



Case Report

1	Case Number	0260/16
2	Advertiser	HTH Group
3	Product	Hardware/Machinery
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/06/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Bullying (non violent)

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a tradie pulling up at a worksite and shouting at the tradies taking a break. He tells them that they think they are hard-as-nails tradies and then calls one of the men, who is eating a cupcake, 'sprinkles'. The man then lifts a piece of timber from the ground and says it is perfect if you are building a boomerang before pointing to 'some of the good gear' and we see a vehicle loaded with timber reversing on the worksite.

THE COMPLAINT

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

The guy comes across as a real bully, having a go at the guys on site, putting them down and making fun of them. Bullying is wrong in any situation.

THE ADVERTISER'S RESPONSE

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

I write in response to your letter regarding reference number 0260/16.

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 assume that the complaint refers to this section of the AANA Advertiser code of ethics as the complaint references bullying.

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. The commercial plays on obvious stereotypes to make the point and at no time is there any discrimination or vilification demonstrated. We find it difficult to respond in any more detail on this complaint as there is simply no evidence of discrimination or vilification on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief. We therefore believe that it does not contravene the Code.

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 do not believe this section of the code is relevant to this complaint. There is no violence depicted in this commercial.

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 depicts a man bullying tradies.

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 that this advertisement features 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, in particular noting one of the men holding a cupcake, who he refers to as ‘sprinkles’. The Board considered that this is a series of advertisements with the recurring character from HTH criticising elements on worksites to show tradies have gone soft.

The Board noted it had recently dismissed a complaint about a similar advertisement in this campaign in case 0233/16 where:

“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 did consider the targeting in this advertisement of one of the tradies, the man calls sprinkles.

There was considerable discussion about the singling out of the one character for ridicule that the Board considered was disturbing but on balance the Board considered that it was the protagonist that was made to look over-the-top in his responses and out-of-step given the reactions of the other tradesmen. The Board considered that the focus of the advertisement was on the 'superior product' rather than the men themselves and 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 considered that the advertisement did not depict material contrary to Prevailing Community Standards on bullying behaviour.

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.