

# Australia's Responsible Alcohol Marketing Scheme

2021 First Quarter Report



## OVERVIEW

The ABAC Responsible Alcohol Marketing Code (the Code) sets standards for responsible alcohol marketing in Australia and regularly measures its determinations externally to ensure it is in line with community expectations. The Code regulates both the content and placement of alcohol marketing across all advertising mediums.

After a record level of ABAC activity in 2020, the first quarter of 2021 has continued that trend with more pre-vetting requests, higher complaint levels and a similar number of determinations when compared with the same quarter last year. Breaches this quarter related primarily to social media posts, with two relating to packaging, two relating to placement and one relating to a branded giveaway. The most common breaches of Code standards this quarter related to depictions of alcohol use in conjunction with swimming pools and suggestions that alcohol has some sort of therapeutic benefit. All marketers have co-operated with the ABAC processes and promptly removed material found to be inconsistent with ABAC responsible marketing standards.

Industry education and training continues to be a high priority for ABAC. To complement the guidance materials available on the ABAC website and its annual webinar, **ABAC has recently released a free comprehensive online training course and video series easily accessible through the ABAC website via this [link](#)**. There has been an initial strong uptake of the course by both signatories and non-signatories and very positive feedback has been received on how interesting and helpful the course is in reinforcing alcohol marketers' understanding of the Code and its application. ABAC encourages all alcohol marketers and their agencies to undertake the course. The time commitment of just over an hour will significantly assist marketers avoid Code breaches and demonstrate their commitment to responsible alcohol marketing.

Ad Standards offers the public an opportunity to complain about any advertising that concerns them at <https://adstandards.com.au/lodge-complaint> and all complaints relating to alcohol are passed on to ABAC for consideration against the Code. Ad Standards also administer the Australian Association of National Advertisers Code of Ethics (AANA Code of Ethics) which applies general advertising standards across all marketing, including alcohol. Revisions to the AANA Code of Ethics have been in effect since 1 February 2021 and include new provisions prohibiting harmful gender stereotypes, a focus on body parts not relevant to the product advertised, use of overtly sexual images in outdoor advertising and shopfront windows, additional restrictions on violent or menacing content and an obligation on influencers to clearly disclose commercial relationships. An online training session is available for [viewing](#).

## KEY STATISTICS

<b>Complaints</b>	<b>52</b>
Raising Code issues and referred to the Panel for determination	30
Not raising Code issues*	16
Raising an issue previously considered by the Panel	4
Complaint withdrawn	2
<b>Determinations</b>	<b>24</b>
Upheld**	11
Upheld as a No Fault Breach	1
Dismissed	12
<b>Pre-vets</b>	<b>679</b>
Rejected	92

\* Complaints that did not raise Code issues either fell outside the scope of the scheme as they were not promoting an alcohol product or raised concerns outside ABAC standards such as misleading marketing, referred to State Fair Trading bodies or offence to Christians, emasculating men or objectification of women which can fall within the scope of the AANA Code of Ethics which is administered by Ad Standards.

\*\* Upheld decisions related to marketing that was not pre-vetted in all but one case.

## RECENT ALCOHOL MARKETING COMPLAINTS

### Breach of ABAC Standards

#### Brightside Triple Botanical Spirit (complaint regarding content)

**Complaint:** Facebook post on the 'Adelady' account referring to the product as a 'healthy alternative'.

**ABAC standard:** Alcohol marketing cannot suggest the consumption of alcohol offers a therapeutic benefit or is a necessary aid to relaxation.

**Decision:** The Panel found that:

- the Company had a reasonable measure of control over the post by 'Adelady' and therefore it is a marketing communication within the scope of the ABAC Code; and
- referring to the product as 'healthy' is inconsistent with the Code standard.

The Facebook post was modified to remove the reference to 'healthy' on the date of the complaint.



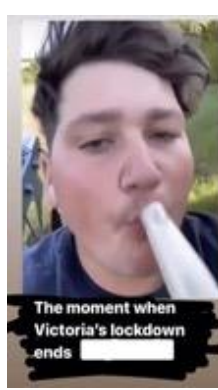
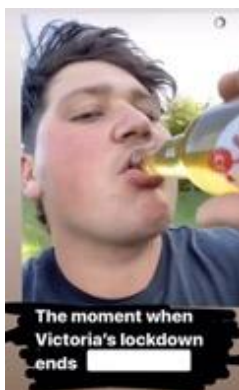
#### Daily Lager (complaint regarding content)

**Complaint:** Instagram video posted to Daily Lager stories shows a male skolling a bottle of lager.

**ABAC standard:** Alcohol marketing cannot show or encourage excessive or rapid consumption of alcohol.

**Decision:** The Panel was of the view that showing a person skolling an entire bottle of beer equates to rapid consumption in breach of the ABAC standard.

The advertiser removed the post on notification of the complaint.



### Vacay Alcoholic Seltzer (complaint regarding content)

**Complaint:** Instagram post showing a person drinking while jumping from an extreme height and a video showing people drinking on a high dock and then jumping into the ocean for a swim are irresponsible.

**ABAC standard:** Alcohol marketing cannot show the consumption of alcohol before or during any activity that, for safety reasons, requires a high degree of alertness or physical co-ordination, such as swimming.

**Decision:** The Panel found that:

- the first post that shows a person drinking while falling/jumping into water, which is an activity that is inherently risky, is a clear breach of the standard;
- however, the second video post does not breach the standards as:
  - no consumption is depicted, and no strong implication of consumption arises from the video as a whole;
  - the one scene showing an opened can of the product is not placed with the two men jumping into the water; and
  - the more likely interpretation of the post is that the product is being associated with an active fun lifestyle rather than suggesting it is acceptable to consume alcohol and then swim.

The advertiser removed the post found to breach the Code on notification of the complaint.



### Delvi Seltzer (complaint regarding content)

**Complaint:** Instagram post showing a person floating on a mattress in a pool with open drinks floating near them and a branded pool float drink holder giveaway both encourage drinking while swimming.

**ABAC standard:** Alcohol marketing cannot:

- encourage irresponsible behaviour related to the consumption or presence of alcohol; or
- show the consumption of alcohol before or during any activity that, for safety reasons, requires a high degree of alertness or physical co-ordination, such as swimming.

**Decision:** The Panel found that:

- an alcohol branded pool float would be understood by a reasonable person as suggesting that it is acceptable to consume alcohol while using a swimming pool; and
- the Instagram post directly implies the consumption of alcohol during the use of a swimming pool

The advertiser removed the Instagram post and discontinued the pool float promotion.



### Baileys Gift Pack (complaint regarding content)

**Complaint:** The Bailey's gift box appeals to minors via candy and dessert/sweets illustrations, usage of mini milk bottles and paper straws, reference to milk, aesthetic illustrations such as sprinkles and cream and the prominent display of the word, 'yum' on the front of the packaging.

**ABAC standard:** Alcohol marketing cannot have strong or evident appeal to minors.

**Decision:** The Panel noted that pre-vetting approval was sought and obtained for the gift pack and accepted that the intention of the Company was to direct the gift pack to adult consumers by featuring the versatile uses of the product as an 'indulgent treat', however found that these uses, represented by desserts and milkshakes are styled in a way that makes the imagery relatable to minors noting:

- the style of desserts depicted would resonate strongly with minors i.e. strawberry iced cupcakes, creamy milkshakes, or ice-cream soda like drinks;
- the desserts are depicted in striped and spotted glasses, jars and cups, with sprinkles, and accompaniments such as pastel striped straws, likely to be highly familiar to minors;
- bright and contrasting colours are used as well as other illustrations – stars, hearts and sprinkles - which link the images of the drinks and desserts in a manner which is reminiscent of depictions directed at minors e.g., an invitation to a birthday party;
- the rear panel contains serving suggestions including the addition of the product to hot chocolate and milkshakes - while such beverages are consumed across age groups and not only minors, the context created by the depictions of the childlike desserts and milk-based drinks means the serving suggestion is highly relatable to minors; and
- while no element on its own would make the packaging strongly appealing to minors, the combination of elements creates a probable understanding in a reasonable person that the marketing is strongly or evidently appealing to minors.

The gift pack was discontinued.



### Boozeit (complaint regarding content)

**Complaint:** Instagram post shows a vaccine vial labelled 'Jack Daniels' with the caption 'Got my vaccine shot today' suggesting alcohol has therapeutic benefits, is a way to cope with stressors of the COVID pandemic and is irresponsible given it undermines public health efforts to vaccinate the population.

**ABAC standard:** Alcohol marketing cannot:

- show or encourage irresponsible or offensive behaviour related to the consumption or presence of alcohol; or
- suggest the consumption of alcohol offers a therapeutic benefit or is a necessary aid to relaxation.

**Decision:** The Panel found that the post is inconsistent with Part 3(c)(iv) as while a reasonable person would not believe that the post was seriously advocating alcohol as a vaccination for COVID-19, the posts humour assumes that it is a common, if not acceptable, practice to self-medicate with alcohol to deal with stressful situations.

The advertiser removed the post on notification of the complaint.



### Vacay Seltzer (complaint regarding content)

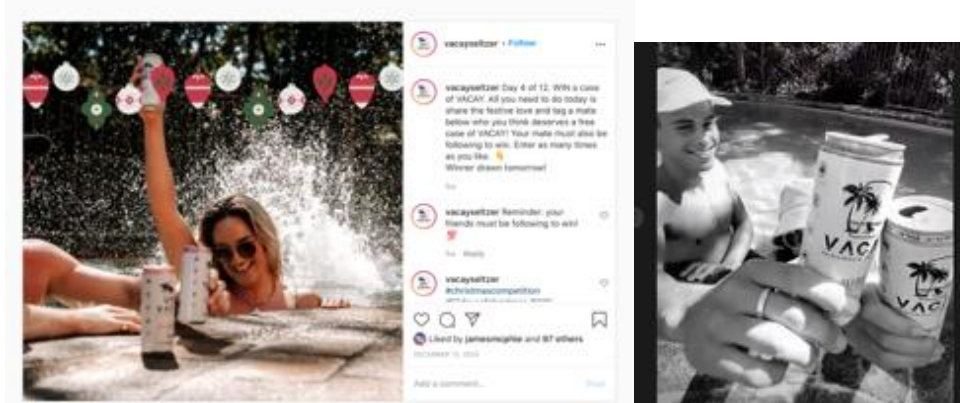
**Complaint:** Instagram posts show drinking and swimming.

**ABAC standard:** Alcohol marketing cannot show the consumption of alcohol before or during any activity that, for safety reasons, requires a high degree of alertness or physical co-ordination, such as swimming.

**Decision:** The Panel found that the ABAC standard had been breached as:

- both the video and photo posts show people in a swimming pool with cans of product; and
- a reasonable viewer would conclude the people were consuming the product while swimming and using the pool.

The advertiser removed the two posts on notification of the complaint.



## Vodka Cruiser Guava (complaint regarding content and placement)

**Complaint:** Billboard is near a school and advertising an alcoholic drink that looks like a red soft drink.

**ABAC standard:** Alcohol marketing cannot:

- have strong or evident appeal to minors; or
- be directed at minors through a breach of an ABAC Placement Rule (alcohol ads are not permitted within 150m line of sight of a school).

**Decision:** The Panel found that the ABAC placement rule was breached due to the proximity of the advertisement to a school (it was noted that the placement occurred due to an error and was unintended). However, the Panel found that the content of the advertisement did not have strong or evident appeal to minors, noting:

- the ad identifies the product being sold as an alcohol beverage through various cues such as the term vodka, the Company branding and the drink responsibly message;
- the product would not likely be confused with a soft drink given the cues to its alcoholic nature and brand recognition;
- the ad adopts mature deep colours and patterns rather than bright eye-catching colours; and
- taken as a whole, the imagery is adult and any appeal to minors would be incidental rather than strong or evident.

The advertiser arranged for the immediate removal of the ad on notification of the complaint.



## Hard Fizz (complaint regarding content)

**Complaint:** Instagram posts showing the consumption of alcohol while in a swimming pool, encouraging binge drinking and objectifying women.

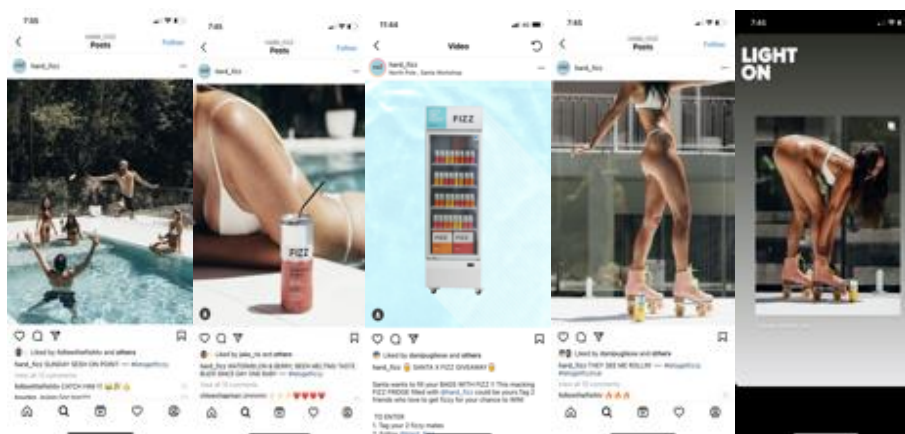
**ABAC standard:** Alcohol marketing cannot:

- show or encourage the excessive or rapid consumption of alcohol, misuse or abuse of alcohol or consumption inconsistent with Australian Alcohol Guidelines; or
- show the consumption of alcohol before or during any activity that, for safety reasons, requires a high degree of alertness or physical co-ordination, such as swimming.

**Decision:** The Panel found that :

- the two swimming pool posts breach the ABAC standard that prevents showing alcohol consumption before or during swimming by showing or directly implying people are drinking while using a swimming pool;
- the post showing a retail store fridge filled with cans and cartons of the product as a prize in a competition does not encourage excessive consumption of alcohol as:
  - the post does not suggest any pattern of drinking;
  - the photo is contextualized as a prize in a competition; and
  - simply showing a stock of alcohol does not mean a person is being encouraged to binge drink as alcohol has a long shelf life and a stock of alcohol can be consumed by multiple people over a prolonged period.
- images of a woman in a bikini leaning over in one image to tie her skates with a can of product staged on the ground next to her does not breach the safety standard as it does not appear that the woman is drinking the product, but rather the positioning of the product is staged to show the product next to an attractive bikini clad woman; and
- issues relating to objectification of women fall within the separate Ad Standards process.

The advertiser has removed the first two posts found to breach the ABAC standards.



### Cheeky Monkey Brewery (complaint regarding content)

**Complaint:** Four beer cans were identified as having a very strong appeal to minors based on the cartoon Christmas character artwork that is very similar to children's book illustrations and reference to a Sherby lolly. In addition, children would be unfamiliar with the term IPA as an alcohol product and will see the imagery and think the product looks like something for a child.

**ABAC standard:** Alcohol marketing cannot have strong or evident appeal to minors.

**Decision:** The Panel found that the Sherby Summer Ale can would not have strong or evident appeal to minors as the packaging adopts a sedate style, not eye-catching for minors, uses the term ale as a clear alcohol descriptor and while there is a lolly called 'Sherbies' and 'Sherbet' is a sweet fizzy powder, neither of these products resemble or would be confused with an alcoholic beverage branded clearly as an ale.

However, in relation to the other three cans the Panel found that while no one element alone made the packaging strongly appealing to minors, a reasonable person would assess their overall impact as being strongly or evidently appealing to minors, noting:

- Three Bears IPA includes imagery that would be eye-catching and appealing to minors, reminiscent of common depictions of the Baloo character in the 'Jungle Book' story and the product is only ambiguously identified as an alcohol beverage, with 'IPA' recognised by craft beer drinkers but not readily recognised by the broader community, including minors, as signifying the product as alcoholic;
- Cheeky Christmas Sour includes beach imagery (a dog with a frisbee in its mouth, bucket and spade, and beachball) depicted in a cartoon style reminiscent of children's picture books and while having broad appeal, would be relatable to minors and the product is ambiguously identified as an alcohol beverage with 'Sour' recognised by craft beer drinkers but not readily recognised by the broader community, including minors, as signifying the product as alcoholic; and
- Santa's Secret Spot includes Christmas imagery with broad appeal, however, design features such as the cartoon Santa character and the snowman would be highly recognized and relatable to minors and the product is only ambiguously identified as an alcohol beverage with IPA recognized by craft beer drinkers but not readily recognized by the broader community, including minors, as signifying the product is alcoholic.

The company advised that the products found to breach ABAC standards are no longer in production.





## Expedited Determination

### Two Pairs Wines (complaint regarding content)

**Complaint:** That an Instagram post by Two Pairs Wines uses a child to promote alcohol and encourages people to drink wine to help them get through 2020.

**ABAC standard:** Alcohol marketing cannot:

- depict a person who is or appears to be a minor;
- suggest the consumption or presence of alcohol may create or contribute to a significant change in mood or environment; or
- suggest the consumption of alcohol offers any therapeutic benefit or is a necessary aid to relaxation.

**Company Action:** The Company accepted the breach and removed the post.

**Nature of Breach:** An Instagram post showing a child as the main subject, with the caption “Keep calm, drink wine. 2020 is nearly over. It’s going to be 🍷” is an alcohol marketing communication depicting a person who is a minor in more than an incidental role and also suggests that the consumption of alcohol may create or contribute to a significant change in mood, offers a therapeutic benefit or is a necessary aid to relaxation.



## No Fault Breach

### James Squire & Heineken (complaint regarding placement)

**Complaint:** Television advertisements on 10Play during programs in the “Kids” category.

**ABAC standard:** Alcohol marketing must apply available age restriction controls and not be placed where the audience is expected to be >25% minors or with programs primarily aimed at minors.

**Decision:** The Panel found that while available age restriction controls had been applied advertising had appeared with ‘Blues, Clues and You’ on 10Play which had an adult audience of 55% under 18s and is a program primarily aimed at minors. However, as Network 10 confirmed that the mistake was at their end and that the Company gave clear instructions not to place advertising with children’s programming, the Panel upheld the complaint but accepted that a no fault finding was appropriate.

## Marketing Consistent with ABAC Standards

### Sierra Nevada Pale Ale (complaint regarding content)

**Complaint:** A television ad showing a person running past camping or hiking bags and jumping into a lake where two other people are swimming promotes risk taking behaviour while drinking, i.e. jumping off a cliff into a waterhole and swimming.

**ABAC standard:** Alcohol marketing cannot show the consumption of alcohol before or during any activity that, for safety reasons, requires a high degree of alertness or physical co-ordination, such as swimming.

**Decision:** The Panel found that the ad did not breach the standard as while an activity which requires alertness and physical co-ordination is shown, a reasonable person would anticipate that consumption of alcohol might occur later in the day after the swimming has occurred as the product shown is unopened and there are no empty cans or other indications that consumption had occurred.



### The Star (complaint regarding content)

**Complaint:** Concern that the ad is irresponsible in encouraging people to go out to drink rather than stay at home due to COVID issues.

**ABAC standard:** Alcohol marketing cannot show or encourage irresponsible or offensive behaviour related to the consumption or presence of alcohol.

**Decision:** The Panel found that the outdoor ad was installed prior to the 2020 Sydney northern beaches COVID cluster, at no point did the December cluster government measures prohibit attendance at licensed premises outside the northern beaches, such as at The Star and the billboard merely promotes the Star as a venue and does not suggest irresponsible alcohol consumption patterns.



## Jimmy Brings, Carlton Dry, Great Northern & Thirsty Camel (complaint regarding placement)

**Complaint:** That the advertisements appeared during daytime television viewing of Sunrise and The Project when children are watching.

**ABAC standard:** Alcohol marketing must not be placed where the audience is expected to be >25% minors and with programs or content primarily aimed at minors and available age restriction controls must be used.

**Decision:** The Panel found that there was no breach of the placement standards as:

- there are no time-of-day restrictions on alcohol advertising in conjunction with programs accessed via digital TV apps 10 Play and 7 Plus - this is even the case with live streamed programs with digitally inserted advertising;
- the Companies applied available age restriction controls so that alcohol ads were served only to households where there was an adult registered user of the apps and other programmatic age targeting mechanisms were also applied;
- the expected audience of Sunrise and The Project on digital TV exceeds 75% adults; and
- neither Sunrise nor The Project can be fairly said to be programs aimed primarily at minors.

## Stella Artois & Carlton Zero (complaint regarding placement)

**Complaint:** Concern that the ads were shown during daytime hours in programming widely watched by children (Dance Moms and Young Sheldon) on 9 Now.

**ABAC standard:** Alcohol marketing cannot be directed to minors through a breach of any of the Placement Rules.

**Decision:** The Panel found that the ABAC standards had not been breached, noting:

- the Commercial Television Code regulating time of broadcast does not apply to digital advertising;
- available age restriction controls were used (only adult logged in users were served the advertisement);
- an expected audience of >75% adults (87% & 91%) was demonstrated by OzTam data; and
- the shows are not primarily aimed at minors, but rather have broad appeal, noting that Young Sheldon tackles adult themes and Dance Moms is a reality show directed at adults.

## Man vs Schnit – Schnithouse Hilton (complaint regarding content)

**Complaint:** Concern that the menu is challenging patrons to take up a challenge that involves consuming 1L of beer or cider.

**ABAC standard:** Alcohol marketing cannot:

- show or encourage the excessive or rapid consumption of alcohol; or
- challenge or dare people to consume alcohol.

**Decision:** The Panel found that the Schnithouse menu is retailer point of sale material and therefore outside the scope of the ABAC Code. Retailer point of sale is more appropriately for State Liquor Licensing Authorities.



## Get Wines Direct (complaint regarding placement)

**Complaint:** Concern that the ad appeared on websites viewed by children.

**ABAC standard:** Alcohol marketing cannot be directed at minors through a breach of the ABAC placement rules.

**Decision:** The Panel found that as the complainant did not identify the sites or platforms over which the banner ad was seen it was not possible to assess whether the sites or platforms are primarily aimed at minors or would be reasonably expected to have an audience of at least 25% minors. The Company applied age restriction controls to exclude minors and target adults, and without more detail about the actual platforms involved it is not possible to precisely assess the Company's compliance with the ABAC rules. On available information it appears the Company is satisfying the placement rules.



## Byron Bay Lager (complaint regarding content)

**Complaint:** Concern that the ad is targeted to young Australians, as there is a focus on skateboarding which is popular among teenagers, and it is irresponsible to promote drinking in public.

**ABAC standard:** Alcohol marketing cannot:

- show or encourage irresponsible or offensive behaviour related to the consumption or presence of alcohol; or
- have strong or evident appeal to minors.

**Decision:** The Panel found that the ABAC standards had not been breached, noting:

- the skateboarding scenes are used within the context of the ad as demonstrating the relaxed lifestyle of Byron Bay and are not the defining feature of the ad;
- the overall context of the ad establishes adults engaging in activities which culminate with a group of friends coming together where some moderate consumption of the product occurs;
- the laidback feel and messaging of the ad is appealing with this appeal being probably more attractive to adults than minors;
- while skateboarding is relatable to minors, this needs to be balanced with the ad as a whole and the appeal to minors is considered to be incidental rather than strong or evident; and
- the ad shows moderate consumption occurring in an area adjacent to a beach, there is no indication the area would fall into a prohibited zone for alcohol consumption and the ad would not be understood by a reasonable person as encouraging alcohol influenced anti-social behaviours, which is the intent of the Part 3 (a)(ii) standard.



## Liquorland (complaint regarding content)

**Complaint:** Concern that a Liquorland re-usable plastic bag encourages irresponsible alcohol use, suggests alcohol may create or contribute to a change in mood, success or is a necessary aid for relaxation and the slogans are directed to minors by their inclusion on a bag for re-use.

**ABAC standard:** Alcohol marketing cannot :

- show or encourage excessive or rapid consumption of alcohol;
- be directed at minors through a breach of any placement rules;
- suggest the consumption or presence of alcohol as a cause or contributor to a significant change in mood or environment or the achievement of success; or
- suggest the consumption of alcohol offers any therapeutic benefit or is a necessary aid to relaxation.

**Decision:** The Panel found that the ABAC standards had not been breached, noting:

- no placement rules had been breached;
- the bags are printed with slogans/phrases and do not contain images of alcohol consumption;
- the slogans/phrases capture stereotypical circumstances when alcohol is present and consumed;
- however, no pattern of consumption is suggested and there is nothing to suggest excessive consumption is being encouraged or consumption inconsistent with Alcohol Guidelines;
- the slogans/phrases associate alcohol with occasions such as a romantic night or Sunday as a funday - but there is no assertion that alcohol is needed to make these occasions a success;
- further, the phrases do not suggest alcohol offers a health benefit or is needed for relaxation; and
- taken as a whole, a reasonable person would not interpret the messages as advocating irresponsible use.



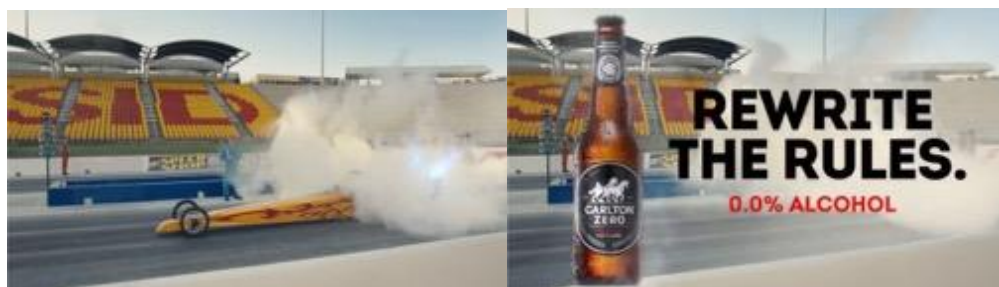
## Carlton Zero (complaint regarding content)

**Complaint:** Concern that a non-alcoholic brand extension of Carlton is advertised as a way to drink beer while participating in high risk activities.

**ABAC standard:** Alcohol marketing cannot show or directly imply alcohol consumption before or during an activity that for safety reasons requires a high degree of alertness or physical co-ordination.

**Decision:** The Panel found that the ABAC standards had not been breached, noting:

- the product is clearly identified as containing no alcohol and there is no prospect it will be confused with an alcohol beer in the Carlton range;
- the premise of the ad is to contrast the circumstances when it is fine to consume a no alcohol beer, when it would not be responsible to consume an alcohol beverage; and
- a reasonable person would not interpret the ad as encouraging alcohol use with dangerous activities.



### XXXX In-Stadium and Television Marketing (complaint regarding content and placement)

**Complaint:** Concern that the marketing normalised beer drinking, encouraged children and adults to skull a beer and avoids the advertising code and promotes beer drinking to children.

**ABAC standard:** Alcohol marketing cannot:

- show or encourage excessive or rapid consumption of alcohol;
- have strong or evident appeal to minors; or
- be directed to minors through a breach of any of the Placement Rules.

**Decision:** The Panel found that the ABAC standards had not been breached, noting:

- the marketing did not fall within the sponsorship exception;
- the activation is of interest to all spectators of the game, but the actual marketing message featuring glasses of the product is not considered strongly appealing to the minors. The graphics are not sophisticated or elaborate and in an era of high impact video and computer games, it is not likely under 18-year-olds will be engaged by the activation;
- most people would understand these graphics commonly used in sports and would not take that a decision that the batsman has been given out by the third umpire implies that a glass of beer has been consumed, any more than a 'not out' decision implies no consumption has occurred because a full glass appears on the scoreboard;
- the concern that the marketing normalises alcohol use is a legitimate viewpoint; however, raises a question of public policy for government whereas the Panel's role is confined to assessing the consistency of the advertising against the terms of the ABAC; and
- placement rules have been met with compliance with CTICP Code requirements, an expected audience of >75% adults and cricket broadcasts not being primarily aimed at minors.



### New Gin Baubles (complaint regarding content)

**Complaint:** Concern that the gift pack is not sealed, fails to include an appropriate pregnancy warning, doesn't include information on contents and has no warnings to keep out of reach of children.

**ABAC standard:** Alcohol marketing cannot have strong or evident appeal to minors.

**Decision:** The Panel found that the ABAC standards had not been breached, noting:

- safety issues associated with the product are regulated by Food Standards Australia New Zealand and the ABAC safety standard does not impose packaging warnings about alcohol use or a requirement that packaging state the product should be kept out of reach of children;
- the box, and the bauble packaging, do not have strong or evident appeal to minors, noting:
  - the box is of a standard Christmas themed packaging design;
  - the box identifies the contents as containing alcohol through the 'gin' sticker;
  - a Christmas tree bauble is not a children's toy or novelty item but a traditional type of Christmas decoration;

- the bauble invokes Christmas, but cannot be said to be a Christmas item which is directed at children or adolescents as opposed to Christmas as a celebration;
- the baubles are simple, not including imagery or motifs likely to appeal to minors;
- it's unlikely the packaging would be confused with a soft drink or confectionery, as such products don't come packaged in a Christmas bauble and the liquid, if noticed, would be likely taken as a non-consumable design element; and
- taken as a whole, the appeal of the packaging is general rather than specific to minors and any appeal to minors is not strong or evident but more residual or incidental.

The Panel acknowledged the safety concerns raised by the complainant and noted the Company's willingness to explore additional information on the packaging to address these concerns.



### Corona Outdoor Advertisement (complaint regarding content)

**Complaint:** Concern that the ad showed Corona beer on a beach when it is illegal in WA to drink beer on a beach.

**ABAC standard:** Alcohol marketing cannot show or encourage:

- alcohol related irresponsible or offensive behaviour; or
- show alcohol consumption before or during any activity that, for safety reasons, requires a high degree of alertness or physical co-ordination.

**Decision:** The Panel found that the ABAC standards had not been breached, noting:

- the scene depicted shows adults quietly drinking a moderate amount of alcohol in an attractive setting and this would not be regarded by a reasonable person as modelling offensive or irresponsible behaviour;
- while alcohol consumption in a public place is potentially an offence under Western Australian law, the law also recognises that approval for public alcohol consumption is permitted;
- a reasonable person would not interpret the ad as suggesting illegal behaviour; and
- while the ad is set on a beach, the time of day, the fact the people shown are fully clothed and clearly talking and/or listening to one in the group playing a guitar, establish that swimming is not going to occur.



The ABAC Complaints Panel is headed by Chief Adjudicator Professor The Hon Michael Lavarch AO. For more information on ABAC, visit: <http://www.abac.org.au>.