



CASE REPORT

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| 1. Complaint reference number | 23/10 |
| 2. Advertiser | Genesis Fitness (Fat Ass Fighters) |
| 3. Product | Leisure & Sport |
| 4. Type of advertisement | Internet |
| 5. Nature of complaint | Discrimination or vilification Other – section 2.1
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 depicts a comic-like pig, wearing running shoes and standing on a set of weight scales. The caption reads: "Fat Ass Fighters."

THE COMPLAINT

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

I object to the use of the word 'ass' in an advertising campaign, which also insults overweight people by labelling them 'fat ass'. I myself am above my healthy weight range but am working hard to change this, and I take offence to this campaign. A "fitness" club, to my mind, should be offering positive encouragement to members and potential members, and helping them to a healthy body image.

I object to a number of things. The use of the word "Ass", the use of the term "Fat Ass", the use of the sweating pig. It's highly insulting.

The words "Fat Ass" is demeaning and insulting towards overweight people and promotes poor body image. The effect is to shame overweight people into joining the gym. As such, it contravenes Section 2.5 of the Code, where "strong or obscene language shall be avoided".

There is also precedent where the Bureau have previously found that a previous Genesis ad containing the words "Fat Arse" was in breach of the Code (Complaint reference number 44/07).

Though unintentional, the use of the sweating pig in sneakers caricaturises overweight people. A reasonable person would probably associate the pig with an overweight person, based on the work-out attire that the pig is wearing and the words "Get Fit" underneath. Although weight is currently not legally a form of discrimination, I believe that the picture of the pig nevertheless breaches Section 2.1, where the advertisement "vilifies a person or section of the community".

THE ADVERTISER'S RESPONSE

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

Thank you for your email and please find my response to the complaint lodged against Genesis.

When we received the news that Australia is now the fattest nation in the world we felt that we needed to create a campaign that would motivate anyone to come and join the gym.

Our main objective when designing the January campaign was to communicate with as many

Australians that we are the fattest nation and we are here to help fight the fat. Our campaign creative as you can see is very harmless we try and not use real people when talking about body images and use words instead as we find them to be less harsh towards people.

Our campaign is about paying people to train and that is what we do every time a Jan members trains in their genesis club through Jan will get paid \$5. This obviously is why we have a picture of a piggy bank to show people you can get fit and save at the same time. The pig on the scales as you can see doesn't show a number so there is no discrimination about weight it actually says 'Get Fit' which is what our aim is at Genesis Fitness Clubs.

Our procedure before going to market with creative is very strict at Genesis Fitness.

It goes through a marketing focus group and then we make sure that we answer 'no' to a series of questions which includes some of the below;

- Is it racist?*
- Does it discriminate religion or sex?*
- Promote illegal activity?*

We have already made contact with the complainant twice via email and we also had the Club Manager of the Genesis she was a member at to have a one on one meeting with her in person.

The complainant said she was offended by the artwork as she is body issues and she sees a professional about being overweight and content like this isn't good for her to be seeing. The club manager asked her how he could help her and what he could do to fix the problem and she said nothing she just wants to cancel her membership. The manager did do this for her with no drama or fuss which seemed to have made her a little happier.

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 is demeaning and degrading towards overweight people and the words fat ass were highly insulting.

The Board viewed the advertisement and noted the advertisers response.

The Board noted that it had previously upheld complaints about a series of radio advertisements using a similar phrase. On that occasion (case number 44/07) the Board had determined that:

However in this advertisement the Board noted that the phrase in question is "fat-arse", and that it is used in all of the advertisements in a highly repetitious manner. Taking into account that the term is generally used as an insulting put down and the frequency and tone of its use in the advertisement, the Board considered that in this advertisement, rather than being humorous and friendly, the term did become offensive and bordered on vilification of overweight persons. As a result the Board felt the language was strong and was likely to be considered offensive by the Australian community.

The Board considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states: "Advertising or marketing communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief."

The Board empathised with the complainants' concerns that the advertisement was demeaning and degrading to overweight people. The Board agreed that the tone of the advertisement had an element of meanness about it and that those who were sensitive about their weight issues may be offended by the advertisement. In contrast to previous advertisements however, the Board considered that the phrase was used only once in the advertisement and was used in a manner that is consistent with its use as a colloquial Australian term and in the proper context.

The Board noted that the advertisement was for a campaign that was running in January and that it was not necessarily aimed at overweight people. The advertisement was for getting fit and that most

people in the community would recognise that after Christmas was a good time for shedding a few kilograms and getting fit.

The Board agreed that the advertisement was not necessarily directed to a particular segment of the community and instead was sending out a message to people to lose weight and save money. In this regard, the Board agreed that the advertisement was not in breach of section 2.1 of the Code.

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