



Ad Standards Community Panel  
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Advertising Standards Bureau Limited  
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## Case Report

1	Case Number	0588/17
2	Advertiser	JSW Powersports
3	Product	Sport and Leisure
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	24/01/2018
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

### DESCRIPTION OF THE ADVERTISEMENT

The television advertisement depicts people running on the beach towards jet skis near the water. It then depicts a couple using one jet ski, two people jumping off stationary jet skis, a man using jet skis, a line of different jet skis on the beach, and an aerial shot of two jet skis in use from above.

### THE COMPLAINT

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

*Riders of the water craft are shown engaging in illegal freestyle maneuvers. The law states these craft are not to operate within 60 meters of each other when at speed, yet the ad shows the craft crossing over each other's wake in very close proximity. The Holden STORM ad for a utility, some years back, drew much criticism and was removed from viewing, as the ad showed vehicles doing burnouts. These water craft operators are constantly targeted by water police and fined for such on water behaviour and JWS is promoting the illegal on-water antics. The ad gives the message to 'buy a JWS craft and ride like this to have fun,' which is unacceptable and illegal.*



## THE ADVERTISER'S RESPONSE

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

*RESPONSE - From Maritime Safety Queensland Website*

*PWC rules on the water*

*If you're travelling at more than 10 knots you must keep a distance of 30m from other moving boats, unless you're involved in an approved aquatic event or where doing so would endanger you or another person. Remember your General Safety Obligation, You're the Skipper, You're responsible.*

*Consider the density of waterway traffic in the area to determine a safe speed. In general, the busier the waters the slower you go. You must stay 60m away from, or reduce your speed to 6 knots if within 60m of:*

- people in the water*
- anchored or moored boats, structures, boat ramps, jetties or pontoons*
- the shore*
- the boundary of a bathing reserve (check with your local council for locations).*

*Exceptions apply to the 60m rule if:*

- the waterway is less than 120m wide, and:*
- you operate the PWC as close as practical to a straight line to transit the area*
- you stay as close as possible to the centre of the waterway or a marked channel*
- the PWC is being used in waterskiing or towing.*

*In coastal waters, freestyling or wave jumping is restricted to:*

- beyond 200m of the shore if homes are within 100m of the shoreline where you are operating. (This does not apply to dams and inland waters.) Wherever you are the way you operate your PWC affects those people around too.*

*As the personal watercraft's in the footage are travelling over 10 knots a 30m distance is indeed required.*

*Further to this in an email please note: The information provided is based on the accuracy of the specified laws surrounding distances and free-styling in the complaint only. The television production has not been considered, sighted, reviewed or approved by myself or Maritime Safety Queensland and no comment is made in that regard.*

*1. Riders of the water craft are shown engaging in illegal freestyle maneuvers.*

*Freestyling: In coastal waters, freestyling or wave jumping is not permitted when:*

*a. In any 6 knot zone including harbours, marinas and speed zones as signed/gazetted*



*b. Within 200 metres of the shore if dwellings are within 100metres of the shore and those dwellings are visible to the PWC rider.*

*2. The law states these craft are not to operate within 60 meters of each other when at speed.....*

*PWCs must remain under 10 knots within 30 metres of another moving vessel including another PWC. (Exceptions provided)*

#### **OUR RESPONSE**

*We take all aspects of PWC's and boating and the individuals involved and on board the vessel very seriously.*

*We are always aware of newly passed laws on and off the waterways.*

*This footage in particular is used by BRP (Parent Company of Sea-Doo) on a national based campaign.*

*This footage was filmed in the states where yes, laws are different - However I can ensure to the best of my knowledge that all PWC's in this video are not breaching the 30m rule and are keeping a safe distance.*

*We are the world's largest Sea-Doo dealer and take immense pride in water safety which includes safety of all PWC/Boat operators.*

*JSW Powersports no longer trades as "Jet Ski Warehouse" this was phased out back in 2011.*

#### **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 a dangerous activity which is against prevailing community standards on health and safety.

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

The Board 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 Board noted that this television advertisement features a number of depictions of people using jet skis. In particular the Board noted a brief aerial scene where two jet



skis are seen in the water with one craft appearing to have crossed the wake of another.

The Board noted the complainant's concern that the advertisement shows behaviour that is unacceptable and illegal.

The Board acknowledged that personal watercraft (PWC) safety is an important issue of concern to people using the waterways and considered that advertisers should take care to ensure the overall impression of advertising on waterways is not inconsistent with safety messages.

The Board considered the advertiser's response including the Maritime Safety Queensland PWC rule that if you are travelling over 10 knots in the water you must keep a distance of at least 30 meters from other moving boats unless you are involved in an approved aquatic event.

A minority of the Board considered that the craft appear to be within 30 meters of each other – or at least appear to have crossed within that distance of each other. The minority considered that this depiction is against the relevant rules in the jurisdiction the advertisement was shown in and is therefore a breach of community standards on health and safety.

The Majority considered that the scene in which you see the two jet skis is very fleeting and it is hard to tell how far apart the craft are and how fast they are going. The Majority considered that while one craft appears to have crossed the wake of another we do not see this in the advertisement and where we do see the craft they appear to be an appropriate distance from each other.

The majority of the Board noted the depiction of people using two jet skis in the vicinity of each other does not appear to be a depiction that is contrary to Prevailing Community Standards on health and safety.

The Board 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 Board dismissed the complaint.

