



CASE REPORT

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| 1. Complaint reference number | 5/07 |
| 2. Advertiser | Just Fitness |
| 3. Product | Leisure & Sport |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6 |
| 6. Date of determination | Tuesday, 13 February 2007 |
| 7. DETERMINATION | Upheld – discontinued or modified |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement opens on a young woman introducing stock available in the Just Fitness 2 Million Dollar Mega Fitness Sale. As the camera pans back we can see that the woman is standing on a pallet raised high in the air by a forklift truck. She is then seen with operators of various pieces of gym equipment as she details the specials. At the conclusion of the advertisement she is again shown elevated by the forklift as she relates details of the location of the store.

THE COMPLAINT

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

It is dangerous and promotes unsafe work practices. She should be harnessed and in a safety cage.

The ad...demonstrates unsafe and illegal work practices. Using a pallet, on a forklift truck with the mast raised, as a work platform is extremely unsafe and illegal.

THE ADVERTISER'S RESPONSE

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

Whilst I understand from the audience's point of view that the actor may have appeared to be precariously positioned this was never the case in reality and was a simple contrivance for dramatic effect. She was never at risk and TV production safety standards were always observed in the making of the commercial. The actor was at all times protected and regarded with the necessary safety requirements.

THE DETERMINATION

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

The Board viewed the advertisement and considered whether the advertisement breached Section 2.6 of the Code dealing with community standards of health and safety.

The Board considered the image of the woman elevated atop boxes on a forklift and noted the complainant's comments that this was unsafe and illegal.

The Board agreed that the elevation of a person on a forklift without appropriate safety gear would be regarded by the community - and the factory-working community in particular - as dangerous and a

breach of standard workplace health and safety requirements. Therefore the Board agreed that the advertisement depicted material contrary to community standards of health and safety and hence breached Section 2.6 of the Code.

Finding that the advertisement breached the Code, the Board upheld the complaint.

ADVERTISER'S RESPONSE TO DETERMINATION

We wish to inform you that we have withdrawn the TV commercial and it will be discontinued.