



CASE REPORT

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| 1. Complaint reference number | 44/07 |
| 2. Advertiser | Genesis Fitness (Fat Arse) |
| 3. Product | Leisure & Sport |
| 4. Type of advertisement | Radio |
| 5. Nature of complaint | Language – use of language – section 2.5 |
| 6. Date of determination | Tuesday, 13 February 2007 |
| 7. DETERMINATION | Upheld – discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

There are a variety of radio advertisements in this series promoting a 30 day free trial at Genesis Fitness - all executions contain the description of "Fat Arse".

THE COMPLAINT

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

I don't accept that language from my 11 year old daughter but find it difficult to correct her if she is hearing the language repeatedly on the radio. A promotion like this also encourages school yard taunts as it is a catchy phrase that kids pick up.

I am appalled at the use of "arse"...I cannot believe that the use of this word was approved as appropriate for general listening.

THE ADVERTISER'S RESPONSE

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

These advertisements were produced by and broadcast on the Nova 100's radio station. For this reason, Genesis has asked Nova 100 to respond to your emails on its behalf.

Nova 100 does not believe that the Genesis advertisements breach section 2 of the Advertiser Code of Ethics.

Nova has considered whether the use of the word "arse" in the Genesis advertisements breaches section 2 of the Code.

Nova 100 believes that the language used in the Genesis advertisement is not inappropriate in circumstances. In particular, Nova notes that:

- Nova 100 is an adult radio station. Its target demographic is adults aged 18-35 years old. It is not targeted at or directed to young children.*
- The Genesis advertisement promotes membership of a gymnasium. The advertisements and the product they promote are directed at and intended for adults. The advertisements do not promote a product used by or appealing to young children.*
- The Genesis advertisements seek to encourage adults who over indulged during the Christmas period to join a gymnasium. The advertisements attempt to do this through the use*

of a light hearted parody of being concerned over the size of your backside. This is a common cry amongst those that feel it is time to get into shape after the inevitable excesses of the holiday period.

- *The word “arse” is part of the Australian vernacular and is used colloquially. Its use is widespread within the Australia community with inoffensive connotation. The word “arse” literally refers to someone’s buttocks (see, for example, the online encyclopedia Wikipedia). The word is used in this literal and descriptive sense in Genesis advertisements.*

For the sake of completeness, Nova 100 also notes that it cannot reasonably be contended that the language in the Genesis advertisements is strong or obscene.

THE DETERMINATION

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

The Board listened to the advertisements and considered whether the advertisements breached Section 2.5 of the Code dealing with the use of language. The Board considered the complainants' comments that the words used in the ads were offensive.

The Board agreed that the use of the word "arse" in advertising was generally acceptable and previous cases have allowed its use. Generally, the word is common in Australian vernacular and is acceptable where used in an advertisement in a manner consistent with Australian colloquial usage that does not amount to strong or obscene language.

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 found that the advertisement breached Section 2.6 dealing with strong language and accordingly the Board upheld the complaint

ADVERTISER'S RESPONSE TO DETERMINATION

I can confirm that the ad is no longer on air.