



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

**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

1	<b>Case Number</b>	<b>0393/18</b>
2	<b>Advertiser</b>	<b>Motorcycle Service Centre</b>
3	<b>Product</b>	<b>Automotive</b>
4	<b>Type of Advertisement / media</b>	<b>Transport</b>
5	<b>Date of Determination</b>	<b>12/09/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

- 2.6 - Health and Safety Motor vehicle related
- 2.6 - Health and Safety Unsafe behaviour

## DESCRIPTION OF THE ADVERTISEMENT

This transport advertisement features a drawing of a motorcycle and a rider. The motorcycle has its front wheel in the air, performing a stunt called a "mono".

## THE COMPLAINT

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

*The advertisement features an image of an irresponsible motorcyclist performing a mono, while also wearing jeans.*

*I have a photo of the image and can send it to you if you deem my complaint serious enough to warrant investigation.*

## THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this





advertisement include the following:

*To whom it may concern,*

*I am writing in response to your letter regarding the concern for the bus advert for Motorcycle Service Centre in Geelong. The complaint outlines that the motorcycle in question 'features an image of an irresponsible motorcyclist performing a mono, while also wearing jeans'.*

*Firstly I would like to note that the image is actually a hand painted artwork which our client has used as their logo for a local business in Geelong. The image is not a photograph, it is simply an artistic drawing for a business who services and works on high performance / stunt motorcycles and off-road motorcycles – hence the mono which is what stunt motorcycle riders and off-road riders perform.*

*Secondly I would like to note the motorcycle rider in the painting is wearing a helmet, safety gloves, motorcycle boots, a motorcycle jacket and jeans. The most common type of motorcycle pants are in fact safety pants with a thermal protective barrier inside and AAA (Achieved for Abrasion) denim outer which I would assume is being worn in the painting due to the rest of the outfit being worn is safety motorcycle gear.*

*Whilst we appreciate their concern for promoting safe motorcycle riding, we believe the painting shows a responsible rider wearing the correct safety gear on a performance stunt bike – a Ducati which is commonly known for its performance in MotoGP racing.*

*Should you have any further questions relating to this artwork, please don't hesitate to call me to discuss.*

## **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 concerns that the advertisement features unsafe behaviour.

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

The Panel considered 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 features an image



of an irresponsible motorcyclist performing a mono while wearing jeans.

The Panel noted this transport advertisement features an illustration of a man on a motorcycle with its front wheel in the air.

The Panel noted the advertiser's response that the man in the illustrated drawing is wearing correct motorcycle safety gear and that it is common for motorcycle safety pants to have a denim outer layer.

The Panel considered that the clothing the man in the advertisement was wearing was not inappropriate and was consistent with safety gear worn by motorcyclists.

The Panel then considered whether the depiction of someone doing a mono stunt move on a motorcycle was a depiction which was against prevailing community standards.

The Panel noted that if the driving practice were to take place on a road it would be likely to be in breach of road rules in every state and territory for driving without due care (<https://www.drivinglaw.com.au/careless-driving.html>).

The Panel noted that this was an advertisement for motorcycle servicing and not for a motor vehicle, and therefore the provisions of the FCAI Code do not apply and that the Panel did not need to consider whether the behaviour shown would be against the law. The Panel considered whether the advertisement depicted material contrary to Prevailing Community Standards on health and safety.

The Panel noted that the advertisement was a drawing, not a photograph of a real event. The Panel noted that it was not possible to tell the location of the motorbike, and it did not depict a road.

The Panel noted the advertiser's response that the business is responsible for servicing stunt motorcycles and off-road motorcycles and that the advertisement is intended to represent a move often performed by these riders.

The Panel considered that a still image of a motorcycle stunt being performed in a fantasy situation is not a depiction in this instance which most members of the community would consider to be unsafe or against prevailing community standards.

The Panel considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety regarding health and safety. The Panel determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaint.



