



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

AdStandards.com.au

Ad Standards Limited
ACN 084 452 666

Case Report

1. Case Number :	0081-20
2. Advertiser :	Brisbane City Council
3. Product :	Community Awareness
4. Type of Advertisement/Media :	Internet - Social - Other
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

The 15 second YouTube advertisement features a man riding a bike along a bridge. The man is wearing a bicycle helmet and a checked shirt. A pedestrian is walking on the left side of the bridge. The advertisement includes the Brisbane City Council logo, the Brisbetter device and a search bar "Green Bridges".

A voice over states: "Brisbane just keeps getting better.

We're getting five new green bridges right across Brisbane, taking cars off the road, and getting you moving. This is Brisbetter."

THE COMPLAINT

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

I am very familiar with that cycleway and bridge and it can be dangerous for cyclists. The cycleway there is divided for two way cycle traffic and is dedicated for cyclists only with pedestrians using the other side of the bridge on the dedicated footpath. The cyclist is clearly riding in the middle of this divided bikeway and failing to keep left. The pedestrians depicted using this bikeway are doing so illegally and the bridge has been the site for collisions between pedestrians and cyclists in the past. The video depicts the cyclist passing these pedestrians, totally oblivious and not making any effort to warn them with his bell (as he is riding illegally without a bell) or even attempting to give them a wide berth. BCC have corrected some of these BrisBetter ads to include a bell on other media but have not done so for this YouTube advertisement to date. I think that this YouTube ads reaches more of the younger audience who are more likely



to emulate this illegal behaviour (both pedestrian and cyclist). The ad is also being shown by the creative developer on his own YouTube channel mentioned above.

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 YouTube video, specifically addressing riding conditions on the Eleanor Schonell Bridge bikeway and lack of a bicycle bell.

The complaint references illegal use of Eleanor Schonell Bridge bikeway. Specifically, that the featured pedestrian is using the dedicated cyclist lane illegally, and that the cyclist is riding in the middle of a two-way bikeway and failing to pay attention to the pedestrian.

To effectively promote the advantages of the five new green bridges, which do not currently exist, the advertisement had to use an existing green bridge location. Council chose Eleanor Schonell Bridge and took measures to minimise the location's identity and create a generic green bridge location, including intentional framing of shots to obscure landmarks (both in video and still photographs). The riding conditions depicted are not intended to replicate legal requirements on the Eleanor Schonell Bridge, but potential conditions on future green bridges.

The 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. As such, the cyclist and pedestrian were aware of each other and not exposed to any safety risks. The complaint also mentions the lack of a bell on the bicycle. As referenced in our response to complaint 0075-20, this was unfortunately an oversight which was immediately rectified where possible 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 video the complaint references is no longer live across any paid advertising and can only be found on Council's website and YouTube channel.

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 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 cycleway depicted is a divided bikeway where the cyclists should keep left, which he is not doing in the advertisement.

The Panel noted the advertiser's response that the advertisement took measures to minimise the location's identity as it was meant to be promoting new green bridges which had not been constructed yet.

The Panel considered that there were no lines visible in the advertisement to indicate that this was a divided bikeway, and no bikeway signs visible.

The Panel considered that whilst the man is seen to be riding towards the centre of the path, there are pedestrians easily and safely passing on his right, and the path ahead of him cannot be seen from the angle of the video.

The Panel considered that the content of the advertisement itself does not indicate what the rules for riding on that particular bridge are, and there is no suggestion that the cyclist is riding in a position inconsistent with those rules.

The Panel noted the advertisement is for future bridges which had not been built yet, and that the cycling behaviour shown in the advertisement was not representative of conditions on current bridges.

The Panel considered that most members of the community would not consider the depiction of the man riding slowly in the middle of the bridge to be unsafe or contrary to prevailing community standards on bicycle safety.

The Panel noted the complainant's concern 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 other mediums.

The Panel considered that the YouTube version of the advertisement had not been updated and did not include a bell on the bicycle.



The Panel considered that a bell is an important safety feature of a bicycle to warn pedestrians of the cyclist's 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

At this stage, Council has not updated the video in question to include a bike bell. As such, the video has been discontinued and removed from Council's website and YouTube channel. Any future use of this video will be updated to include a bike bell.