



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0051/18
2	Advertiser	BP Australia Pty Ltd
3	Product	Automotive
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	21/02/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a mum in the car pulling into a BP petrol station and checking on her sleeping baby and toddler in the back seat. The mother then takes out her phone to use the BPme app to purchase fuel. The mother is then outside the car (with no phone in her hand) and a disclaimer on screen which reads "When visiting BP, phones may be used inside stationary vehicles."

THE COMPLAINT

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

In my opinion this ad is irresponsible and dangerous as it clearly states at all petrol stations to turn off your mobile phone at all times especially when filling your car up with petrol because of the static electricity. Especially if someone calls a persons mobile at the petrol station because this could cause a spark with the static electricity and cause a fire or explosion or even death. People simply filling up jerry cans have been set on fire. There is also a safety warning sign at all petrol stations instructing people to turn off and not to use their mobile phones. I don't want to die filling up petrol because of this ad or anybody else. It is an extremely dangerous ad.



It was a bad for BP using your phone to pay with at the Bowser

THE ADVERTISER'S RESPONSE

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

Since receiving this complaint, BP has reviewed advertisement specifically in line with Section 2 of the AANA Code of Ethics and believes it is not in breach of any element of this code. The below sets out each of the elements of Section 2 and BP's response:

2.1 The advertisement does not vilify or discriminate against an individual or any section of the community. In no way does it reference or suggest the discrimination or vilification of the characters appearing in the advertisement due to their race, ethnicity, age, nationality, gender, sexual preference, religion, disability, mental illness or political belief.

2.2 The ad does not employ sexual appeal in a manner which is exploitive and degrading of any individual group of people. All characters within the bounds of the ad are dressed appropriately and do not use innuendo or suggestive language or actions that could be deemed exploitive and degrading. The voice over for the advertisement also does not utilise or infer sexual innuendo. We believe this advertisement does not employ sexual appeal to achieve its aims.

2.3 We believe the advertisement does not portray any violence.

2.4 We believe the advertisement does not contain any sex, sexuality or nudity at all.

2.5 We believe the voice over of the advertisement only contains language which is appropriate for the relevant audience and does not contain any obscene language at all.

2.6 This advertisement does not contain or depict any material contrary to community standards on health and safety. In December 2017, BP announced the national launch of our fuel payment app 'BPme' which allows customers to pay for fuel using their smartphone, from the comfort of their car. From a safety perspective, the lead up to this national roll-out was carefully managed to ensure that all risks and requirements were duly considered, this included:

- Reviewing legislative requirements;*
- The assessment of risks;*
- Confirming controls;*
- Engaging with regulators;*
- Conducting a pilot in August 2016 to evaluate and verify operational suitability,*



including risk controls, in the field; and

- *Ongoing monitoring of BPme performance, including any safety related incidents and unsafe behaviours.*

It is important to note that BP's site policy on mobile phone usage outside of the vehicle has not changed with the introduction of BPme. There are a suite of controls to address risks associated with potential mobile phone use on forecourts, including:

- *In-app messaging which clearly indicates the requirement that the App can only be used inside a stationary vehicle – an example of this is shown on screen during the TV advertisement.*
- *Terms & Conditions which are consented to by the app user which state that the BPme App must not be used at any time outside of a vehicle or on a BP retail site forecourt (nor on a motorcycle). These terms are agreed to when registering the BPme app.*
- *On-site signage clearly indicating that phones must remain in vehicles.*
- *Customer service representatives are still required to monitor all forecourt activity, and will follow existing process (as required) to stop all pumps and instruct customers not to use mobile phones on the forecourt or near LP Gas dispensers.*
- *Additional training has been provided to site staff to reinforce the understanding of potential hazards on the forecourt (including mobile phone use), and the requirement for forecourt supervision.*

2.7 On the basis of the reasons set out above, we believe that the advertising is clearly distinguishable to the relevant audience, making it very clear that there is a BP app that allows you to pay for your fuel whilst sitting in the comfort of your stationary vehicle.

THE DETERMINATION

The Ad Standards Community Panel (“Panel”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Panel noted the complainants’ concern that the advertisement suggested that people use their phones at petrol stations and that this behaviour is unsafe.

The Panel reviewed the advertisement and noted the advertiser’s response.

The Panel 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 Panel noted the television advertisement depicts a woman at a petrol station with her two young children. The woman is shown paying for her petrol via an app on



her phone while sitting in the car. The woman is then shown filling her car with petrol.

The Panel noted the complainants' concern that the advertisement suggests that using a mobile phone at a petrol station is safe.

The Panel noted the advertiser's response that the phone is only used inside vehicle, and that there is a clear disclaimer on the advertisement stating that phones must not be used outside of the vehicle.

The Panel considered that while the concept of a phone application specifically to be used at a petrol station could potentially be unsafe the Panel can only consider the content of the advertisement.

The Panel considered that the woman is only depicted using her phone inside of the vehicle which is stopped at a petrol station, and that the woman is not shown holding or using her phone outside of the vehicle.

The Panel considered that in combination with a disclaimer which clearly states that the phone is only to be used in vehicles the advertisement and depicted behaviour that is consistent with general community standards on safety.

Finding that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety, the Panel determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.

