



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0135-20</b>
<b>2. Advertiser :</b>	<b>Brisbane City Council</b>
<b>3. Product :</b>	<b>Community Awareness</b>
<b>4. Type of Advertisement/Media :</b>	<b>Internet</b>
<b>5. Date of Determination</b>	<b>22-Apr-2020</b>
<b>6. DETERMINATION :</b>	<b>Upheld – Modified or Discontinued</b>

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This online video advertisement is promoting Brisbane City Council building five new green bridges. It features animated scenes with cyclists and pedestrians, and animated maps and footage of the Brisbane river, including two cyclists using an existing bridge. The scene under complaint occurs at 0.08 seconds and depicts, from front of screen to back, a couple and child walking towards the left, a cyclist riding towards the right, a cyclist riding towards the left, and a cyclist riding towards the right.

### THE COMPLAINT

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

*In light of the recent publication by the same marketing arm of Brisbane City Council of Brisbetter youtube video advertisements featuring a real life cyclist illegally riding without a bell, the organisation has changed to an animated advertisement for this campaign. This animated version shows every bit as much lack of concern for the depiction of illegal cycling practices on these shared pathways in Brisbane. In this advertisement, the pedestrians with the small child are correctly keeping to the left and two of the cyclists travelling in the opposite direction are at least correctly travelling to the right of those pedestrians. Most incredibly though, a third cyclist*



*travelling in the same direction as the pedestrians, then travels between the two oncoming cyclists. This is a clear breach of the Queensland TORUM (road rules) which are applicable on shared pathways like Council are proposing to build. This is a dangerous situation to depict and would most certainly cause shared path rage should it happen in real life. Sure, we all recognize that this is not a 'real life' depiction, but that is far from the point and largely irrelevant. Most road rules applicable to pedestrians and cyclists are in fact depicted by way of cartoon like stick figures on official road and regulatory signs. There is no reason or justification for depicting this dangerous practice even in a cartoon video and especially after having been found to have breached advertising standards in early campaign advertisements by depicting illegal and dangerous practices which breached the TORUM regulations. Cycling safety is a very important message for Brisbane and this sort of carefree behavior should not be depicted by an Authority such as Council who's job it is to enforce traffic regulations.*

#### **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 Green Bridges YouTube video, specifically addressing the animated depiction of cyclists riding along a shared riverside pathway for approximately three seconds. The complaint references a cyclist incorrectly travelling between two oncoming cyclists and not keeping to the left, which is contrary to existing road rules. While the riding conditions depicted in the animated video are not intended to replicate legal requirements, Council acknowledges this was unfortunately an oversight and would like to thank the complainant for bringing this to our attention. Council has directed its video producers to update the animated content to ensure we reflect safety standards in our campaign imagery, and we expect the video will be updated on both Council's website and on YouTube by late April 2020. Council does not intentionally set out to contravene safety standards and apologises for any concern caused by the content of this video.*

#### **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 advertisement depicts a cyclist travelling in between two oncoming cyclists and does not stay to the left.

The Panel noted that this advertisement is an animated video on YouTube which runs for 1.40 minutes and that the scene under complaint appears between 0.08 and 0.11 minutes.

The Panel considered that the content of the advertisement itself does not indicate what the rules for riding on that particular bridge are, and that the advertisement is for future bridges which had not yet been built and that the cycling behaviour shown in the advertisement was not representative of conditions on current bridges.

The Panel noted that Queensland Road Rules require that cyclists ride to the left of any oncoming vehicle (<https://www.qld.gov.au/transport/safety/rules/wheeled-devices/bicycle>).

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 noted the advertiser’s response that the scene does unintentionally depict material contrary to existing road rules and that the advertisement has been modified to remedy the illegal behaviour.

The Panel considered that the intent of the ‘keep left’ road rule is to avoid collision, but noted that this is an animated video of 1.40 minutes and that the scene under question is a very short part of that advertisement and is clearly animated.

The minority of the Panel considered that the advertisement was highly stylised and that the scene of concern was very fleeting. The minority considered that the action of not keeping left depicted in this particular animated advertisement would not be considered by most members of the community to be against prevailing community standards on safety as it is a fleeting depiction which is highly stylised and unlikely to be noticed as an unsafe depiction by most consumers.

The majority of the Panel considered that while the advertisement was animated and the scene of concern was very brief, the scene did technically breach the road rules. The majority noted that the advertiser had acknowledged that the scene was contrary to existing road rules and its inclusion was an oversight.



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**

The video has been updated on both Council's YouTube page and Council's green bridges webpage.