



## Case Report

1	Case Number	0460/16
2	Advertiser	HTH Group
3	Product	Hardware/Machinery
4	Type of Advertisement / media	TV - Pay
5	Date of Determination	09/11/2016
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.6 - Health and Safety Bullying (non violent)

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a foreman arriving at a worksite and berating the tradies for their choice in music (lovesongs and dedications) before referring to one tradie as 'Fabio' and tells him he should spend less time brushing his hair and more time using a brushless drill. He then refers to all of the tradies as 'softies' and we see a truck loaded with timber and a rock band who are playing.

### THE COMPLAINT

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

*In the advertisement, a 'boss' of some blue collar workers is talking to his employees, and refers to one man who has long blonde hair as 'Fabio' and tells him to stop worrying about his hair (or something to that effect) The ad is clearly an example of workplace bullying based on gender stereo-types and is offensive to men who are not your typical stereo-type of a 'bloke'. I think it promotes the idea of bullying someone because they don't fit in with the 'gang' and has been raised in the media because some victims of this type of bullying have committed suicide because of such intimidation and abuse in the workplace; particularly young people and should not be allowed to be promoted in the media to promote a company.*

### THE ADVERTISER'S RESPONSE

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

*I write in response to your letter regarding reference number 0460/16.*

*The advertisement referred to in this complaint is the 30 second Home Timber & Hardware television commercial (TVC) which is currently on free to air and subscription television. The full TVC can be found on our youtube channel.*

*The CAD reference number is W30DTROA and the CAD rating is W.*

*As requested, our response to this complaint directly relates to each section of the AANA Advertiser Code of Ethics as follows:*

*Section 2.1: Advertising or Marketing Communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.*

*Response: We assume that the complaint refers to this section of the AANA Advertiser code of ethics as the complaint references bullying.*

*To provide some context, this TVC falls within Home Timber and Hardware's (HTH) wider creative platform of 'Put the Hard Back into Hardware'. This platform, introduced in 2015 through a series of brand TVCs and supporting collateral, stemmed from an insight that hardware retailers had watered down their offerings to accommodate smaller, more home improvement based tasks. 'Put the Hard Back into Hardware' seeks to reinstate the traditional hardware store in the minds of Home Timber and Hardware customers, reminding them of their ability to embrace proper, larger scale jobs. In this context, this commercial introduces a HTH representative to identify examples where Tradespeople have shopped at a competitor store and have consequently turned "soft". His task is to toughen them up in the context of shopping at a HTH store.*

*The commercial is clearly filmed in a light hearted manner utilising typical Tradesperson humour. The commercial plays on obvious stereotypes to make the point and at no time is there any discrimination or vilification demonstrated. Light heartedly critiquing an individuals' hair length does not indicate evidence of discrimination or vilification on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief. We therefore strongly believe that it does not contravene the Code.*

*Section 2.2: Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.*

*Response: We do not believe this section of the code is relevant to this complaint. There are no sexual references within this commercial.*

*Section 2.3: Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.*

*Response: We do not believe this section of the code is relevant to this complaint. There is no violence depicted in this commercial.*

*Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.*

*Response: We do not believe this section of the code is relevant to this complaint. There is no sexuality or nudity in this commercial.*

*Section 2.5: Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided.*

*Response: We do not believe this section of the code is relevant to this complaint. There is no use of strong or obscene language.*

*Section 2.6: Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.*

*Response: We do not believe this section of the code is relevant to this complaint. There are no implications to health and safety standards.*

*Home Timber & Hardware Group is committed to complying with the AANA Advertiser Code and all applicable laws with respect to its advertising activities. In addition, HTH Group would like to assure the Board that it is, and will continue to be, careful to ensure that all advertising that refers to it or any of its brands is not offensive and does not promote conduct of an irresponsible nature.*

## **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 is an example of workplace bullying.

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 that the advertisement features a man from HTH arriving at a worksite and berating the tradies for their choice in music before referring to one tradie as ‘Fabio’ and telling him he should spend less time on his hair. He also refers to the tradies as ‘softies’.

The Board noted it had recently dismissed a complaints about similar advertisements in this campaign (0233/16, 0260/16 and 0261/16).

In case 0261/16 the Board noted:

“that the advertisement is exaggerated to make the point about HTH being where real tradies go and displays a reliance on the stereotype of the male value of being ‘hard’ to liken that to the better quality products available at HTH. The Board considered that this may be considered stereotyped in its portrayal of masculinity but did not consider it to be a negative depiction”.

In the current case the Board noted that the group of men, when spoken to by the man from HTH in a mocking tone, do not respond to him and do not appear to be threatened by him. The Board considered the character of ‘Fabio’ appeared more annoyed than upset at the man’s behaviour, and that he appeared to easily be able to stand up for himself if he had been upset.

The Board considered that the focus of the advertisement was on the product rather than the men themselves and that most members of the community would find their reaction to highlight that they are not concerned by the man’s behaviour.

The Board acknowledged that bullying is a very serious issue but considered in this instance that the advertisement does not condone or encourage bullying behaviour and that the man’s approach is seen as negative in any case. The Board considered that the advertisement did not depict material contrary to prevailing community standards on bullying.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards.

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.