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August 27, 2014

Elder Abuse and Gym Memberships

We have received a number of consumer complaints against gyms regarding senior citizens and personal training service contracts. Complaints have ranged from allegations that sales personnel had not properly disclosed all personal training costs, to allegations that sales personnel had not made it clear that the member had purchased additional services other than the basic gym membership.

Every fitness organization operating in this state needs to be aware that Georgia law has very specific provisions that prohibit unfair or deceptive practices toward persons who are 60 years of age or older. Gyms that are found to have committed a violation of the Fair Business Practices Act against someone who is 60 or older could be subject to an enhanced civil penalty of up to \$10,000.00 (as opposed to \$2,000.00) for each violation.

Consequently, we recommend that gyms go above and beyond to ensure that new members who are senior citizens are very clear on what their membership or training agreement entails and whether there are any additional services or costs. If the membership is a basic membership with limitations on what equipment may be used, it needs to be specified. Should their membership be an advanced membership that includes access to certain equipment or classes, that information must also be communicated to the senior citizen. We believe that the best approach is to ensure that there are no misunderstandings or questions what so ever on the part of the senior citizen, as to what their membership or training agreement entails. As always, should you, your employees or representatives have questions or concerns on these or other matters, please feel free to contact us.

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