



Case Report

1	Case Number	0300/17
2	Advertiser	HTH Group
3	Product	Hardware/Machinery
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/07/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Unsafe behaviour
- 2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This 15 second television advertisement opens on a tradesman using a drop saw to cut his bread roll in half before saying, “at Home, we are putting the hard back into hardware”. A male voiceover then describes a tax time deal and the final onscreen image is of the Home Timber & Hardware logo and the super, “Go where the tradies go”.

THE COMPLAINT

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

This ad is insulting to all tradesmen who take pride in their profession and work to strict Work-safe and OH&S standards and practices.

Safety during an apprentice is of utmost importance to tradesmen and Fooling around with dangerous equipment definitely leads to accidents.

A drop saw is a very dangerous appliance which HT&H sell to the general public and the advertisement is an entirely inappropriate use of such a tool. It should not be seen or portrayed as equipment suitable for a purpose other than intended, which makes a joking matter to appeal to the would be handyman or that it might be seen as a new fun gadget for

cutting up other foods or materials not designed for the machine etc. The actor performing the ad would not have agreed to do this stunt if he was an experienced and respectful tradesman in my opinion. My dad was a carpenter all his life and almost lost his arm with his Black and Decker circular saw. His friend was not so lucky; he cut off his own leg in a terrible accident with his circular saw.

In addition, your bureau has informed me that the ad I complained about last September has now been modified. I have modified my own words on this occasion, but the reason for my complaint still stands as the offending message is the same. I did some quick research and discovered that in Victoria in 1996 for example, 363 people were hospitalized by power saw injuries, 56% being do it yourself operators, the very market place where such people can purchase this dangerous machines. Source; Monash University https://www.monash.edu/__data/assets/pdf_file/0010/218449/haz28.pdf

I am an industrial designer with considerable experience designing products and appliances and I am shocked at the gross irresponsibility of HT&H and that the standards bureau would endorse the altered ad.

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 0300/17.

The advertisement referred to in this complaint is the 15 second Home Timber & Hardware television commercial (TVC) which was recently on free to air and subscription television.

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. This TVC does portray or depict material or people in a way which discriminates or vilifies.

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: Based on the description, we assume that this section of the code is relevant to this complaint.

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.

As a leading supplier of materials to the building industry we are committed to following industry standards on health and safety and can confirm the following:

- At no time do we show the Tradie using the drop saw and talking to camera as claimed in the complaint

- The tradesman is watching what he is doing and only looks up to the camera before and after he uses the drop saw.

- The tradesman is using the correct technique and is not using a reckless and rapid motion as is claimed in the complaint

- The tradesman is wearing all required safety gear including ear muffs, safety glasses and hard hat.

- The drop saw was securely mounted to the workbench.

- A dedicated Safety Officer was present at all times during the shoot and supervised the scene where the Tradesman is using power tools.

- Whilst the point is made in a light-hearted manner it is not at the expense of safety.

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 concerns that the advertisement depicts a man cutting his salad roll with a drop saw in a reckless manner and is contrary to prevailing community standards on health and safety.

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 television advertisement opens on a tradesman using a drop saw to cut his sandwich in half while he says, “At Home, we’re putting the hard back into hardware”.

The Board noted that this advertisement is a modified version of a previously upheld advertisement in case 0406/16 where:

“The Board noted the advertiser’s response that in the advertisement, the tradesman is wearing all required safety gear including ear muffs, safety glasses and hard hat; the drop saw was securely mounted to the workbench; the tradesman is watching what he is doing and only looks up to the camera before and after he uses the drop saw; and a dedicated Safety Officer was present at all times during the shoot and supervised the scene where the Tradesman is using power tools.

A minority of the Board noted the overall tone of the advertisement and considered it was light-hearted and the man’s actions in cutting his sandwich using a drop saw were not intended to be serious or to be copied by viewers. A minority of the Board noted that the man does glance down as he is cutting his sandwich and considered that the overall impression is that this man is comfortable using this tool and is doing so in a safe manner.

Following considerable discussion however, the majority of the Board noted that the man

only glances down at the drop saw after he has used it and considered that it is not made clear in the advertisement that the man has set up the machine in-line with the relevant safe use of this machine and in their view the man's glance is not sufficient to suggest that current health and safety practice around the use of a drop saw is being followed. The majority of the Board noted the humorous tone of the advertisement and considered that the fast-paced nature of the scenes was indicative of no consideration of care or safety. Overall the majority of the Board considered that the potential consequences for a person using machinery in this manner outweighs the intended humour and light-hearted nature of the advertisement and that it is a depiction condoning behaviour that is unsafe."

The Board noted that this modified version of the upheld advertisement has been edited so that the initial scene doesn't show the man's face as he cuts in to his sandwich but focuses on the drop saw until after the sandwich has been cut.

A minority of the Board noted the modification but considered that the overall impression is still that the man is not paying due care and attention to his actions and in the Board's view the intended humour is not sufficient to outweigh the potential consequences of copycat behaviour. The minority of the Board considered that the advertisement did depict material contrary to Prevailing Community Standards on health and safety.

The majority of the Board however noted in its original upheld determination that, "the fast-paced nature of the scenes was indicative of no consideration of care or safety" and considered that by focusing for longer on the drop saw in the opening scene the overall suggestion of unsafe behaviour is minimised somewhat. The majority of the Board noted that the man presenting the advertisement is depicted as a tradesman and considered that he appears confident in his handling of the drop saw and in the Board's view his behaviour is not likely to be considered unsafe or negligent by most members of the community.

The majority of the Board noted the complainant had provided statistics on machinery accidents from 1996 and considered that this research is outdated and in the current community tradesmen are better trained and more aware of workplace health and safety issues around the use of machinery.

Overall the majority of the Board acknowledged the complainant's concerns about the safe use of machinery but considered that the advertisement did not depict the unsafe use of a drop saw and in the Board's view the advertisement was unlikely to encourage tradesmen to use a drop saw in an unsafe manner or to cut their sandwiches.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety and 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.

