



CASE REPORT

1. Complaint reference number 15/10
2. Advertiser Fernwood Fitness Centres Pty Ltd
3. Product Leisure & Sport
4. Type of advertisement Outdoor
5. Nature of complaint Portrayal of sex/sexuality/nudity – section 2.3
Language – use of language – section 2.5
6. Date of determination Wednesday, 10 February 2010
7. DETERMINATION Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This outdoor advertisement for Fernwood Women's Health Clubs has the words "Join Now for Fox Sake." prominently displayed.

THE COMPLAINT

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

The play on words 'For Fox Sake' is demeaning to women, is adjacent to impressionable young people at an educational institution. It suggests that women only get fit for one purpose - sexual intercourse. The wording is, in my opinion, inappropriate.

The ad campaign is building on the words 'foxy' and 'fox', yet this particular ad is simply rude and in poor taste, using a clever twist of words to mask a word that, if stated in full, would never be allowed in public advertising. I would strongly suggest that it offends many people who have to drive past it and cannot but read it. And I would hope that the strongest pressure would be put on Fernwood to withdraw the ads and offer a public apology for the offense that it has caused.

*I have read the past complaints made about fernwood ads, and it seems that they have had this catchphrase in mind the whole time as part of the so-called "fox" campaign. In a new Zealand or English accent, or a young child reading this, the ad when read aloud uses the "F" word. "for F@*ks sake" is a common phrase used by less desirables in our community, and should NEVER be made available for children to be read or heard. The grammar of the phrase is not even correct, if one wanted to be slim or pretty, you wouldn't write "join for pretty sake", the word has been used deliberately to mean F@*K.*

I have just passed a billboard outside ANZ Stadium Mt.Gravatt. The wording on the billboard is "Do it for Fox Sake". I was so irate I rang Brisbane City Council to make a complaint. I was told that all complaints regarding advertising are handled by the Advertising Standards Bureau in NSW. I rang the ASB in NSW and was informed that my complaint would have to be put in writing so here it is.

I would like to make a complaint regarding a billboard being displayed outside ANZ Stadium Mt.Gravatt. The wording "Do it for fox sake" is unmistakable as you drive past ANZ Stadium. This billboard is extremely offensive not only do we have to put up with hearing this rubbish on tv and film but do we really need to have it displayed on a billboard? If we continue to just accept this kind of rubbish it will eventually just become the norm. Thousand of people will pass this sign today as they head into the city via the South East freeway and along towards Kessels Road. What kind of message is this sending to our young people? Surely, we must have some line that adverting is unable to cross or can we expect the Advertising Standards Bureau to allow this type of

advertising to continue. I hope not.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

The complaints raise section 2.5 of the AANA Advertiser Code of Ethics "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided." It is important to note that the billboard and advertisements do not use any swear words and therefore we do not believe that the slogan contravenes the standard. When Fernwood use the word FOX we mean FOX. The Foxy campaign is all about encouraging women to find their confidence and feel good about themselves. The "Join For Fox Sake" slogan is part of a wider "Find Your Inner Fox" campaign that includes other slogans such as "Be A Fox Without Botox" (Billboards, newspapers), and "My Mum's A Fox" (women's magazines, TV) and "Unlock Your Inner Fox" (cars).

The campaign is in printed media only, and the word FOX is clearly written on all communications. We have purposely not used an audio version of the ad where confusion could arise as to what word is being used. Fernwood do not believe that the word Fox is "strong" or "obscene" or otherwise in breach of the code. One complainant raises section 2.3 of the AANA Advertiser Code of Ethics Section "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone."

Fernwood do not believe that the slogan portrays sex, sexuality or nudity.

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 noted the complainants concern that the advertisement was verbally sexually explicit and offensive.

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

The Board considered whether the advertisement was in breach of section 2.5 of the Code. Section 2.5 of the Code states: "*Advertising of marketing communications shall only use language which is appropriate in the circumstances and strong or obscene language shall be avoided*".

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 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.

The Board agreed that the advertisement was not in breach of section 2.5 of the Code.

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