

## ABAC Adjudication Panel Determination 5/26

<b>Determination Date</b>	21 February 2026
<b>Brand/Company</b>	Alcohol/Plantagenet Hotel
<b>Media</b>	Social Media
<b>ABAC Code provision</b>	Part 4 (b)
<b>Outcome</b>	Upheld

### Part 1 - Determination Overview

#### Complaint:

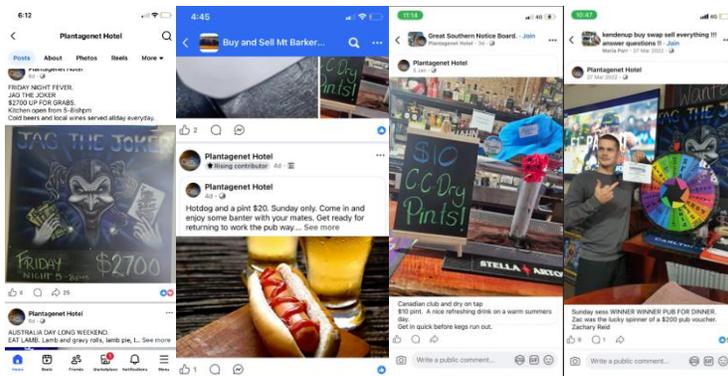
That minors can see alcohol and gambling advertisements for the Plantagenet Hotel on its own Facebook page, and also on wider community-based pages, being *'Buy and sell Mt Barker'*, *'Great Southern Notice Board'* and *'kendenup buy swap sell everything !!! answer questions !!'*

#### Key findings:

The Panel upheld the complaint, finding that available age-restriction controls had not been utilised for posts promoting alcohol.

#### Marketing Communications:

The complaint concerns posts made by the Plantagenet Hotel on its own Facebook page, as well as on wider community-based pages being *'Buy and sell Mt Barker'*, *'Great Southern Notice Board'* and *'kendenup buy swap sell everything !!! answer questions !!'*



## Part 2 - The Panel's View

1. The Plantagenet Hotel (the Hotel) is located in Mount Barker, Western Australia and provides accommodation, entertainment, a restaurant, a bar and a bottle shop. The Hotel promotes its activities and amenities via social media.
2. The complainant takes issue with the Hotel's social media marketing. It is contended that it is irresponsible to promote gambling and alcohol on Facebook community pages and that the Hotel's posts on the community pages and its own social media accounts are visible to minors.
3. Several of the complainant's concerns are outside the remit of the ABAC Scheme, which is confined to the responsible marketing of alcohol. For instance, gambling advertising is regulated by a wagering code administered by the Australian Association of National Advertisers. Further, there is no regulatory restriction as such on a business placing ads on community Facebook pages, with control over this resting with Meta, the platform operator and owner of the pages in question. Accordingly, this determination deals solely with the issue of the marketing of alcohol and the Hotel's obligations regarding minors.
4. The ABAC Code requires alcohol marketers to direct alcohol marketing towards adults and, to the extent reasonably possible, away from minors. This policy goal is achieved by marketing meeting the requirements in Part 4 of the Code, with Part 4(b) requiring that available age-restriction controls be applied to exclude minors from viewing alcohol marketing communications.
5. The Code defines 'Available Age Restriction Control' to mean age restriction, targeting or affirmation technologies available to restrict a marketing communication to adults, but this does not require a platform, website or account that is not primarily related to alcohol...to be age restricted in its entirety before it can be used to place a marketing communication.
6. In the case of the Hotel, the obligation means that its Facebook page does not need to be age-restricted in its entirety. This is because the Hotel operates a mixed business (accommodation, food, and entertainment, as well as alcohol sales), and many of the Hotel's posts go to the non-alcohol sales components of the Hotel's business. The ABAC obligation, however, does require that its posts about alcohol are age-restricted.
7. Equally, the Facebook pages for the community groups are not primarily for the sale of alcohol and therefore do not need to be restricted to adults in their entirety. However, individual posts by the Hotel that are promoting alcohol need to be age-gated where possible.
8. The Hotel is not a signatory to the ABAC Scheme and hence has given no prior commitment to market the alcohol component of its business consistently with the Code standards. That of itself is not unusual, as while the major alcohol retailers such as BWS and Liquorland are ABAC signatories, most mixed businesses that retail alcohol, such as the Hotel are not. What is unusual is the Hotel's failure to respond to

the complaint, as almost all alcohol industry participants recognise the social and corporate responsibility to market alcohol responsibly and accept that part of this is public accountability to respond to complaints made to the ABAC Scheme.

9. Checks conducted by the ABAC Complaints Officer and advice received from Meta, the operator of the Facebook and Instagram platforms, confirmed that age-restriction controls had not been activated for the Hotel's own Facebook page. The community's Facebook pages are all 'private', so ABAC was unable to check whether age-restriction controls had been activated. However, Meta has confirmed that the available controls had not been activated. In addition, individual posts promoting alcohol do not appear to have been age-restricted.
10. There is no suggestion that the Hotel does not meet its liquor licensing conditions in ensuring minors are not served alcohol. That said, the advertising policy issued by the WA Director of Liquor Licensing pursuant to the Liquor Control Act 1988 expressly references the ABAC Code as part of the framework applying to alcohol advertising in WA. Accordingly, the Hotel should reflect on whether its marketing is meeting the Code standards.
11. It is recognised that navigating the back-end functions of social media platforms to apply age-restriction controls is not always straightforward. That's why the ABAC Scheme provides resources and 'how-to-do guides' for applying the controls across the various platforms. These materials are provided on the ABAC Website. It would be prudent for the Hotel to use these resources.
12. The complaint is upheld.

### 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 Debra Richards.

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

*Part 4 (b) of the Code requires that:*

*Available Age Restriction Controls must be applied to exclude Minors from viewing an Alcohol Marketing Communication and an Alcohol Alternative Marketing Communication.*

### ***Company Response***

The Company was allowed to respond to the complaint, but did not do so.

### ***Marketing Best Practice***

The Company was asked how it demonstrates a commitment to alcohol marketing best practices, but did not respond.

The Panel notes that:

- The Company is not a Code signatory.
- Staff members have not undertaken ABAC's online training course.
- ABAC pre-vetting approval was not obtained for the marketing.