

## Case Report

1. Case Number :	0298-24
2. Advertiser :	Rig Ebikes
3. Product :	Vehicle
4. Type of Advertisement/Media :	Internet - Social - Instagram
5. Date of Decision:	20-Nov-2024
6. Decision:	Upheld – Not Modified or Discontinued

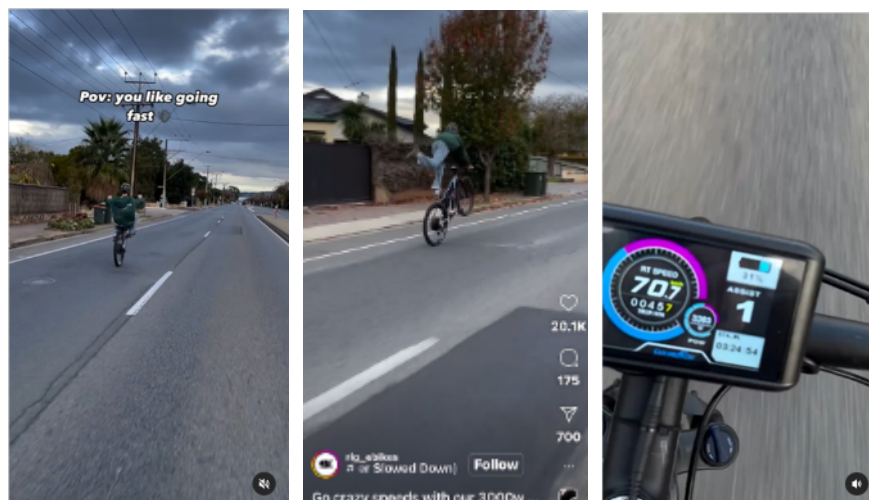
### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This Instagram advertisement features someone on an e-bike wearing a helmet riding down a street. He continues riding on the back wheel with the front wheel in the air. He performs different movements including standing on the bike's seat with one leg stretched out behind him, while the bike is still on one wheel. The video is being filmed by another person on an e-bike who shows they are travelling at 70.7km per hour.

The caption to the post states, "Go crazy speeds with our 3000w and 5000w kit!!! And if you'd just into cruising we have our 1500w and 2000w kits!!! Website in our bio!! #1500w #2000w #3000w #5000w #48v #52v #72v #ebike #aus #fast #wheelies #rigebikes".



## **THE COMPLAINT**

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

*They are advertising a product that is unsafe and illegal to use while presenting it as simply fun and great to use*

## **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 depicts 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 advertisement encouraged use of the advertised product to travel at high speeds, through the depiction of travelling at over 70km p/h, the superimposed text, “POV you like going fast”, and the caption “Go crazy speeds”.

The Panel considered that in combination with promoting traveling at high speeds, the advertisement depicted a person performing stunts while riding only on the back wheel. The Panel considered that the bike was unlikely to have rear wheel steering, and as such the rider would not be able to swerve or steer the bike if an obstacle appeared in their path.

The Panel considered that the bike was travelling at speeds similar to that of a motorcycle, on public roads, with other vehicles present, and the rider was wearing a bike helmet and not the protective gear which would be required for a motorcycle. The Panel considered that if another vehicle were to pull-out in the path of the bike, or the rider was to otherwise lose control at high speeds, this could result in serious injury or death.

The Panel noted that the bike appeared to be travelling on South Australian roads, and under South Australian road rules, and the road rules of most states and territories, any powered bicycles which have a capacity of over 250 watts, or can travel at over 25km per hour, is classified as a motorcycle and operating it on roads requires the vehicle to be registered. The Panel considered that depicting and promoting the operation of unregistered vehicles on public roads is illegal and would be considered by most members of the community to be unsafe.

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

### **Section 2.6 conclusion**

The Panel found that the advertisement did 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 advertiser has not provided a response to the upheld decision.