

Breaching the code: Alcohol, Facebook and self-regulation

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Disclaimer

This report contains verbatim quotes from Facebook users. The author has not attempted to mask any offensive language or correct any grammar or spelling errors.

Contents

Executive summary	4
Introduction	6
ASB and ABAC decisions relating to Facebook	6
Methodology.....	10
Results and discussion	12
Issue 1: Brands prompt consumers to promote excessive consumption	12
Issue 2: Consumers extend the brand identity	20
Issue 3: Activations and real-world promotions.....	26
Issue 4: Volume, timing and targeting.....	31
Conclusion.....	37
Recommendations	39
References	42

Executive summary

This report builds on our study of the activity of the top twenty alcohol brands on Facebook in Australia during 2012 (Carah 2014) and a complaint made to the Advertising Standards Board (ASB) and Alcohol Beverages Advertising Code (ABAC) Complaints Panel regarding the pages of Victoria Bitter (VB) and Smirnoff in 2012 (Brodmerkel and Carah 2013).

In a 2012 submission we asked the ASB and ABAC to consider whether content posted on the Facebook pages of VB and Smirnoff breached standards in the code relating to excessive consumption, depiction of people under 25, offensive content, and the suggestion that alcohol improved mood and social success.

In a landmark decision, the ASB and ABAC both upheld the complaint, ruling for the first time that their alcohol advertising codes should apply to a brand's Facebook page and that advertisers were directly responsible for the content that users generated on that platform, including comments made on a Facebook post.

Furthermore, the ASB and ABAC determined that user-generated content needed to be evaluated in the context in which it appears, taking account of how brands stimulate particular conversations.

This report examines content posted by alcohol brands to Facebook during 2012 following the determination of the ASB and ABAC (see Carah 2014) in order to assess compliance. The report poses three key research questions:

- Are the breaches of the code seen in the 2012 ruling against VB and Smirnoff more widely evident on the Australian Facebook pages of alcohol brands?
- Are alcohol brands complying with their own self-regulatory codes in light of the decisions by the ASB and ABAC in 2012?
- And are the current regulatory codes appropriate for regulating alcohol brand activity on Facebook?

To answer these questions, four people coded 40 items of alcohol brand content posted to Facebook during 2012. We selected and systematically adjudicated 40 items of content that popular Australian alcohol brands posted to Facebook in 2012 using the ABAC and Australian Association of National Advertisers (AANA) codes.

Across the 40 items of content examined, a total of 76 regulatory breaches were discerned by at least two coders.

We found that the Facebook pages of Australian alcohol brands included:

- content which encouraged, normalised and even celebrated excessive alcohol consumption
- highly inappropriate, crude and offensive language
- derogatory and vilifying comments
- sexist and degrading sentiments, often with violent or menacing undertones
- content implying that alcohol consumption causes a significant change in mood or environment, and social or sexual prowess
- images of consumers who are clearly under the minimum age of 25 which is recommended by alcohol advertising codes in Australia.

We also examined items of brand content that raise issues not currently covered by the ABAC and AANA codes, including consumer participation and the volume, targeting and timing of branded content.

The report also analyses all items of content posted by alcohol brands to their Facebook pages on a Friday, in order to highlight the increased likelihood that time and event specific posts would raise a regulatory issue. We found that almost one in five Friday posts (17.8%) appeared to breach the ABAC and AANA codes. The vast majority of these breaches (83%) referred to excessive alcohol consumption.

This analysis illustrated that brands are clearly not complying with their current self-regulatory advertising codes, with many of its provisions being regularly breached. These breaches are from both the brands themselves and the responses elicited from their Facebook fans.

Furthermore, despite releasing a revised ABAC Responsible Alcohol Marketing Code in 2014 following the 2012 ruling, the current alcohol advertising codes still do not adequately define, monitor or manage alcohol brand practices on Facebook.

In some significant respects the revised code is even more ill-equipped to deal with contemporary alcohol brand advertising practices than its predecessor. The revision appears to further liberalise the capacity of brands to engage with consumers online.

The current codes are written for a traditional mass media understanding of branding which has changed dramatically in recent years. Branding on social media is open-ended and collaborative, integrated with real-world spaces and everyday lives, and highly targeted to people, events, places and times. The current codes conceptualise advertisements as single items that convey a particular meaning to a broad target market, yet this premise is no longer appropriate for conceptualising how branding works in social media.

In this report we raise four brand practices that are not adequately regulated or defined by the current alcohol advertising codes:

- brands prompt consumers to promote excessive consumption
- consumers extend the brand identity
- activations and real-world promotions
- volume, timing and targeting.

We also offer seven recommendations for consideration by researchers, policy-makers and the self-regulatory bodies in the future. These are:

- Conceptualise branding as collaborative, participatory and interactive.
- Assess the difficulty in applying codes based on judging the meaning of a text in an interactive media environment.
- Pro-actively monitor and assess the extensive and routine breaching of regulatory codes on Facebook.
- Recognise responsible and excessive consumption is not just about what brands say, but about the consumer contributions brands routinely invite.
- Consider what aspects of people's identities and lives it is appropriate for alcohol brands to engage with.
- Specify sponsorships, activations and real-world promotions as intrinsic to the production of brands.
- Address the volume, timing and targeting of content.

Introduction

Apart from government scheduling regulations regarding the broadcast of alcohol advertising on television, all other dimensions of alcohol advertising in Australia are subject to a self-regulatory system based on Industry Codes of Practice.

The key regulatory bodies are the Advertising Standards Bureau (ASB) and the Alcohol Beverages Advertising Code (ABAC) Complaints Panel. The ASB administers the Australian Association of National Advertiser's (AANA) Code of Ethics, which covers issues such as taste and decency across all product categories. The ABAC Complaints Panel is responsible for administering the ABAC, which deals specifically with alcohol advertising.

The effectiveness of the self-regulatory system has been the subject of extensive critique (Jones & Donovan 2002, Jones et al. 2008, Pettigrew, Johnson & Daube 2013). Key criticisms of self-regulation relate to:

- The decision making process: Decisions made by the ASB and ABAC adjudicators are out of step with community standards. Research experiments have demonstrated that independent expert judges and members of the community routinely find breaches of the self-regulatory codes in advertising material that the ASB and ABAC adjudicators have deemed to be compliant.
- The application of the codes: Participation is voluntary and the process is formally governed by the industry. Content is only considered if members of the public complain. Further, the volume of complaints and persistent breaches are not considered.
- The conceptualisation of advertising: The codes do not adequately define advertising. The codes also do not address emerging forms of advertising such as sponsorship, online and social media, brand activations or promotions.
- The attention to contextual factors: The codes and decision making process do not take account of placement, volume, timing and cultural context.

In addition to these criticisms, we have also argued with specific reference to social media (Brodmerkel and Carah 2013, Carah et al. 2014) that the alcohol advertising codes in Australia do not take account of:

- the extent and nature of collaboration with consumers
- real-world engagement with consumers and social spaces
- integrated approaches to marketing and communication that bring together mass media advertising, engagement on social media platforms, and use of real-world activations and promotions
- the use of the real-time surveillance and targeting capacities of social and mobile media.

ASB and ABAC decisions relating to Facebook

This report builds on our study of the activity of the top twenty alcohol brands on Facebook in Australia during 2012 (Carah 2014) and a complaint made to the ASB and ABAC regarding the pages of Victoria Bitter (VB) and Smirnoff in 2012 (Brodmerkel and Carah 2013).

This research began with a systematic observation and analysis of alcohol brands' official Facebook pages in 2011 (Carah et al. 2014). We found that alcohol brands engage with Facebook users in strategic ways to stimulate user-generated content that contributes to brands' marketing objectives. We observed that on Facebook alcohol brands:

- Amplify cultural identities by involving consumers in the circulation of cultural practices and values. For instance, VB celebrated masculine mateship, national sporting prowess and idealised suburban leisure activities. Smirnoff promoted popular music and inner-city nightlife.
- Stimulate the integration of the brand and alcohol consumption in the mediation of everyday life on social media. These activities often involved interacting with consumers at cultural and sporting events to produce brand content for social media.
- Manage the mediation of drinking culture in a way that challenges existing regulatory codes by prompting consumers to say things that brands are prohibited from saying.

Reviewing these practices we considered that several of the activities appeared to be in breach of the ABAC and AANA regulatory codes. The Facebook pages of VB and Smirnoff in particular featured content that appeared to:

- Promote the excessive consumption of alcohol: For instance, VB regularly asked explicit questions that encouraged users to post comments regarding their alcohol consumption routines. On a Friday afternoon they posted: 'it's nearly 5pm – time to crack the weekend's first VB'. Users replied with comments such as: 'what's this 5pm crap, cracked my first one hours ago', 'FUCK THAT, I cracked my first 4 hours ago', 'on the 8th already' and so on.
- Discriminate and vilify: For example, in reply to VB's question about what's needed for an Australia day BBQ fans' comments included 'sluts' and 'pussy and VB'.
- Attribute social and sexual prowess to the consumption of alcohol: For example, in 2011 Smirnoff posted over 8,000 photos to its Australian Facebook page of fans at Smirnoff branded events and bars. Many of the uploaded photos by Smirnoff depict fans consuming the brand's products in social settings like music festivals and clubs, large boxes of empty vodka bottles and young males surrounded by attractive female Smirnoff promoters wearing tight-fitting branded dresses.
- Depict individuals under the age of 25: Many of Smirnoff's images were taken of young people at music festivals or nightclubs who appeared to be in their late teens and early twenties, despite the code stating that advertisements must not feature the consumption of alcohol by people who appear to be under 25.

In a submission to the ASB we asked the board and ABAC Complaints Panel to consider whether the content:

- failed to present a mature, balanced and responsible approach to the consumption of alcohol (ABAC code sections (a)(i) and (iii))
- depicted people under 25 years old in alcohol advertisements (ABAC code sections (b) (i) (ii))
- allowed user-generated content that discriminates or vilifies on account of race, ethnicity, nationality, sex, age, or sexual preference (AANA Code of Ethics Section 2.1)
- presented images that suggested the use or presence of alcohol leads to a change in mood or the achievement of social or other success (ABAC code section (c)(i)).

The brands' responses

In their responses to the complaint, both VB and Smirnoff argued that the activities on their Facebook pages should not be considered as alcohol 'advertising' for three main reasons.

Firstly, they argued these activities were 'not calculated to be promotional for the brand' (ASB 2012/0271). Smirnoff claimed that the photographs were uploaded for the 'benefit of those in the photographs' and that for this reason, they were not advertising material (ABAC 2012/59). VB argued that user comments needed

to be regarded as statements ‘of personal preference’, and that they would not be ‘understood by the relevant audience as part of any advertisement or marketing communication’ (ASB 2012/0271).

Secondly, these activities were targeted at ‘consumers who [had] already purchased the brand’ (ABAC 2012/59) and therefore should not be considered as advertising.

Thirdly, the brands argued that they ‘lacked reasonable control’ (ASB 2012/0271) over their social media pages and therefore could not be held responsible for user-generated content posted on their sites. VB equated the user comments on their Facebook page to ‘a conversation say at a restaurant or pub’ (ASB 2012/0271).

Furthermore, the brands suggested that consumers were unlikely to be offended by the material posted on their Facebook pages because they actively sought them out. VB concluded, ‘the VB Page will most likely only ever be seen by consumers who are already familiar with the VB product and who are likely to be familiar with the tongue in cheek, self-deprecating and ironic tone by which it is marketed’ (ASB 2012/0271).

Both VB and Smirnoff attempted to frame social media as having two different value propositions for brands, which they wanted to be kept separate in terms of regulation.

Firstly, they characterised Facebook as being similar to ‘traditional’ media channels in that brands can use it to expose consumers to paid-for marketing messages in the form of Facebook display banner advertisements. They accept that these activities should be subject to the regulatory code.

Secondly, VB and Smirnoff acknowledged that Facebook pages are used as ‘a tool to network with adult consumers of legal purchase age’ (ASB 2012/0272). However, the effects of these networking activities in the form of user-generated content should be understood as being outside of the control of the brands and as a form of communication without commercial intent.

The underlying implication here is that according to VB and Smirnoff social media consumer engagement activities do not create value for the brands.

The regulators’ determination

The ASB and ABAC panels disagreed with the view of the alcohol brands, instead determining that:

- The Code applied to a brand’s Facebook site because it is ‘a marketing communication tool over which the advertiser has a reasonable degree of control and could be considered to draw the attention of a segment of the public to a product in a manner calculated to promote or oppose directly or indirectly that product’ (ASB 2012/0271).
- The Code applied to ‘the content generated by the advertisers as well as material or comments posted by users or friends’ (ASB 2012/0271). Furthermore, user-generated content will be evaluated in the context in which it appears, taking account of how the brand stimulated particular conversations or content.

The ABAC Complaints Panel explicitly stated that a contextual interpretation of user comments needed to be applied. They found that ‘user-generated content which is in direct response to the advertiser’s own posts on the page, are important in assessing how a reasonable viewer would be impacted by the images and words on the page’ (ABAC 2012/59). For example, VB’s post ‘It’s nearly 5pm – time to crack the weekend’s first VB’ promoted excessive consumption when read in relation to the comments they generated.

However, the ABAC Complaints Panel also ruled that photographs of young males with female Smirnoff models in their arms were unlikely to encourage associations between the brand, the consumption of alcohol and social success and/or sexual prowess. Yet one could argue that – particularly when read in conjunction with some of the user comments that the photos elicited – the images connote social and sexual success.

Some of the users made comments with explicit sexual references; for example, 'First hot girl I've seen you two with for a while', 'She's probably double the age of the one you're with now', 'Like a pimp' and 'Like a bawwss son'.

Contrary to ABAC, the Alcohol Advertising Review Board (AARB) panel upheld this component of the complaint, arguing that 'some of the images in conjunction with comments from "fans" of the Facebook page are sexually provocative' (AARB 2012/46). The AARB is an independent body established by the McCusker Centre for Action on Alcohol and Youth and Cancer Council WA to respond to complaints about alcohol advertising from the public. The purpose of the board is to encourage effective regulation of alcohol advertising, but it has no capacity to enforce its decisions.

The decision made by the ASB regarding the social media activities of alcohol brands has far-reaching implications. The regulators acknowledged that the activities unfolding on the alcohol brands' pages were not just spontaneous dialogues or conversations, but represented the strategic use of communicative practices for commercial gain. However, when it came to regulating specific social media conversations or other user-generated content, the determinations by the ASB and ABAC appeared to be inconsistent.

This inconsistency is at least partly a consequence of the ASB and ABAC focus on discerning the specific meanings in media texts and their effects on audience attitudes and behaviours. This approach is problematic for two reasons.

Firstly, in interactive and dynamic online environments such as Facebook it is increasingly difficult to determine the boundaries of a media text. For example, an image posted by an alcohol brand to their Facebook page might appear in several different contexts when fans tag themselves or their friends in these images. Tagged, liked or commented upon images are more likely to appear in the newsfeeds of friends of fans. These interactions add new meanings to the images. Consequently, media texts become part of a dynamic, continuous production and flow of content which makes the 'interpretation' of an individual media text in relation to a particular context a problematic exercise from a regulatory perspective.

Secondly, attempting to discern the particular meaning and effect of a text leads to a misrecognition of how branding works as an interactive cultural process. Regulators need to acknowledge that the value alcohol brands derive from their activities on Facebook is only to a small extent based on posting specific media texts like advertisements or other individual media texts. Brands aim to become part of the circulation of brand-relevant cultural meanings (Ruddock 2012). Branding operates at a cultural level linking together the consumption of alcohol with identities, pastimes and ways of life.

In this report we respond to these decisions by examining whether:

- breaches of the codes observed by VB and Smirnoff are more widely evident among alcohol brands on Facebook
- alcohol brands are complying with the landmark 2012 ASB and ABAC decisions, made in response to complaints against the VB and Smirnoff Facebook pages
- the current ASB and ABAC codes are adequate for conceptualising, and managing, the range of alcohol brand activity on Facebook.

Methodology

The ASB and ABAC decisions related to a small number of specific examples from the VB and Smirnoff Facebook pages.

To explore the extent to which these practices and issues may be evident across a range of brands we purposively selected 40 items of content generated by the 20 most popular alcohol brands on Facebook in Australia during 2012, that is, the brands which had the largest fan bases at the time.

The 40 items of content were then coded by four separate coders using both the ABAC and AANA codes. The 40 items were deliberately selected to illustrate four brand activities on Facebook:

- prompting consumers to celebrate excessive consumption
- prompting consumers to extend the brand identity, including saying things the brand itself could not say
- engaging with consumers through real-world promotions and activations
- the volume, timing and targeting of brand content.

Tables 1, 2 and 3 detail the agreement between the coders. At least two coders agreed on at least one regulatory breach relating to 38 of the 40 items of content. At least three coders agreed that 31 (81.5%) of the items of content contained a regulatory breach.

Across the 40 items of content, a total of 76 regulatory breaches were discerned by at least two coders. We ignored issues identified by only one coder.

Coders 1, 2 and 3 identified a similar number of items that breached the code and a similar number of total breaches. Where three coders agreed on a regulatory issue it was predominantly agreement between coders 1, 2 and 3 (in 20 out of 23 instances).

Coder 4 identified significantly fewer regulatory breaches than the other coders. Discussions between the researchers following the coding exercise indicated that the reason for this difference was that coders 1, 2 and 3 were inclined to take into account the cultural context of an item of content, whereas coder 4 took a conservative view informed by the anticipated response from the ASB or ABAC adjudicators. Where coders 1, 2 and 3 applied cultural knowledge to their coding, coder 4 applied knowledge of how the self-regulatory process works in practice. Neither of these approaches is right or wrong.

We predicted that our differing familiarity with both the content and the self-regulatory codes could inform different assessments of the material. What this highlights is that the codes are uncertain instruments and are only made meaningful when we implement them within some contextual understanding of cultural, communicative and institutional processes.

While we weren't seeking to code items of content that were also assessed by ASB or ABAC adjudicators, this suggests a similar pattern to that reported by other researchers (Jones and Donovan 2002, Jones et al. 2008).

Determinations by 'members of the public' and 'independent experts' routinely find more breaches than decisions made by ASB or ABAC adjudicators (or in this case a researcher making decisions based on their knowledge of prior ASB and ABAC decisions).

Table 1. Number of breaches on items and issues identified by each coder

	Number of items of content coder identified with a regulatory breach	Total number of regulatory breaches coder identified
Coder 1	36 out of 40	64
Coder 2	34 out of 40	66
Coder 3	36 out of 40	68
Coder 4	20 out of 40	30

Table 2. Agreement between coders that an item of content poses a regulatory issue

Number of coders that agree	Number	Percentage
All 4 coders agree	17 out of 38 items of content	44.7%
3 coders agree	14 out of 38 items of content	36.8%
2 coders agree	7 out of 38 items of content	18.4%

Table 3. Agreement between coders on a specific regulatory issue relating to an item of content

Numbers of coders that agree	Number	Percentage
All 4 coders agree	27 out of 76 regulatory issues	35.5%
3 coders agree	23 out of 76 regulatory issues	30.3%
2 coders agree	26 out of 76 regulatory issues	34.2%

Results and discussion

In this section we examine four key issues that emerged from the analysis of the 40 items of Facebook content and illustrate them by presenting 14 purposively selected examples.

Issue 1: Brands prompt consumers to promote excessive consumption

The ABAC states that brands must ‘present a mature, balanced and responsible approach to the consumption of alcohol’ and must not ‘encourage excessive consumption’. However we observed that many brand posts prompt consumers to promote excessive consumption.

The brand posts an image, makes a statement, or asks a question that then prompts consumers to add to and extend the message. When the brand’s post and the consumers’ comments are read together the overall effect is the celebration of excessive and irresponsible consumption.

Even if brands don’t intend to prompt these responses in the first instance, their repeated use of these appeals suggests they have not taken account of the ASB and ABAC decisions. Observation of the, often weekly, use of these posts indicates that brands routinely elicit entirely predictable responses from consumers that celebrate excessive consumption.

Below we detail examples from Jim Beam, Jägermeister, Wild Turkey, American Honey, Jack Daniel’s and Jacob’s Creek.

Example 1: Jim Beam

Jim Beam’s Facebook activity presented the most concerns. This is a consequence of the high volume of content Jim Beam posted, the nature of the content, and the identity of Jim Beam ‘fans’ in relation to broader community standards.

Many Jim Beam posts feature an image (such as an advertisement, product image or meme) accompanied by a question that prompts fan responses.

On 4 December 2012 Jim Beam posted a tumbler of bourbon with the caption, ‘Our soup of the day is Bourbon’ (see Image 1). Nine of the 52 comments were:

- *Do you basteds truely belive that alcoholism is the only way you can live your lives?*
- *Gimme some soup!!!*
- *hahaha have a jimmy with rocks for breakfast*
- *Dish me up a bowl*
- *me two*
- *Noo more jimmy u get me fucked up every time !!,. I need a break !!*
- *OMG! I so had that soup for dinner last night!!*
- *That’s it, I’m going on the JB Soup Diet!*

The post promotes excessive consumption by referring to bourbon as soup and implying that it should be consumed in the same way as, or in place of, food. This notion is reinforced and extended in the comments: ‘Dish me up a bowl’, ‘I had that soup for dinner last night’ and ‘That’s it, I’m going on the JB Soup Diet!’ Jim Beam does add a ‘disclaimer’ in the comments saying they ‘believe in moderation, and do not condone excessive or irresponsible drinking’, although they only do so after a user has suggested that the post promotes alcoholism.

Image 1. Picture posted by the Jim Beam Facebook page



On 23 March 2012 Jim Beam posted 'Jim Beam and Fridays go together like _____ and _____'. 23 of the 103 comments were:

- *Drinking and hangovers*
- *A hang over and fuzzy memories*
- *Bitches and gossip*
- *Like gritty sand and anal sex.*
- *Acid and headjobs*
- *Like women and chatter like boobs and bras like bed and sleep like Jim and shots*
- *Herpies and hookers.*
- *jews and ovens*
- *Tits and ass*
- *belladonna and a baseball bat*
- *women and kitchens ;)*
- *Me and your mum*
- *Coke and Hookers*
- *arse and cunt and ballsack*
- *like relaxing & getting blind!*
- *internet and porn, guns and the us, jesus and guys, crackers and brie, rappers and bling...*
- *Vodka n Redbull!!*
- *Courtney Love and drugs*
- *Any other day and Jim Beam*
- *bikinis and jelly wrestling*
- *Tits and arse*
- *Chicken and porn.*
- *Dick and pussy*

While this post may be an extreme example of the type of conversations that take place on the Jim Beam Facebook page, it is by no means an isolated example. This is why it was selected for this report. It demonstrates, in one post, the pervasiveness and scope of regulatory concerns the content on this page raises.

All coders agree that there are regulatory issues with the offensive language and the violent, vilifying and degrading nature of comments. For example, comments like 'jews and ovens', 'women and kitchens', and 'women and whinning' are vilifying. The comments 'gritty sand and anal sex', 'herpies and hookers', 'tits and

ass', 'arse and cunt and ballsack', 'pissing and shiting', 'dick and pussy', 'coke and hookers', 'Acdc and headjobs', and 'bitches and gossip' are unnecessarily offensive. The comments 'belladonna and a baseball bat' and 'gritty sand and anal sex' are violent (Belladonna is a pornographic actress). Additionally, the comments 'relaxing & getting blind', 'drinking and hangovers', 'a hangover and fuzzy memories' and 'any other day and Jim Beam' normalise excessive and irresponsible consumption.

Example 2: Jägermeister

On 21 January 2013 Jägermeister posted a picture (Image 2) together with the caption, 'Did you know that the Jägermeister factories can produce up to 40,000 bottles per hour?!' 12 of 56 comments included:

- *I consume the same*
- *Hallelujah*
- *Wish I had a Jaegermeister factory*
- *Upon reading this I began salivating*
- *Hook it to my veins lol*
- *And I can drink almost the same per night!*
- *Might detour their production line to my bedroom.*
- *Did you know i can consume 40,000 bottle a minute? Clearly Jagermeister isnt handling their supply/demand very well...*
- *Can we stack ourselves in the bottle conveyor and just get pumped full of jager on the waxm through?*
- *It's the most beautiful drink in the world. I honestly believe that it was sent from heaven along with red bull of coarse it's honestly the only alcohol I drink.*
- *almost as much as i could drink*
- *i can consume 40,000 bottles per hour.*

All coders agree that the comments celebrate and encourage excessive and irresponsible consumption. Specifically, 'hook it to my veins lol', 'might detour their production line to my bedroom', 'Can we stack ourselves in the bottle conveyor and just get pumped full of jager on the [way] through?', 'I consume the same', 'Did you know I can consume 40 000 bottle a minute?', 'almost as much as I could drink', and 'i can consume 40,000 bottles per hour'.

While the original Jägermeister image and caption might seem like a relatively benign piece of corporate branding, the 'nod' to the quantity in the caption predictably prompted consumers to promote excessive consumption.

Image 2: Picture posted by the Jagermeister Facebook page



Example 3: Wild Turkey

Wild Turkey typically uses a hybrid form of more 'traditional' advertising – such as images of bottles or filled glasses – accompanied by some text relating to consumption practices or simply the brand's slogan 'Bird Up'. This slogan is used to 'command' users to drink and 'challenge' them to prefer alcohol with a higher percentage. There is an implication that this preference somehow makes them a 'better' person.

The brand regularly posts time and event specific drinking posts (37.8% of all posts), not just for holidays or weekends but also during the week (for instance, Thirsty Thursday, 'is Monday too early for the bird', Hump day drinks) thereby normalising the daily consumption of alcohol. Additionally, on some weekends they would add messages like 'have a wild weekend' which is a play on the name 'Wild Turkey'.

Excessive alcohol consumption is understood by the target market as intrinsic to a 'wild' weekend. User comments often encourage or normalise excessive and irresponsible consumption practices.

The brand's activities raise issues not just concerning the content of posts but their timing, volume and context.

On 19 September 2012 Wild Turkey posted a picture (see Image 3) with the caption, 'Some say Wild Turkey is too strong. We have something for them. It's called a juice box. Bird up.' 11 of 121 comments included:

- *Ummm that's the only reason I buy turkey over any other bourbon.. You will lose me and many others if you turn it into watered-down piss.*
- *After the shitty day my 2yr old served up to me, I've birded up and I must say I feel much better now. Anyone that doesn't love Wild Turkey is not worth knowing!!*
- *too strong? grow some balls !!!!!!!!!!!!!!!*
- *give the crybabies a hug....then throw the softcocks to the gutter!!! gobble gobble....*
- *We call those people, soft cock blouse wearing poodle walkers*
- *Yeah people out there harden up !*
- *Give the softs the bird and tell them to man the f..k up*
- *Yes please give me 4 litres of coke to*
- *god invented ice for two reasons. I'll just give you the bird*
- *not for girly men*
- *Stronger the better.*

All coders agree that the post in conjunction with comments like 'too strong? Grow some balls' or 'stronger the better' challenge consumers to prefer alcohol with a higher percentage. Given the established meaning of 'bird up' there is an implication that higher alcohol content relates to being a 'better' person. The language in the comments is also offensive, for instance, 'grow some balls', 'throw the softcocks in the gutter!!!', 'soft cock blouse wearing poodle walkers', 'girly men', 'tell them to man the f..k up'.

While much of this content breaches the current regulatory codes, the codes would not take account of the deliberate way Wild Turkey connects the Bird Up moniker to identities and rituals of excessive consumption and prompts consumers to extend those narratives.

Image 3. Picture posted by the Wild Turkey Facebook page



Example 4: American Honey

American Honey is a sweeter variation of bourbon targeted to the less developed palate of a younger market. Most posts by this brand were related to promotional activities and competitions.

Consistent with previous examples this includes images of users and promotional models from activations who appear to be under 25. The brand would also encourage users to tag their friends in images and captions to circulate content and did this by connecting it to 'real life' social practices (for example, sharing drinks, toasting, and 'cheers'-ing).

Similar to Wild Turkey, the comments left by users are often problematic as they celebrate excessive and irresponsible consumption. On 25 March 2012 a picture displayed a series of four American Honey bottles labelled Friday to Monday (Image 4). The first bottle is full and the amount of liquor seen in the bottles is reduced until the Monday bottle, which is empty. The text reads, 'Good weekend with the mates?' 15 of 53 comments include:

- *bottle empty on friday....*
- *No mate just no make it 3 bottles*
- *yah bottle is normally finished by 10-11 on friday*
- *It's all gone by sataday night*
- *Fukn pussies that bods would've been done in an hour n on to our second*
- *That would be gone in 2 hours at my joint lol*
- *gotta say as much as i like this.... you stretched the bottle a bit far... it should be Friday & monday ON FRIDAY, SATURDAY and SUNDAY... with me wishing i had ANOTHER bottle Monday to get through the day... lol*
- *Soft CARNTS*
- *I drink that to myself in 3 hours*
- *Wheres the rest of the bottles?? Should have a line up of empties*
- *I dont know who takes that long to drink the bottle but I can tell you that it would be all gone on the day I open it*

- *Pfffft amateur that bottle woulda been polished within the first hour on friday night.. pigeon liver*
- *Yeap too good to put the cap back on. Cap off, bottle empty soon after. Very responsibly of course*
- *I do drink responsibly, I'm responsible for a shitload of empty bottles*
- *That's like a Friday nights effort not a weekend*

All coders agree that the comments celebrate and normalise excessive consumption practices. For example, 'yah bottle is normally finished by 10-11 on Friday', 'That would be gone in 2 hours at my joint', 'I drink that to myself in 3 hours', 'that's like a Friday nights effort not a weekend' and 'I do drink responsibly, I'm responsible for a shitload of empty bottles'.

Image 4. Picture posted by the American Honey Facebook page



Example 5: Jack Daniel's

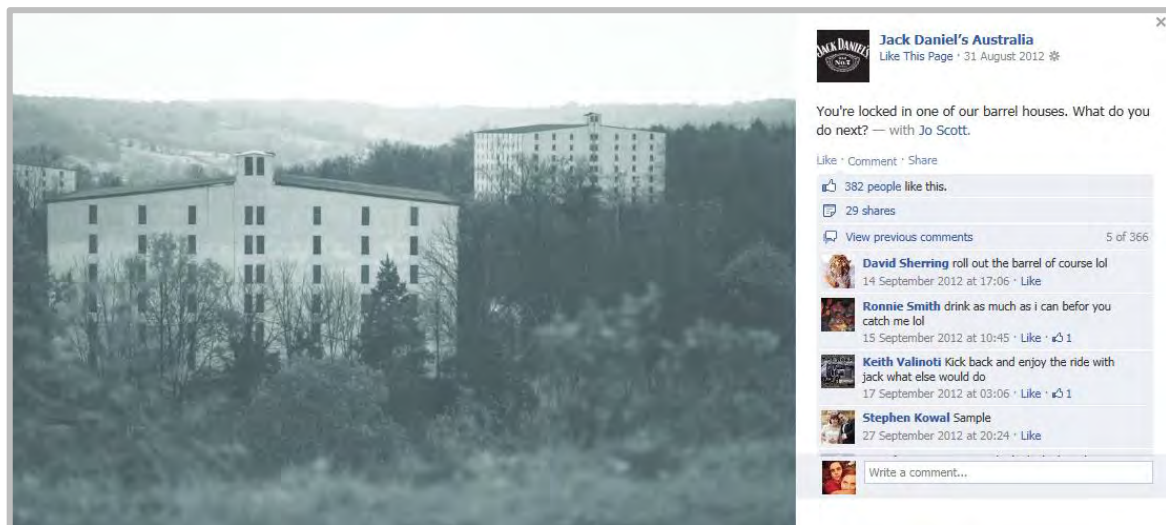
Jack Daniel's also posted images and updates that invited fans to post comments celebrating excessive and irresponsible consumption.

On 31 August 2012 Jack Daniel's posted a photo of their distillery (Image 5) with the caption 'You're locked in one of our barrel houses. What do you do next?' A selection of 12 of the 367 replies from fans included:

- *DRINK!*
- *Crack a barrel.. What else.. Haha*
- *Die due to alcohol poisoning*
- *Drink my way to freedom*
- *Start Drinking :0)*
- *Take a JD bath and hope they dont find me*
- *get on the drankk till someone finds you or you die...*
- *drink drink and the drink some more lol*
- *Cheers *clink**
- *die the most wonderful death ever*
- *Drink as much as you can*
- *Drink till i die*

All coders agree that users are prompted by the original post to encourage and normalise excessive and irresponsible consumption. Many describe drinking to get drunk or drinking to the point of death. Comments like "get drunk", "die due to alcohol poisoning" and "drink drink and the drink some more" clearly celebrate the excessive consumption of alcohol.

Image 5. Picture posted by the Jack Daniel's Facebook page



On Australia Day, 26 January 2012, Jack Daniel's posted a Facebook status update saying 'Eskey - Check! BBQ - Check! Four pack of cold Jack Daniel's and Cola - Check! Happy Australia Day'. The post received 90 replies a selection of which included:

- *4 pack???? SLAB!!!*
- *4 pack? Try a litre bottle*
- *Is pack slang for cases?*
- *shouldnt that read as 4 four packs lol*
- *4 cartons!*
- *I have 2 bottles*
- *Think she means 4 packs of 4*
- *The four must be breakfast*
- *only four thats illegal it should atlas be a 6 pack for starters but they have to be stubbies, jd in a can just doesn't taste the same*
- *Only a 4 pack...c'mon what's up with that?!!! Lol, a carton would be more like it !!!!*
- *i think a bottle is the go today happy australia day*
- *a 4 pacl ? what are you going to do after the first hour ?*
- *as long as there is 4 more 4 packs in the boot*
- *a box is a minimum requirement.*
- *reckon a case is needed at least*
- *2 x 700ml jacks for \$80 happy Australia Day guaranteed!*
- *1 ltr bottle check, BBQ brekki check!!!!*
- *on second can. Aussie aussie aussie*
- *i think they only packed 4 cause they are planing to drive*
- *Four pack? How old are you 5?*

All coders agree that these comments encourage and normalise excessive consumption. From the original prompt '4-pack' the conversation becomes about the quantity of alcohol one should drink, for instance '4 pack???? SLAB!!!!', '4 cartons!', 'Think she means 4 packs of 4', 'Four pack? How old are you 5?'.

The comments suggest that drinking is an essential part of Australia Day and that drinking will 'guarantee' that it will be a good day '2 x 700ml jacks for \$80 happy Australia day guaranteed!' Brands regularly use national holidays such as Australia Day, Anzac Day and Christmas Day to prompt fans to connect consumption of alcohol with enjoyment of the day.

In each of these examples the narratives of excessive consumption emerge via the comments of consumers. The brand provides a question or image that prompts consumers to extend what the brand implies. Over time it is evident that the consumers' responses are entirely predictable. Furthermore, brands' repeated use of these tactics indicates that they anticipate, and value, these responses.

The current regulatory codes do not explicitly stipulate what kinds of collaboration are appropriate. The current codes would only deal with this promotional activity by attempting to read the comments in relation to the original post. Furthermore, the codes would not consider the repeated use and cumulative value of this tactic over long periods of time.

Example 6: Jacob's Creek

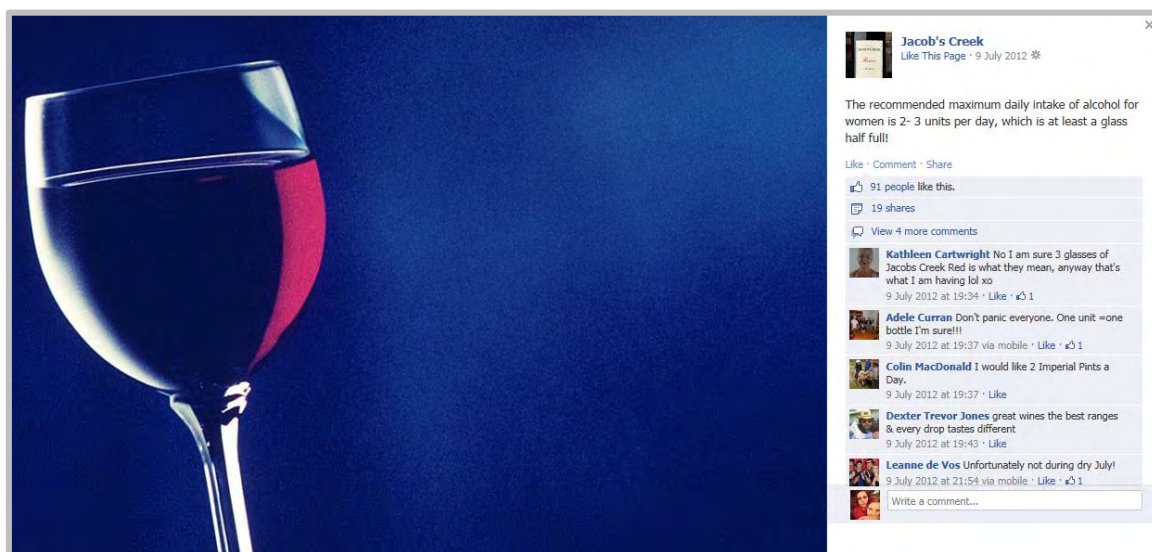
Jacob's Creek provides an example of how responsible alcohol consumption messages are repurposed by fans into their narratives of excessive consumption. Jacob's Creek is a wine brand which targets an older audience than other alcohol brands, yet the fans' comments frequently embed the consumption of alcohol within their everyday lives and relationships.

On 9 July 2012 Jacob's Creek posted a picture (Image 6) along with the caption, 'The recommended maximum daily intake of alcohol for women is 2-3 units per day, which is at least a glass half full'. Some of the comments include:

- *So the rest is just for fun?*
- *I need a bigger glass*
- *And the rest!*
- *oh dear - i'm on my second!!*
- *No I am sure 3 glasses of Jacobs Creek Red is what they mean, anyway that's what I am having lol xo*
- *Don't panic everyone. One unit =one bottle I'm sure!!!*

All coders agree that the comments negate the intentions of the responsible consumption post and turn it into messages promoting excessive consumption. For instance, 'I need a bigger glass', 'And the rest!', 'No I am sure 3 glasses of Jacobs Creek Red is what they mean, anyway that's what I am having lol' and 'Don't panic everyone. One unit = one bottle I'm sure!!!'

Image 6. Picture posted by the Jacob's Creek Facebook page



Issue 2: Consumers extend the brand identity

In addition to prompting consumers to promote or celebrate excessive consumption, brands frequently encourage consumers to connect the brand to identities, cultural practices and sentiments that the brand could never endorse explicitly.

Brands ‘wink’ at cultural values, rituals and identities that draw out contributions from consumers which breach the regulatory codes. While the occasional response from a consumer that ‘oversteps the mark’ may be unpreventable and excusable, when viewed over a period of time it is evident that brands routinely seek out these responses from consumers.

These practices embed the brand within peer networks using highly credible language and endorsements. The consumers articulate the brand’s as ‘belonging’ to their cultural world and lifestyles. The brand appears to be part of the everyday identities and conversations of consumers.

Furthermore these interactions on Facebook increase the affinity between the brand and consumers, which makes it more likely that their content will be served in their fans’ news feeds. That is, building engagement with consumers around their identities and cultural practices not only makes the brand a more authentic part of their world, it also builds the relevance ‘ranking’ of the brand’s content by Facebook’s algorithms. Over time this builds stronger affinity between the brand and its target market, enabling brands to invest more in culturally-embedded engagement with consumers.

Example 7: XXXX

XXXX consumers’ comments routinely reference excessive drinking rituals and often in conjunction with sexist, crude and offensive sentiments. Their contributions situate the brand in relation to their ‘blokey’ beer drinking culture that celebrates male-bonding, physical labour and sport and presents women either as irritating or submissive sexual objects.

On 9 February 2012 XXXX posted ‘Valentine’s Day is next week, anyone got some ideas what to get for the lady folk?’. 17 of the 31 comments received in response include:

- A new dishwasher lol
- A new iron
- I’m giving mine a good old fashioned rogering!!!!!!!!!!
- a lawn mower, whipper snipper, lol lol lol lol...
- i normally give her the shits, apparently
- Bag of mixed lollies n a packet of fruit tingles n a kick in the ass if she complaints
- A fairly good old romantic anal fisting she loves it... Good girl my missus
- Some xxx tallies might do her good
- the keys to the ute 2 go to the bottleshop 2 get a box of gold

VB also had a ‘Valentine’s Day’ post which prompted very similar comments from fans.

The original post by XXXX raises no regulatory issues. However all coders agree that there are issues with the depiction of women and the language used by fans in their responses.

Comments such as ‘a new iron’, ‘a new dishwasher lol’, ‘a kick in the ass if she complaints’, ‘a good old fashioned rogering’ and ‘a fairly good old romantic anal fisting’ are degrading and vilifying to women. The comments enact gendered stereotypes about women being objects, submissive, and domestic servants. Some of the comments also suggest women deserve violent ‘punishment’. They describe violent sexual acts and suggest the emotional, physical and sexual abuse of a partner or spouse would ‘do her good’. The references to violent sexual acts in combination with expressions such as ‘good girl my missus’ carry a menacing tone.

The general tone of the comment string contains what many XXXX consumers would most likely consider to be the bawdy sexist banter common to all-male social occasions. The comment 'a new dishwasher lol' for instance is arguably typical of the jokes men make with each other. Some in the community would find it offensive; many would find it harmless and humorous.

In the context of a brand's Facebook page though, consumers are saying things the brand could never say itself. These expressions by consumers affirm the brand's authenticity and contribute to its sense of belonging to their identity and social world. The issue is not policing the everyday conversations of Australian men, but rather clarifying to what extent brands can appropriate the sentiments of consumers, especially where those sentiments express views a brand would not explicitly state itself. Brands and regulators need to address the range of forms sexism takes online from everyday jokes through to the menacing and violent tone of other comments.

On 8 October 2012 XXXX posted 'If you were setting foot on XXXX Island, what's the first thing you'd do?' 37 of the 579 comments included:

- *crack a stubbie n enjoy the veiw*
- *Yep...straight to the bar.*
- *Fish beer babes*
- *Go fishing with a beer! Duh, lol*
- *catch a few cans and go fishing*
- *form your xxx island with a xxx in your hand what else Xxxx girls with you got it know*
- *Grab a XXXX and a mean feed.....then hit it hard*
- *Grab a beer and settle in at the bar!!*
- *Head to the 19th hole....*
- *Kiss the ground of the gods. Then grab a XXXX GOLD*
- *After grabbing some cold golds from the bar I would approach the beach with the lads on bombed out quad bikes fitted out with rod holders & eskimo beer coolers, then after many shits & giggles we would return to the main bar after catching our fair share of tiger sharks to liaise with the topples pantie less waitresses*
- *I'd say ,I'm in heaven and now I need a GOLD to quench my thirst from the long trip .*
- *Put my hand out for one of the XXXX angels to place a cold one in, accomodate her & the rest of the angels in doing whatever I wanted!*
- *Head straight for the bar to rehudrate before heading for a stroll with a supply of Goldies and check out the Island.*
- *ask for a rum can and get the xxx girls to give me a blow job*
- *Find the bar and a seat and then not move for a week or two*
- *Get to double fisting some Golds, then crash tackle the first bloke I see on the beach.*
- *Find the hot chicks then get some XXXX*
- *Look for the bar and strippers and an atm.*
- *Crack a beer and make sure there are no women about to ruin it.*
- *Crack a canny,find myself a nice lady in bikinis and find my way to the bar...oh and shake the hand of the awsome bloke who thought up this awsome idea*
- *Xxxx girl on one arm ice cold can of your most goldenest xxx golds down my throat i would head straight for the tinny and head out for fish*

All coders agree the comments contain sexualised, degrading and vilifying material.

For instance, comments like 'Put my hand out for one of the XXXX angels to place a cold one in, accomodate her & the rest of the angels in doing whatever I wanted!' are vilifying and the comment 'get the xxx girls to give me a blow job' is inappropriate.

Comments like ‘make sure there are no women about to ruin it’ implies that women are not welcome due to their gender and that their presence would be detrimental to enjoyment which is discriminatory and vilifying. However, the XXXX Angels do not appear to be considered as ‘women’ in this way. Comments that discuss the promotional models reduce them to servile sexual objects, which is degrading and exploitative. For example, ‘ask for a rum can and get the xxx girls to give me a blow job’, ‘put my hand out for one of the XXXX angels to place a cold one in, accomodate her & the rest of the angels in doing whatever I wanted!’, and ‘...we [the ‘lads’] would return to the main bar after catching our fair share of tiger sharks to liaise with the topples pantie less waitresses’.

The comments also imply getting drunk will lead to social success and enjoyment. 512 of the 579 comments link drinking XXXX to enjoying everyday life on the island. Several comments make references to dreaming, god and heaven which link alcohol consumption to paradise. The comments encourage excessive consumption through the use of many colloquial expressions for excessive consumption such as ‘hit it hard’, ‘neck oil’, and ‘can on like a mongrel’.

This post was one of many where the XXXX Facebook page encouraged consumers to map out the culture and values of XXXX Island. In the view of the brand and its fans, XXXX Island was a kind of paradise that represented their ideal identity and lifestyle. Across all of these posts the consumption of XXXX was the primary ritual of the Island. Drinking was often presented as a primarily male ritual which women were excluded from participating in, or only welcome as sexual objects or servants.

While XXXX official branding and advertising always depicts male-only bonding rituals, it could never explicitly state the values or perform the identities that its fans do on the Facebook page. Regardless, in their posts XXXX routinely prompted these expressions from their target market by asking them to map out the ‘rules’ for their ideal identities and ways of life, which are uncensored by the page moderators. The fans contribute rich and textured expressions of their cultural world and identities in relation to the brand. This builds the authenticity of the brand and its affinity with its audience.

Example 8: Carlton Dry

Carlton Dry's key engagement strategy was to find funny or quirky online images or memes that would appeal to their young target audience. They would then post the images with questions that would prompt interaction. The majority of regulatory issues that were raised from this activity came from the users' comments which were often offensive, violent, vilifying, sexual and/or degrading.

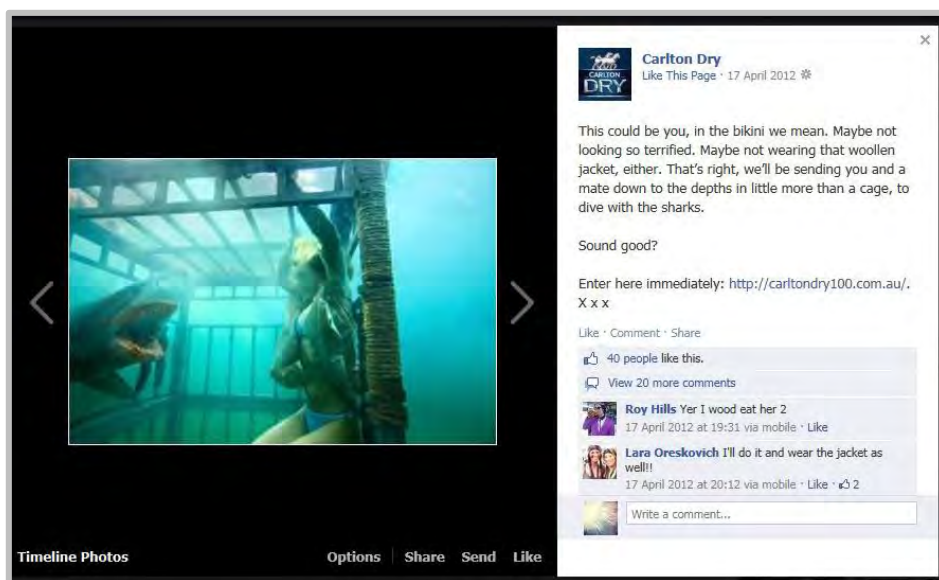
On 16 May 2012 Carlton Dry posted an image of a man with a strange looking musical instrument with the caption, 'I'm bringing my (fill in the blank) to Dave's party'.

The replies contained a range of sexually explicit and offensive material: 'dead wife', 'wife's dildo', 'my mum's intestines', 'faggy bagpipes'. References to a 'beer bong' and a '5 carton beer bong' also promoted excessive consumption. A beer bong is a homemade device used for drinking games involving skolling alcohol.

The comments also make reference to bongs and vaporizers which are items used to consume illegal drugs such as marijuana. Carlton Dry even responded to this discussion saying, 'and, we know too well, nothing beats a bit of vapouriser at a wintery house party'. This comment could be construed as endorsing the consumption of drugs. It is especially concerning that the brand participated in this discussion, normalising the use of illegal drugs in a party environment.

On 17 April 2012 Carlton Dry posted a picture (Image 7) of a woman in a cage about to be attacked by a shark. All of the coders agree that there are issues raised in the comments with how women are discussed. The image and comments are degrading to women in the sense that they invite male consumers to play out predatory fantasies, link the brand to rituals of 'hunting' for women, use the sexual appeal of women to attract the attention of male consumers, and present the woman as an object for men to devour.

Image 7. Picture posted by the Carlton Dry Facebook page



Regulatory issues for Carlton Dry mostly arose from the comments of their users. It is obvious that the brand deliberately elicited these comments. In some instances they participated directly in conversations, encouraging the responses rather than moderating them. The continuous use of provocative content generates a high level of interaction and affinity with fans. Much of the content posted would be indistinguishable within the newsfeeds of young fans as alcohol marketing. Rather than being clearly 'branded' content, the content makes Carlton Dry a part of the circulation of jokes and memes in peer networks.

Example 9: Midori and Baileys

Midori is one of the few female-focused brands in the study. Their primary Facebook activity is to upload internet-sourced images that fit the brand's colourful, sexy and summery personality. 62.2% of posts adopt this tactic. The posts are frequently accompanied by a question to engage users.

On 20 March 2012 Midori posted a status saying 'Finish this sentence: Enjoying a summer drink makes me feel...'. The replies included, 'complete', 'sexy', 'awesome', 'relaxed', 'like dancing', 'drunk', 'enlightened and refreshed', and 'chillaxed'. All coders agree that the comments, as prompted by the original post suggest that alcohol consumption can lead to a significant, positive change in mood and environment.

Several other posts sexualise and objectify men. On 12 November 2012 Midori posted an image of the actor Paul Walker and asked fans if they would share a Midori with him (see image 8). Coder 1 and 3 indicated that the comments sexualise and objectify the male in the image.

Users discuss performing sexual acts with him; for instance, 'Mmmm licking midori off his yes I think so can taste it now', 'yummy, he's such a hottie' and 'Fap fap fap' (a term for masturbation common on the internet). One user outlined their desire to 'get him drunk' – which, as can be taken from the context, indicates their desire to take advantage (sexually) of that person while they are intoxicated. Additionally, the comment 'I'd drink the Midori to get the nerve up to talk to such a man and then sleep with him Obviously' implies that alcohol consumption can lead to social and sexual success.

The difference between the way men are objectified here, compared to the way women are objectified on other alcohol brand pages, is the lack of a violent or menacing tone.

Image 8. Picture posted by the Midori Facebook page



Like Midori, Baileys explicitly targets women. It was the only brand to exclusively target middle-aged women. Image 9, posted on 5 July 2012, suggests that alcohol consumption has or can have a therapeutic benefit. The post itself explicitly states that Thursday nights are without value if drinking Baileys is not involved, like 'a wardrobe without shoes'.

The post received 165 comments that extended this sentiment: 'very,very true.', '...but why only Thursdays...', 'school holiday sanity saver !!', 'My only way of making it through the school holidays...' and 'any night without a wee dram of Bailey's' is pointless'.

Image 9. Picture posted by the Baileys Facebook page



In the examples canvassed here brands rely on consumers to extend their messages via their own identities. The comments of users add layers of meaning and context to the posts by the brands. Over time, it is evident that brands deliberately invite comments from consumers which are likely to illicit responses that promote excessive consumption, discriminate and vilify, or are offensive.

Issue 3: Activations and real-world promotions

The current regulatory codes do not address branding activities that take place in ‘real-world’ social spaces. Alcohol brands increasingly build activations – like themed bars – at cultural and sporting events. They use these spaces to engage with fans, sell product, and create content for social media.

While the current approach to regulating alcohol marketing conceptualises advertising and real-world promotion as two distinct activities, on Facebook they become inseparable. Much content is produced for Facebook via interactions with consumers in the real-world.

A large proportion of the content generated by brands interacting with consumers in the real-world is created by consumers and circulated via their Facebook pages. The current codes offer no way of reviewing or regulating these interactions. The codes fail to recognise how central these real-world activities are to the production of alcohol brands.

Despite these critical limitations to the current codes, much of the content produced in real-world activations and promotions breaches the current codes by depicting promotional models and consumers who appear to be under 25. The images also occasionally depict excessive consumption.

Example 10: Jägermeister

During 2012 Jägermeister posted 1,080 images from activations or promotional activities in clubs. Activations are stand-alone themed venues or spaces the brand builds at cultural events like music festivals.

In 2012, Jägermeister built a themed hunting lodge venue at the *Splendour in the Grass* music festival which runs for three days in July. They posted 319 images from this event. The images feature young and hip consumers, often drinking Jägermeister, while dancing and partying in nightlife venues. Most of the people in the images appear to be under the age of 25. Furthermore, when viewed as a continuous stream of images the posts connect the consumption of alcohol to dancing, partying, socialising and sexual prowess.

At present, ABAC adjudicators do not view these hundreds of images in relation to each other and therefore do not consider the broader meanings they construct. Instead, they would view each image separately. The panel may decide that the brand cannot verify the age of every individual in the images and therefore are in breach of the code. However, the panel would most likely not view the images in relation to each other and therefore not judge them collectively to be promoting excessive consumption or connect alcohol to a change in mood or environment.

In response to our 2012 complaint ABAC would only consider each individual image as a separate advertisement. However when viewing these images as a collective stream of content they often construct narratives that embed the consumption of alcohol within cultural life, and present alcohol consumption as central to having a good time. For instance, when the board considered a picture of dozens of empty vodka bottles taken at the Smirnoff bar at *Splendour in the Grass* they decided it did not suggest excessive consumption because there was no information about how the vodka was consumed. When viewed in relation to the hundreds of other images in the album though, the picture of the empty vodka bottles clearly suggests that the consumption of vodka was a central ingredient in the ‘good times’ depicted at the festival bar.

The two pictures below (see Image 10) posted by the Jägermeister Facebook page both demonstrate different instances of excessive consumption, and the subjects of the images appear to be under 25.

All coders agreed the image of the two young women, with one ‘pouring’ Jägermeister from a large cardboard bottle into the other’s mouth referenced excessive consumption. The image imitates excessive drinking rituals connected with ‘skolling’ or ‘shooting’ Jägermeister as part of big nights out clubbing. This contextual meaning would most likely not be taken into account by the ABAC Complaints Panel.

The second image is of a young man at *Splendour in the Grass* music festival. He is carrying four drinks. The drinks are in Jägermeister branded cups and would be recognisable to most people in the target market as 'Jager bombs'. Coders 1, 2 and 3 each categorised this image as representing excessive consumption. Jager bombs are a combination of Jägermeister and the energy drink Red Bull, usually consumed in the context of a big night out partying, and the subject is carrying four of them.

Image 10. Pictures posted by the Jägermeister Facebook page



These images demonstrate how 'real world' social spaces are converted into branded content that circulates on Facebook. These images would mostly likely be viewed by members of the target market as part of a stream of content from a music festival or night out.

The images not only present the brand logo as part of cultural events and nightlife, they also imply rituals of excessive consumption with Jägermeister common in the target audience. The brand activity increases the likelihood that images the target market see of nightlife and cultural events incorporate rituals of excessive consumption and present alcohol as part of having a good time.

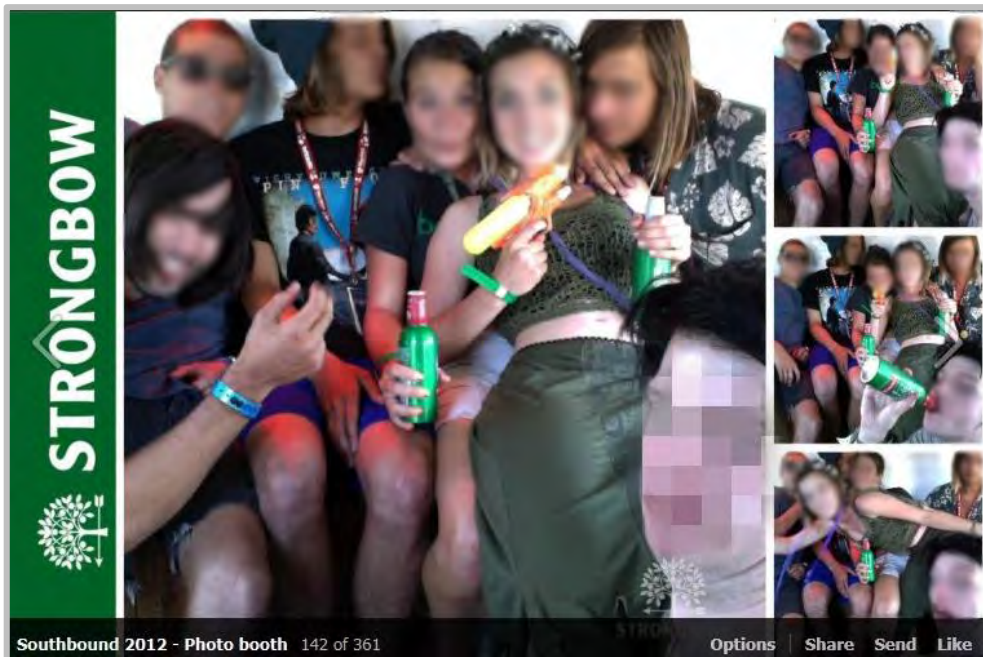
Regulators need to consider these images as a continuous promotional activity that constructs a narrative over time about the centrality of alcohol to specific social pastimes.

Example 11: Strongbow

Strongbow was not one of the top twenty Australian alcohol brands in terms of fan base on Facebook in 2012, but we have included it in the collection because it has a rapidly growing fan base in the 18-24 year old target audience. Like Jägermeister, Strongbow has built activations at music festivals where they take large numbers of images and upload them to Facebook.

Image 11 is from their *Splendour in the Grass* activation where Strongbow converted a large sailing ship into a bar and set up a photo booth in a kombi van. Consumers posed with their friends and the photo booth images were uploaded to Facebook. Many of the images feature consumers who are clearly under the minimum age of 25 recommended by alcohol advertising codes in Australia. Many of the images feature consumers who appear quite young, perhaps just 18, consuming alcohol as part of their enjoyment of the festival.

Image 11. Picture posted by the Strongbow Facebook page



Example 12: Jim Beam

During 2012 Jim Beam posted 6,812 images featuring their Jim Beam Party Crew promotional models to Facebook. Most of these models and many of the consumers they are posing with appear to be under 25. The promotional models appear at sporting events (motorsport, racing and rugby league), university events, pubs, clubs, and liquor stores.

Many of these images raise regulatory concerns because the promotional staff and consumers appear to be under 25 and the posts appear to encourage or celebrate excessive or irresponsible consumption. The images also prompt comments that:

- Are derogatory or vilifying toward women, the promotional staff or other minority groups.
- Extend notions of excessive consumption.
- Imply that alcohol consumption causes a significant change in mood or environment.
- Use inappropriate and offensive language.

On 18 August 2012, Jim Bean posted a picture (Image 12) featuring promotional models in a liquor store. Above them is a pricing sign for Corona which reads '\$54.99'. Each of the coders agreed that the comments in the post raise regulatory issues in their discussion of the promotional models. Comments such as "54.99 for one of those girls? Too expensive ..." and "do the women come wif it too" which refer to the models as commodities for sale are objectifying. This is degrading and vilifying to women. Additionally, the Jim Bean models appear to be under the age of 25.

Image 12. Picture posted by the Jim Beam Facebook page



Image 13 below features promotional models with a cardboard cut-out of two Jim Beam racing team drivers with their faces cut out. Two men pose as the racing card drivers while drinking Jim Beam. Three coders believe the image associates drinking Jim Beam with sporting success. The association of Jim Beam with motorsport – particularly in an image where people posing as racing car drivers are drinking alcohol – also raises concerns about responsible consumption and health and safety.

Image 13. Picture posted by the Jim Beam Facebook page



Jim Beam also posted a picture (see Image 14) of four promotional models posing with two young men who both appear to be under 25. One of the men appears to have urinated in his pants. Comments below the image include:

- *Pissed himself*
- *Looks that way*
- *I think he dribbled on his Nate as well*
- *Looking grate*

When viewing the image and comments together, they suggest that one of the young men is so intoxicated he has wet his pants. Furthermore, when this image is read in relation to hundreds of other images in the album there is an implication that drinking Jim Beam will attract the attention of promotional models and 'beautiful' women.

Image 14. Picture posted by the Jim Beam Facebook page



Issue 4: Volume, timing and targeting

This report has drawn predominantly on a purposive selection of content which alcohol brands posted to Facebook. The current regulatory codes only examine the content of individual advertisements. A key existing criticism of the current regulatory codes is that they ignore volume and placement of advertising messages.

On Facebook this becomes an even more significant issue for three reasons:

- The volume of brand messages becomes more continuous: The cost of producing content for Facebook is relatively low and brands do not need to buy media space. Brands produce continuous and relatively inexpensive forms of content that build incremental engagement over long periods of time;
- Placement becomes far more targeted: Using information gathered about audiences, social media platforms can deliver highly customised messages to targeted groups and individuals; and
- Volume and placement is planned around specific times, event and places: The actions of specific Facebook users can also generate individual messages based on something they say, somewhere they go, or people they associate with.

To examine the volume and timing of content in relation to regulatory issues we undertook a content analysis of every item of content posted by Australian alcohol brands on a Friday. Friday was the day that these brands posted most. Jacob's Creek were excluded from this analysis because they deleted all of their Facebook content prior to 2013 before the analysis was conducted.

The purpose of this analysis was to:

- quantify the number of items of content that raised regulatory issues
- determine whether regulatory issues were concentrated in particular types of posts
- illustrate how regulators need to consider the broader flows or streams of content rather than individual advertisements.

We examined 1,028 Facebook posts by 19 alcohol brands on a Friday. One coder noted whether there was a breach of the regulatory code for each post, and each identified breach was checked by another coder.

Through this analysis we determined that:

- 183 Friday posts (17.8% of all content shared on Fridays) appeared to breach the ABAC or AANA code.
- 152 (83%) of the 183 posts which appeared to breach the codes, did so by referencing excessive alcohol consumption.
- In 138 of those 152 posts, it was the comments posted by Facebook users that referenced excessive consumption. Of the remaining 18 posts, in eight cases both the user-generated comments and the brand's original post referenced excessive consumption. In six cases it was the alcohol brand's post that referenced excessive consumption.

When we examined whether regulatory issues were more evident in particular kinds of Facebook posts we found that time and event specific content had a higher instance of regulatory breaches (see Table 4).

Table 4. Post categories that raised regulatory breaches

Post category	Number of breaches	Percentage
Ask posts: that directly ask consumers to interact	87 out of 457 ask posts raised a regulatory issue	19%
Personality posts: where the alcohol brand acts like a 'person' by creating a distinctive cultural identity or sense of taste.	76 out of 551 personality posts raised a regulatory issue	14%
Time and event specific: posts where brands connect drinking to specific times of the day or week or social and cultural events.	132 out of 276 time and event specific posts raised a regulatory issue	48%

Time and event specific Facebook posts generate more interaction with fans than any other kinds of post (Carah 2014). In our analysis we identified a regulatory breach with nearly half the time and event specific posts (see Table 5). For some brands breaches on time and event specific posts were significantly higher. 87% of Wild Turkey, 80% of Jack Daniel's and 78% of American Honey time and event specific posts on a Friday raised a regulatory issue.

This demonstrates that the examples provided above are not isolated breaches, but are rather several instances of a continuous activity aimed at getting fans to celebrate excessive alcohol consumption and embed a particular liquor brand within their identities, pastimes and drinking rituals.

Table 5. Regulatory issues with time and event specific posts

Facebook Brand	Number of Time and Event Specific posts on a Friday	Number of Time and Event Specific posts on a Friday that raised regulatory issues	Number of posts or comments raising issues related to excessive consumption	Percentage of Time and Event Specific posts on a Friday that raised regulatory issues
Absolut	14	0	0	0
American Honey	9	7	7	77.78
Bailey's	12	7	6	58.33
Bundaberg Rum	10	7	6	70.00
Bundy R Bear	18	9	5	50.00
Carlton Dry	10	3	2	30.00
Jack Daniel's	15	12	9	80.00
Jägermeister	14	5	4	35.71
Jameson's Irish Whiskey	15	7	5	46.67
Jim Beam	36	14	12	38.88
Johnnie Walker	9	4	0	44.44
Midori	22	3	1	13.6
Pure Blonde	13	8	8	61.54
Rekorderlig	14	7	4	50.00
Smirnoff	9	2	1	22.22
Tooheys Extra Dry	15	9	8	60.00
Victoria Bitter (VB)	12	7	6	58.33
Wild Turkey	23	20	18	86.96
XXXX	6	0	0	0
Total:	276	131	102	47.46

Time and event specific Facebook posts appear to routinely generate regulatory issues. We contend that this is because they prompt consumers to connect alcohol consumption with everyday life.

Consideration of the volume of posts needs to take account of how the continuous streams of content being uploaded by alcohol brands are tailored to particular times of day or social events and targeted at specific groups of fans.

Alcohol brands are a pervasive presence in the newsfeeds of many Facebook users. At key moments when individuals might be on Facebook anticipating the weekend, reflecting on the end of the week, talking about a football game they are watching or a music festival they are attending, or wishing friends a happy holiday alcohol brands are also there prompting them to connect those expressions to the consumption of alcohol.

Example 13: Victoria Bitter

Image 15 was posted to the VB Facebook page on Christmas Day, 25 December 2012. The picture features Australian troops drinking VB during Christmas lunch while serving in Vietnam in 1965. The image prompted comments from Facebook users that related the consumption of alcohol to cultural rituals, like Christmas lunch, and linked VB to the values and identities of Australian servicemen. Comments from fans in response to this picture included:

- *enjoying a few cold VB'S myself, merry xmas VB!!*
- *look like morethan a few hahahaha*
- *Well deserved*
- *Pity the diggers in the Stan can't have a Christmas drink without offending the locals*
- *Bless All the Diggers! The blessed soles that were lost, and the soles that returned, not one that ever escaped the horror of what they endured to give us this Christmas Day. Bless ALL the Diggers*
- *Best photo. Bless the diggers and bless VB. Vb for life*
- *Drink up lads thanks for the memories*
- *Thanks Lads you are Legends , now enjoy that Beer*
- *hope VB still sponsors our troops keep up the good work*
- *That's the ausie spirit!*

The post was timed to engage in fans' conversations about Christmas day, and to mobilise their sentiments toward friends, family and countrymen who were away from home. This post is one of many where VB used the ANZAC mythology to generate engagement with fans. In doing so they build affinity between their fans and the brand, and they embed VB within strongly held Australian values and identities.

Image 15. Picture posted by the VB Facebook page



The ABAC Complaints Panel may determine the comments on the post relating to consumption of VB breach the code. The current code would not however, cover the brand's deliberate use of the identities and values of Australian servicemen or the timing of the post on Christmas day.

Facebook enables brands to have real-time engagements with fans at specific times and in relation to certain cultural rituals. The current codes do not address how brands use the real-time capacities of these technologies to create forms of engagement which normalise alcohol consumption within cultural rituals and identities as part of the mediation of everyday life.

Example 14: Bundaberg Rum

Similarly, Bundaberg Rum also offers examples of Facebook content that is deliberately timed to generate interaction with fans around specific events or times of day. These interactions generate comments that connect the excessive consumption of alcohol to cultural pastimes. On 25 May 2012, the Bundy R Bear Facebook page (a subsidiary of Bundaberg Rum) posted an image of a Bundaberg 'Pea N Penguin Pie' (see Image 16) with the caption, 'On the couch with my customary NRL, Bundy and pie. How do you get into Friday Night Footy?' Responses from fans included:

- *Send some my way please Bundy*
- *booze babes n billies*
- *I'll have 100 of them*
- *Cheers to that... It just not friday nite footy without a 10pk of bundy's and yeah..... Where you get those pies i sooo want some*
- *Can't beat a couple (or more) Bundy Reds to wind down after a hectic week at work.*
- *I'll have one with sauce*
- *How do I get into anything. Simple with a 40 oz bottle of OP rum...*
- *Just had 2 bundy 100 proof 2 warm me up it worked*
- *On my 10 bundy on phillip island that pie sounds the go wooopwoop*

The Bundy R Bear post connects the consumption of alcohol with the everyday practice of watching football on a Friday night. They do this in two ways; by posting at a time when users are already preparing for an evening of football and by 'suggesting' that alcohol consumption is integral to the enjoyment of sport. This notion is extended by the consumers with comments like 'Cheers to that... It just not friday nite footy without a 10pk of bundy's'.

The brand embeds itself, and alcohol consumption, in the ritual of watching sport. The fans use the brand's post as a resource to convey their enjoyment of sport and connect it to the excessive consumption of alcohol.

Image 16. Picture posted by the Bundy R Bear Facebook page



On 19 October 2012 Bundaberg Rum posted a meme-like image of the Founding Father with the caption 'The hour of rum is upon us' (see Image 17). Comments included:

- *already started*
- *Yes it is in about twenty mins I'm gettin on it!!*
- *Any time is a good time for Rum o'Clock*
- *started 4 hours ago.*
- *Run o'clock was ages ago...*
- *ahh this post got me wantin some now hahaha*
- *Every hour is Bundy hour!!*
- *More like the weekend of rum is upon us*
- *The first 5 days after the weekend are always the hardest*
- *Should be made compulsory.....*
- *It is ALWAYS upon us!*
- *Hours of rum are upon us lol*
- *my oath--- i shell have a bundy with me at all times*

The content is purposefully posted at a time when the majority of people are preparing to finish work for the day. By doing so it embeds itself in the ritual of relaxation and weekend drinking. Additionally, it acts as a 'reminder' to users to communicate their participation in these drinking rituals online.

In these instances the brand posts an item of content on Facebook that prompts users to talk about consumption of alcohol amongst their peers and networks at a specific time. The comments extend the brand's post with references to excessive consumption of alcohol.

Image 17. Picture posted by the Bundaberg Rum Facebook page



The examples covered here illustrate how alcohol advertising regulation needs to not only address the volume of Facebook posts, but how they can be timed and targeted to generate user engagement at specific times, with particular people around certain cultural events and pastimes.

Conclusion

This report has examined whether the 20 most popular alcohol brands in Australia are complying with their own self-regulatory advertising codes and if those codes are adequate for regulating brand activity on Facebook.

The analysis was undertaken in response to the milestone ASB and ABAC decisions in 2012 which determined that alcohol brand activity on Facebook fell within the provisions of the codes which regulate alcohol advertising and that brands were responsible for user-generated content posted to this platform by fans, such as Facebook comments.

Of the 14 examples presented here of alcohol brands breaching the alcohol advertising codes, 11 contained content posted on social media after the 2012 ASB and ABAC ruling had made clear the codes applied to content posted by both the brands and their fans to their Facebook pages.

The current self-regulatory process appears ill-equipped to adequately define, monitor and manage alcohol brand activity on Facebook. Provisions in the code relating to the depiction of excessive consumption, the connection of alcohol with a change in mood and environment, and the depiction of people under the age of 25 all appear to be regularly breached.

Alcohol brands appear to deliberately and regularly post content on Facebook that routinely prompts consumers to respond with comments that breach the codes. They appear to encourage fans to say things that the brand is prohibited from saying.

The censorship of ordinary Facebook users is not an appropriate solution. The general public should be largely free to say and think what they wish on Facebook, like anywhere else. The solution to these alcohol advertising breaches lies in the design and implementation of a code that adequately describes and accounts for brands' activities on social media.

Since this study was undertaken, ABAC have released a revised Responsible Alcohol Marketing Code. This code applies to 'all Marketing Communications in Australia generated by or within the reasonable control of a Marketer'. This new definition includes mobile and social media and user-generated content on platforms the marketer has reasonable control over. This would presumably apply to Facebook pages run by an alcohol brand, where the brand has the capacity to moderate user-generated content.

However, 'reasonable control' is not adequately defined. At least one consequence of this omission is that the revised code still remains unclear as to what extent alcohol brands are responsible for the comments that they routinely prompt from fans on social media and the accumulation of these interactions over time.

The revised code fails to adequately describe core features of contemporary alcohol branding that use a combination of consumer participation, real-world engagement and social media platforms. Taken together with the ambiguous definition of 'reasonable control' the code does not clearly define what kinds of consumer participation it is appropriate for alcohol brands to solicit and appropriate.

In some significant respects the revised code appears to liberalise the capacity of brands to engage with consumers online. ABAC's 2012 ruling relating to Smirnoff's Facebook page stated that alcohol brands could not depict consumers who appeared to be under 25. This decision meant that the popular brand practice of taking photos of consumers at licensed venues or cultural events and posting them on their Facebook page fell outside the code unless the brand could prove that all consumers depicted were over the age of 25.

However Section 3(b)(iii) of the revised code effectively reverses ABAC's decision on this matter. The revised code states that 'advertising must not depict a person under 25 unless they are not a paid model or actor and are shown in a Marketing Communication that has been placed within an Age Restricted Environment'. This means that brands can depict consumers who are under 25 if the images are produced in a licensed venue.

This provision enables brands and licensed venues to continue producing and circulating images of young people in licensed venues.

This activity is one of the most valuable uses of social media by alcohol brands and licensed venues. Images taken by nightlife, scene or club photographers often circulate widely on social media platforms. They depict the consumption of alcohol embedded within cultural scenes and practices. Importantly, the images are also devices that enable brands to generate attention and data on those platforms. As consumers tag themselves in, like and comment on the images they register connections between the brand, contexts of consumption and their peer networks. This response enables more sophisticated targeting of content and increases the future visibility of the brand in their peer networks.

The code also does not address the volume, targeting and timing of marketing communication messages. Presumably, these issues are considered by ABAC to relate to 'placement'. Section 2(b)(vi) of the revised code states that the 'Code does not apply to the placement of a Marketing Communication'.

The code remains with a definition based on a print and broadcast understanding of placement, continuing to ignore the way that digital channels enable much more sophisticated forms of targeting and customisation.

Furthermore, in failing to address volume, targeting and timing the code cannot take into account how the Facebook pages of alcohol brands build and maintain forms of interaction over time by targeting particular consumers and their cultural practices.

The revisions to the code raise at least two implications for the material presented in this report.

Firstly, much of the content relating to the celebration of excessive consumption, offensive content, and linking alcohol to a change in mood or environment was in breach of 2012 code and would still be in breach of the revised code. In our estimation, none of the examples presented here as breaching the 2012 code would not also breach the revised code.

Secondly, the issues raised in this report related to consumer participation, volume, targeting and timing of content are still not adequately defined or addressed in the revised code.

Recommendations

A necessary first step to reforming alcohol marketing regulation in Australia is to gain a clear understanding of the communication processes and communicative acts that are to be regulated. Three affordances of social media challenge regulatory approaches that focus only on media content and its effects (for more discussion see, Brodmerkel and Carah 2013):

- Branding on social media relies on collaboration with consumers. Brands are not confined to discreet texts like advertisements.
- Social media enables brands to be embedded within everyday life, cultural pastimes and identities. Brands are often embedded within the creation and circulation of content by other users.
- Social media enables brands to time and target content using information gathered by monitoring social media users.

We offer the following recommendations for consideration by researchers, policy-makers and regulatory bodies to consider in the development of robust regulation.

Recommendation 1: Conceptualise branding as collaborative, participatory and interactive.

Brands are open-ended social processes. Messages are made and circulated by both brands and consumers. Brands bear the responsibility for the communicative processes they initiate, manage and profit from.

The current regulatory process misrecognises the extent to which advertising is a social form of communication, being negotiated, modified and used by an active audience and thereby becoming part of everyday cultural practices (Ritson and Elliott 1999; Holt 2002; Moor 2003; Ruddock 2012). The mode of brand production associated with social media greatly amplifies these consumer activities.

As a consequence, regulatory approaches which focus solely on official advertisements published by brands and their assumed meaning avoid addressing how brands actively attempt to embed themselves in everyday cultural practices by using marketing strategies that go beyond what is traditionally understood as advertising. Social media with their interactive and participatory properties have become a new and important platform for these strategies (Ruddock 2012).

Recommendation 2: Assess the difficulty in applying codes based on judging the meaning of a text in an interactive media environment.

Regulators, researchers and policy-makers need to assess the practicality of applying codes based on judging the meaning of a text and its reception by a broad target audience in an interactive media culture.

Codes need to also address issues such as cultural context, collaboration, volume, timing and targeting.

Recommendation 3: Pro-actively monitor and assess the extensive and routine breaching of regulatory codes on Facebook.

A regulatory process that relies on members of the public identifying objectionable content and reporting it to the board is anachronistic in a media environment where brand content is largely only visible to the target market. On Facebook, you are only likely to see content if the brand targets it at you, a peer interacts with it, or you search for it directly.

The current regulatory approach assumes that members of the public will scrutinise advertising. This is ineffective when content is not broadly publicly visible.

Recommendation 4: Recognise responsible and excessive consumption is not just about what brands say, but about the consumer contributions brands routinely invite.

Assessments made about provisions in the code, such as responsible and excessive alcohol consumption, need to take account of not only what brands explicitly say but also what they imply and prompt consumers to say on their behalf.

The regulatory process needs to consider how these ‘conversations’ develop over time. It is no longer adequate to make discreet judgments about singular items of content. On social media, items of content become meaningful over time as part of a wider circulation of messages.

Furthermore significant amounts of brand content, including content which breaches the code, is being produced and circulated by consumers, often via their own pages and networks. Alcohol brands may not produce this content, but they do organise, prompt and profit from it.

Recommendation 5: Consider what aspects of people’s identities and lives it is appropriate for alcohol brands to engage with.

Alcohol advertising and branding regulation needs to specify the modes of collaboration with consumers that are appropriate.

The regulatory codes need to be able to consider how brands deliberately invite consumers to express how the brand and alcohol consumption are a part of their identities and lives as part of conversations that unfold over time and generate predictable results.

Often, brands are producing content not immediately recognisable as traditional ‘advertising’. Instead the content is building affinity between the brand’s page and their fan base so that over time the brand and alcohol consumption can be more seamlessly embedded into their online identity.

The strategies of brands on Facebook aren’t always explicitly promotional. Often they are aimed at building affinity between the brand and cultural identities and values, and then leveraging that engagement to get consumers to explicitly embed the brand within their mediation of everyday life.

Recommendation 6: Specify sponsorships, activations and real-world promotions as intrinsic to the production of brands.

Regulation needs to acknowledge that activations and real-world promotions are intrinsic to the production of brands in social media. The production of brand content often begins by interacting with consumers in the real-world. Much brand content is generated by consumers and circulated via their own social media profiles.

The codes currently do not include these brand activities within their purview. Sponsorship of cultural and sporting events are a key site for the production of marketing communication, but are currently excluded from the provisions in the code.

Recommendation 7: Address the volume, timing and targeting of content.

Regulation needs to explicitly address the volume, timing and targeting of content. This is not simply a matter of limiting the total volume of content produced and circulated. Regulation needs to address:

- The kinds of information brands collect about consumers, and how this information is used.
- How messages are targeted at specific individuals, social relationships and events, times of the day or week, and cultural pastimes or rituals.
- Activities that are targeted at individuals or niche groups and are therefore invisible to everyone except the brand, Facebook and the targeted individuals. This undermines a regulatory process entirely premised on public scrutiny.

The collection and use of information about consumers is intrinsic to the management of brands on Facebook. Information is used to organise flows of content over time, and to target fans in specific social settings at particular times (for instance, on a national public holiday, a cultural event, or a Friday afternoon).

In light of these seven recommendations, effective regulation of brand activity on Facebook needs to take a holistic view that considers not only individual promotional messages, but also the collection of information, targeting of messages, management of collaboration and building of affinity over time. These activities together not only promote individual brands of alcohol; they also normalise alcohol consumption within cultural identities, rituals and pastimes. Taking a broader view of the process of creating valuable alcohol brands may also lead toward considering social media organisations, like Facebook, cultural and sporting events and organisations as key institutional players in the management and regulation of alcohol branding.

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