



Case Report

1	Case Number	0328/13
2	Advertiser	Ryobi
3	Product	Hardware/Machinery
4	Type of Advertisement / media	TV
5	Date of Determination	25/09/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

The advertisement uses the analogy of a relay race to demonstrate the unique selling proposition of the product – how one battery is interchangeable between all of the tools in the One+ range. The battery itself acts as the baton being passed between 'competitors' in the relay race as they complete various DIY tasks along the track. The finish line is a piece of 4x2 timber which the competitor cuts with a circular saw to finish the race.

THE COMPLAINT

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

In the final moments of the advert, a man cuts through a piece of timber which acts as the finishing line for the race. The piece of timber is suspended from either end. He cuts through the timber with the circular saw, and the timber falls away cleanly.

As a carpenter, I find this representation of the use of a circular saw particularly disturbing. Circular saws are a particularly dangerous tool. One of the first things you learn about them is that the piece you are cutting should not be suspended from both ends. If you cut a piece of timber that is suspended in this way, it has the tendency to jam the saw which in turn causes the saw to lurch backward with great force. The correct way to saw a piece of timber is to have it cantilevered over a bench, and the offcut piece is simply allowed to fall away.

While I understand that this is an ad, and that what happens on tv is often fantastical, the practice shown in this moment would be very dangerous if carried out by the home-

renovators and handymen to whom these tools are marketed.

THE ADVERTISER'S RESPONSE

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

The complaint

As advertisers of home DIY power tools, we take great care and consideration to observe and demonstrate relevant health and safety procedures in advertisements for our products. We maintain that the advertisement does not contain an unsafe demonstration of the use of a circular saw. The obvious purpose of the commercial was to demonstrate the interchangeable nature of the One+ battery across a range of Ryobi products and employ the use of 'puffery' in a fictitious relay scenario.

The person performing the cut using the circular saw was clearly wearing appropriate safety equipment, including ear protection, safety glasses and gloves. The user employed the circular saw at an appropriate speed, allowed the saw to cut and not push it so as to clamp the blade and pulled up the saw at the end of the cut. The circular saw was operated by the user with two hands and at no time did the user hold the beam with one hand. This is in line with government safety recommendations.

The timber 'finish line' was a beam supported on three uprights set up in a manner to represent a finishing line in the place of a ribbon. The timber itself was affixed at three points to wooden stands, each of which had a large stabilising support. The beam being cut with the circular saw in the finish line shot is secured but this is simply not visible in the shot. The user is clearly using both hands to hold the circular saw to cut the timber, which would not be possible unless the timber was properly secured. After the beam was cut, the beam was unsecured from its supports and allowed to rest on the ground to appear like a cut 'finish line' ribbon.

We also took great care to ensure that all individuals in the advertisement were depicted using the correct safety gear relevant for the particular tool that they were operating. For example:

- Drill – safety glasses*
- Nail Gun – safety glasses and gloves*
- Line Trimmer – Garden gloves, safety glasses and ear protection*
- Leaf Blower – Safety glasses and ear protection*
- Circular Saw – Ear protection, safety glasses and gloves*

Requirements of the AANA Code

Section 2.6 of the AANA Code requires that advertising shall not depict material that is

contrary to prevailing community standards on health and safety. Prevailing community standards is defined as the community standards as determined by the ASB as those prevailing at the relevant time in relation to the relevant advertising. There are no practice notes published by AANA which are relevant to the contents of the complaint.

We are not aware of any universally accepted guide or set of rules governing how timber must be cut with a circular saw. We instead consider that prevailing community standards on health and safety relevant to the operation of circular saws would be reflected in government safety procedures.

None of the attached government guidelines require or recommend that the material to be cut should not be suspended from both ends nor do they require a piece of timber to be cantilevered over a bench with the offcut piece allowed to fall away. All other safety recommendations contained in these safety procedures documents have otherwise been adhered to in the advertisement, for example, the user must keep hands away from the blade.

We respectfully submit that the advertisement does not breach any government guidelines and otherwise does adhere to a safe operating procedure.

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 the use of a circular saw that is unsafe and could cause harm if mimicked by others.

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 the advertisement features various people demonstrating how a One+ battery can be used in a variety of tools and that in one scene we see man using a circular saw to cut through a piece of timber.

The Board noted the complainant’s concerns that the advertisement demonstrates the use of a circular saw in an unsafe way because the timber is balanced between two blocks rather than cantilevered over a bench.

The Board noted that man using the circular saw is wearing safety goggles and gloves and that the piece of timber which he cuts through is not very thick. The Board noted that when the man cuts through the timber the timber is set up as one long piece of wood in a mock ‘finishing line’. The Board noted that the timber is positioned in a stable manner and that the

scene is a small part of the overall advertisement. The Board considered that, while the set up may not clearly comply with safe work practices, it does not appear unsafe and in the unrealistic and humorous context of the advertisement it is not encouraging the unsafe use of a work tool.

Based on the above the Board considered that the advertisement is not condoning or encouraging behaviour which is contrary to prevailing community standards on health and safety relating to the use of a circular saw and that the advertisement did not breach Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.