



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0193/14
2	Advertiser	Crop Care
3	Product	House Goods Services
4	Type of Advertisement / media	TV
5	Date of Determination	11/06/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

A farmer walks into his shed, determined to tackle the weeds that are causing him problems. He looks towards a set of weed photos on his shed wall. He prepares for the battle by arming himself with Nail herbicide from Crop Care and uses a nail gun as an analogy for what the product will do to the weeds. The farmer then shoots the photos 'gunslinger' style before walking out of the shed to get on with the job.

THE COMPLAINT

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

Nail guns have safety mechanisms that ensure they can only be fired when the gun is pressed against solid materials that are being nailed. The nail gun in this advertisement must have been modified in order to shoot nails into the photographs of the weeds. It is illegal to modify the safety mechanisms of a nail gun and to do so is extremely dangerous. This commercial sets a dangerous example and could lead to serious injury or death, particularly if children were to experiment.

THE ADVERTISER'S RESPONSE

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

This is the second year the commercial in question has been broadcast in WA, SA, Victoria and NSW without any previous complaint.

We would like to address each area of the complainants concern as follows:-

The nail gun in this advertisement must have been modified in order to shoot nails into the photographs of the weeds.

The nail gun has not been modified at all. The effect of shooting nails was achieved by hammering the nails into the photos and using editing techniques and sound effects to achieve the result. At no stage are nails seen to fly through the air because it didn't happen. As is clearly visible on the TVC, the red safety mechanism at the nail exit point is intact, there is no compressed air tubing attached to the nail gun and the oversized nails are flat headed compared to the usual wire type used in nail guns.

It is illegal to modify the safety mechanisms of a nail gun and to do so is extremely dangerous. Whether this is true or not, it's irrelevant as no modifications were made. All visual effects were achieved with skilled editing and sound effects. We wholeheartedly agree that modifying a nail gun would be dangerous which is why we didn't consider this as an option.

In conclusion, we don't believe the commercial would inspire any reasonable person of any age to overcome the significant hurdles to modify a nail gun and use it in a potentially dangerous manner.

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 concerns that the advertisement depicts the use of a modified nail gun and that this is dangerous and illegal.

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

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Board noted that the advertisement features a man entering a shed as the voiceover describes certain weeds that could be damaging to a crop. Images of weeds are on the wall of the shed and the man, prepares himself, similar to a cowboy in a showdown and fires a nail gun at the images. The herbicide product name "Nail" appears on screen and the man leaves the shed.

The Board noted that the advertised product is a herbicide to protect against broad leaf weeds and that the man is depicted as a farmer. The Board noted that as the man enters the shed he is presented as a cowboy that would fire a weapon in a showdown. The Board noted that

there are no other people present in the advertisement and the man is not pointing the gun at anyone.

The Board noted that the complainant's concerns that the nail gun has been modified to fire in this manner. The Board noted that a nail gun can only be operated upon contact and pressure with another object. The Board noted the advertiser's response that the gun was not modified and that the effects were achieved with editing and sound effects.

The Board considered that the use of the nail gun in this manner was intended to create a dramatic portrayal of the management of weeds and that it is unrealistic and clearly intended to be seen as a dramatization and not of the power of the weed killer.

The Board noted it had previously dismissed an advertisement for an insect spray in case reference 590/09 where it noted that:

“...the advertisement depicts cartoon animated bugs in a typical home. The Board considered that the images of the bugs being 'killed' by the advertised product was animated, not realistic and was in any case relevant to the product (an insect repellent). The Board considered that the violence in the advertisement did not breach Section 2.3 of the Code.”

The Board noted that in this instance the advertisement is not condoning the modification of a nail gun and that the violence is justifiable in relation to the product advertised and in the Board's view the advertisement does not encourage the use of modified weapons by anyone.

Based on the above the Board determined that the advertisement did not breach Section 2.3 of the Code.

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