



CASE REPORT

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| 1. Complaint reference number | 557/08 |
| 2. Advertiser | Yum Restaurants International |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Wednesday, 21 January 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This series of four television advertisements for KFC's Krusher drinks open with a woman licking a black container. A voice over set to house-style music includes the words, 'Lick it, gulp it, bite it, taste it, scull it, suck it, crush it, slurp it, drink it, eat it'. It ends with 'Crush it, crush it'. Males and females are shown drinking 'krusher' drinks. Other scenes show a close up of a tongue licking liquid from a person's shoulder and neck, a close up of someone licking their fingers, a woman batting away a full glass of the drink, a man pouring a drink into his mouth with the drink splashing on him, a man boxing and hitting liquid particles, as well as a man in combat/riot gear protecting himself from ice particles. The advertisement ends with a screen shot of seven drink containers arranged on top of ice with the words, 'KFC Krushers full of real bitz'.

The advertisements are all similar in nature but differ as two are 30second promos and two are 15 second promos.

THE COMPLAINT

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

This ad is too sexual and raunchy. IT OFFENDS ME as a 42 year father of a young girl.

THE ADVERTISER'S RESPONSE

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

The applicable provision of the Code is section 2.3, which relates to treating sex, sexuality and nudity with sensitivity to the relevant audience and, where appropriate, the relevant programme time zone. Australian Association of National Advertisers Food and Beverages Advertising and Marketing Communications Code (the F&B Code)

There is no suggestion that the Advertisements breach the F&B Code. Australian Association of National Advertisers Code for Advertising and Marketing Communications to Children (the Children's Code)

The advertising is directed to the 16+ age group, not children (being persons 14 years old or younger) and as such, the Children's Code is not relevant. HAS THE CODE BEEN BREACHED?

Ratings

Prior to broadcast, the Advertisements were rated by Free TV Commercials Advice. Each of the 15 second advertisements were classified as 'W' (General/Warning) and each of the 30 second

advertisements as 'PG' (Parental Guidance). The Advertisements have only been, and will only be, strictly broadcast within the parameters allowed by the restrictions associated with these ratings. The W rated Advertisements will not be broadcast during P or C programs, or adjacent to P or C periods. Care will also be exercised when placing these W rated Advertisements in cartoon and other programs promoted to children. The PG rated Advertisements will only be broadcast during the following hours (except during P and C programs, or adjacent to P or C periods):

- weekdays, 8.30am-4.00pm;
- weekdays, 7.00pm-6.00am; and
- weekends, 10.00am-6.00am.

Imagery

The images portrayed in the Advertisements are focused on the themes of 'crushing' and flavour. The inspiration for the campaign comes from contemporary music and, as stated above, the shots show various abstract images in the style of a music film clip. The Advertisements are not intended to be sexual. The focus is to communicate flavour and taste in a way which appeals to a contemporary and youthful audience. To the extent that the Advertisements can be interpreted as connoting sexuality, it is a very mild, limited, and a careful presentation of these themes and is suitable for the target 16+ age group. The Advertisements are fun, energetic, and light-hearted. The execution is consistent with modern and contemporary music film clips that are aired on a number of television stations during "Saturday morning television programs.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code") and the AANA food and Beverages Advertising and Marketing Communication Code (the "F&B Code").

The Board noted the complainants' concerns that the advertisement was overly sexualised and considered the application of Section 2.3 of the Code, relating to sex, sexuality and nudity. The Board noted there were several versions of the advertisement, each with the same images and features with the only difference being the inclusion of the voice over in the 30 second promos. The Board noted that the 15 second promos were classified W (General/Warning) and the two 30 second promos were classified PG by CAD.

The Board agreed with the advertiser's response that the advertisement was in the style of a music video clip, with the images presented in a fast-paced manner against the background music and narrative. The Board noted that the references to 'Lick it, gulp it, bite it, taste it, scull it, suck it, crush it, slurp it, drink it, eat it' were all made in line with images of the product being consumed and that the references were therefore clearly related to consumption of the product not to sex.

The Board considered the images used together with the words spoken were not overly sexualised and that the advertisement was appropriate to the audience and timezone. The Board therefore found no breach of Section 2.3.

The Board also noted that it found no breach of the F&B Code.

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