



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0088-22
2. Advertiser :	OTR
3. Product :	Retail
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	27-Apr-2022
6. DETERMINATION :	Upheld - Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a man looking at his phone with the OTR app open on it, and rubbing it on his shirt to clean the screen. A genie then appears in the seat next to him and explains that if he scans the QR code and presses the button in the app he can save. He clicks his fingers to transport the man magically outside of the car, then shows him winning \$50 savings.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

I'm concerned about safety. I was under the impression, mobile phones were unsafe to be used near petrol pumps. There are signs confirming so.

THE ADVERTISER'S RESPONSE

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

Our safety signs at OTR sites ask for "No phone use while pumping fuel"





*The app (Scan, Pump, Save game) reenforces this safety message by prompting people to put the phone away before pumping fuel.
The advertisement does not show anyone pumping fuel with the mobile phone active.*

THE DETERMINATION

The Ad Standards Community Panel (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 depicts unsafe behaviour.

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

Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel noted that historically, people have been advised not to use their mobile phones at petrol stations. The Panel noted that signs are placed on petrol bowser including guidelines such as: turn off vehicle engine, do not use mobile phone, do not smoke, approved containers only, etc.

The Panel noted that the idea of mobile phones at petrol stations causing fires or explosions has largely been debunked, and that people are now able to pay for their fuel at the bowser using their mobile phones.

However the Panel considered that caution stickers are still placed at petrol stations, and some fuel companies continue to discourage the use of mobile phones in their publicly available safety information.

The Panel noted it had considered a similar concern in case 0051-18, which showed a woman using a mobile phone in her vehicle. In that case:

"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."



In this case, the Panel noted the advertiser's response that their safety signs state "No phone use while pumping fuel" and that the app itself also prompts people to put the phone away before pumping fuel. The Panel considered that while the man in the advertisement is not shown to be pumping fuel while using his phone, there is no indication that he puts it away and the impression is that using a mobile phone next to a petrol bowser is appropriate. The Panel noted that there is no disclaimer on screen recommending that mobile phones not be used while pumping fuel, nor is there any reference to it in the advertisement by the speakers.

The Panel considered that while community standards are changing on this matter, most members of the community would still consider using their phone outside their vehicle at a petrol station to be unsafe.

The Panel determined that the advertisement would be contrary to Prevailing Community Standards on health and safety.

Section 2.6 conclusion

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

Conclusion

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

THE ADVERTISER'S RESPONSE TO DETERMINATION

The safety of our guests and staff is a main priority for our business and as a result, we spent a substantial amount of time considering the safety guidance for mobile phones use at our sites, acknowledging the evolving role that mobile phones have in our daily lives. Noting that while there is no legal basis to prohibit the use of phones in this context, we do provide clear guidance on signage in multiple locations at each of our petrol station sites as well as clear in app messaging to support safer phone use while using the app. This guidance is consistent with the representation of mobile phone use in the advertising campaign. The TV advertising finished May 9th.