



CASE REPORT

1. Complaint reference number	122/08
2. Advertiser	QANTAS Airways Ltd
3. Product	Travel
4. Type of advertisement	Internet
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Monday, 19 May 2008
7. DETERMINATION	Upheld – discontinued or modified

DESCRIPTION OF THE ADVERTISEMENT

Banner on website shows a small section of a building and paved street. A male and female viewed from the waist up are seated together on a scooter, they are both smiling. Neither person is wearing a helmet. Text reads - Book Now qantas.com/holidays - also shows Qantas logo.

THE COMPLAINT

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

The ad appears to show two people on a scooter. My concern is that the two people are depicted without a helmet. This is illegal in Australia, and country destinations being promoted in this advertisement. More than 1.2 million people are killed every year in motor vehicle accidents. Helmets are one of the most important interventions to reduce trauma from motor vehicle accidents.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

Qantas Holidays takes its responsibilities seriously and it was our intention to promote the destination in a realistic way to engage the viewer. This was an online advertisement that promoted Rome, London and Paris accommodation. The image used is one that depicts people in Rome, which is a typical scene. It is not clear whether the motorbike is moving or stationary and we have contacted the company where the image was purchased from and they have been unable to clarify this. The ad has been removed and will not be used again. All of our advertising is reviewed by our legal department.

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 complainants' concerns that the advertisement depicted two scooter riders without helmets and reviewed the advertisement under Section 2.6 of the Code which deals with prevailing community standards on health and safety.

The Board viewed the Internet advertisement and considered that it was impossible to tell if the scooter was in motion or stationary.

The Board agreed that the woman's hair and the stance of both riders gave the impression of

movement.

The Board noted that it is illegal in Australia to ride a motor scooter without a helmet. The Board noted that the picture did not necessarily depict an Australian location but agreed that as the image was being shown within Australia the relevant Australian Road Rules apply.

The Board considered that the Australian Road Rules constituted the applicable community standard regarding scooter safety and that the advertisement did therefore depict material that breaches the Australian community's standards.

The Board determined that the advertisement did depict material contravening prevailing community standards on motor scooter safety and therefore did contravene Section 2.6 of the Code.

The Board noted that the Advertiser had already moved to withdraw the advertisement and complemented them on their responsible approach to advertising.

Finding that the advertisement breached Section 2.6 of the Code on other grounds, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

Comments which the advertiser made in response to the determination regarding this advertisement included the following:

Please be advised that the advertisement has been discontinued and will not be used again.