



Case Report

1	Case Number	0339/10
2	Advertiser	Fernwood Fitness Centres Aust Pty Ltd
3	Product	Leisure & Sport
4	Type of Advertisement / media	TV
5	Date of Determination	11/08/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

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

DESCRIPTION OF THE ADVERTISEMENT

The TVC features close-ups of women working out, exercising and dancing to an upbeat latin inspired music track. While they are working out words such as feisty, foxy and fit come up on the screen.

THE COMPLAINT

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

The camera had far too many close ups on the women's rear ends and breasts. The clothing they were wearing was riding up their bottoms and showing too much skin. Its not the skin they were showing I see that in the gym everyday but if I was to go up to a girl and watch her from that distance in reality I'd promptly be prosecuted from my gym.

I'm 22 years old but this was going a little too far. In their attempts to draw the attention of women (presumably because its a women's gym) to their advertising it is instead drawing the eyes of men inappropriately.

This advertisement promoting fitness for women in a provocative and suggestive way was very offensive. There would have been a lot of children that would have been watching the football match on Sunday afternoon and the "moves" of the women in the advertisement were similar to "adult" advertising and not at all suitable for children.

Is there any way for these types of advertisements being stopped from being shown during sporting broadcasts in the future. What is the process to stop this from happening in the future.

THE ADVERTISER'S RESPONSE

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

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.

This TVC has been designed to reflect the latest exercise craze from overseas, Zumba® which is essentially a fitness workout combined with fast Latin dance moves.

The women featured range from 25 – 52 years of age with two of the women are dressed in full work-out gear which covers most of their bodies. The woman in the two piece black outfit is actually a Zumba® Instructor, she is in clothing similar to what she teaches in and the movements are indicative of a class routine.

The close-ups are used to project fit, confident and uplifting women, no matter what their age and a plain background was deliberately used to achieve this effect.

Fernwood does value the feedback of the community; however we do not believe that our 'Key to Feeling Foxy' TVC contravenes the Code of Ethics and that the complainant only represents 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 noted the complainant's concerns that the advertisement had too many close ups of the women's rear ends and breasts.

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

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 that the advertisement features different woman performing various exercise and dance moves to music. The Board considered that all the women featured were wearing the appropriate exercise clothing and that there was no unnecessary nudity. The Board

considered that all the moves featured were legitimate exercise or dance moves and that there were no sexualized poses or unnecessary close ups of the women. The Board considered that the advertisement was not sexually suggestive or exploitative.

The Board determined that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.3 of the Code.

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