



ABAC Adjudication Panel Determination 8/26

Determination Date	27 January 2026
Brand/Company	Margarita Cocktail/Curatif Operations Pty Limited
Media	Social media
ABAC Code provision	Part 3 (a)(i)
Outcome	Dismissed

Part 1 - Determination Overview

Complaint:

A social media post promoting a Curatif Margarita Cocktail dispenser encourages overconsumption and binge drinking by using the words '24 margaritas in a keg, 24 hours in a day. A coincidence? We think not.'

Key findings:

The Panel dismissed the complaint, finding that:

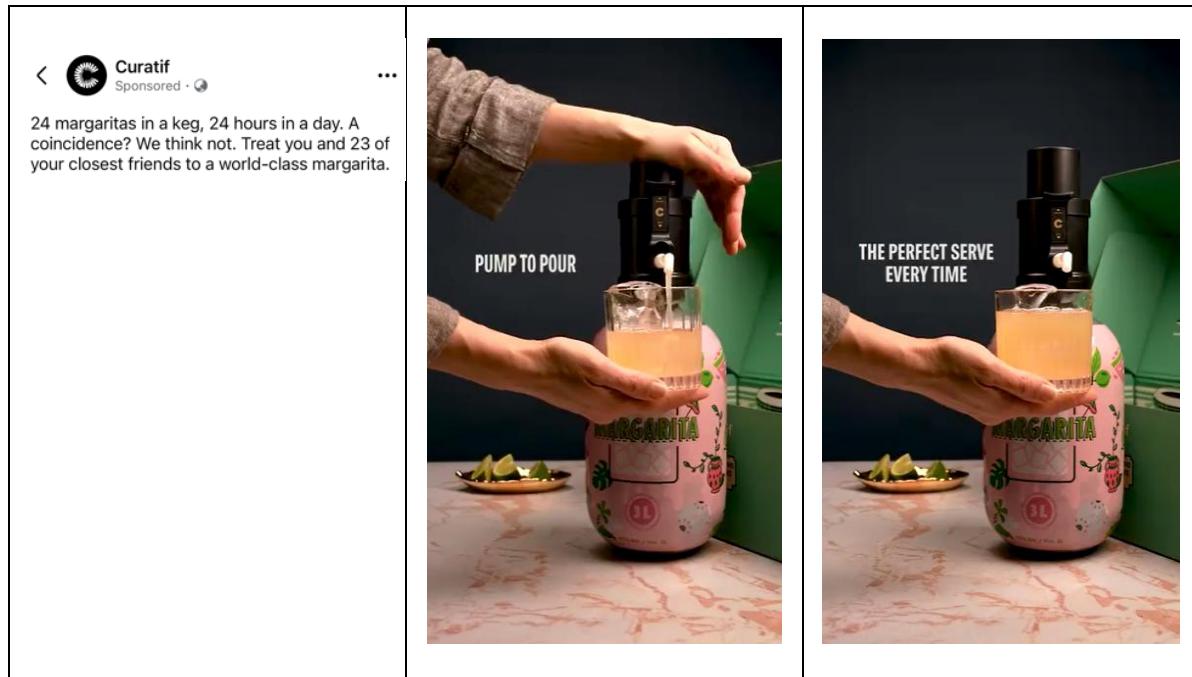
- The most influential element of a social media post will usually be the imagery rather than the accompanying text.
- The video shows the keg being used to pour a single drink and, by itself, does not suggest excessive consumption.
- Context to the video is provided by accompanying text, and this text aligns the capacity of the keg - 24 margaritas, with 24 hours in a day and 24 people.
- While the post suggests consuming the entire contents of the keg in a single day, this is qualified by the fact that the consumption is shared by the keg's owner and 23 friends.
- Taken as a whole, the post does not show or encourage excessive alcohol consumption.

Marketing Communication:

<https://www.facebook.com/ads/library/?id=1574897003700978>

The marketing communication consists of a video posted to social media demonstrating the use of a Curatif Margarita Cocktail dispenser and accompanied by the words '24 margaritas

in a keg, 24 hours in a day. A coincidence? We think not. Treat you and 23 of your closest friends to a world-class margarita.'



Part 2 - The Panel's View

1. This determination concerns a social media post promoting Curatif's Margarita Cocktail dispenser ('the product') by Curatif Cocktails ('the Company'). The post features a video demonstrating the dispenser's use. The video is accompanied by the text '24 margaritas in a keg, 24 hours in a day. A coincidence? We think not. Treat you and 23 of your closest friends to a world-class margarita.'
2. The complainant is concerned that the words '24 margaritas in a keg, 24 hours in a day. A coincidence? We think not' encourage overconsumption and binge drinking. This concern enlivens Part 3 (a)(i) of the Code which 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).
3. 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.
4. In response to the complaint, the Company submitted that:

- The post is intended to emphasise the product's format (a keg containing 24 serves), not to invite an individual to consume 24 drinks in a single day. The post contains no depiction of rapid consumption, intoxication, binge drinking behaviour, drinking games, or any other conduct inconsistent with responsible consumption.
- Critically, the text states: 'Treat you and 23 friends' - which expressly stipulates that the promotion is for shared consumption among 24 people, i.e., one margarita each. The suggestion of solitary consumption of 24 drinks is not merely unsupported; the post's wording itself contradicts it.

5. In framing the complaint, it is possible that the complainant did not notice the text in full and missed the important context provided by the line 'Treat you and 23 of your closest friends to a world-class margarita.' This might have occurred depending on the device used to access the post, e.g., a mobile phone rather than a tablet or laptop, and on the layout for different screen sizes. In any event, the complaint is based on the accompanying text to the video but omits reference to the 23 friends consuming the product.

6. The Panel believes that the post does not breach the Part 3 (a)(i) standard, noting:

- The most influential element of a social media post will usually be the imagery rather than the accompanying text.
- The video shows the keg being used to pour a single drink and, by itself, does not suggest excessive consumption.
- Context to the video is provided by accompanying text, and this text aligns the capacity of the keg - 24 margaritas, with 24 hours in a day and 24 people.
- While the post suggests consuming the entire contents of the keg in a single day, this is qualified by the fact that the consumption is shared by the keg's owner and 23 friends.
- Taken as a whole, the post does not show or encourage excessive alcohol consumption.

7. 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 Michael Lavarch AO, Health Sector Panellist Professor Richard Mattick AM 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) *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:*

(A) *excessive Alcohol consumption (more than 10 standard drinks per week or more than 4 standard drinks on any one day); or*

(B) *Alcohol consumption while pregnant or breastfeeding;*

Company Response

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

- Curatif rejects the complaint in its entirety. Properly construed, the marketing communication does not show, encourage, or treat as amusing excessive consumption, nor does it suggest (let alone promote) a person consuming “24 margaritas in 24 hours”.
- The complaint proceeds on an unreasonable and artificial reading of the copy “24 margaritas in a keg, 24 hours in a day. A coincidence? We think not.”
- That line is plainly a rhetorical device intended to emphasise the product’s format (a keg containing 24 serves), not to invite an individual to consume 24 drinks in a single day. The advertisement contains no depiction of rapid consumption, intoxication, binge drinking behaviour, drinking games, or any other conduct inconsistent with responsible consumption.
- Critically, the very next line of the advertisement states: “Treat you and 23 friends”—which expressly stipulates that the promotion is for shared consumption among 24 people, i.e., one margarita each. The suggestion of solitary consumption of 24 drinks is not merely unsupported by the marketing; the advertisement’s wording itself contradicts it.
- If the Code is to be applied in a manner that reflects ordinary consumer understanding, the post cannot reasonably be interpreted as promoting a person consuming 24 standard drinks in a day. The complaint is therefore misconceived.
- In our view, the complaint is vexatious in nature. It requires the Panel to accept an implausible interpretation that ignores the most prominent qualifying language

(“Treat you and 23 friends”) and instead adopts the least charitable, least realistic construction available.

- Curatif is a responsible marketer and does not promote irresponsible or unsafe drinking under any circumstances.
- For the reasons above, Curatif submits that Complaint 8/26 should be dismissed. The marketing does not breach Part 3(a)(i) (or any other part) of the Code.

Marketing Best Practice

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

- Curatif is committed to responsible alcohol marketing practices and to compliance with applicable Australian advertising standards.
- Curatif will cooperate with the ABAC complaints process in good faith and will carefully consider the Panel’s determination.
- Curatif maintains internal review processes for marketing communications to ensure they meet community expectations and the standards set out in the Code.
- Curatif staff involved in alcohol marketing are familiar with responsible marketing obligations and act accordingly.