

Case Report

1. Case Number :	0186-24
2. Advertiser :	Fat Boy Bikes
3. Product :	Sport and Leisure
4. Type of Advertisement/Media :	Internet - Social - Instagram
5. Date of Decision:	24-Jul-2024
6. Decision:	Upheld – Modified or Discontinued

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This Instagram advertisement features a video of someone riding a bike down a street, with the front wheel of the bike off the ground. The caption for the post reads, "Wheelie Challenge...send or tag us and will give the winners a free merch pack. Points awarded for speed, style and distance covered. [Shaka hand emoji]."



THE COMPLAINT

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

Fat Boy e-bikes is promoting unsafe and illegal behaviour to promote the sale and use of their e-bikes through social media

THE ADVERTISER'S RESPONSE

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

Advertiser did not provide a response.

THE DECISION

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 concern that the advertisement promotes unsafe behaviour.

The Panel viewed the advertisement and noted the advertiser had not provided a 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 this section of the Code includes:

"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.

Advertisers should take care not to depict behaviour that children may imitate. For example, advertisements which are likely to attract the attention of children or could indicate to children that appliances or other domestic/commercial equipment are a safe place to hide, are seen to encourage unsafe behaviour."

The Panel considered that the person depicted in the advertisement was on an open road, not a bike path or off-road area. The Panel noted that bikes being ridden on public roads are classified as a vehicle and required to adhere to the road rules.

The Panel considered that when a bike is only being ridden on its back wheel the rider cannot turn or brake effectively. The Panel considered that the rider would be unable to safely avoid hazards on the road, and this would be considered unsafe driving. The Panel considered that riding a bike like this on an open road would be in breach of road rules and considered that road rules are an indication of community standards around road safety.

The Panel considered that the advertisement did contain material contrary to Prevailing Community Standards on health and safety.

Section 2.6 conclusion

The Panel considered that the advertisement did /did not breach Section 2.6 of the Code.

Conclusion

Finding that the advertisement breached Section 2.6 of the Code the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DECISION

The Ad has been removed.