



Case Report

1	Case Number	0242/17
2	Advertiser	Tamar hire
3	Product	Hardware/Machinery
4	Type of Advertisement / media	Radio
5	Date of Determination	07/06/2017
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.3 - Violence Domestic Violence

DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement features a woman ringing Tamar Hire wanting to hire equipment to tidy up her backyard as her husband is too busy to do it. As the woman asks if they hire mini excavators we hear the muffled voice of a man who appears to be gagged and struggling. The woman tells Tamar Hire that she is getting rid of some rubbish in her back yard as we hear the man's call for help. A male voiceover ends the advert with: "When things look dire, call Tamar Hire!"

THE COMPLAINT

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

Because it has undertones of domestic violence, and is using that as an amusing selling point to their product. Domestic violence isn't funny, and allowing it to be used for comic relief in advertising is not only irresponsible and dangerous, it minimises the issues those in domestic violence situations experience as humourous.

THE ADVERTISER'S RESPONSE

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

This radio advertisement was never supposed to come across as violent or promote domestic violence or even use domestic violence as comic relief to promote our machinery hire. All we had intended was to advertise that in the male dominated industry women do call to enquire as well as hire big/small pieces of machinery. We have many many phone calls from girlfriends/wives on behalf of their boyfriends/husbands booking in equipment because they have been tired of nagging their partners and thought "well I'll just do it." So we wanted to incorporate that our machines are female friendly. Never did it cross our minds that it could be offensive/violent.

In regards to the woman's comment on the advertisement ending with Tamar Hire for "all" your backyard needs. We literally have a huge range of equipment to use in your backyard for landscaping/maintenance i.e. lawn mowers/hedge trimmers and many more pieces of equipment in between.

30-40% of our callers are woman and we have had people call and laugh at the advertisement as they have had similar instances where the partner has been "too busy" to do any work in the backyard and they can relate.

We do understand after reading the woman's complaint that it has been taken the wrong way and we are already in the process of eliminating/changing this advertisement so as not to cause any further offense.

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 has undertones of domestic violence and minimises the issues those in domestic violence situations experience.

The Board reviewed 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 this radio advertisement features a woman ringing Tamar Hire wanting to hire equipment to tidy up her backyard. The muffled voice of a man is heard in the background and he is heard calling for help. A male voiceover is heard at the end saying "when things look dire, call Tamar Hire."

The Board noted it had upheld a complaint for Clarity Hearing Solutions (0257/17) where a woman is seen threatening to throw a jar at her husband. In that case, the Board noted that "the suggested humour was not very strong and in the Board's view, the overall tone was one that was menacing and threatening."

The Board noted the practice note to the Code states that a "strong suggestion of menace presents violence in an unacceptable manner and breaches this section of the Code."

Consistent with the decision above, the Board noted that the current advertisement is intended to be a light hearted approach to a real life situation that occurs in households regarding getting jobs done in the home and one partner being more motivated or keen than the other.

The Board noted that this is a radio advertisement and that violence, although not depicted, can be suggested. In the Board's the man in the advertisement sounds as if he is gagged and struggling to free himself. The Board noted that the man from Tamar Hire pauses as he recognises the sound of someone in the background and starts to ask questions about what the equipment is for. The woman states that her husband is too busy to help.

The Board considered that the overall impression, and clear inference in the advertisement, is that the wife has trapped the husband in some way and that he may be the 'rubbish' that she is intending to get rid of in the backyard.

The Board considered that the man does sound in distress and that the end of the advertisement does not suggest that he has been freed in any way. The Board noted that the advertisement is intended to be humorous but considered that t that there is a suggestion of menace. The Board noted the serious community concern relating to domestic violence and violence in general, and considered that the advertisement did not portray violence in a manner that was justifiable in the context of an equipment hire business and therefore did breach Section 2.3 of the Code.

The Board noted the advertiser's response that they are in the process of changing the advertisement so as not to cause any further offence.

Finding that the advertisement breached section 2.3 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

I'd like to inform you that we have discontinued the advertising that was in breach of the advertisers code administered by the ASB.