



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0373/18
2	Advertiser	Caltex Australia Ltd
3	Product	Automotive
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	12/09/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features a woman standing on one side of a petrol pump, and a man with a log and chainsaw is on the other. A voice over asks if using the new fuelpay app is cheaper than a chainsaw. The woman completes paying for her petrol while the man continues to use the chainsaw.

THE COMPLAINT

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

It is generally recognised that a chainsaw is one of the most dangerous tools available. The chainsaw operator is seen looking away from the saw towards the woman to see how the race is going, diverting his eyes and attention away from the saw blade several times. This represents and illustrates a very dangerous practice.

THE ADVERTISER'S RESPONSE



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

The advertisement is part of a broad campaign relating to Caltex Australia Limited's (Caltex's) new smartphone app product, called "FuelPay" which can be used at Caltex's fuel outlets to pay for fuel. The campaign is designed to show the speed and simplicity of the FuelPay app in an eye-catching and memorable way. This is achieved by juxtaposing the main character (a bright, cheery young woman) simply using the app with offsidiers who are providing memorable and eye-catching performances; across the campaign these include magicians/escape artists, handlers of birds of prey, etc. In this particular advertisement, the main character uses the app to pay for fuel while a professional chainsaw operator attempts to cut through a large timber log, to determine which is faster.

The chainsaw operator is wearing all required safety equipment, including eye protection and ear protection, and the chainsaw being used is a fairly standard chainsaw with all necessary safety mechanisms activated, including a hand guard. The log is also clearly depicted as being appropriately secured with cable ties and in a sawing bracket, in a fashion entirely consistent with professional chainsawing and chainsaw racing in particular. The chainsaw operator does not rush to complete his task, or take any shortcuts or act in any manner which is unsafe. The comparison depicted is simply between a chainsaw operator attempting to quickly cut a large timber log with a chainsaw, functioning normally, and a woman using a smartphone app to pay for her fuel. At no time is it implied that the operator is operating the chainsaw dangerously or recklessly, or that any safety concerns are present.

While the main character speedily pays for her fuel on the app with no fuss, the chainsaw operator does not complete his task, clearly showing that paying for fuel with the app is of course the faster process. Caltex acknowledges that section 2.6 (health and safety) of the Advertiser Code of Ethics is noted in your letter as the main concern area arising from the complaint, and while Caltex acknowledges that the advertisement will be assessed against all provisions of the Code, it is Caltex's view that none of the other provisions will be relevant as none are breached by the advertisement in this case.

With reference to section 2.6, the complainant refers to chainsaws as being 'one of the most dangerous tools available', and this is not in dispute given the chainsaw's potency as a device. However, the operator is clearly shown observing all safety precautions throughout his operation of the device, and other than momentarily casting a sideways glance to the main character in the advertisement, never takes his eyes off the machine. Given that the chainsaw is actively engaged in a simple, vertically descending action while the operator presses down, there is little danger in the operation of the machine at all. Indeed, even when he is momentarily looking away, the operation of the chainsaw and its simple downward motion is clearly



unimpacted and at no times is this unsafe. Merely because a machine is powerful does not mean it is complicated or extremely unsafe to operate unless your eyes are fixated downwards at all times. To this point, Caltex confirms that at the time of filming all appropriate safety precautions were taken, including safety wear for the operator and the film crew. The operator of the chainsaw was an experienced handler of chainsaws and at no time was he out of control, distracted or otherwise compromised in his operation of the chainsaw. Again, the log was also expertly secured in the appropriate bracket, as described above.

It must also be stated that 'chainsaw racing' is not a new phenomenon, and the rich history of chainsaw racing (particularly in rural areas) was indirectly being referred to in the creation of the advertisement in this instance. Safety precautions from chainsaw racing were also borrowed to ensure that the advertisement depicted a safe and professional scene to the extent possible, and to ensure the safety of all participants. In chainsaw racing, the same exact task is completed – a vertically descending cut, on a log secured in a bracket as in the advertisement, with two racers side by side attempting to finish the cut the quickest. It is not at all uncommon for professional chainsaw racers (while using considerably more powerful devices than that shown in the advertisement) to cast an eye at their competitors to assess where they are at in the race. This is no different to what is depicted in the advertisement in this case. Such is the nature of operation of a chainsaw in such races, momentarily taking an eye off the log while the saw continues straight downward is not particularly unsafe.

Merely because a chainsaw has the potential to cause damage (to trees, wood, or if used incorrectly, to cause injury etc), does not mean that depicting its use in advertising is dangerous or in conflict with prevailing community standards on health and safety.

It is Caltex's view that, contrary to the complainant's concern in this case, the advertisement does not represent or illustrate a very dangerous practice at all, but that even if it did it does not depict material that is contrary to prevailing community standards on health and safety in breach of section 2.6 of the Code.

Finally, the advertisement was classified with a G-rating by CAD for the free-to-air television broadcast of the advertisement, indicative of CAD's perception of its content. According to CAD, "G" ratings are reserved for very mild content that does not contain any matter that is likely unsuitable for children to watch without supervision. Caltex agrees with CAD's decision to apply a G-rating, and that the advertisement is very mild and creates no risk whatsoever to any viewer, and especially to children.

On the above bases, Caltex submits that the advertisement does not breach the Code of Ethics.



THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concerns that the advertisement features unsafe behaviour.

The Panel viewed the advertisement and noted the advertiser's response.

The Panel 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 Panel noted the complainant's concern that the advertisement features a man using a chainsaw in a dangerous way.

The Panel noted this television advertisement shows a woman standing on one side of a petrol pump, and a man with a log and chainsaw on the other. The woman races the man to see if she can pay for petrol on her phone quicker than he can cut through the log with his chainsaw.

The Panel noted the advertiser's response that the chainsaw operator is wearing all required safety equipment and operates the chainsaw safely.

The Panel considered that the log that the man was cutting into was appropriately secured and that the man was cutting in a straight downward direction.

The Panel considered that the man is seen to glance several times at the woman, but these are fleeting glances and his attention appears to be focussed on the task he is performing.

The Panel considered that the overall impression of the advertisement is that the man is not undertaking unsafe or dangerous activities, and further that the advertisement itself is fantastical and unlikely to cause copy-cat behaviour.

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

