



ABAC Adjudication Panel Determination 14/26

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| Determination Date | 9 February 2026 |
| Brand/Company | Asahi Beverages/Hard Rated |
| Media | Television |
| ABAC Code provision | Part 3 (b)(i) |
| Outcome | Dismissed |

Part 1 - Determination Overview

Complaint:

The complainant is concerned that a television advertisement for Hard Rated uses lemons and the tagline 'Born Cheeky' in a way that appeals to children.

Key findings:

The Panel dismissed the complaint, finding that:

- The ad associates the product and the 'Born Cheeky' tagline with lemons presented in a way to invoke a person's bottom.
- The advertisement is light-hearted in nature and will have appeal across age groups, including, but not limited to, minors.
- While younger children often go through a phase where bottoms are a source of humour, this generally does not extend to older minors, who are more likely to engage with alcohol.
- Taken as a whole, the ad would probably be understood as having no greater attractiveness for minors than it would for adults.

Marketing Communication:

The marketing communication is a television commercial for Hard Rated, which can be described as follows:

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| <p>The screen starts as black, with a stylised can of Hard Rated in the middle.</p> | |
| <p>Two lemons make small bounces onto the screen, entering from the left.</p> <p>Noises congruous with bouncing are heard.</p> | |
| <p>The two lemons are squeezed against the screen, with 'squashing' sound effects heard.</p> | |

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| <p>The lemons move against the screen. Music commences, and a voice-over says:</p> <p><i>Hard Rated. Born Cheeky.</i></p> <p>These words are superimposed on the two lemons.</p> |  |
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Part 2 - The Panel's View

1. This determination concerns a television advertisement for the RTD beverage Hard Rated. The ad shows two lemons moving onto and hard up against the screen. The words 'Hard Rated' and 'Born Cheeky' are then said by a voice-over and are superimposed. The lemons are hard up against each other so that they evoke a person's bottom.
2. The complainant contended that the advertisement strongly appealed to their children. Part 3 (b)(i) of the Code provides that alcohol marketing must not have a strong or evident appeal to minors. This 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.
3. 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.

4. 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.

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 argued that the ad does not breach the ABAC standard, submitting:

- The ad does not have any particular appeal to minors beyond the general humorous appeal that it would have for an adult.
- The use of the lemons is intended to be light-hearted and humorous – in line with the tagline 'Born Cheeky' and consistent with Hard Rated's brand identity, as well as offering a nod to the recognised lemon flavour of the product.
- The ad does not include any additional content or motifs that would reasonably be expected to have a particular attractiveness to minors, beyond the general appeal to an adult audience (i.e. recognised children's characters, activities or themes).
- The use of the tagline 'Born Cheeky' is consistent with the brand identity and is used broadly across Hard Rated advertising materials to capture the brand's tone and energy.
- 'Born Cheeky' has been used by the brand across several campaigns since early 2025, without any particular appeal to a minor or minors.

7. The premise of the ad is the association between the brand's 'Born Cheeky' tagline and the product's lemon taste profile, with the lemons being presented to evoke a person's

bottom. Clearly, the advertisement is light-hearted, and given current social mores, invoking buttocks is hardly scandalous.

8. It is a more balanced judgment as to the appeal of the ad to minors. Many parents will recognise that younger children often go through a phase in which references to the buttocks are engaging. This appeal and, more generally, toilet humour in children generally pass as children get older.
9. Minors in their early and mid-teens (and hence those more at risk of experimenting and consuming alcohol) would likely see the ad as light-hearted in much the same way as the wider adult population. Drawing this together, while the Panel acknowledges the point the complainant is making, it does not believe the ad breaches the Part 3 (b)(i) standard, noting:
 - The ad associates the product and the 'Born Cheeky' tagline with lemons presented in a way to evoke a person's bottom.
 - The advertisement is light-hearted in nature and will have appeal across age groups, including, but not limited to, minors.
 - While younger children often go through a phase where bottoms are a source of humour, this generally does not extend to older minors, who are more likely to engage with alcohol.
 - Taken as a whole, the ad would probably be understood as having no greater attractiveness for minors than it would for adults.
10. 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 Mattick AM and Panellist Debra Richards.

Applicable ABAC Responsible Marketing Code Standard

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, and its principal comments were:

- The marketing material does not breach Part 3 (b)(i) of the Code, as the material does not have a strong or evident appeal to minors.
- We submit that the use of the two lemons, which move across the screen and which then squeak against the screen, does not have any particular appeal to minors beyond the general humorous appeal that it would have for an adult.
- Use of the lemons in the marketing material is intended to be light-hearted and humorous – in line with the tagline ‘Born Cheeky’ and consistent with Hard Rated’s brand identity, as well as offering a nod to the recognised lemon flavour of the product.
- The material does not include any additional content or motifs that would reasonably be expected to have a particular attractiveness to minors, beyond the general appeal to an adult audience (i.e. recognised children’s characters, activities or themes).
- The use of the tagline ‘Born Cheeky’ is consistent with the brand identity and is used broadly across Hard Rated advertising materials to capture the brand’s tone and energy.
- ‘Born Cheeky’ has been used by the brand across several campaigns since early 2025, without any particular appeal to a minor or minors.
- Similarly, the product name ‘Hard Rated’ has been used by the brand since 2024, is well established, and refers to the widely accepted notion of ‘hard’ or alcoholic beverages. It does not have any particular attractiveness to minors.

- In executing the campaign, CUB has had regard to the appropriate placement of the material on Free-to-Air TV and On-Demand services, including with respect to timing and programming.

Marketing Best Practice

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

- CUB submitted the material to the ABAC pre-vetting service and received clearance (13969) on 13 January 2026.
- Asahi Beverages and its subsidiaries, including Carlton & United Breweries (**CUB**), take the responsible advertising of alcohol seriously. We are aware of the Code requirements, and our policies and practices are designed to ensure compliance with all relevant alcohol and marketing guidelines.
- Asahi Beverages is an ABAC signatory and has committed to meet ABAC Code Standards and comply with Panel determinations.
- Asahi Beverages team members have completed the current ABAC online training course.
- Asahi Beverages has taken additional steps to ensure that its marketing practices and materials comply with community expectations regarding responsible alcohol marketing.
- Asahi Beverages is committed to ensuring that our promotional and marketing materials, and those of our associated entities, are in line with the ABAC code. Our goal is for adults to enjoy our products responsibly and in moderation.