



# Case Report

<b>1</b>	<b>Case Number</b>	<b>0410/14</b>
<b>2</b>	<b>Advertiser</b>	<b>Builders Academy Australia</b>
<b>3</b>	<b>Product</b>	<b>Education</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>08/10/2014</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Upheld - Modified or Discontinued</b>

## ISSUES RAISED

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

## DESCRIPTION OF THE ADVERTISEMENT

A voice over introduces Bob, a builder, and we see Bob playing with various building tools. He throws a chisel, swings on a spirit level as though doing gymnastics and uses nail guns as though they were actual guns. The voice over explains that Bob can do anything because he trained at the Builders Academy.

## THE COMPLAINT

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

*While this appeals to young school leavers, including minors interested in a trade, this depiction of a carpenter includes dangerous behaviour and depicts the acceptable violation of occupational health and safety laws and regulations as a normal part of being a good trades person. The building and construction industry has a serious problem with safety caused by "cowboys" leading to serious injury and death, and promotion of this behavior I find objectionable.*

*This advertisement of a man walking towards a camera firing two nail guns directly at the camera is totally wrong and not an appropriate image to people, nail guns are dangerous and OHS would not agree with this advertisement. Not a good look or example to kids.*

*Encourages cowboys to remove safety device and shoot people*

*This is a dangerous and stupid representation of a job that needs skill and care. It portrays a gung-ho attitude that is similar to a video shooting game or violent overtones. A stupid, stupid ad!!!*

*The building trade is dangerous enough and faces many work related deaths and consequent OH&S issues. This ad blatantly promotes and encourages the most dangerous of behaviours that can actually kill people. Things like throwing a sharp and dangerous chisel like a throwing knife or firing nail guns or trying ridiculous gymnastics in a workplace. This ad is supposed to sell a service that teaches young builders and apprentices how to build homes SAFELY yet this ad shows the complete opposite glorifying dangerous and stupid on-site behaviours that have killed too many people in the industry already!*

## **THE ADVERTISER'S RESPONSE**

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

### **SECTION 2 OF THE AANA CODE OF ETHICS – CONSUMER COMPLAINTS**

*The complaints we have seen relate directly to one point:*

#### **2.6**

*Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.*

*The complaints raise the concern that the ad “depicts and glamourises unsafe workplace behaviour” because “all of the actions depicted in the advertising are seriously dangerous”.*

*We are not depicting a normal workplace. It is a fantasy; our character is a superhero and the environment is a fictitious space constructed for the purpose of the ad. The comparison is Batman and Gotham City – a fantasy built on aspects of reality. The final scene, with Bob standing on a pedestal, confirms the surreal environment. As a point of fact: while constructing the set, all health and safety precautions were applied and strictly adhered to, overseen by a health and safety officer.*

*The actions depicted are not dangerous to our character – because he is obviously not real. He is a superhero, and can therefore do things normal people can't, such as defy gravity and shoot nails into beams of wood over distance despite the fact that nail guns cannot be used in that manner because they are built with safety features that prevent it.*

*It should be noted that the actor who portrayed Bob cannot perform these acts – they were created using special effects and Computer Generated Images (CGI).*

*We do not suggest that anyone other than the character in the ad should try the actions demonstrated. They are his actions and his alone. He is identified in the script by name, Bob, and therefore the actions belong to him. We do suggest that because he trained at the*

*Builders Academy Australia he is a superior builder, however it should be clear to anyone that no amount of training will help you do what Bob can do – because he is clearly a fantasy.*

*Perhaps ironically, a builder who completes his training at the Builders Academy Australia will certainly know that he should never attempt any of the actions performed by Bob.*

#### **PLEASE NOTE**

*While we stand by our commercial we understand that we have a responsibility to maintain the highest standards of professionalism and take concerns members of the public may have seriously.*

*The depiction of nail guns being fired over distance seems to cause the most concern, therefore we are re-editing the ad to remove these images, replacing them with scenes that show the guns making contact with the surfaces being nailed (as they would be used in reality).*

*We hope this proactive action allays some if not all of the concerns raised.*

#### **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 glorifies dangerous behaviours and depicts unsafe work practices.

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 voice over introducing Bob, a builder, and Bob is seen using various building tools. In particular, he throws a chisel, swings on a spirit level as though doing gymnastics and walks through the building site using nail guns as though they were actual guns. The voice over explains that Bob can do anything because he trained at the Builders Academy.

The Board noted the complainant’s concerns that advertisement is for a builders training institution and that it is irresponsible to show actions such as these in an advertisement where safety is critical.

The Board noted that the advertisement features a superhero type character that is intended to glamorise the building industry to appeal to young men and women who might be looking for a career in building.

The Board noted that while the character is presented as fictional, his actions involve the use of tools and equipment that is indicative of the tools required in the building industry. In particular, the Board noted that the character throws a chisel and uses two nail guns in a way that is likened to scenes from an action movie.

The Board noted the advertisers response that the advertisement is being re-edited to remove the images of the nail guns and replacing them with scenes that show the guns making contact with the surfaces being nailed (as they would be used in reality).

The Board noted that it had previously considered an advertisement for a herbicide that showed a man firing a nail gun into a picture of a weed (ref: 0193/14). In this instance the Board noted that “the advertised product is a herbicide to protect against broad leaf weeds and that the man is depicted as a farmer. The Board noted that as the man enters the shed he is presented as a cowboy that would fire a weapon in a showdown. The Board noted that there are no other people present in the advertisement and the man is not pointing the gun at anyone.”

The current advertisement shows the nail guns being used in a similar way but as the product is a training facility for the building industry the realistic nature of what the man is doing is much greater and therefore more likely to be copied.

The Board agreed that the likely audience for the building academy is young adults (more commonly males) and that young males can be impressionable. The Board noted that the training facility would not be teaching this type of behaviour to students however, in respect of the serious nature of workplace health and safety issues, the advertiser should take care in the portrayal of activities that the community may consider inappropriate or unsafe.

Based on the above the majority of the Board considered that the advertisement depicted material contrary to prevailing community standards on health and safety in the workplace and determined that it did breach Section 2.6 of the Code. The Board noted that they upheld the same advertisement on Pay TV (ref: 0411/14).

Finding that the advertisement did breach the Code, the Board upheld the complaint.

## **THE ADVERTISER'S RESPONSE TO DETERMINATION**

Builders Academy Australia acknowledges the breach and took steps prior to this confirmation to modify the ad. Specifically, we changed the ad by removing all instances where the nail gun is 'shot' incorrectly, perpetrating the 'gung-ho' attitude and replaced this scene with our builder Bob using the nails gun safely and responsibly.