



## **CASE REPORT**

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|-------------------------------|---------------------------------|
| 1. Complaint reference number | 266/09                          |
| 2. Advertiser                 | Workout World                   |
| 3. Product                    | Leisure & Sport                 |
| 4. Type of advertisement      | TV                              |
| 5. Nature of complaint        | Health and safety – section 2.6 |
| 6. Date of determination      | Wednesday, 24 June 2009         |
| 7. DETERMINATION              | Dismissed                       |

## **DESCRIPTION OF THE ADVERTISEMENT**

This TVC for Workout World promotes its Mothers Day specials. A number of images of different pieces of exercise equipment are shown being used. One image shows a man with child in his arms standing next to a treadmill. A woman is on a treadmill and a member of the sales staff is standing next to the woman demonstrating the use of the treadmill. The woman is at walking pace. The woman is wearing street clothes - T-shirt, knee high pants and casual sandals with a low heel.

Further images of exercise equipment are shown. Ad finishes with voice over and image of locations of Workout World stores.

## **THE COMPLAINT**

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

*A woman using a moving treadmill was wearing high heels, which would be considered a health and safety issue.*

## **THE ADVERTISER'S RESPONSE**

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

*The ad briefly shows a normal retail situation displaying a customer being demonstrated a treadmill. The customer is walking on the machine very comfortably at an extremely low speed while being supervised by a staff member while wearing normal everyday footwear worn by females. The situation is a common occurrence in any store. High heels are not detrimental to the machine and they are not considered to be a health and safety issue when walking the street, escalators etc. More the point the speed of the treadmill can be controlled to that lower than a normal walking speed making the situation no risk the user at all.*

## **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 a woman is depicted using a treadmill in high heels and that this is dangerous.

The Board viewed the advertisement and considered that the advertisement clearly depicts the use of the product in a store setting. In such a setting it is reasonable to assume that potential purchasers will try the product and that they will do so wearing the clothes that they are in - rather than changing into

'workout' gear. The Board considered that the advertisement did not suggest that regular use of street shoes while using a treadmill would be suitable. The Board noted that the woman's heels were medium height and that she was using the equipment under the supervision of a store assistant and at low speed. The Board considered that this depiction was not a depiction of unsafe use of equipment and did not breach section 2.6 of the Code.

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