



ABAC Adjudication Panel Determination 2/26

Determination Date	14 February 2026
Brand/Company	Patrón Tequila and Grey Goose Vodka/Bacardi-Martini Australia
Media	Television - Hisense TV “Home” Screen
ABAC Code provision	Part 4 (b), (c), (d)
Outcome	Dismissed

Part 1 - Determination Overview

Complaint:

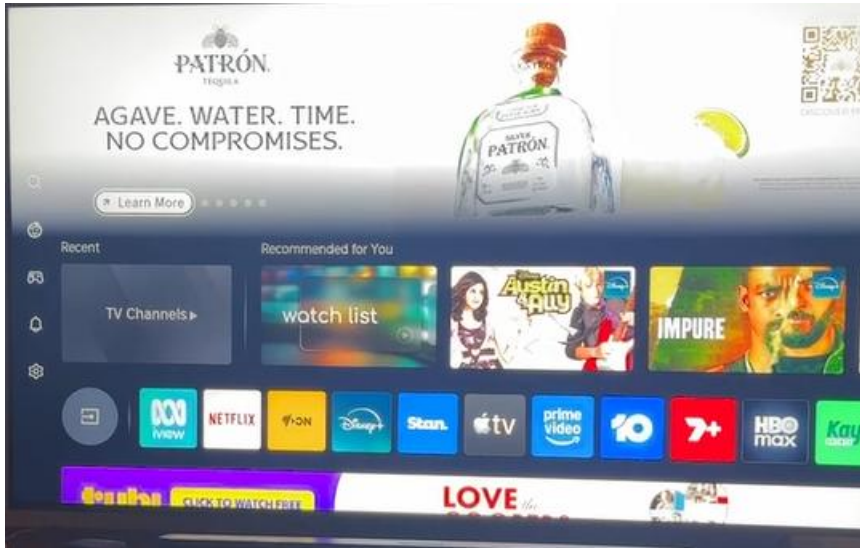
The complainant is concerned about the placement of alcohol advertisements on a Hisense TV “Home” screen adjacent to the carousel of available programs and streaming options, including children’s shows.

Key findings:

The Panel dismissed the complaint, finding that:

- There is no specific media code applying to advertising on a Smart TV home screen.
- Age restriction controls are not available for advertising on a Smart TV home screen.
- While ratings or other data are not collected as to the age of the expected audience of a Hisense television home screen, the ads were placed to appear between the hours of 9 pm and 5 am, and it can be reasonably expected that at least 80% of the audience during those hours would be adults.
- The layout and information on a Smart TV home screen are not content primarily intended for minors.

Marketing Communication:



Part 2 - The Panel's View

1. In early January 2026, the complainant purchased a Hisense Smart TV and was concerned to discover that the home screen displayed advertising for the alcoholic brands Patron Tequila and Grey Goose Vodka. The home screen displays the free-to-air stations and streaming service options available via the TV, as well as information on individual programs and content.
2. The complainant pointed out that, despite applying Parental Controls, the alcohol advertisements still appear. It is the juxtaposition of the alcohol ads with children's program options and the display of the ads at 'all hours' that was the basis of the complainant's concerns.
3. Hisense is a global electronics and household appliance manufacturer of sound systems, refrigerators, laundry appliances and TVs. Hisense Smart TVs use the VIDAA operating system and content platform. The operating system enables Hisense Smart TVs to carry advertising on the TV home screen.
4. The ABAC contains standards for the content of alcohol marketing and its placement. As the concern is not with the content of the ads but with where and when they were displayed, the complaint invokes the ABAC Placement Standards. These standards have the policy aim that alcohol marketing should be directed towards adults and, to the extent reasonably possible, away from minors.
5. The Placement Standards are outlined in Part 4 of the Code and establish requirements related to the technical capabilities of various technologies and media for targeted marketing. For an internet-connected Smart TV, potentially four standards are applicable:

- All applicable media codes applying to alcohol marketing must be complied with, i.e. the Commercial Television Industry Code of Practice (CTICP) - Part 4 (a);
 - Available age restriction controls must be applied to exclude minors from viewing an alcohol marketing communication – Part 4 (b);
 - If there are no age restriction controls, then the marketing may only be placed where the audience is reasonably expected to comprise at least 80% adults - Part 4 (c); and
 - The marketing must not be placed in programs or content primarily aimed at minors - Part 4(d).
6. Bacardi-Martini Australia (the Company) provided detailed information regarding the placement of the advertisements on the Hisense Smart TV, as set out in Part 3 below. At an overview level, the Company submits that the home screen is a 'neutral interface that appears when the TV is switched on' and that the technology does not permit Parental Controls to restrict the ads displayed on the home screen, nor does the home screen have age-restricted controls as such. Rather, the Company's option to limit the likely audience of minors is to select the time of day on which its ads appear on the home screen.
7. Regarding the specific ABAC standards, the Company argues that placement of the ads has not breached any requirement, contending:
- The advertising was scheduled to run from 9 pm – 5 am, in accordance with the Connected TV alcohol safeguards (CTV), and complies with regulatory requirements. No media code applies to alcohol advertising on Smart TV home screens.
 - It is not possible to restrict advertisements placed on a home screen to only adult users of the television. The home screen cannot be restricted by enabling Parental Controls, as they apply only to televised/app content. Rather, limiting the potential audience of minors is dealt with by complying with the 9 pm – 5 am timeslot.
 - We do not have data on adult audience numbers, as this information is not available, i.e., the number of Hisense Smart TV home screen viewers between the hours of 9 pm and 5 am. However, it is widely accepted that the hours of 9 pm – 5 am are suitable times for the presentation of advertising of alcoholic products, as the composition of the relevant audience includes a very low proportion of minors, i.e. less than 20% minors as required by ABAC Part 4 (c).
 - The home screens of Hisense Smart TVs are neutral interfaces that are not intended for minors and therefore do not contain programs or content primarily intended for minors.
8. There is one point at which the complaint is difficult to reconcile with the Company's advice. The complainant notes the alcohol ads appeared on the home screen

whenever the TV is switched on and are displayed 'at all hours of the day'. The Company insists that it selected a time-of-day option for the appearance of the ads between 9 pm and 5 am. While the Panel doesn't doubt the complainant's genuine perception of the ads' constant appearance, the Company supplied its media plan, which confirms the selection of hours for the ads between 9 pm and 5 am.

9. In any event, the ABAC Placement Standards have not been breached. In reaching this conclusion, the Panel noted:

- There is no media code applying to alcohol marketing carried on Smart TV home screens. The Commercial Television Industry Code of Practice (CTICP) regulates broadcast television and generally restricts alcohol advertising on 'traditional' TV to the hours of 8:30 pm to 5 am. Part 4 (a) requires alcohol companies to comply with the CTICP. However, the CTICP does not apply to online digital television broadcasts via a connected television or other digital device, and Part 4 (a) has not been breached.
- There are no age-restriction controls on the Hisense Smart TV home screen. Parent Controls and age-restriction options are available for advertisements placed within streaming platforms/applications selected from the home screen, but not for advertisements on the home screen itself. Hence, the Part 4 (b) standard is not applicable in this case.
- Part 4 (c) of the Code applies and requires that alcohol ads on the home screen appear only when the reasonably expected audience is at least 80% adults. There is no publicly available data on viewership of the home screen, as opposed to the programs subsequently selected and viewed from it. The Panel accepts that the likely viewership of the home screen between the hours of 9 pm and 5 am would not exceed 20% of minors.
- Part 4 (d) states that alcohol ads cannot be placed with content aimed primarily at minors, irrespective of the audience. The complainant noted that children's shows were also being advertised on the home screen. Companies cannot control other marketing that appears before or after their ad; this is a matter for the platform. Further, a television home screen could not be characterised as content primarily aimed at minors.

10. Accordingly, based on the available information, the Panel must dismiss the complaint.

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 Louisa Jorm and Panellist Debra Richards.

Applicable ABAC Responsible Marketing Code Standard

Part 4 of the Code requires that:

<i>(b)</i>	<i>Available Age Restriction Controls must be applied to exclude Minors from viewing an Alcohol Marketing Communication and an Alcohol Alternative Marketing Communication.</i>
<i>(c)</i>	<i>If a digital, television, radio, cinema or broadcast print media platform does not have age restriction controls available that are capable of excluding Minors from the audience, an Alcohol Marketing Communication and an Alcohol Alternative Marketing Communication may only be placed where the audience is reasonably expected to comprise at least 80% Adults (based on reliable, up-to-date Australian audience composition or social media follower data, if such data is available).</i>
<i>(d)</i>	<i>An Alcohol Marketing Communication and an Alcohol Alternative Marketing Communication must not be placed with programs or content primarily aimed at Minors.</i>

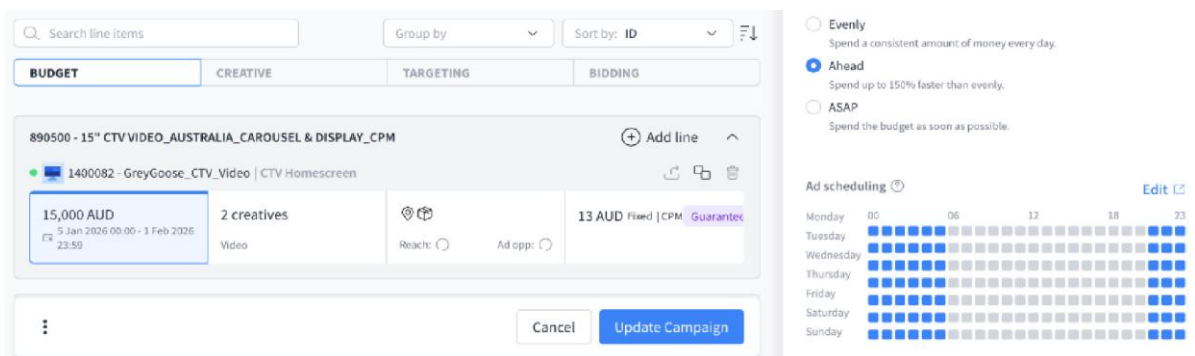
Company Response

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

- Bacardi-Martini Australia (BMA) purchased space on Hisense's CTV home screen (further details below) as part of a marketing campaign for both Patron tequila and Grey Goose vodka. The campaign was conducted by OMD, a marketing agency retained by BMA for this purpose and with which BMA has worked for several years, and which has always demonstrated strong compliance, including with the requirements of the ABAC Scheme. We are informed that OMD utilised its partners, Teads and VIDAA, to secure and implement advertising on Hisense televisions. Both Teads and VIDAA are aware of, well-versed in, and contractually obliged to comply with the requirements of the ABAC Scheme in executing this activation for BMA.
- BMA plans and purchases all media in collaboration with its marketing partners in strict accordance with the ABAC Scheme, including safeguards in place to prevent exposure to minors. Specifically in relation to children's programming, BMA and its

partners plan to ensure that advertisements are never placed adjacent to, or targeting, content primarily directed at minors. This includes:

- Applying audience composition thresholds to ensure placements only run where the audience is 18+, in line with ABAC requirements;
- Ensuring that all programming is entertainment targeted at adults, specifically luxury/prestige audiences;
- Excluding all children's and youth-focused programs, channels, platforms, and environments from media plans;
- Using platform-level targeting controls (e.g. age gating, content exclusions, interest filters) across digital and social channels to actively prevent exposure to minors;
- Working closely with media partners to confirm that alcohol placements do not appear in family viewing blocks, children's time slots, or youth-oriented content categories.
- CTV operates differently due to platform-level controls rather than agency-led targeting choices. In this case, the advertising was scheduled to run from 9 pm to 5 am as part of CTV's standard alcohol safeguards and to comply with regulatory requirements. The screenshot below from the media plan reflects this – on the right-hand side, highlighted with blue dots are the days and times of the week that the advertisements were scheduled to run on the homesccreens of the Hisense Smart TVs, all being between the hours of 9 pm – 5 am:



- It is not possible to restrict advertisements placed in this manner to only adult users of the television. The homescreen of the Hisense television (where the advertisements appear) is a neutral interface that appears to the user when the television is turned on. It cannot be restricted by enabling Parental Controls (screenshot below). Rather, the issue is addressed by complying strictly with the 9 pm–5 am timeslot mandated by the ABAC Scheme.



- The advertisements do not breach Part 4(b) of the Code because (as set out above) age restriction controls cannot be applied to restrict minors from viewing the homescreen of the television when it is turned on. Any parental controls applied to the settings pertain to the televised/app content (for example, exclusion of R18 movies) rather than to advertising content; therefore, while meaningful, they are not relevant to the advertisements displayed.
- We do not have current data on adult audience numbers at this time, as this information is not publicly available (Hisense Smart TV homescreen viewers between 9 pm and 5 am). However, it is widely accepted that the hours of 9 pm – 5 am are suitable times for the presentation of advertising of alcoholic products, as the composition of the relevant audience includes a very low proportion of minors.
- The marketing does not breach Part 4(c) of the Code, as, in compliance with the requirements of the ABAC Scheme, it is not reasonably expected that the audience for the Hisense television homescreens between the hours of 9 pm – 5 am is less than 80% adults.
- The advertisements have not been placed with programs or content primarily aimed at minors and therefore do not breach Part 4(d) of the Code. A visual example of the advertisement placed on the Hisense Smart TV is set out above. The homescreens of the Hisense Smart TVs are treated as neutral interfaces that are not aimed at minors and therefore do not contain programs or content primarily aimed at minors as required under Part 4(d) of the Code.
- The placement of the advertising between the hours of 9 pm and 5 am complies with the requirements of the ABAC Scheme. BMA has conducted rigorous checks with its marketing partners responsible for this execution, which have confirmed that the advertisements in question were only aired between 9 pm and 5 am.

Marketing Best Practice

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

- BMA is (inadvertently) not currently an ABAC signatory but has committed to meet ABAC Code Standards and comply with Panel determinations. BMA will look to remedy this position and become a signatory of ABAC as soon as possible.
- BMA confirms that its key marketing staff and the relevant staff of its partner OMD have completed the current ABAC online training course. BMA will now take steps to ensure that all of its marketing team, including any new starters, complete the training course.
- BMA understands the sensitive nature of the products that it markets and sells. It is a responsible, community-driven corporation that fulfils its obligations in this regard. It believes in relation to this complaint that its marketing practices and advertisements have complied with both community expectations for responsible alcohol marketing as well as the strict requirements of the ABAC Scheme itself.