



ADVERTISING  
STANDARDS  
BUREAU

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## Case Report

1	Case Number	0115/14
2	Advertiser	Dollar Shave Club
3	Product	Finance/Investment
4	Type of Advertisement / media	TV
5	Date of Determination	23/04/2014
6	DETERMINATION	Upheld - Modified or Discontinued

### ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

### DESCRIPTION OF THE ADVERTISEMENT

Founder of Dollar Shave Club - Michael Dubin outlines the benefits of the service - high quality blades delivered to your door every month, for a low cost, whilst proceeding through a warehouse to an end point where he outlines all the money members will be saving. In one scene Michael appears to be riding on a forklift.

### THE COMPLAINT

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

*The man hitches a ride on the front of a gas forklift. This act is against safety regulations and laws. It depicts/suggests him riding on the tines, which is against safety laws and regulations. (The huge blade being used to cut the tape is also bad and un-necessary) If one was the ride on the tines of a forklift in the workplace they can be sacked on the spot. I feel it violates the code and should be removed from broadcast.*

### THE ADVERTISER'S RESPONSE

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

*Dollar Shave Club Australia takes the provisions of the AANA Advertiser Code of Ethics seriously.*

*The advertisement, to which the complainant refers, was created to outline the benefits of a Razor blade subscription through the use of humour. In regard to the previous statement we have found the ASB's Determination Summary for Health and Safety - Issues to Consider in regard to Dangerous behaviour, both relevant and specific to our TVC - Perceived dangers can be mitigated by unrealistic situations and humour.*

*The environment in which the founder moves through is of fictional nature - no functioning warehouse would include the services of a man in a Bear costume, a toddler shaving a mans head, swinging tennis racquets, all on an abandoned work floor. These elements have been used to play to the humour and irreverence of the script produced.*

*The complainant refers to a safety issue regarding forklift operation, in which Dollar Shave Club by no means encourages unsafe behaviour, as the entire work floor is clear of any employees and has been shot using strict safety guidelines. The assertion from the complainant that the blade used to cut packing tape is also farcical in nature, with the blade offering a comical & hyperbolic way to finish packing an order - emphasising the humorous situation. The order is then thrown to a man in a Bear suit, he subsequently drops the catch. Being one of Dollar Shave Club Australia's early foray into television advertising in Australia, we do take any complaints seriously and wish to adhere to all ASB standards. In this matter DSC Australia does not believe that the Advertisement is contrary to Section 2.6 of the AANA Advertiser Code of Ethics and is not contrary to prevailing community standards on health and safety.*

## **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 a man hitching a ride on a forklift truck which is against prevailing community standards on health and safety in the workplace. 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 the advertisement features scenes where a man tries to hit a tennis ball and misses, appears to ride on a fork lift truck though a warehouse, uses a large blade knife to cut packing tape which he then throws at a person dressed up as a bear and then walks over boxes, all whilst explaining the benefits of the Dollar Shave Club. The Board noted the complainant’s concerns that the scene where the man rides on a fork lift is against safety regulations. The Board noted the Worksafe Victoria Handbook for Forklift Safety ([http://www.worksafe.vic.gov.au/\\_\\_data/assets/pdf\\_file/0007/10060/Forklift2BSafety2BReducing2BThe2BRisk2B-2BWeb.pdf](http://www.worksafe.vic.gov.au/__data/assets/pdf_file/0007/10060/Forklift2BSafety2BReducing2BThe2BRisk2B-2BWeb.pdf)) which states the following: · Most forklifts are one person vehicles, and unless an additional seat, footrest and seatbelt is available, passengers must not ride on the forklift · Forklifts are designed to lift and move loads, not people. Raising people on forks or pallets is extremely risky and is a prohibited work practice. The Board noted the advertiser’s response that there were no employees present on the work floor when the forklift scene was filmed and that strict safety guidelines were followed. A minority of the Board noted the humorous tone of the advertisement and considered that the forklift scene is one of many scenes intended to be over the top, does not depict, only implies that the man is riding the forklift and it does not suggest that this is how a forklift should be used in a normal work place environment. The majority of the Board however noted the Worksafe guidelines and considered that the humorous intent of the advertisement did not detract from the depiction of a work place practice which is unsafe. The Board also noted the scene where a large blade is used to cut packing tape. The Board noted that the man using

the blade does not look to see what he is cutting with the blade and considered that the handling of the blade is not consistent with safe handling practices. Based on the above the majority of the Board considered that the advertisement depicted material contrary to prevailing community standards on health and safety in the workplace. The Board determined that the advertisement did breach Section 2.6 of the Code. Finding that the advertisement did breach the Code, the Board upheld the complaint.

### **THE ADVERTISER'S RESPONSE TO DETERMINATION**

Dollar Shave Club Australia ("DSC") is disappointed and surprised by the complaint and the subsequent decision by the Board. We note in our response and further herein that the ad in question has successfully run in the market here in Australia in the later part of 2013, with a significantly positive response.

We reiterate the ad is intended to illicit humour, was filmed in a highly controlled environment and the video has been lauded by marketeers and media commentators alike around the world.

<http://adage.com/article/special-report-digital-conference/google-takes-top-honors-viral-video-awards/234155/>

Following discussions with the ASB we are currently considering modifications to the advertisement.

Finally, it was with some interest that we received notification that at the opening of the recent 2014 Logie Awards, the comedic hosts were delivered on stage riding on a forklift.