



Case Report

1	Case Number	0086/13
2	Advertiser	Street Strider Australia
3	Product	Sport and Leisure
4	Type of Advertisement / media	TV
5	Date of Determination	27/03/2013
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement shows people of different ages riding the StreetStrider on predominantly suburban Australian roads.

All footage has users wearing approved safety helmet.

Footage of children is on a suburban road and footpath without a dividing line or median strip with parents/adults following within a few metres for supervision.

The StreetStrider is a product from the USA and the advertisement does incorporate some American footage of riders on the opposite side of the road to Australian Law.

THE COMPLAINT

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

I am concerned about safety issues any child for example watching these ads will have the actions in the ads reinforced in his or her mind whether s/he gets a street strider or not. Swerving all over the road, going downhill around bends not seeing oncoming traffic on the side of the road and some unsuspecting driver heading into the street strider riders with nowhere to go and so on. The obvious lack of control in these vehicles. Are they licenced for the road, for pedestrians to run into or over by? Something is very wrong about this ad.

THE ADVERTISER'S RESPONSE

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

The complaint suggests that the advertisement specifically breaches section 2.6 of the Code by depicting material contrary to prevailing Community Standards on health and safety.

We strongly dispute this complaint on the following grounds:

- 1. All footage has users wearing approved safety helmets*
- 2. All footage of children includes parental/adult supervision*
- 3. Under no time is any footage displayed with an 'obvious lack of control' as per the complaint. The StreetStrider is low impact fitness product which utilises the upper and lower body muscle groups for toning and weight loss, the footage merely displays the products functionality and mobility across a spectrum of fitness and age levels.*
- 4. Whilst the StreetStrider by definition does not fall directly into the category of a 'Bicycle' it has been manufactured to comply with all Australian Bicycle Standards as Safety requirements as per AS/NZS 1927-2010.*
- 5. Whilst the StreetStrider by definition does not fall directly into the category of a 'Wheeled Recreational Vehicle' all effort has been made to ensure the advertisement is compliant with Section 240-243 of the Queensland Road Rules however we do recognise that American footage does display the Streetstrider being ridden on the right hand side of the road whereas Queensland Road Rules state that you must keep to the far left side of the road. StreetStriderOz will ensure that a disclaimer is inserted at the base of all American footage to clarify this point.*
- 6. All Australian footage complies with Section 240-243 of the Queensland Road Rules. In conclusion, StreetStrider as a company supports and encourages the highest community standards with products that promote healthy living, fitness and fun for all age groups. Whilst the StreetStrider is unique our products are manufactured of the highest quality and designed to comply with stringent Australian Standards for both bicycles and wheeled recreational vehicles. StreetStriderOz does not endorse nor promote riders to breach Australian Laws. StreetstriderOz will ensure a disclaimer is inserted at the base of all American footage displaying riders on the right hand side of the road to avoid any future confusion/concerns of views.*

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 shows people riding the street strider in an unsafe manner.

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

The Board 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 Board noted the advertisement features the street strider being ridden in residential areas by a family, along the beach side and down more open hillside roads. The voiceover describes the features of the street strider and the fitness benefits that can be gained from using the product.

The Board noted that it is not its remit to consider the suitability of the product but only the way that it is advertised and the use of the street strider within the advertisement.

The Board noted that the advertisement shows individuals, couples and families using the product. The Board noted that there is more than one scene in the advertisement where the rider is shown weaving the strider across lanes or in the middle of the street.

The Board noted that there is vision of a person riding the street strider on a residential road. The Board noted that as the person travels forward he is weaving from side to side and as he does so a car is seen on the opposing side of the street indicating that the road is a two way road. The Board noted that the actions of the person do not appear uncontrolled however considered that most reasonable members of the community would consider this behaviour unsafe and against prevailing community standards.

The Board then noted that the voiceover describes the deal being offered upon purchase and also the functionality of the Street Strider. The Board noted that the advertisement has scenes of people riding the street strider on the wrong side of the road in respect of Australian road rules. The Board agreed that although there is no disclaimer shown, it was apparent that these scenes were filmed overseas. The Board noted however, that toward the end of the advertisement there is a particular scene where a couple are riding side-by-side along a road and they are across both lanes of the road. The Board considered that that this clearly depicted a scene where there was a rider on the incorrect side of the road and this was both dangerous and an illegal riding practice.

The Board also considered a scene depicting a man weaving the strider down a winding hill road. The Board noted that the man remains within his side of the lane however he propels

the strider in an exaggerated weaving manner as he proceeds down the road. The Board agreed that this is performed in a manner that is contrary to community standards on health and safety regarding road safety and use.

Based on the above, the Board determined that there are depictions within the advertisement that are contrary to prevailing community standards on health and safety and that the advertisement did breach of Section 2.6 of the Code.

Finding that the advertisement breached Section 2.6 of the Code, the Board upheld the complaint.

ADVERTISER RESPONSE TO DETERMINATION

In response to your recent decision regarding our case 0086/13 we have the following information for you.

-We have removed our 60 second add off air.

- We have cut the ad to 30 seconds to remove what parts we could that were of concern to the board.

- We are currently getting a disclaimer included with text reading 'overseas model shown' where the American footage shows it being used on the opposite side of the road.

Most of our footage was shot in America where their bicycle laws are considerably different to ours in Australia. Over 200 hours were shot and we are barely able to come up with what we have now as most of the footage does not contain Adults wearing helmets which is law here in Australia but only a choice to over 18s in America.

It is our belief that we have cut the ad down to depict a family friendly health and recreation safe product that has been seen by over millions of people of the community with only ever 1 complaint. We believe that the above changes do make a considerable difference to the way the product could be viewed by the community. The shortened version is very quick through the scenes and follows all Australian Road Rules, bikes are no different to cars and are entitled to the same road rules, so overtaking a slower rider on the other side of the road is a legal maneuver as is using your lane.