



CASE REPORT

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| 1. Complaint reference number | 244/07 |
| 2. Advertiser | Fitness First |
| 3. Product | Leisure & Sport |
| 4. Type of advertisement | Internet |
| 5. Nature of complaint | Health and safety – section 2.6 |
| 6. Date of determination | Tuesday, 14 August 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This advertisement on the Fitness First website features a woman's body shown from under the bust to the waist. She is wearing a black croptop and is holding away from her body the waistband of a large pair of jeans she is wearing, to show how much weight she has lost. The text reads "Work it off over winter!" and details of a special offer.

THE COMPLAINT

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

It is a picture of an underweight person in overly big jeans holding them out to demonstrate how much weight they have lost. I find it offensive based on S2.6 of the code.

THE ADVERTISER'S RESPONSE

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

Fitness First is a national operator of fitness clubs, currently having 71 clubs in 5 States and Territories. We have a membership base of approximately 320,000 people who use our facilities.

We are absolutely at a loss to understand how the complainant can be of the opinion that the person appearing in the advertisement is underweight. The picture shows a person of healthy weight and having good muscle tone. The advertisement shows nothing more than is seen on a regular basis in relation to TV shows such as "The Biggest Loser". It is often the case that the personal situation of people can colour their perception of what they see and experience. Just as an anorexic person may see a person of normal weight and within the healthy range of BMI (Body Mass Index) as overweight, so an overweight person may see a person who is within the healthy range of BMI as underweight and skinny. The trousers depicted in the advert would only fit the woman depicted were she obese.

The complainant states in her complaint that she finds the advertisement offensive based on s2.6 of the Code. My reading of S2.6 of the Code prohibits advertisements depicting material contrary to prevailing community standards on health and safety. I believe that the current community standards on health show a massive level of concern regarding the proportion of the population who are overweight or obese. This concern permeates all levels of society from government down.

In short, I believe that the advertisement accurately reflects the prevailing community standards of concern regarding the health effects of being overweight or obese. The advert depicts a woman who clearly falls within the healthy range of BMI. The advert certainly does not show a woman of

an unhealthy weight.

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 concern that the image depicted an underweight person. The Board viewed the advertisement and considered that the image of the woman was of a woman who was intended to look as if she had lost weight and toned up. The Board considered that the image of the woman did not appear to be a woman who was underweight. The Board considered that the advertisement legitimately depicted a person of slim but not underweight physique, who was meant to appear to have lost considerable weight as a result of using the advertised service.

The Board determined that the advertisement did not depict material that is contrary to prevailing community standards on health and safety - specifically standards regarding appropriate weight and weightloss.

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