



Ad Standards Community Panel
PO Box 5110, Braddon ACT 2612
P (02) 6173 1500 | F (02) 6262 9833

AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0496/18
2	Advertiser	Workwear Group
3	Product	Clothing
4	Type of Advertisement / media	Billboard
5	Date of Determination	14/11/2018
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Causes alarm and distress

DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement features an image of a man and the text "He demands vents in his shirt. Would you argue?"

THE COMPLAINT

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

With domestic violence so prevalent, I was shocked to see an advertisement which implies that men can get what they want because they potentially might present a physical threat.

The billboard ad definitely intimates that this man is one to be reckoned with, and that you wouldn't want to upset him. His face is stern and the black and white photography adds to the menace which is implicit.

It seems to me that this harks back to advertising of earlier decades and we should know better now.



It also plays to stereotypes that men should be tough and foreboding, and this advertisement vindicates this for men who see themselves this way - ie. "you get your own way, and society says that's ok, because you're a tough guy."

The campaign brief link below does not actually include the ad on the billboard in Mona Vale.

However, it uses the second photo on this link, but a closer shot of this man's face. The ad with the line "better not have him ask twice" is equally offensive.

<http://www.campaignbrief.com/2018/09/hard-yakka-launches-new-brand.html>

I believe the standards which are breached are:

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

2.5 Advertising or Marketing Communication 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.

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

Prevailing Community Standards apply to all parts of Section 2. This means that the Ad Standards Community Panel will have regard to community standards at the time the advertising or marketing communication was published

THE ADVERTISER'S RESPONSE

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

Hard Yakka appreciates the opportunity to respond and provide some context for the relevant advertising.

Hard Yakka has a long history of promoting the 'tough' and 'hard working' people who wear the brand. This advertisement depicts one such hard working real-life tradesperson looking at the camera. The caption is: "He demands vents in his shirt. Would you argue?" Lastly, the advertisement bears the Hard Yakka trade mark and the words "A History of Hard". The billboard depicting this advertisement which is the subject of the complaint was removed on 1 October 2018.

Tradespeople are our core customers and an important market for our products. These tradespeople physically work very hard and this is depicted in the name of the brand, "Hard" meaning firm, tough, impenetrable etc. and "Yakka" meaning work, in particular hard work. Our products are meant for use by hard working people, who are



often working in physically demanding environments and conditions, and are designed and manufactured to be of the uncompromising quality that they have come to expect.

The aim of this advertising is to let the target audience, the hard working people of Australia, including tradespeople, know that Hard Yakka understands they work hard and that they expect from us a high quality product. This is not only in terms of durability but also comfort, as depicted in this advertisement. Our customers wear our products in tough working conditions and they need to be tough, durable and comfortable. Further that they will not accept from us, Hard Yakka, an inferior product. We believe that our customers would complain to us if we were to provide them with an inferior product.

We are signalling to our customers that product quality, comfort and the safety of our customers (including “the tradie”) are very important to both our customer and to us, and we would not decline to offer our customers the product features that our research tells us they are seeking. Inferior product may also pose a safety risk and customers would not be happy with us if we compromised their safety. Safety is our number one priority.

Hard Yakka products need to be tough to withstand the hard work that our customers perform when wearing our products and the tough environments in which they work. This is why our customer is depicted in the advertising as tough and uncompromising, as that is what our clothing is, tough and uncompromising.

The intention with this advertising is that this is a conversation between us, Hard Yakka, and our customers, in particular tradespeople. This is about what our customers expect from us and us acknowledging that we understand what they want from us. There is certainly no intention to incite or condone any form of violence.

We do not agree that anything in this advertising suggests or in any way condones violence of any type or in any context. It is all about our products being durable and comfortable for our core customers.

Whilst this was our intention, Hard Yakka appreciates that different people, who may not necessarily be the target audience, may have a different perspective. Therefore, whilst we disagree with the complainant in this instance, we appreciate being made aware of these concerns and we will bear this in mind as we review our advertising going forward.

THE DETERMINATION

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



The Panel noted the complainant's concern that the advertisement features an image of an intense and threatening man and implies that men can get whatever they want because they may present a physical threat.

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

The Panel noted that this billboard advertisement features a man's face and the text "He demands vents in his shirt. Would you argue?"

The Panel considered whether the advertisement breached Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised".

The Panel noted the advertiser's response that the man in the advertisement is depicted as tough and uncompromising as that is representative of the product.

The Panel considered that the facial expression of the man pictured is serious, but is not threatening or aggressive.

The Panel considered that the advertisement related to satisfying workers' needs, not responding to any threat made by the pictured man in particular, or any worker.

In the Panel's view the advertisement did not portray violence and did not breach Section 2.3 of the Code.

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

