



Case Report

1	Case Number	0448/16
2	Advertiser	Makita
3	Product	Hardware/Machinery
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	09/11/2016
6	DETERMINATION	Dismissed

ISSUES RAISED

2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a man using Makita Line Trimmer to trim the edge of his lawn. We then see a woman wearing running gear (singlet, shorts and trainers) saying hello to the man as she pauses to stretch. The man is busy saying hello to the woman and is not watching what he is doing and we hear the sound of the line trimmer making contact with the wooden fence. We see the man making jerky movements as he tries to get the line trimmer under control before the fence collapses. A male voiceover says, "Power through your garden with Makita's LXT power garden range".

THE COMPLAINT

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

Totally offended by the sexual innuendo- power tool action simulating a sexual act and directed at a female. I'd hate think that young women see this while watching a game of Friday night footy.

THE ADVERTISER'S RESPONSE

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

There are three TVCs that represent this year's campaign – each TVC highlights one of our 3 key product selling features;

- 1. Power*
- 2. Easy to Use*
- 3. Quiet*

The TVC in question highlights the POWER aspect of our product range.

The TVC shows a middle aged guy using a Makita line trimmer in his front yard cutting along the picket fence line.

The guy is distracted by his neighbour and in the process, loses control of the machine due to his lack of concentration and the POWER of the machine.

The machine proceeds to cut through the fence, the fence eventually falling over – key point POWER.

In this type of circumstance, the user would expect the machine to jam up and stop but due to the POWER of the machine it cuts through the fence.

The cutting of the fence also throws wood chips in the air as seen in the TVC indicating that the line trimmer is cutting through the fence erratically – hence the actions of the user.

Complainant Concerns

The way in which the TVC has been perceived by the complainant is grossly out of context, is a unique point of view and was never part of the script deliverable.

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 simulating a sexual act toward a woman which is offensive.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - purposefully debase or abuse a person for the enjoyment of others, lacking in moral, artistic or other values

Degrading – lowering in character or quality a person or group of people.

The Board noted that in order to breach this Section of the Code the images would need to be using sexual appeal in a manner that is considered both exploitative and degrading.

The Board noted that this television advertisement features a man using a line trimmer and then shuddering when the trimmer starts cutting through a wooden fence.

The Board noted that the man is distracted by a woman in running gear who pauses to stretch near him and calls out hello.

The Board that the woman is wearing running shorts, singlet and trainers and considered her clothing and behaviour is consistent with participating in a sporting activity. The Board noted that the woman acknowledges the man and considered that although he is looking over at her his actions are not lewd and the overall suggestion is of a friendly interaction between neighbours. The Board considered that the woman depicted as the man's equal and not in a manner which is exploitative and degrading to either this woman or to women in general.

The Board determined that the advertisement did not breach Section 2.2 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted the complainant's concern that the man appears to be simulating a sexual act. The Board noted the advertiser's response that this scene demonstrates the power of the machine in being able to cut through wood rather than just cut out and considered that the complainant's interpretation is unique and out of context.

The Board considered that the advertisement did not depict sex, sexuality or nudity and determined that the advertisement did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.