



Case Report

1	Case Number	0208/12
2	Advertiser	Roof Handles
3	Product	Hardware/Machinery
4	Type of Advertisement / media	TV
5	Date of Determination	13/06/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

A male voice over describes problems people can have trying to access their roof tops to undertake various tasks and we see a man re-enacting the voice over's descriptions. The voice over then goes on to say that Roof Handles are Aussie made and they allow you to use your ladder and access your roof more safely.

THE COMPLAINT

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

The activities portrayed in the advertisement are misleading, highly dangerous and potentially lethal. I believe the product is dangerous and combined with the influence of the ad could lead to injury or death. On the roofhandles.com.au website in the 'small print' is a rider that safety gear should always be used but it was apparently not deemed necessary to mention or show any such gear in the ad maybe because it would have put a dampener on sales if buyers were made aware that the extra expense of safety gear was necessary. If this was the case then it is in my view a rather cynical advertising campaign. Please view the ad!

THE ADVERTISER'S RESPONSE

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

Thank you for the opportunity to reply to the complaint against RooFHandles as seen on SBS television. RooFHandles are a simple device to assist in climbing tin roofs by making use of existing 'Teck' screws holding down the tin sheets. Prior to RooFHandles, I and my 1900 customers did not have a simple method to climb roofs. In the past I have dragged myself up roofs, mountain climbed up using partially backed out screws and affixed all manner of pieces of wood to infrastructure. These methods were at best dicey. One thing with safety gear, anchor points and scaffolding it all has to get up there to be secured, it doesn't magically appear up there and 'Rapunzel' throws down a safety lanyard.

The Australian public are allowed to make many choices in this free country. In the past I have witnessed firsthand and heard of many horror stories regards the 'home user' falling from their roof attempting everything from tradesmen jobs to simple tasks. The Australian public are allowed to climb their roof, perform any task to it and use whatever they feel comfortable with regards their own safety. Their life is in their hands and their choices will determine their outcome. Despite the complainant's 'belief' rather than factual knowledge of OH&S law (variable in every state) it is irrelevant given a member of the public can do as I do on my property, exactly what I like.

I have provided an aid to climbing a roof with simple technique and simple tool use. To be used with in conjunction with COMMON SENSE. Each set sold has a copy included, of preferred safety equipment and methods to be used.

With regard to 'small print' in relation to 'we recommend safety equipment'. There is no change in font or size of character through 90% of the web page. Under the 'product' tab of the web page it is as clear and distinct a statement as the rest.

There is no aim to create a false illusion of safety. You simply attach a simple device and climb. Wearing a safety harness is not high on any home users list of equipment prior to climbing, my wearing one or not would not impact on their choice on discovering the high cost of height and safety equipment. They would simply climb their roof by the cheapest method at their own risk.

The complaint is exactly as the complainant states, "their view". I have 147 emails that are positive toward the product and 23 loosely termed negative or of an enquiry nature i.e. "how strong is that plastic, it doesn't look safe!" and "The teck screw might break and you would fall, is that safe. "

Work Safe NSW contacted me and advised me that whilst they would PREFER there was a higher standard of safety portrayed in the TVC, they would issue an INDUSTRY ONLY standard, advising employers that RooFHandles are to be used in conjunction with current HS&E laws. I fully support that ideal.

It is my opinion only. That one complaint based on one person's "view" in their words, is sufficient grounds to remove my TVC from viewing. Should there be a clear statutory breach of law and I would now be aware of it in 9 months of trading.

I thank you for your deliberation on this matter.

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 material which is dangerous and potentially lethal.

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 highlights the need for safe access to roofs and shows people trying to climb ladders or across roofs and slipping. The Board noted that these portrayals are accompanied by a voiceover which highlights that these activities are not ideal and that the advertisement goes on to provide a solution, Roof Handles, which is then demonstrated.

The Board noted the complainant’s concerns that the scenes showing people accessing the roofs without safety precautions are dangerous and if copied could lead to serious injury if not death. The Board expressed concern over the use of these depictions however the Board considered that the advertisement makes it clear that these actions should not be copied and provides a clear, arguably safer, alternative and noted that in a domestic situation, safety on roofs is strongly encouraged.

The Board considered that the overall message of the advertisement is to promote safe access to roofs and that the advertisement does not present material which is contrary to prevailing community standards on health and safety.

The Board determined that the advertisement 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.