



## **CASE REPORT**

1. Complaint reference number	166/05
2. Advertiser	Port Adelaide Football Club Ltd
3. Product	Leisure & Sport
4. Type of advertisement	TV
5. Nature of complaint	Health and safety – section 2.6
6. Date of determination	Sunday, 12 June 2005
7. DETERMINATION	Dismissed

## **DESCRIPTION OF THE ADVERTISEMENT**

The complaint relates to one advertisement in a series of four produced and broadcast by the Port Adelaide Football Club. The advertisement consists of a series of still black and white photograph images. A superscript appears in bold, aqua text at the top of the screen for each photograph shown. One of the photographs in the image depicts a skateboard rider who is performing a stunt. The skateboard rider is not wearing a helmet. The photograph of the skateboard rider is taken from a low angle and the background to the photograph appears to show only sky. It is not possible to ascertain the skateboarder's surroundings. The text in the advertisement reads: *"I chase my dreams, I face my fears, I take it to the edge and rack my brain. But on weekends I take it all and turn it into Power."* The logo for the Port Adelaide Football Club is then shown against a black background. The tag lines reads: *"Find the power within."*

## **THE COMPLAINT**

Comments which the complainant/s made regarding this advertisement included the following:

*"The advertisement includes a still-frame of a skateboarder performing a jump without wearing a helmet. In South Australia, the use of a helmet is legally required and it is my opinion that the advertisement encourages unsafe use of a skateboard."*

## **THE ADVERTISER'S RESPONSE**

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

*"... However, it is not against the law within South Australia to ride on a wheeled recreational device whilst on private property."*

*"The still image used within the advertisement does not clearly illustrate that the male child is skateboarding on or in a road or road related area. The child, therefore, may also be on the wheeled recreational device within the surrounds of private property. Therefore the act is not in breach of the South Australian Road Traffic Act or in breach of Section 2.6..."*

## **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 that the legislation requiring the use of a safety helmet by skateboard riders applies only in the context of a "road or road related area". The legislation does not apply to a private residence. As it was not possible to determine the surroundings in which the skateboarder was riding, the Board was not able to determine that the advertisement depicted a breach of the legislation in

South Australia . The Board considered that it was possible that the image was photographed on private property.

The Board found that the depiction did not contravene the provisions of the Code relating to health and safety.

Further finding that the advertisement did not breach the Code on any other grounds, the Board dismissed the complaint.