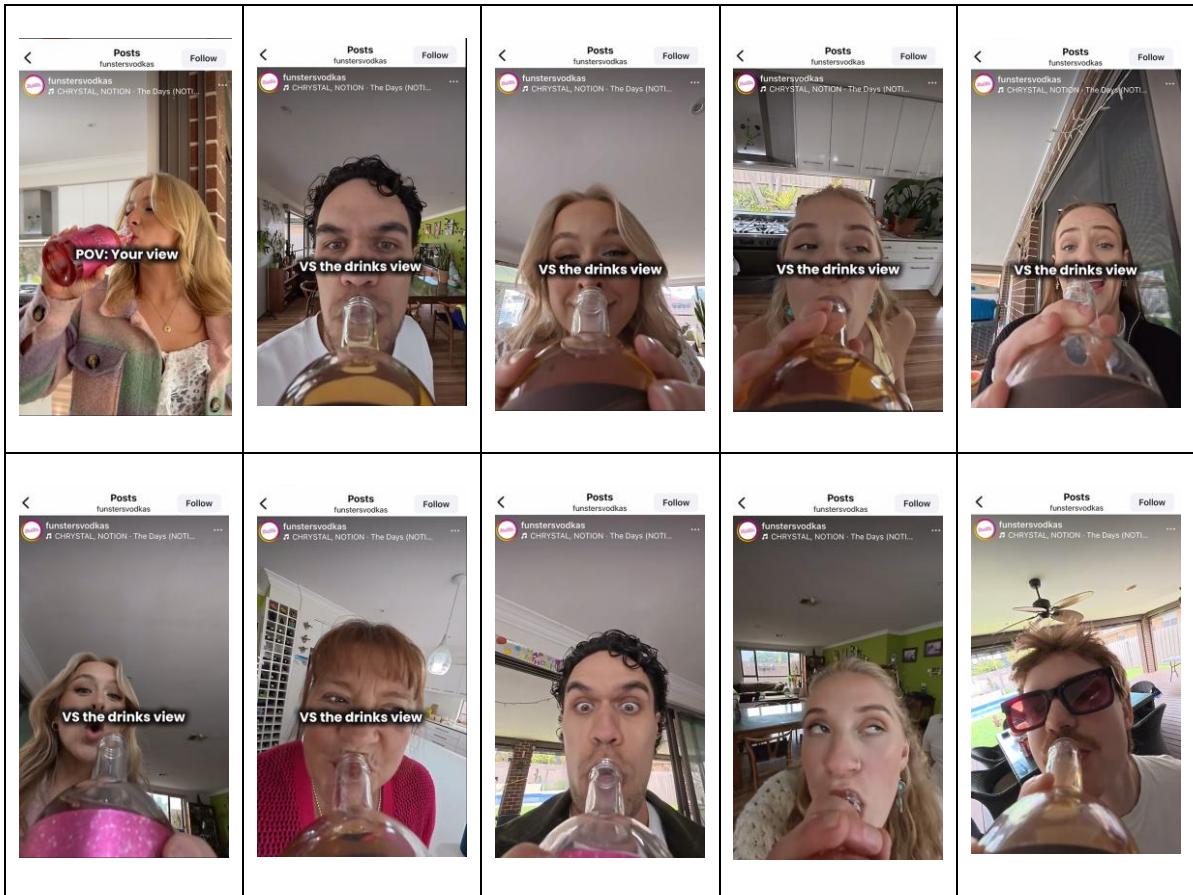
funstersvodkas 2w
Our flavoured vodkas hate being the life of the party... said no one ever.

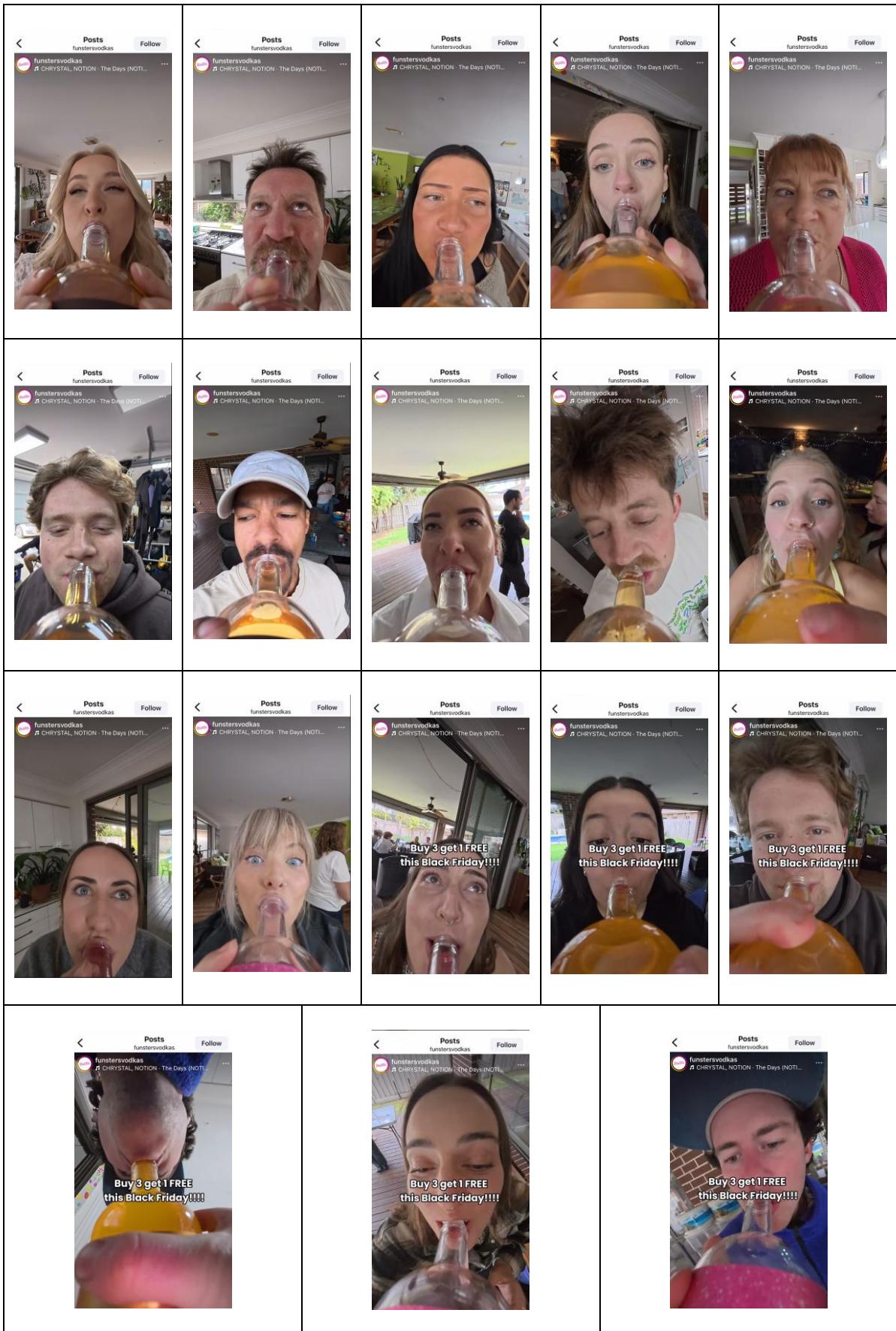
Stock up now before they disappear.
Our cheeky Black Friday deal won't hang around. Buy 3 bottles, we'll sling you a 4th one FREE.

Perfect for Chrissy pressies, end-of-year drinks or just stashing away for when Aunty Jan starts talking politics. Deal ends soon so don't muck around.

👉 Tap the link and fill that bar cart.

#saturdaycocktails #flavouredvodka
#funsters #sipthefun #bunsterscocktails
#bunsters #christmascocktails
#christmasgifts #christmasideas





Part 2 - The Panel's View

Background

1. This determination arises from the complainant's identification of four social media videos by Funsters (the Company) showing individuals drinking directly from 500 mL bottles (20% ABV) of Funsters vodka (the products). While the complaint did not expand as to why this was problematic, the Panel takes the concern to be the showing or encouragement of excessive and/or rapid alcohol consumption.
2. This concern potentially enlivens two Code standards, namely:
 - Part 3 (a)(i) requires that an alcohol marketing communication must not show, 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 4 standard drinks on any one day); and
 - Part 3 (a)(ii) requires that an alcohol marketing communication must not show, encourage, or treat as amusing, rapid alcohol consumption, misuse or abuse of alcohol or other irresponsible or offensive behaviour that is related to the consumption or presence of alcohol.
3. The Company argues that the videos do not breach ABAC standards, contending that:
 - The videos do not depict, encourage, or treat as amusing excessive or rapid alcohol consumption.
 - While the product is shown being consumed directly from the bottle, the content does not show time-compressed drinking, intoxication, completion of a bottle, or any encouragement to consume alcohol in a manner inconsistent with the Australian Guidelines to Reduce Health Risks from Drinking Alcohol.
 - The depiction is limited to brief, casual consumption in a social context and does not imply quantity, speed, or frequency of consumption. An ordinary, reasonable viewer would not infer excessive or rapid alcohol consumption from the material.
 - Although the product is packaged in a bottle and may be consumed directly from that container if a consumer chooses, the advertising does not depict or encourage the consumption of an entire bottle on a single occasion or any other unsafe drinking behaviour. The presence of a bottle alone does not imply excessive or rapid consumption, and no such implication is conveyed in the posts.
4. The assessment of the consistency of a marketing communication with a Code standard is from the perspective of a reasonable person's probable understanding of the marketing. This means that the attitudes, values and life experience shared by most people serve as the benchmark. If it is possible to interpret an item of marketing

in several ways, it is the most likely interpretation that is to be preferred over a possible but less likely understanding.

5. There is no prohibition as such on alcohol marketing showing consumption directly from a bottle. With a high-ABV product, such as spirits, it is customary to consume the beverage from a glass, often with a mixer. Direct consumption from a 500 mL bottle may lead a reasonable person to interpret the marketing as showing or endorsing excessive and/or uncontrolled rapid consumption.
6. That said, each marketing communication must be assessed on its own merits, and, invariably, the context of how and why a person is depicted drinking from the bottle will be crucial. For instance, Determination 93/20 concerned a social media image depicting a woman drinking Fireball Whiskey directly from a 700 mL bottle. The complainant believed this encouraged excessive alcohol consumption. The Panel found that the ABAC standard was not breached, noting:
 - Drinking a spirit directly from the bottle (as opposed to a ready-to-drink spirit product or a stubbie of beer) can raise an inference of excessive consumption however;
 - The accompanying text contextualises the image by drawing attention to the woman's attire and the fact that the product has been chilled.
 - The text does not allude to, or suggest, excessive or rapid consumption.
 - The woman does not appear affected by alcohol, and
 - There are no other visual cues of excessive consumption in the photograph, e.g. empty bottles.
7. In contrast, Determination 151/25 concerned several social media posts showing people drinking directly from a bottle of wine. The Panel found that the posts' context directly implied excessive consumption, as they showed the person drinking from the bottle while holding a glass of wine, and the accompanying text inferred excessive consumption, i.e., 'Why choose between bottle or glass when you can have both?'

Video 1

8. Video 1 shows two women drinking from glasses and then directly from bottles of the product. The women's attire and the accompanying text contextualise the scenario as the women having 'pre-drinks', i.e., drinking before going out for the evening.
9. On balance, the Panel believes the video breaches the Part 3 (a)(i) standard by directly implying excessive consumption through a combination of:
 - Depicting the consumption of glasses of the product, followed by further consumption directly from the product bottle.

- The implication that the product had been extensively consumed, based on the bottle being substantially empty.
- The ‘pre-loading’ connotation raised by the scenario depicted.

Video 2

10. Video 2 depicts the product as helpful in navigating a testing family's Christmas lunch. The video is mildly humorous, drawing on tropes of a family Christmas lunch bringing together obnoxious relatives. In considerable measure, the video promotes and describes the Chockers variety within the Funsters range. It's a long video, and at several points, the product is shown being consumed directly from the bottle.
11. The Panel believes the video breaches the Part 3 (a)(i) and (ii) standards. The Panel noted:

- The scenario depicted concerns the product's potential use at a family Christmas lunch to assist with navigating obnoxious and tiresome relatives.
- The depiction of the product being consumed directly from the bottle appears several times, including a shot overlaid with the text “*That goes down way too easily*,” which is suggestive of rapid consumption.
- The consumption of the entire bottle of the product is suggested - “we can promise to shut up your annoying rellites for as long as the bottle lasts”, and this implies excessive consumption.
- The product's introduction and the subsequent demeanour of various party attendees are suggestive of excessive consumption.
- While no single scene in the video necessarily breaches the Code standard, the combined impact of various scenes, taken as a whole, would probably be understood by a reasonable person as showing or encouraging rapid and/or excessive consumption.

Video 3

12. Video 3 centres on a woman speaking to the camera and explains how Funsters products are a good and simple choice for Christmas presents. The woman's explanation is accompanied by images of the products, including two brief shots of individuals drinking directly from a bottle.
13. The Panel does not believe the video breaches the Part 3 (a)(i) and (ii) standards. The Panel noted:
- The scenario depicts the product's potential as an easy Christmas gift choice.

- The video depicts the four products in the Company's range and shows cocktails prepared with the products. It does not address the rate or extent of the product's consumption.
- In the context of the video as a whole, the two shots of the product being consumed directly from the bottle are more likely to be understood as depicting the product being tasted than as modelling rapid or excessive consumption.

Video 4

14. Video 4 begins with a shot of the four Funsters vodka products and then shows 28 individuals in quick succession drinking directly from bottles of the product. While reasonable minds might differ on the interpretation of the video, on balance, the Panel believes the most likely interpretation is that the video would be taken as endorsing rapid alcohol consumption. It is noted:

- While no single person is shown drinking more than once from a bottle, the quick intercutting of shots of 28 individuals each drinking contributes to a reasonable implication of rapid consumption.
- Several shots show bubbles in the neck of the bottle as the product is consumed, establishing that more than a mouthful is being taken, and that consumption is occurring rapidly.
- Taken as a whole, a reasonable person would likely understand that rapid, uncontrolled consumption is endorsed as an appropriate method of consuming the product.

15. The complaint is upheld as to Videos 1, 2, and 4, and is dismissed as to Video 3.

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 Cristiano Lima.

Applicable ABAC Responsible Marketing Code Standard

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

(a)(i)	<p><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></p> <p><i>(A) excessive Alcohol consumption (more than 10 standard drinks per week or more than 4 standard drinks on any one day); or</i></p> <p><i>(B) Alcohol consumption while pregnant or breastfeeding;</i></p>
(a)(ii)	<p><i>show (visibly, audibly or by direct implication), encourage, or treat as amusing, rapid Alcohol consumption, misuse or abuse of Alcohol or other irresponsible or offensive behaviour that is related to the consumption or presence of Alcohol;</i></p>

Company Response

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

- The posts the subject of this complaint do not depict, encourage, or treat as amusing excessive or rapid alcohol consumption.
- While the product is shown being consumed directly from the bottle, the content does not show time-compressed drinking, intoxication, completion of a bottle, or any encouragement to consume alcohol in a manner inconsistent with the Australian Guidelines to Reduce Health Risks from Drinking Alcohol. The depiction is limited to brief, casual consumption in a social context and does not imply quantity, speed, or frequency of consumption. An ordinary, reasonable viewer would not infer excessive or rapid alcohol consumption from the material.
- Although the product is packaged in a bottle and may be consumed directly from that container if a consumer chooses, the advertising does not depict or encourage the consumption of an entire bottle on a single occasion or any other unsafe drinking behaviour. The presence of a bottle alone does not imply excessive or rapid consumption, and no such implication is conveyed in the posts.

Marketing Best Practice

It is noted that:

- The Company is not a signatory to the ABAC Scheme.
- The marketing was not pre-vetted.
- A Company staff member has completed the ABAC online training course.