



Ad Standards Community Panel
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Case Report

1. Case Number :	0075-20
2. Advertiser :	Brisbane City Council
3. Product :	Community Awareness
4. Type of Advertisement/Media :	Billboard
5. Date of Determination	11-Mar-2020
6. DETERMINATION :	Upheld - Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This billboard advertisement depicts a man riding a bike on a bridge. The man is wearing a bicycle helmet and a checked shirt. The supporting body copy states "We're getting five new green bridges across Brisbane". The advertisement includes the Brisbane City Council logo, the Brisbetter device and a search bar "Green Bridges".

THE COMPLAINT

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

I object to the images used in these promotions because many clearly display cyclists breaching road rules which are very heavily policed in Brisbane inner city. I have raised many issues relating to cycling with Council in the past and all of these actions are offences. Transport and Main Roads department have indicated the same. The numerous BrisBetter billboard advertisements are promoting Council's proposed improvements to the city's bicycle network which the City Cycles and other cyclists use and seem to just show a man with a large beard and groomed mustache riding his bicycle without an approved cycling helmet or any bell on his bicycle, both expensive offences. While he does seem to have some sort of head ware, it is very obviously not an approved cycling helmet with its flimsy elastic band for a chin strap. The code has called for a 15mm wide, sturdy strap for many years now after deaths related to and failures of, formally narrow straps. The rider seems more concerned about not spoiling



his beard. While there are provisions for religious headwear to be worn in lieu of an approved helmet, that is not the case here.

I believe that this depiction of cycling in Brisbane, particularly to promote the Council's own cycle hire scheme, as a care-free activity where road rules are very relaxed does nothing to promote cycling safety in Brisbane where numerous cyclist have unfortunately died and hundred more have received fines from the Police and Council both. While of course Council can make up any story that the photos were 'staged' under safe conditions etc., but that is largely irrelevant. Council needs to be far more responsible and only promote cycling in a positive and law abiding way. All of these images need to be removed from all locations immediately.

THE ADVERTISER'S RESPONSE

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

Please see the details below in relation to the complaint concerning the Brisbane City Council Brisbetter Green Bridges billboard, specifically addressing the lack of a bicycle bell and a compliant bicycle helmet.

This shoot was completed under strictly controlled conditions and safety standards with Queensland Police knowledge and permission along with professional traffic managers on site. The action area was closed to the general public for the duration of the shoot and only accessible by approved film industry professionals.

Council does not intentionally set out to contravene safety standards and undertakes a thorough internal process to ensure advertisements are not misleading or contain deceptive information or perceptions for consumers. Council also works to ensure that all claims relating to material, characteristics and representations of initiatives and services are verified and accurate by working within strict internal guidelines and those of our suppliers, in line with the Code.

*The bicycle helmet used in the Brisbetter Green Bridges billboard advertisement was purchased from a reputable retail outlet that sells helmets according to Australian standard. The helmet was purchased from Reid Cycles
<https://www.reidcycles.com.au/classic-skate-helmet-487680.html>*

The helmet is manufactured by a company called Hyper Extension who used BSI Group (British Standards Institution); one of the world's largest product certification companies to certify the helmet to the AS/NZS.

The product description of the helmet used in the shoot states:

Like all Reid helmets, our Classic Helmet meets or exceeds Australian Standard 2063:2008, which is the toughest certification for bicycle helmets in the world, so you know that it'll protect you when you need it most!

The complaint states "obviously not an approved helmet" however as outlined above the helmet is compliant with Australian safety standards. We do note, that the issue may be due to the angle of the photo as the full width of the helmet strap on the right



side of the image is obscured, while the strap on the left side of the image shows the full width.

The complaint also mentions the lack of a bell on the bicycle. This was unfortunately an oversight which was immediately rectified to ensure we reflect safety standards in our campaign imagery. We have attached the updated image in this submission which includes the bicycle bell and all ongoing advertising material used this updated image.

THE DETERMINATION

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

The Panel noted the complainant's concern that the advertisement features unsafe and illegal behaviour.

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

The Panel considered whether the advertisement was in breach of 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 complainant's concerns that the man in the advertisement was depicted riding without an approved cycling helmet.

The Panel noted the advertiser's response that the helmet was certified to meet Australian safety standards, and that the angle of the shot of the image may make it appear otherwise.

The Panel considered that the man was depicted wearing a helmet certified to meet Australian Standards, and that the helmet was worn appropriately.

The Panel considered that the depiction of the man wearing the black bicycle helmet was not a depiction which would be considered unsafe by most members of the community.

The Panel noted the complainants' concerns that the advertisement depicted the man riding without a bell on his bicycle.

The Panel noted the advertiser's response that the lack of a bell in the advertisement was an oversight and that this had already been corrected in this advertisement and all future advertising.



The Panel acknowledged that the current version of the advertisement does depict a bell on the bicycle, however noted that its role is to consider the advertisement that was current at the time of complaint.

The Panel considered that a bell is an important safety feature of a bicycle to warn pedestrians of the cyclists approach.

The Panel noted that Queensland Road rules require bicycles to have a bell, horn or other warning device when a bicycle is used on a road or road related area - which includes bike paths and footpaths (<https://www.qld.gov.au/transport/safety/rules/wheeled-devices/bicycle>).

The Panel also noted that information provided on the advertiser's own website also states that it is a requirement for all bicycles to have a bell (https://www.brisbane.qld.gov.au/sites/default/files/20190612_-_riding_in_brisbane_guide.pdf).

The Panel considered that most members of the community would consider laws around bicycle safety to be consistent with community standards on health and safety for cyclists.

The Panel considered that the depiction of the man riding a bicycle without a bell or horn was a depiction which was contrary to prevailing community standards on bicycle safety.

The Panel considered that the advertisement depicts material which is contrary to Prevailing Community Standards on health and safety and determined that the advertisement did breach Section 2.6 of the Code.

Finding that the advertisement did breach Section 2.6 of the Code, the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

All advertising featuring the imagery in question (bike with no bell) has been discontinued. Campaign imagery has been updated to include a bell. Any future advertising using this creative concept will include imagery updated with the bell.