



CASE REPORT

1. Complaint reference number	294/08
2. Advertiser	Fernwood Fitness Centres
3. Product	Other
4. Type of advertisement	TV
5. Nature of complaint	Discrimination or vilification Gender - section 2.1 Discrimination or vilification Other – section 2.1
6. Date of determination	Wednesday, 13 August 2008
7. DETERMINATION	Dismissed

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is set in a mixed gymnasium where a young woman is awaiting her turn for an exercise bike to become free. An obese man exercising on one of the bikes sees her waiting, smiles, and hops off the bike to offer it to her. As he leaves, his gym clothes are saturated in sweat, especially his Lycra leotard pants. The woman looks at the bicycle seat in dismay. A female voice over asks "Hate gyms? Join the club. At Fernwood save \$99 when you join now. So, start getting the results you're after..." and in another version "Start getting ready for summer and save \$99 when you join Fernwood now."

THE COMPLAINT

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

It seems this, like other Fernwood ads I have seen, is content with disgracing fat men. Now obviously, it is tricky to market a women's-only alternative. But if their intention is to market a gym where the seats are not sweaty, why not include sweaty fat women as the culprits? I have seen other Fernwood ads which all-too-subtly disgrace overweight men. I think this sucks (generally I think anything "men's only" or "women's only" is stupid, but that's another story).

Depicting a women debating whether she would use an exercise bike in a GYM - after a fat sweaty man gets off it. I'm sorry this is discrimination and plain thoughtless - needless to say he has a slim blonde women working away beside him - obviously she doesn't need to be there as she doesn't even get a sweat up!! Ad questions 'do you hate Gyms?' - then that's a good reason to join Fernwood - count me out.

Larger male riding exercise bike with sweat on back of clothes, approached by female patron whom looks offended by his bodily excretions. If roles were reversed then backlash from larger ladies would be heard from miles around. Discriminates against MALES and people of larger sizes.

Sexist and offensive - The inference is clearly that in women's only gym this wouldn't happen. Contrary to what the ad would have us believe there are in fact obese women who go to gyms, and they do sweat. Presents a negative stereotype of overweight people, particularly men - Overweight people should be encouraged to go the gym, even men. Diabetes is one of the biggest health risks facing the community, and by the presentation of obese men as sweating and inconsiderate only serves to discourage such men from coming forward and joining a gym. It would be likely that many obese men would already feel a level of self consciousness about their weight, so our advertising community should be doing everything possible to encourage obese men to come forward. Fernwood could take many other positive avenues to advertise their services without resorting to degrading overweight men in the process. Despite the legislators decision to allow

Fernwood to discriminate against men many people are still shaking their heads at the fact that a gym can exclude people on nothing other than their gender. Their license should not be further extended to allow them to then ridicule and denigrate men in the way in which this ad does.

THE ADVERTISER'S RESPONSE

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

We acknowledge the complainants point of view of the complainants however do not believe that the advertisement breaches the AANA Code of Ethics.

Fernwood has EEO exemption to operate women's only facilities (A464/2004). We note that the first complainant has objection to women's only services. Fernwood makes no apology for operating women's only facilities.

We also note that the root cause of many complaints related to our advertising is a disapproval of Fernwood operating women's only facilities.

This aside, we believe that the advertisement does not in any way "discriminate or vilify a person or section of the community on account of race, ethnicity, nationality, sex, age, social preference, religion, disability or political belief."

The advertisement is a light-hearted scenario that plays on genuine real life experiences and does so in a way that is intended to be comical. The humour is intended to come from our hero having waited ages for a bike because the gym is so packed, then has to deal with a man getting off the bike leaving a big sweat patch on the seat.

The actor featured in the advertisement was chosen for his acting ability. The decision to cast our actor had nothing to do with size of the actor and everything to do with his performance.

The same actor is also featured on a very funny hardware store ad where he plays an affable Dad. We required an actor who was able to subtly engage in the humorous scenario without appearing mean or sleazy. We were specifically seeking someone friendly-looking.

The talent brief requested an average Aussie bloke, and we believe that he fitted this description well. By Australian standards we believe the actor is well within the average weight range and is not at odds with prevailing community standards.

It is a physiological fact that men sweat more than women.

Please note that it was not our intention to offend in any way.

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 advertiser's response and Fernwood's EEO exemption.

The Board viewed the television advertisement and noted the humorous and realistic scenario.

The Board agreed that the scenario did not breach Section 2.1 of the Code but considered it unfortunate that the advertiser had chosen a larger actor to portray the sweaty man.

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