



Case Report

1	Case Number	0138/10
2	Advertiser	Fernwood Fitness Centres Aust Pty Ltd
3	Product	Leisure & Sport
4	Type of Advertisement / media	TV
5	Date of Determination	14/04/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Sex/sexuality/nudity Treat with sensitivity to relevant audience

DESCRIPTION OF THE ADVERTISEMENT

The ad features young children jumping and moving about pulling faces whilst a child's voiceover says "my mum's not perfect but she is working on it" and "my mum's a fox". This wording is also used on their t-shirts. The voiceover ends with 'Join Fernwood now and save \$99 - call 1300 Fernwood now'.

THE COMPLAINT

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

Firstly the use of children in the TV advertisement. Using children to comment on the level of their mother's sexual attraction is not appropriate. I have a small child and at any time he hears a child's voice on the TV it grabs his attention. If he were old enough to ask I would have to explain that 'fox' is a term used to describe how sexually attractive a woman is. I don't think it's appropriate to have a child describe their mother this way. why not have a husband on the ad saying my wife's a fox. Surely a woman would prefer her husband thinks she's a fox rather than her child. I know I am motivated to exercise so that I am 'foxy' for my husband not my son. For my son I am motivated to exercise so that I'm a good role model for health and fitness not for 'foxiness'.

I implore you to adjust your campaign by removing children from your TV ad women's magazine such as Cleo or Marie Claire failing an adequate response I will take my response to the ASB.

THE ADVERTISER'S RESPONSE

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

Fernwood Women's Health Clubs provides the following comments to the complaint reference 0138/10.

The complaints raise section 2.3 of the AANA Advertiser Code of Ethics "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone."

We do not believe that the television commercial portrays, sex, sexuality or nudity.

The ad forms part of a wider campaign which has at its heart, "Find Your Inner Fox". The campaign is intended to be uplifting and provide women with a campaign that promotes confidence and avoid the stereotypes.

The campaign leverages the prevailing community standard in which the concept of a "Yummy Mummy" is common lexicon and widely accepted to be positive example of motherhood. In no way does Fernwood imply a sexual connotation – rather the concept of a fit, healthy, confident mum.

Fernwood does value the feedback of the community, however we do not believe that our foxy campaign or this slogan contravenes the Code of Ethics and that the complainants only represent a small sector of the community. We will continue to monitor the community's response.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board considered whether the advertisement was in breach of section 2.3 of the Code. Section 2.3 of the Code states:

"Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone".

The Board noted the complainant's concern relating to the inappropriate use of children to comment on the level of their mother's fitness and sexual 'foxiness'.

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

The Board noted that the advertisement is for the promotion of Fernwood Women's health club and that the ad forms part of a campaign. The Board also noted the voiceovers by children "my mum's not perfect but she is working on it" and "my mum's a fox" with these statements also reinforced on their t-shirts.

The Board agreed that the advertisement might be interpreted (by some members of the community) as FOX to mean an expletive or some other word. However, the Board noted that the use of the word FOX is part of an advertising campaign whereby the word FOX is a reference to women to "find their inner fox". The Board noted that the advertiser had been sensitive to the possible misinterpretation of the word FOX and another commonly used expletive, and in this regard had not broadcast the advertisement on radio.

The Board also noted that advertisers are more frequently using acronyms to project an underlying meaning in their advertisement and appeal to a younger audience. However, in this instance, the Board was of the opinion that the advertiser was not intending to mean anything other than that women who use the gym would become foxier (sexier) and was reflective of community standards in relation to keeping fit and healthy and clearly intended to depict children's pride in their mothers.

The Board determined it was not the Board's role to comment on the use generally of children in advertisements and considered the child talking about mother as a fox is not sexually suggestive and would not be taken as such by the child.

The Board determined that advertisement was not in breach of section 2.3 of the Code.

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