



**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

<b>1. Case Number :</b>	<b>0212-20</b>
<b>2. Advertiser :</b>	<b>13cabs</b>
<b>3. Product :</b>	<b>Travel</b>
<b>4. Type of Advertisement/Media :</b>	<b>Outdoor</b>
<b>5. Date of Determination</b>	<b>8-Jul-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This outdoor advertisement features a woman standing on the side of the road with her arm out hailing a taxi. The text on the advertisement states 'Need a quick ride?'

### THE COMPLAINT

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

*It is illegal for taxis to drive on the tram only tram tracks separated from the road as this one so obviously is. Not only is the illegal behaviour that would incur a fine, 13CABS are directly promoting the idea that taxis can and should be able to drive up to a tram stop and pick you up; further their slogan "need a quick ride" underlines this concept of don't wait for your slow tram, but take a quick taxi from the exact same spot. I object to both and find it grossly wrong that they make and advertise such behaviour and attitude.*

### THE ADVERTISER'S RESPONSE

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

*In response to the complaint, the Complainant's description of the advertisement is incorrect. In the advertisement a female has hailed down a 13cabs vehicle and that*



*vehicle is stationary next to the curb and on the street. There is nothing in the image that forms part of the advertisement to suggest, let alone indicate, that the 13cabs vehicle has pulled over on or next to a set of tram tracks. The image that forms part of the advertisement was taken at 833 Collins Street, Docklands. The tram stop is also in the middle of the road in its own section (not on the side of the road which is where the photo was taken).*

*The Complainant says that that it is illegal for taxis to drive “on the tram only tram tracks” and because of that 13cabs would incur a fine. Having regard to the fact that the vehicle was not driving at the time the image was taken nor was it driving “on the tram only tram tracks” the Complainant is incorrect in its complaint.*

*The text beneath the image, “Need a quick ride?”, refers to the benefit of being able to “hail” a taxi, making it a quick way to get a cab (rather than phoning or making web or app bookings). It is not, in any way, comparing taxi rides to tram rides.*

*In response to the issues raised to date in the Complaint in relation to AANA Code of Ethics section 2.6, the advertisement does not depict unsafe practices. As described above, the vehicle has safely pulled to the kerb to alight the passenger. The advertisement does not contain any elements which could be seen as bullying given that there is only one person who is clearly visible in the image and she is alone. The female in the image does not portray an unrealistic body image, in particular, the content of the advertisement is unrelated to the female’s image. Although the advertisement includes a motor vehicle, for the reasons listed above it is not contrary to public health and safety.*

*Further, we have reviewed sections 2.1-2.5 and 2.7 and submit that the advertisement does not portray or depict people in a way which discriminates or vilifies a person or section of the community, is not sexual in nature and does not present or portray violence. The language contained in the advertisement is also not rude or offensive and the use of the 13cabs logo and vehicle makes the advertisement clear that it is an advertisement for 13cabs.*

## **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:

- is depicting illegal behaviour of a taxi driving up to a tram stop to pick someone up; and
- suggests that people should take a quick taxi ride instead of a slow tram

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



The Panel noted the complainant's concern that the advertisement suggests that people should take a quick taxi ride instead of a slow tram. The Panel considered that this concern does not raise an issue under the Code, and therefore it cannot be considered by the Panel.

The Panel considered whether the advertisement complied with 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 concern that the advertisement is depicting illegal behaviour of a taxi driving up to a tram stop to pick someone up.

The Panel noted the advertiser's response that the complainant's interpretation of the advertisement is incorrect as the vehicle in the advertisement is shown stationary next to a curb, and not on or near tram tracks.

The Panel considered that there was no suggestion in the advertisement that the car was parked on or near tram tracks. The Panel considered that the vehicle in the advertisement appeared to be pulled over to the curb of a road to pick up a passenger. The Panel considered that the markings on the road in the advertisement were not clear. The Panel considered that although there were some white line markings depicted in front of the vehicle, from the angle the photograph was taken it was not clear whether the vehicle had parked over white lines or whether it was in a legal car park or taxi rank.

The Panel considered that there was no clear depiction that the car in the advertisement was breaking the law. The Panel considered that there was no indication in the advertisement that the vehicle was stopped in a manner which was illegal, would impede traffic flow or which would otherwise be unsafe.

The Panel considered that the advertisement did not contain material which would be contrary to Prevailing Community Standards on road safety and determined that it did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.