



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0233/16</b>
<b>2</b>	<b>Advertiser</b>	<b>HTH Group</b>
<b>3</b>	<b>Product</b>	<b>Hardware/Machinery</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>25/05/2016</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.6 - Health and Safety Bullying (non violent)

## DESCRIPTION OF THE ADVERTISEMENT

The television advertisement shows a group of tradesman having a break when a man from HTH arrives. He says that they think they are tradies but points to a pomeranian dog and laughs and then looks at their wood which is bent and throws this away. A truck then backs on site with products from HTH and he says, 'go where the tradies go'.

## THE COMPLAINT

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

*Yelling that the tradies are hopeless, bullying, criticises the small dog, wood was hopeless and throws it, yells and is a bully saying only home hardware is any good. Not ok. We are trying to stop, one punch, domestic violence and bullying not advertising that it is ok! I find the ad offensive bullying and scary.*

## THE ADVERTISER'S RESPONSE

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

*The advertisement referred to in this complaint is the 30 second Home Timber & Hardware television commercial (TVC) which is currently on free to air and subscription television.*

*The CAD reference number is W2UIZROA and the CAD rating is W.*

*As requested, our response to this complaint directly relates to each section of the AANA Advertiser Code of Ethics as follows:*

*Section 2.1: Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.*

*Response: We do not believe this section of the code is relevant to this complaint. There is no depiction of discrimination against any person in this commercial.*

*Section 2.2: Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*

*Response: We do not believe this section of the code is relevant to this complaint. There are no sexual references within this commercial.*

*Section 2.3: Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.*

*Response: We assume that the complaint refers to this section of the AANA Advertiser code of ethics.*

*To provide some context, this TVC falls within Home Timber and Hardware's (HTH) wider creative platform of 'Put the Hard Back into Hardware'. This platform, introduced in 2015 through a series of brand TVCs and supporting collateral, stemmed from an insight that hardware retailers had watered down their offerings to accommodate smaller, more home improvement based tasks. 'Put the Hard Back into Hardware' seeks to reinstate the traditional hardware store in the minds of Home Timber and Hardware customers, reminding them of their ability to embrace proper, larger scale jobs. In this context, this commercial introduces a HTH representative to identify examples where Tradespeople have shopped at a competitor store and have consequently turned "soft". His task is to toughen them up in the context of shopping at a HTH store.*

*The commercial is clearly filmed in a light hearted manner utilising typical Tradesperson humour. Bent timber is commonly used as a reference for poor quality timber and a perfectly groomed Pomeranian dog would never be seen on a building site. The commercial clearly plays on obvious stereotypes to make the point and at no time is violence demonstrated or even implied. The suggestion by the complainant that the TVC is encouraging one punch violence and domestic violence is far fetched and without merit. The TVC is a call to the target audience emphasising Home Timber & Hardware's strength in traditional hardware products to support projects around the home and we believe that it does not contravene the Code.*

*Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*Response: We do not believe this section of the code is relevant to this complaint. There is no sexuality or nudity in this commercial.*

*Section 2.5: Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.*

*Response: We do not believe this section of the code is relevant to this complaint. There is no use of strong or obscene language.*

*Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.*

*Response: We do not believe this section of the code is relevant to this complaint. There are no implications to health and safety standards.*

*Home Timber & Hardware Group is committed to complying with the AANA Advertiser Code and all applicable laws with respect to its advertising activities. In addition, HTH Group would like to assure the Board that it is, and will continue to be, careful to ensure that all advertising that refers to it or any of its brands is not offensive and does not promote conduct of an irresponsible nature.*

## **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 is offensive in its portrayal of bullying.

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 portrays a group of tradesmen on a building site during a break being confronted by a man criticising their choice of materials and suggesting they are not real tradies.

The Board noted the advertisement is exaggerated to make the point about HTH being where real tradies go and displays a reliance on the stereotype of the male value of being ‘hard’ to liken that to the better quality products available at HTH. The Board considered that this may

be considered stereotyped in its portrayal of masculinity but did not consider it to be a negative depiction.

The Board noted that the group of men, when spoken to by the man from HTH in a tone of aggression, do not respond to him and do not appear to be threatened by him. The Board considered that most members of the community would find their reaction to highlight that they are not concerned by the man's behaviour and find it annoying rather than hurtful.

The Board acknowledged that bullying is a very serious issue but considered in this instance that the advertisement does not portray, condone or encourage bullying behaviour and that the man's approach is seen as negative in any case. The Board considered that the advertisement did not depict material contrary to prevailing community standards on bullying.

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.