



Case Report

1	Case Number	0107/15
2	Advertiser	Stihl Pty Ltd
3	Product	Hardware/Machinery
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	15/04/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The commercial begins set in the 1970s. We see a man enter shot carrying a chainsaw from that era with his personal protection equipment in a bag. He approaches a ute where upon he places the chainsaw on a stack of large pre cut timber logs. He then moves from the front of the ute where he placed the chainsaw to the tailgate at the very rear of the ute where he acknowledges a child sitting on the furthest edge of the tailgate by placing his STIHL cap on the child's head. We then cut to present day where we see the child is now an adult sitting in the same position at the rear of a modern ute holding his modern STIHL chainsaw.

THE COMPLAINT

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

I understand the story line of father and son doing things together. The big problem is that the ad shows the father holding the chainsaw close to the child's head laughing with neither wearing any safety equipment. Then the dad puts the chainsaw casually in the back of the ute right next to the child, seemingly within arms reach. Working with chainsaws should not be encouraged as a father and young sons bonding activity. Children should be kept far away from such deadly equipment.

It portrays an extremely unsafe work practice, in that any chainsaw not in use should have a scabbard or sheath placed over the bar and teeth of the chainsaw to avoid harm from casual

contact.

The fact that the naked chainsaw is placed casually on top of an unstable heap in the back of that utility displays a lack of consideration for basic health and safety requirements, and the presence of a young lad in that same utility back adds a great deal more concern.

THE ADVERTISER'S RESPONSE

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

In response to this claim that we breached section 2 of the AANA Code of Ethics:

2.1 Discrimination and vilification – we have not breached

2.2 Exploitive and Degrading - we have not breached

2.3 Violence - we have not breached

2.4 Sex, sexuality and nudity - we have not breached

2.5 Language - we have not breached

2.6 Health and Safety- Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.

As a company we take safety very seriously and in producing this commercial we took steps to ensure we complied with the 2.6 Health and Safety code.

The complaint suggests that ‘a man displays a STIHL chainsaw and then casually places that unshielded chainsaw on top of an unstable pile of material in the back of a utility, in which a young lad is also sitting’

Firstly- it is clear to see the chainsaw is not running and therefore poses little risk of harm . Secondly - the chainsaw was placed between 2 large logs of wood securing it in position and making it incapable of being dislodged and becoming a potential risk.

Thirdly – the young lad is positioned at the furthest possible distance - 1 metre from the chainsaw - seated on the tailgate. Furthermore in between the child and the chainsaw are more large logs of wood and a tarpaulin creating a safety barrier.

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 complainants’ concerns that the advertisement features a chainsaw, without protective sheath, placed on the back of a ute next to a young boy which is dangerous and contrary to prevailing community standards on safe working practice.

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

The Board considered 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 this advertisement features a man placing a chainsaw in the back of a ute near a young boy and that this scene is part of a flash back to a previous generation.

The Board noted the advertiser’s response that the chainsaw is not running when the man places it in the ute and that it is placed between some wood to prevent it moving.

The Board noted that the warnings provided in the current instruction manuals for Stihl chainsaws provide:

- Always engage the chain brake and fit the chain guard (scabbard) before carrying the chainsaw short distances
- Always carry the chainsaw by the front handle
- Transporting in a vehicle: properly secure your power tool to prevent turnover, fuel spillage and damage

The Board noted that the man in the advertisement does hold the chainsaw by the front handle and considered that although he does not use a scabbard this is a product that may not have been available in the time period depicted. The Board noted that the vehicle is stationary throughout the advertisement and considered that most members of the community would expect that the young boy would not remain sitting on the back of the ute if it were to be driven.

The Board acknowledged that advertisers should take care not to show images which encourage unsafe practice but considered in this instance the scene depicting the man placing an uncovered chainsaw in the back of a ute near where a child is sitting is clearly presented in the context of a different period of time and in the Board’s view owners and users of chainsaws of today would be familiar with the safe working practices associated with this tool and there is no suggestion in the advertisement that the child is in any danger. The Board noted that the scene was fleeting and depicted the temporary set-down of the chainsaw and considered that the overall message of the advertisement was to promote safety.

The Board considered overall that the advertisement did not encourage or condone the unsafe use of a power tool and did not depict material contrary to Prevailing Community Standards on health and safety.

The Board determined that the advertisement did not depict material which would be in breach of Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaints.

