



Case Report

1	Case Number	0538/10
2	Advertiser	Ryobi
3	Product	Hardware/Machinery
4	Type of Advertisement / media	TV
5	Date of Determination	19/01/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

This TVC for Ryobi's One Garden tools shows three gardeners using Ryobi garden tools and one battery to create an unexpected and larger than life object – in this instance a giant chess set. The three gardeners are working around a giant lazy susan/turntable.

THE COMPLAINT

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

My issue is that the button that they press is an international standard emergency stop button. This style of button is used to save people's lives and limbs and is recognised by the distinct red and yellow coloring and button action (hitting it down or in) It's purpose in industry is to Safety stop Emergency STOP!! Not to start and move forward.

Yes it may look pretty and match a ballsy approach to using power tools but People's lives and safety demand some respect. The industry has worked extremely hard to establish standards yielding safe working environments for all.

The same battery is shown passing along a production line between various stations. After each station the operator pushes a RED MUSHROOM pushbutton mounted in a yellow box. This type of button is an industry standard control for the use of activating and EMERGENCY STOP of equipment. This advertisement shows it being used for the starting of a machine (the production line) this could lead to people misunderstanding the correct use of this device and leading to equipment damage and or personal injury.

THE ADVERTISER'S RESPONSE

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

This TVC for Ryobi's One + Garden tools is aimed at DIYers and shows three gardeners using Ryobi garden tools and one battery to create an unexpected and larger than life object – in this instance a giant chess set.

The commercial is set outdoors in an over the top, fun context. The three gardeners are working around a giant lazy susan – it's not a professional piece of equipment and it's not being used in a professional or industrial setting – it's in a big, open outdoor area.

The red push button is a standard button that was purchased to form part of the lazy susan prop so that it could be rotated. Here are a few screen grabs showing the push button used. There is no mention of it being an emergency stop button – simply a push button switch. It is one of many different styles available.

Whilst we regret the concern caused to the complainant, it was never our intention to depict the button in an industry manner as an Emergency Stop Button. In fact there is no type or text on the button to suggest it is an Emergency Stop button. It is simply a bright red push button used to spin the lazy susan in an overall setting that is larger than life.

When we researched International Emergency Stop Buttons in responding to this complaint, we found a number of different ones and while most were yellow and red they were generally accompanied by clear text stating what their use was – Emergency Stop. Here are a few examples we found.

Given we have used a red push button switch that is available to buy as a standard switch and not an Emergency Stop button and have used it in a situation and location that in no way implies it is a regular working environment, we do not feel we have contravened prevailing community standards.

Ryobi places a very high value on its relationship with its customers and ensuring all their power and garden tools are used in a safe manner according to Australian safety standards. In making this campaign, particular attention was given to ensuring the people using the tools in the TVC were all wearing appropriate protective clothing and operating the various tools in a safe manner. A Ryobi representative was present at the shoot to ensure that all safety standards in using the equipment were adhered to.

We trust that the Advertising Standards Bureau members will agree with our assessment that our TVC does not breach the AANA Code of Ethics Section 2.6 and we request that the Advertising Standards Bureau dismiss the complaint.

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 complainants' concerns that the advertisement features the incorrect use of an Emergency Stop

The Board reviewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement was in breach of 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 is for a universal battery which can be used on different Ryobi power tools. The Board noted that a red button is pushed each time the battery is swapped to a different tool.

The Board noted the advertiser's response that the red push button used is just a generic button and that an emergency stop button is normally red and yellow and would have the words, "Emergency Stop" written clearly on them. The Board considered that most members of the community would not consider the button used in the advertisement to be an emergency stop button, or consider that the advertisement was promoting the incorrect use of such a button.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and 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.