



Case Report

1	Case Number	0028/17
2	Advertiser	Yum Restaurants International
3	Product	Food / Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/02/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Age

DESCRIPTION OF THE ADVERTISEMENT

The television advertisement shows a family mealtime setting, with an informal game of cricket in the family's backyard taking place in the background. The advertisement is commentated by Australian radio duo, Fitzy and Wippa, and depicts a sequence where the main protagonist family have accidentally played the ball over 'old man Simpkins fence'. The featured family members make an offering of KFC chicken tenders and the ball is returned over the fence.

THE COMPLAINT

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

Both commercials are ageist and depict older people in a demeaning and disrespectful way. In the second the neighbour is described as "old man Simpkins" and the suggestion is that he is difficult unless placated by the cleverness of the young people. I wonder why KFC needs to glorify youth by disrespecting age?

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

We refer to your correspondence in respect of the above complaint regarding KFC's brand television commercial which features KFC chicken tenders (Advertisement).

Information Requested

The CAD reference numbers for the Advertisement are:

- KFCCR002330TN: W4032ERA - CAD rating W*
- KFCCR002315TN: W4033ERA - CAD rating W*

Description of Advertisement

The Advertisement shows a family mealtime setting, with an informal game of cricket in the family's backyard taking place in the background. The Advertisement is commentated by Australian radio duo, Fitzy and Wippa, and depicts a sequence where the main protagonist family have accidentally played the ball over the fence. As a form of apology and gratitude for the neighbour's time in retrieving the ball, the featured family members make an offering of KFC chicken tenders. The ball is returned over the fence after the family has shown their appreciation of the neighbour's time, and the game can continue. The advertisement is meant to embody the fun and freedom of the Australian summer and provide a 'home cricket ground' take on the classic dilemma of retrieving backyard cricket balls from neighbouring houses.

Complaints

The complainant alleges that the Advertisement is ageist and discriminates against elderly people.

Relevant Codes & Initiatives

Australian Association of National Advertisers Code of Ethics ("Code")

There is a suggestion that the Advertisement breaches section 2.1 (Discrimination) of the Code.

Has the Code been breached?

KFC considers that the Advertisement does not breach the Code.

The Tennis Ball exchange for Tenders

The overall theme and tone of the Advertisement is to focus on the fun that the family partakes in during a game of home cricket, which is the cornerstone of KFC's cricket campaign "The Home Cricket Ground".

The visuals of the two young people exchanging KFC chicken tenders for a tennis ball with the neighbour is deliberately intended to be a humorous and ingenious solution to the problem of retrieving a cricket ball from a neighbour's backyard, which is a commonplace occurrence in an Australian household, designed to evoke nostalgia and memories of backyard cricket games.

The action depicts a humorous acknowledgement of the inconvenience that may be caused by the ball being thrown over the neighbour's fence, with the offer of some chicken as in fact, an ingenious form of apology and gratitude in exchange for the neighbour's time in retrieving the ball. There is no evidence of trickery or malice in this interaction.

We note that the Advertisement has a W rating and is not booked to screen on television during Pre-school and Children's programming time slots.

Ageist Discrimination

The commentary describing the neighbour as 'old man Simpkins' is not said with any malice or disrespect, and evokes the colloquial use of an Australian term to describe a familiar male figure, such as a person's uncle, father or family friend. At no time is the neighbour's face is shown, so it is also unclear what age the neighbour really is, so there is no basis in the claim that the comment was in any way a negative comment on the age of the neighbour. The reactions of the young people playing cricket are typical of an Australian family scenario and complies with the Prevailing Community Standards.

We trust this addresses the complainants' concerns.

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 complainant's concerns that the advertisement suggests that an older person will only be cooperative if bribed with food which is disrespectful and ageist.

The Board reviewed the advertisement and noted the advertiser's response.

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted that this television advertisement depicts a family playing backyard cricket and offering their neighbour, 'old man Simpkins' some of their KFC after hitting the ball in to his yard.

The Board noted that we do not see the neighbour and considered that he could be any age. The Board noted that the Macquarie Dictionary definition of 'old man' includes, "(Colloq.) An affectionate term of address" and "(Colloq.) Someone in a position of authority". The Board noted the voiceover's reference to the neighbour as 'old man Simpkins' and considered this is said in an affectionate manner rather than in a manner which suggests he is thought of negatively. The Board noted that the family offers the neighbour some KFC chicken and we see the neighbour take a piece before returning the ball. The Board noted that this scene is described as 'negotiation' and considered that it is not clear if the neighbour would have still returned the ball even if he wasn't offered KFC and the family could be using the KFC as a form of apology rather than as a bribe.

Overall the Board considered that the focus on 'old man Simpkins' is as a neighbour rather than as an older person and considered that by referring to an unseen person as 'old man' in an affectionate manner is not ageist.

The Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of age and determined that the advertisement did not breach Section 2.1 of the Code.

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