

Case Report

1. Case Number :	0177-23
2. Advertiser :	Ausstech
3. Product :	Sport and Leisure
4. Type of Advertisement/Media :	Internet - Social - YouTube
5. Date of Decision:	23-Aug-2023
6. Decision:	Upheld – Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT



This YouTube video is promoting a bicycle. Several scenes depict people riding electric bikes without helmets - 00.20, 00.29, 00.32, 00.58, 01.57, 02.17.

THE COMPLAINT

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

The advertisement shows 2 people riding e-bikes. A number of times they are shown riding without helmets which is illegal in Australia (where the company is based, where the ad was shot and where it was broadcast).

THE ADVERTISER'S RESPONSE

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

Thank you for raising this concern regarding the two riders not wearing helmets while riding electric bicycles.

As a responsible retailer we do always care about rider safety as you aware the two riders had worn helmets on most occasion including bike tracks and road. However, We just wanted to show case the freedom and how supportive our electric bikes can be on everyday life. So, as you see on the video the two riders not wearing helmets only when they were riding on the beach and slowly . We do understand that we should not have taken the safety of our riders and our intention was to showcase the freedom our riders can gain from using our electric bicycles. We never wanted to give the audience the wrong message as we do encourage them to wear helmets and ride safely.

Finally we do apologies if the wrong message was delivered to the public and we will endeavor that we will be more responsible in the future media releases. Also we will edit the current video and remove the specific clips form our media moving forward.

THE DECISION

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 depicts unsafe behaviour.

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

Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.

The Panel noted the Practice Note for the Code states:

"Images of unsafe driving, bike riding without helmets or not wearing a seatbelt while driving a motor vehicle are likely to be contrary to prevailing community standards relating to health and safety irrespective of whether such depictions are for the product/service being advertised or are incidental to the product."

The Panel noted that in many scenes in the advertisement, particularly those showing people riding on roads or off-road trails, the people are depicted wearing appropriate helmets. However, the Panel noted that in the scenes of the man and woman riding on the beach, and one scene of them on a path near the beach, they are shown riding without helmets.

The Panel noted that laws around helmet use differ in each state and territory, however most jurisdictions require helmets to be worn when riding e-bikes on roads or road related areas. The Panel noted that helmets have been proven to save lives and protect against injury in falls. The Panel noted that general community standards would be that e-bike riders should wear helmets at all times, regardless of where the bikes are being ridden.

The Panel determined that the scenes in the advertisement depicting people riding the bikes without helmets are contrary to Prevailing Community Standards on health and safety.

Section 2.6 conclusion

The Panel considered that the advertisement did contain material contrary to Prevailing Community Standards on health and safety and determined that it did breach Section 2.6 of the Code.

Decision

Finding that the advertisement did breach Section 2.6 of the Code, the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DECISION

This is a confirmation that we have discontinued the above YouTube video, which was in question.