



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0388/14</b>
<b>2</b>	<b>Advertiser</b>	<b>Worx</b>
<b>3</b>	<b>Product</b>	<b>Hardware/Machinery</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Pay</b>
<b>5</b>	<b>Date of Determination</b>	<b>08/10/2014</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.6 - Health and Safety Unsafe behaviour

## DESCRIPTION OF THE ADVERTISEMENT

The advertisement is promoting the Worx model WX427 710w 120mm Compact Circular Saw. We see a man using the saw to perform various jobs and in one scene he is holding a plank of wood with one hand whilst using the saw with his other hand.

## THE COMPLAINT

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

*The ad shows the man cutting a piece of wood that he holds in his hand as he cuts it which is very dangerous as the saw could skip if it hits a knot in the wood and then it would come back on the user who would have very little control of it and he would likely be injured. Such an action is taught to be very dangerous, with all cutting to be done with the item firmly clamped to a table or similar structure so that more control is given when cutting. Both adults and children could see the man doing this and repeat it and cause injuries to themselves.*

## THE ADVERTISER'S RESPONSE

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

*Our comments in relation to the ad and the depiction of a man “cutting dangerously” are as follows:*

*Compared to a regular 184mm (7 ¼ inch) 1500w Circular Saw the Worxsaw XL 710w 120mm (4 ¾ inch) has a lower RPM (3500rpm vs approx. 5500 rpm) and smaller diameter blade (120mm vs approx. 184mm) resulting in the actual tooth speed of the blade being approx. less than half that of a regular circular saw. The result is that any kickback (should it occur) is greatly diminished and is far more easily controlled. We also do acknowledge though that some consumers may not be aware of this fact and as a responsible manufacturer and advertiser advise that should we decide to promote the use of this product again via television advertising that we would remove the actual scene where this reference appears.*

## **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 and encourages dangerous, unsafe activity.

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 a man using the saw to perform various jobs and in one scene he is holding a plank of wood with one hand whilst using the saw with his other hand.

The Board noted the inherent risks associated with using power tools and considered that the careless or inappropriate use of power tools can be very dangerous.

A minority of the Board considered that it is not ideal to depict an activity such as holding a power saw with one hand as it could encourage people who are less experienced to copy this action.

The majority of the Board considered that the man in the advertisement is appeared to be an experienced handyman as his technical ability is in keeping with someone who is confident and competent in construction and the use of power tools.

The Board noted that the design of the advertised product makes it capable of being used in

one hand.

The majority of the Board considered that most members of the community would recognise that the handyman was not acting on an uneducated impulse but was performing renovation activities with due care and consideration. The majority of the Board determined that the advertisement did not depict or condone unsafe behaviour and noted that the handling of the tool in this manner was done so as to display how the product differs to other power tools by way of superior safety and versatility.

The Board noted that the product itself when purchased comes with multiple warnings and statements regarding the safe use of the tool.

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.