



Case Report

1	Case Number	0053/12
2	Advertiser	Brand Developers
3	Product	Hardware/Machinery
4	Type of Advertisement / media	TV
5	Date of Determination	22/02/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behavior
2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement is for a hand held home improvement product called The Renovator and has many demonstrations on how to use this product.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:

During the demonstration of the tool the man was shown purposely holding the power tool vertically by its electrical cord only while chiselling a slot into timber. On page 10 section 11 of the 'Brand Developers' Safety and Operators manual for this product it specifically states that the operator should "Never use the cord for carrying pulling or unplugging The Renovator". I feel that this demonstration implies that it is safe to hold power tools and other items by their electrical cords while using them and that this could have grave consequences. The advertisement clearly demonstrates breach of all work place health and safety in regard to asbestos. It shows asbestos wall sheeting (covered in silver wall paper pattern tilelux) being cut with a power tool to install a light socket on an old house. I am asbestos qualified and I regard this ad as reckless towards the health of men woman and children that may fall victim to asbestos inhalation from copying this advertisement with this power tool. Personally I would suggest victims pursue legal action against the telecaster as you should not profit from an ad that causes health problems.

THE ADVERTISER'S RESPONSE

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

In relation to the first complaint where the host is holding the tool by the cord, this is in fact a safety demonstration showing how much safer The Renovator is compared to reciprocating or spinning tools. It is demonstrating the oscillating effect as you would not be able to hold any other power tools like this. The demonstration has been used extensively in The United States with no issues.

As there is no accuracy by holding a tool like this, realistically no one would hold it like that in real life it is only shown for the purpose of showing how safe The Renovator is.

As per the complaint our manual reads 'Never use the cord for carrying, pulling or unplugging The Renovator'. This is to ensure the safety of the customer.

We are happy to add in a super at this stage to state 'This is a demonstration only; please do not hold The Renovator by the cord when using'.

The second complaint refers to asbestos. This infomercial was made in a set and the wall that was cut into was plasterboard with wallpaper on top of it. It does not contain asbestos. The majority of houses will be made out of plasterboard and this shows a true demonstration of how to use the product.

We understand the seriousness of asbestos in older houses but do not believe our advertising is reckless.

Throughout our safety manual there are warnings about using correct protective equipment to ensure that dust etc. is not inhaled.

We believe that it is an individual's responsibility to check for asbestos in any house they are making renovations to as it is a serious problem which any tool could cause the release of.

We do not believe that either of these complaints warrant being upheld and as a responsible advertiser are happy to work with you in order to keep our customers safe.

If you have any recommendations you believe would help ensure the safety of our customers please let me know

Please contact me at any time if you have any questions and let me know if there is any other information you require.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concern that the advertisement depicts and encourages dangerous, unsafe activity.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that the advertisement depicts a man (James Cheney) performing renovation tasks as he and the voiceover provide information about the benefits and many functions of the renovator tool.

The minority of the Board considered that inappropriate use of power tools can be very dangerous, and it is not ideal to depict an activity such as holding a power tool by the cord in an advertisement.

The majority of the Board considered that the man in the advertisement is clearly a professional handyman as his technical ability is in keeping with someone who is confident and competent with home renovations. The majority of the Board considered that most members of the community would recognise that the handyman was not acting on an uneducated impulse but was performing renovation activities with due care and consideration. The majority of the Board determined that the advertisement did not depict or condone unsafe behaviour and noted that the handling of the tool in this manner was done so as to display how the product differs to other power tools by way of superior safety. The Board noted that the product itself when purchased, comes with multiple warnings and statements regarding the safe use of the tool.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.