



## Case Report

1	Case Number	0062/13
2	Advertiser	Converse
3	Product	Clothing
4	Type of Advertisement / media	Billboard
5	Date of Determination	27/02/2013
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

Colour image of a male riding a modified motorcycle along a road. Male has a helmet and goggles on, with a tee shirt, trousers and is wearing socks and a pair of Converse All Stars. The text reads, "Shoes are boring, wear sneakers".

### THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

*How do I put it best... "There's something about the smell of someone who has lost their skin in a motor bike crash... Horrid rancid smell of a bloody gritty mess of torn skin, fat, muscle and tendon. Usually urine as well". That's what my mum said to me when I sent her a picture of the billboard... She spent a lot of time working as a doctor in emergency so dealt with many people who had been in motorcycle accidents.*

*The ad is objectionable because it is promoting behaviour that is not only proven to be dangerous (not wearing correct motorcycle gear on the road), but also causes a lot of pain and trauma for many people. This link is to an article that describes for new motorcycle riders what will happen to them in an accident, and highlights the importance of wearing the right gear. <http://www.bestbeginnermotorcycles.com/motorcycle-guides/top-7-things-will-happen-motorcycle-crash-nsfw-pics-video>*

*I find it bizarre that while the TAC spends large amounts of money trying to inform the public about motor cycle safety and the importance of wearing the correct gear, even for short trips,*

*Converse would be allowed to use a billboard like this. It is the equivalent of allowing ads that glorify smoking while the government simultaneously runs their anti-smoking campaign. Here is a link to just one of the many ads the TAC have run on motorcycle safety*  
<http://www.youtube.com/watch?v=8bl68iB38GQ>

*As to the product itself, the ad encourages wearing sneakers, and suggests that you can wear them when riding a motorcycle. Converse shoes are made of canvas. Keep that in mind when you read the next little excerpt from an article about the importance of motorcycle boots.*

*"In the event of an accident or a tip-over, your feet will most likely be one of the first things to contact pavement. In a fishtail, you may find you have to put a foot down and drag it along the pavement to steady the motorcycle. There are hot exhaust pipes near your feet when you are mounted on the saddle. These are all reasons that you need to protect your feet properly. It is alarming to see someone riding a motorcycle in sneakers or, worse yet, flip flops or slaps. These types of foot gear do not provide the protection you need and should you get into trouble while wearing something like these on your feet, you hopefully will live to regret it. However, you could be regretting it with only a part of your foot remaining."*

*For all the above mentioned reasons this particular advertisement is objectionable and, in my opinion, offensive.*

## **THE ADVERTISER'S RESPONSE**

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

*We have considered the complaint and the advertisement in question in light of the provisions of the AANA Code of Ethics (AANA Code) and the Federal Chamber of Automotive Industries' Voluntary Code of Practice of Motor Vehicle Advertising (FCAI Code). We note the concern that seems to be raised by the complaint is that it might encourage viewers to wear incorrect motorcycle gear. We submit that the advertisement does not breach either the AANA or the FCAI Code.*

*The advertisement is one of 64 in a series of billboards each bearing the tag line "Shoes are boring. Wear sneakers." There are only 10 billboards featuring the execution in issue. We note that the male model talent featured is on a motorcycle. There is no indication of speed, and that is not the focus of the execution. The focus is the clothing. The male model talent is wearing a helmet, socks and closed toe shoes, long pants and a t-shirt.*

*The purpose of the advertisement is to suggest a feeling of freedom. The motorcycle is a prop for this purpose. The combined effect of the graphics and the tag line is to express independence and individuality.*

*The core issues from the perspective of the Codes is whether the billboard execution portrays driving practices or other actions which would, if they were to take place on a road, breach any law dealing with road safety or traffic regulation (FCAI Code, clause 2(c)), or the depiction of material contrary to prevailing community standards on safety (AANA Code, 2.6). (We note that clause 2(a) of the FCAI Code does not seem relevant at all because speed is not an issue and in its own terms, the FCAI deals with attire under clause 2(c)).*

*There is nothing in the advertisement that depicts or encourages any breach of law (including road safety or traffic regulation). The examples given by the FCAI itself in respect of clause 2(c) of the FCAI Code include not wearing an approved safety helmet. This is because not to do so contravenes rule 244B of the Australian Road Rules. There is no rule dealing with appropriate clothing. Even if there was, this is not a case of open toe footwear or short pants, both of which are common place.*

*This then leaves the question of prevailing community standards. While it might be sensible to wear "leathers" by way of protective clothing when riding a motorcycle:*

*1. this is not required by law (and that is the normal benchmark of community standard); and  
2. it is evident from the billboard that this is an advertisement for Converse sneakers, that the male talent featured is using a motorcycle as a prop for this purpose and that in this context there is no depiction of material contrary to prevailing community standards.*

*For these reasons, in context, we believe there is no breach of either Code.*

## **THE DETERMINATION**

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainant's concerns that the advertisement promotes wearing inappropriate safety wear on a motorcycle which is contrary to prevailing community standards on health and safety.

The Board viewed the advertisement and noted the advertiser's response.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted the advertisement features an image of a man on a motorbike wearing casual clothing and Converse shoes.

The Board noted the complainant's concerns that the clothing and footwear is not the most appropriate safety wear for riding on a motorbike. The Board noted that the only legal requirement for safety equipment is that riders must wear helmets. The Board considered that there is a section of the community which considers that the safety standards for motorcycles should be stricter and that there is a level of community concern about motorcycle safety. The Board also noted other sectors of the community who believe that existing requirements are sufficient. The Board considered that this is an issue on which there is not a clear or strong community standard and that the depiction of a person wearing the advertiser's product with a statement to wear them rather than shoes did not undermine or depict material that is contrary to prevailing community standards on safety while riding a motorbike. The Board determined that the advertisement did not depict material which would be in breach of Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.

