



CASE REPORT

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| 1. Complaint reference number | 539/09 |
| 2. Advertiser | Fernwood Fitness |
| 3. Product | Leisure & Sport |
| 4. Type of advertisement | Print |
| 5. Nature of complaint | Discrimination or vilification Gender - section 2.1
Health and safety – section 2.6 |
| 6. Date of determination | Wednesday, 25 November 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This print advertisement depicts a young boy wearing a tee shirt which says: "my mum's not perfect but she is working on it".

THE COMPLAINT

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

I found it particularly obscene as this ad not only degraded women, modelled to young men that they could sit in judgement on women and their body's, promoted body shame and perfection, but it was only two pages away from an article on anorexia nervosa.

THE ADVERTISER'S RESPONSE

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

The ad forms part of a wider campaign which has at its heart, "Find Your Inner Fox". The majority of the spend is in outdoor, which features the phrase "Be A Fox Without Botox". The campaign is intended to be uplifting and provide women with a campaign that promotes confidence and avoid the stereotypes. A sample of the broader campaign is included for reference.

The slogan featured on the boys t-shirt "My Mum's Not Perfect But She's Working On It" is absolutely intended to be ironic. Fernwood know that no one is perfect, nor do we expect women to aspire to perfection. The picture of the little boy was chosen because it was a beautiful photo of him, not because he looks sad.

Since we released this part of the campaign there have been a number of women concerned with the message that it sends. We appreciate that in isolation it might be misinterpreted to be negative, and as such are no longer using this particular ad. We had no intention of offending – indeed we were motivated by the opposite desire. We apologise for any unintended offence we may have caused.

Fernwood don't believe that this advertisement transgressed the Code of Ethics as outlined by Advertising Standards Bureau , however Fernwood have proactively decided not to use the ad moving forward due to the unintended interpretation of the ad in isolation. The planned second phase of the campaign "My Mum's A Fox" will be used as replacement material for upcoming media bookings.

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 complainants' concern that the advertisement was degrading to women and modelled to young men that they could sit in judgment on woman and their bodies.

The Board noted the advertiser's response.

The Board considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states:

"Advertising or marketing communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief."

The Board noted that the advertisement was a promotion for Fernwood Women's health club and that the ad forms part of a campaign. The Board agreed that the advertisement would be read to suggest that women should attain certain levels of fitness or slimness to be "perfect" mums. Therefore, noting that the advertiser is a female only gym would have a strong positive message about women's fitness and health and that is a connotation which would be drawn by most members of the community.

The Board noted that the advertisement was not intending to demean or degrade women or their bodies and instead was a positive message to women that no one is perfect and that all we can do is try our best. The Board considered that most people in the community would not find this advertisement offensive and that the advertiser, Fernwood is a fitness/health oriented business with a female only clientele and that the advertisement was relevant to their product/service. The Board determined that the advertisement was not in breach of section 2.1 of the Code.

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