



Case Report

1	Case Number	0063/17
2	Advertiser	Yum Restaurants International
3	Product	Food / Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	22/02/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement is commentated by Australian radio duo, Fitzy and Wippa, and opens on a trio of young males sitting on a couch in their shared house. The young males are watching cricket on the television on what appears to be a very hot summer's day, and concurrently eating a range of spicy burgers from KFC's Zinger range of burgers. They end up throwing a ball at the air-conditioning to turn it on.

THE COMPLAINT

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

The method used was to throw a cricket ball to turn on the air conditioning, totally irresponsible behaviour.

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 dated 27 January 2017 in respect of the above complaint regarding KFC's brand television commercial which features the Zinger Burger range (Advertisement).

The comedy in this advertisement is that the unit is actually extremely close to the boys, and

brings to life the common young male behaviour of relishing any opportunity to create a “sport” out of even the most mundane activities.

The advertisement is meant to embody the fun and freedom of the Australian summer and provide a ‘home cricket ground’ depiction of the classic dilemma of not wanting to miss a moment of the cricket, whilst making the most of the need by then creating fun and “sport” out of the moment.

Complaints

The complainant alleges that the Advertisement encourages people to engage in unsafe behaviour.

Relevant Codes & Initiatives

Australian Association of National Advertisers Code of Ethics (“Code”)

There is a suggestion that the Advertisement breaches section 2.6 (Health and Safety Unsafe Behaviour).

Has the Code been breached?

KFC considers that the Advertisement does not breach the Code.

Health and Safety Measures

Notwithstanding the above, KFC implemented measures to ensure that a significant amount of care was taken to meet health and safety requirements during the filming and creation of the Advertisement.

KFC highlights the following material points to address the complainant’s concerns:

- the balls were not made of hard materials, the first ball being a tennis ball and the second being a soft plastic ball;*
- the balls were not thrown dangerously or violently at the air conditioner;*
- the unit was not far enough away for the balls to be thrown with enough force to hurt any people or damage the object itself;*
- no damage was done to the air conditioner by the balls;*
- the three people eating the zinger burgers were all of an age where they can make their own decisions regarding the safety of their behaviour*
- the decision to throw the balls was consensual amongst all three participants with no implication that harm was being done to any person or object, as evidenced by the communal celebration that occurs at the end of the commercial; and*
- the commercial is no longer on the air.*

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 depicts an action of throwing a ball inside the house at an electrical appliance which is unsafe and inappropriate.

The Board viewed the advertisement and noted the advertiser’s response.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that this television advertisement features three young men sitting on a lounge watching television. There is a variety of KFC food items on the table in front of them. The air condition unit is off and two of the young men take turns at throwing a ball toward the unit to try and turn it back on.

The Board noted the complainant's concern that to throwing a cricket ball at the air conditioning unit is unsafe and irresponsible.

The Board noted that the advertiser's response that the first ball thrown is a tennis ball and the second is a plastic ball and that due care was taken during the filming of the advertisement to ensure the safety of the talent in the advertisement and their surroundings.

The Board considered that the type of behaviour depicted in the advertisement was typical of the type of behaviour of men of this age group and that the action of the ball toward the air conditioning unit was both one of laziness and also one of competition between the friends.

The Board considered that the overall tone of the advertisement was light hearted and that the ball was not thrown in an aggressive manner and was not a violent action.

The Board considered that the most appropriate way to turn on the air conditioning would be to stand and approach the unit, turning it on by hand, however the Board did not consider the action of the men to be condoning or encouraging dangerous behaviour and determined that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety and did not breach Section 2.6 of the Code.

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