

Dear sir/madam,

Ref: Complaint A13-238570, Cycling Scotland television advert



It was with dismay and not a little bewilderment that I read your assessment of the complaints that the “Think Horse” advert from Cycling Scotland “was irresponsible and harmful”.

As you are aware, the assessment is preceded by several paragraphs in which Cycling Scotland's response is detailed, containing numerous references to official guidance which indicates that the sequence in question (a woman riding a bicycle whilst a man in a car overtakes) is not only perfectly legal but, at least in some regards, entirely recommended practice in the interest of the bicycle rider's safety.

Your first cited reason for banning the advert is that in the final sequence, the bicycle rider is not wearing a helmet. Whilst I disagree emphatically with this (in light of both UK law and a raft of population-level health statistics that undermine the seemingly obvious notion that encouraging mass helmet use is beneficial) this is not the key point that I wish to raise.

In your assessment you note quite clearly that your reasoning regarding the lack of helmet is primarily influenced by the Highway Code, which recommends the use of one.

However, this fact serves to undermine your second cited reason to ban the advert, namely the positioning of the bicycle rider on the road.

I would like to draw your attention to Highway Code rule 163, which explicitly concerns safe overtaking and which is accompanied by this explanatory image:



With that in mind, I would remind you of your statement that “[the cyclist] appeared to be more in the centre of the lane when the car behind overtook them and *the car almost had to enter the right lane of traffic*” (the emphasis is mine).

We should firstly perhaps be clear and state that the “lane” which the car “almost had to enter” is not “the right lane” but is in fact the other side of the road. The road configuration at the point of the manoeuvre matches that of the image from the Highway Code, where the car is shown clearly on the far side.

The Highway Code makes it quite clear that moving onto the opposite side of the road where necessary *is the correct and safe way to overtake*.

(It is a little awkward that in the Think Horse advert the carriageway is so wide that the car can actually pass safely without crossing the line. This is an extremely unusual state of affairs on British roads and it is unfortunate that the producers of the advert chose this road, as it fails to make clear the safety advice given by the Highway Code.)

Moreover, you appear to acknowledge Cycling Scotland's reference to national cycling standards in explicitly noting the advice that “the primary position [ie in the centre of the lane] is the default position for urban roads”. Yet in your assessment you cite this placement (or at least a placement which you perceive to be close to it) as a specific factor in your decision.

It would be futile of me to list here the reasons why people who ride bicycles need to have space to their nearside at all times and why the need to be passed with considerable space to their offside, suffice to say that without *both* of these they are places at greater risk. Your assessment, however, quite clearly undermines the advice of national standards, police forces and cycling organisations.

By suggesting that a driver should not cross a central line you send a dangerous signal. Close passes

are the bane of life on a bicycle and most experienced cyclists will tell you that the one thing they fear more than anything is a dangerously close pass, because such an event occurs frequently and is entirely outside the control of the person on the bicycle.

Equally, by suggesting that a bicycle rider should move towards the gutter, you fuel the dangerous attitudes of those who do pass closely and who believe that people should not ride bicycles away from the kerb.

With these statements in your assessment, *you are doing precisely the things for which you criticise the advert*:

BCAP 4.4: Advertisements must not include material that is likely to condone or encourage behaviour that prejudices health or safety.

What your assessment serves to do is *absolutely encourage* behaviour that prejudices health and safety, because you are undermining the bicycle rider's ability to protect themselves and you are legitimising the driver's attitude that close passing is acceptable.

Hence, I feel compelled to point out the following ways in which your assessment is hypocritical:

1. Whilst you cite the Highway Code as justification for banning the advert for one reason, you entirely contradict its advice in arriving at your second reason.
2. Whilst you acknowledge national standards advice for safe cycling, you also contradict this in arriving at your second reason.
3. Your assessment makes statements that are in absolute opposition to BCAP 4.4.

I hope you understand that your assessment here is absolutely harmful in the context of the safety of vulnerable road users, and I would be hugely grateful if you would be able to respond as to why each of those three contradictions above have been carried through to the final report.

Yours faithfully,

Stewart Pratt

P.S. You may, if you are curious, be interested in my personal opinion of the video, which can be found here: <http://beyondthekerb.wordpress.com/2013/08/05/the-horse-and-the-python/>

Oddly, the only positive aspects I identified from the advert, from the point of view of the road user whom your rulings are apparently intended to protect, happen to be the exact reasons for which you have banned it.

P.P.S. The article linked above contains words which may not meet advertising standards.