



CASE REPORT

1. Complaint reference number	16/10
2. Advertiser	Fernwood Fitness Centre Pty Ltd
3. Product	Leisure & Sport
4. Type of advertisement	Print
5. Nature of complaint	Language – use of language – section 2.5
6. Date of determination	Wednesday, 10 February 2010
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement for Fernwood Women's Health Clubs reads in large writing: JOIN FOR FOX SAKE.

THE COMPLAINT

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

It is obvious that the words 'for fox sake' have been used to replace the common Aussie phrase 'for f... sake'. I find this type of innuendo totally inappropriate. Especially the bill board advertisement, which is close to schools and seen by children, who naturally ask what does that mean! I don't appreciate having to explain to my grandchildren that some people accept using the suggestion of vulgar and offensive language to try to get custom!

Referring to the common aussie swear line : for 'fuck's sake'.???

It's obvious what they are referring to and trying to get your attention by the pun on words. This is so wrong to be advertised in full view of children, teenagers and adults. I am offended by this headline and it is frustrating to have it thrust upon us.

By pronunciation the advertisement is clearly intended to be implied swearing. Though I am sure many older people seeing the advertisement would have been offended, I am more concerned about young children able to read being exposed to this in a suburban shopping centre in school holidays. Any child repeating such words at school is likely to find him/herself in trouble.

I believe that the use of the phrase "for fox sake" is a deliberate play on words (i.e. it reads "for fuck's sake"), and is leaning towards offensive language. It is a thinly disguised attempt to use offensive language and get away with it. You could not ordinarily print "for fuck's sake" in a newspaper, and particularly not in 3cm bright pink font on a yellow background. They do go on to say "It's time for the foxiest resolution you'll make.....Find your inner fox for a new fit and feisty you" but these seem to be a tie in the the ability to swear in 3cm font than be the crux of the advertising. Are they really after "foxy" ladies in their gym, or did they just want to get away with swearing in the newspaper, and think that it's a marvellous advertising catch phrase????

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 context of the word FOX is qualified by the statement on the advertisement for 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 determined 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.