



CASE REPORT

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| 1. Complaint reference number | 418/08 |
| 2. Advertiser | Ocean Blue Fitness |
| 3. Product | Leisure & Sport |
| 4. Type of advertisement | Outdoor |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3
Language – use of language – section 2.5 |
| 6. Date of determination | Wednesday, 12 November 2008 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This billboard advertisement depicts the back view of a man and three women in underwear with the wording "Finally, a health club for Tight Arses -Ocean Blue Fitness. Full 12 month membership \$399 or \$12.95/week."

THE COMPLAINT

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

I have young children and I think it's not appropriate for them to read such a word as arses. Even spell checker on your complaint form does not know such a word. Children are very sensitive to ads and may believe it's O.K. to use it. Also, I am not enjoying seeing this myself, it's not part of my vocabulary.

I find this advertisement offensive and inappropriate and am disappointed that an ad such as this received advertising approval in the first place. This site has previously also featured advertisements with the word SEX emblazoned across it for a nasal technology product to give men erections and also another to promote a "Sexpo" here in Adelaide inviting us to come and meet the porn stars. These ads are far too explicit in my opinion and adults and children alike should not have to have these images forced upon us in this manner. I saw something on television regarding the nasal technology ad and believe that it was banned as a consequence. I truly hope that common sense will prevail and that this disgusting ad will meet the same fate. I do not know if you provide a response to complaints received although one would be appreciated.

THE ADVERTISER'S RESPONSE

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

In reference to complaint(s) lodged regarding "tight arses" advertising I feel that my advert has been lumped into a category of previous advertising and not taken on it's own merit. Advertising approval was granted by OOH media (owner of the billboard) and TransAdelaide (owner of the land on which billboard sits) both sighting no problem with content.

The advertising in question has from my experience 2 separate areas that have raised concern as outlined below:

1. The images used – in short any underwear / bathers / lingerie company would use more provocative images as those in the Ocean Blue advertising. It will come to a matter of public opinion and as such I will leave that in your hands to decide as required.

2. Use of the word “arses” - simply a play on words in reference to being tight with money or those after a bargain. Suppose the same as the where the bloody hell are you ad of the Australian tourism commission or alike. Again I will leave this for you decide.

The advertising in question concludes it's run tomorrow (11/11/08) and it use in the future will largely depend on the outcome of this review.

In closing this ad obviously has raised some concerns and as such comes down to 2 opposing opinions which require an independent 3rd party to review and pass judgement which I will leave for you guys to do.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board considered the application of Section 2.5 of the Code, relating to the use of language and Section 2.3 relating to sex, sexuality and nudity.

The Board considered "tight arses" was a commonly used colloquial expression in Australia. In the current advertisement the phrase is used as a play on words, and is directly relevant to the images of the bottoms in the advertisement, and the use of a fitness facility. The Board considered that most members of the community would find the advertisement humorous and that the words are not offensive or obscene. The Board therefore found no breach of Section 2.5.

In regard to the depiction of people in their underwear, the Board considered this was not a depiction of nudity and was not provocative or sexually suggestive, but rather was relevant to the advertised product (a fitness centre). Although a billboard and therefore available to be seen by a broad audience, on the basis that the advertisement depicted people in sporting wear in the context of a fitness centre advertisement with no suggestion of sexual behaviour, the Board determined that the depiction of nudity was sensitive to the relevant audience and was not in breach of Section 2.3.

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