

## Case Report

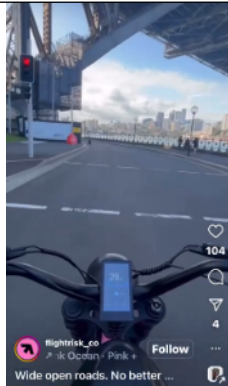

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|----------------------------------|-----------------------------------|
| 1. Case Number :                 | 0079-25                           |
| 2. Advertiser :                  | Flightrisk                        |
| 3. Product :                     | Vehicle                           |
| 4. Type of Advertisement/Media : | Internet - Social - Instagram     |
| 5. Date of Decision:             | 16-Apr-2025                       |
| 6. Decision:                     | Upheld – Modified or Discontinued |




### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This advertisement features five posts on the @flightrisk\_co Instagram page.

|   |   |
|---|---|
| <p>Post 1 features a person riding an e-bike on a road and going through a red light. The caption reads "Wide open roads. No better feeling."</p>   |  |
| <p>Post 2 features a man sitting on an e-bike. He says "Everyone keeps asking, is it fast? How does it work? Very simple, we have a button here. Choose between front wheel drive or back wheel drive. This is four wheel." The man rides off down the road. The caption reads "Fast isn't just a feature - it's the standard."</p> |  |

|   |  |
|---|--|
| <p>Post 3 features a man holding an e-bike. A voice-over says "Look at this thing." The man says "Let me just confirm its a fully legal bike. Its fully, alright mad. It looks illegal cuz, its a monster! So its, you can throttle only. I love cuz, I love that. I'm just going to throttle only." The man rides down the street. The speed of the bike gets to 32 and the man says "Cuz, this is just one motor, hectic. Cuz we went 40 then on one motor. This bike feels like a monster. It feels hectic." The caption reads "Looks fast. Rides faster."</p> |    |
| <p>Post 4 features three men on e-bikes riding down a road. The caption says "One charge. One crew. Zero limits."</p>   |  |
| <p>Post 5 features a man and a woman riding an e-bike not wearing helmets. The man then rides the e-bike without a helmet on a skate ramp, doing jumps and riding the ring. The words "Let's go to where street rules don't apply..." are featured on the post. The caption reads "Flight risk - for roads where rules don't apply."</p>  |  |

## THE COMPLAINT

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

*They promote illegal and dangerous behaviour and provide false information to consumers.*

## THE ADVERTISER'S RESPONSE

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

*We have reviewed all posts referenced in the complaints. These were provided by UGC content creators. Following this we have enforced clear guidelines for all our UGC creators moving forward as below:*

- *Always wear a helmet*
- *Always follow road rules*
- *Always follow any relevant government rules and regulations regarding e-bike use in any content*

*We will be closely reviewing and monitoring content when shared from this point to make sure all the above are closely followed before going live.*

## THE DECISION

The Ad Standards Community Panel (the Panel) considered whether the posts collectively forming this advertisement breach Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement depicts unsafe behaviours.

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 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*

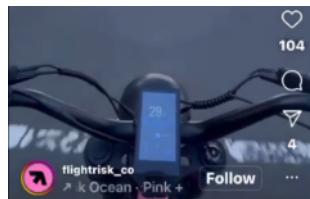
*such depictions are for the product/service being advertised or are incidental to the product.”*

#### Post 1

The Panel considered that the post clearly depicts the bike travelling through a red light without stopping, and this is behaviour which would be against prevailing community standards on health and safety.

The Panel also noted that the screen on the bike shows it to be travelling at speeds of over 25km per hour in Sydney, and considered that electric bikes in NSW should be speed limited at 25km per hour

<https://www.transport.nsw.gov.au/roadsafety/bicycle-riders/ebikes>.



The Panel considered that the depiction of an electric bike travelling at speeds above this was against the law, and the promotion of breaking road safety regulations would be against prevailing community standards on health and safety.

The Panel considered that Post 1 did contain material contrary to Prevailing Community Standards on health and safety.

#### Post 2

The Panel noted that the man in the advertisement is shown wearing a helmet and considered that it is not actually clear what speed the man is travelling at. However, the Panel considered that the caption of the post is “Fast isn't just a feature - it's the standard”. The Panel considered that the caption in combination with the image of the man riding at what appears to be high speeds in the ads, creates an overall impression of a bike which is not limited to 25km per hour, and which would be against road safety regulations.

The Panel considered that Post 2 did contain material contrary to Prevailing Community Standards on health and safety.

#### Post 3

The Panel considered that the man wheeling out the bike is not wearing or carrying a helmet and although he is not shown riding the bike, when he stops it can be seen in the mirror that he is not wearing a helmet.



The Panel considered that it is required by law that all cyclists wear helmets in public areas (<https://www.transport.nsw.gov.au/roadsafety/bicycle-riders/road-rules-for-bicycle-riders>), and considered the depiction of someone not wearing a helmet was unsafe and against prevailing community standards.

The Panel also noted that the screen on the bike shows it to be travelling at speeds of over 25km per hour, and considered that electric bikes in NSW should be speed limited at 25km per hour <https://www.transport.nsw.gov.au/roadsafety/bicycle-riders/ebikes>.



The Panel considered that the depiction of an electric bike travelling at speeds above this was against the law, and the promotion of breaking road safety regulations would be against prevailing community standards on health and safety.

The Panel considered that Post 3 did contain material contrary to Prevailing Community Standards on health and safety.

#### Post 4

The Panel considered that The Panel considered that it is required by law that all cyclists wear helmets in public areas (<https://www.transport.nsw.gov.au/roadsafety/bicycle-riders/road-rules-for-bicycle-riders>), and considered the depiction of cyclists not wearing helmets was unsafe and against prevailing community standards.

The Panel considered that Post 4 did contain material contrary to Prevailing Community Standards on health and safety.

#### Post 5

The Panel considered that The Panel considered that it is required by law that all cyclists wear helmets in public areas (<https://www.transport.nsw.gov.au/roadsafety/bicycle-riders/road-rules-for-bicycle-riders>). The Panel considered that footpaths and skate parks are public areas and the Panel considered that prevailing community standards would be that the cyclist and his passenger should be wearing helmets.

The Panel considered that Post 5 did contain material contrary to Prevailing Community Standards on health and safety.

#### **Section 2.6 conclusion**

The Panel considered 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**

Please see below our action points following that outcome:

Post 1: This is being removed today.

Post 2: This is being removed today.

Post 3: We are changing the caption today to better align with road safety regulations and not appear misleading.

Post 4: This is being removed today.

Post 5: This is being removed today.