



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0002-20
2. Advertiser :	Yum Restaurants International
3. Product :	Food/Bev Venue
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	22-Jan-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Food and Beverages Code\2.2 Healthy lifestyle/ excess consumption
AANA Code of Ethics\2.0 Other
AANA Code of Ethics\2.5 Language
AFGC - Quick Service Restaurant Initiative\QSRI 1.1 Advertising and Marketing Message
AFGC - Quick Service Restaurant Initiative\QSRI 1.1 Advertising and Marketing Message
AANA Food and Beverages Code\2.2 Healthy lifestyle/ excess consumption
AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

There are two versions of this television advertisement.

The 30 second version features a boy leaning on his arm, apparently asleep during an exam. A teacher walks past and knocks on the desk to wake him up. He looks around and something attracts his attention. He motions to his friend to look and they both look out the window to see another boy hold up a chicken drumstick and duck out of sight, then reappear holding a bucket full of chicken. The first boy says "bucket" then quickly marks all the answers as 'b' on his exam. He slams the exam down on the table and leaves the room. The teacher leans over and notices he has marked 'b' for every answer. The three boys are then shown sitting outside holding the bucket of chicken and eating it.

The 15 second advertisement features a boy leaning on his arm, apparently asleep during an exam. A teacher walks past and knocks on the desk to wake him up. He



looks around and something attracts his attention. He motions to his friend to look and they both look out the window to see another boy with a bucket full of chicken eating a drumstick. The first boy says "bucket", he slams the exam down on the table and leaves the room followed by his friend. The three boys are then shown sitting outside holding the bucket of chicken and eating it.

THE COMPLAINT

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

The ad encourages students to swear at their teachers, skip tests and get fat eating KFC. This is completely inappropriate.

Whilst i have an issue with advertising junk food to children, encouraging them to not try at school let alone to go and eat junk food is not the message I believe we should be sending to children. This is an inappropriate message.

This advertisement places value on fast food rather than the benefits of education and endeavour. It demeans teachers and exam processes that advance students. it encourages obesity and ill health.

This being advertised repeatedly during a major sporting event is discouraging youth from pursuing healthy and productive lifestyles.

The ad, shown multiple times throughout the cricket coverage, encourages fast food consumption over education. This is a disgrace. It promotes an unhealthy lifestyle and discourages young children who are watching from pursuing learning.

It clearly means to refer to "fuck it", given the students then get up and leave. This is highly inappropriate given the target audience and schools will now have to deal with no, I said "bucket". This is irresponsible marketing

I have two points about this advertisement ,

- 1. I feel that this is encouraging young people to not be concerned about exams, answer anything and then walk out to eat. This is not the type of behaviour we should be encouraging children - especially boys - to contemplate. Doing the WRONG thing should not be portrayed as a behaviour that is OK.*
- 2. Is the expectation that the three boys are going to eat an entire bucket of fried chicken ??? at up to 390 CALORIES per piece, this would quickly be overeating .*

It is obvious that there is a 'play on words' and the student whilst saying "Bucket!" could be just as easily be saying "Fuck it!". It is the spoken word that is clearly suggested and very offensive to many people. The fact that it is in a classroom is even worse. This is contrary to Section 2.5 of the Standards 'Language' which states"The "f" and "c" words are generally not permitted. Non verbal representations of the "f" word are also not permitted. Words and acronyms that play on the 'f' word, e.g. WTF and LMFAO, but do not use the actual word are normally considered



acceptable if used in a light hearted and humorous way, are in subtitle rather than spoken word and are appropriate to the situation. "

THE ADVERTISER'S RESPONSE

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

Description of Advertisement

The advertisement to which the Complainant refers to is a television advertisement for the KFC brand and a bucket of Kentucky Fried Chicken (Advert). The Advert is targeted at adults and will be advertised until 24 January 2020.

The Advert opens in a busy exam hall with a student looking bored and uninterested in his exam. The adjudicator gives his table a knock to keep him awake. Outside a friend grabs his attention by taunting him with some delicious Kentucky Fried Chicken.

Music starts to play a Hall & Oates song entitled "You Make My Dreams".

The student and his friend look at the chicken cravingly. Eventually the draw of the chicken proves too much and the student says "Bucket!" The student then hurriedly finishes his exam paper and leaves to eat chicken.

We finish with close ups of the student and his friends eating original recipe drumsticks and enjoying the chicken outside.

The complaints and relevant codes

The following concerns are cited in the complaints:

- *Section 1.1 of the Quick Service Restaurant Initiative for Responsible Advertising and Marketing to Children (QSRI);*
- *Section 2.0, and section 2.5 of the Australian Association of National Advertisers Code of Ethics (Code of Ethics); and*
- *Section 2.2 of the Australian Association of National Advertisers Food and Beverages Advertising and Marketing Code (Food Code).*

Section 2.0 of the Code of Ethics: Social values

KFC is a brand that has been bringing happiness to tables around Australia for 50 years. We believe that a bucket of KFC chicken creates a moment of joy and release for many people. This TV ad highlights our iconic bucket as the symbol of this sentiment.



The intention of the Advert is to highlight the act of eating Kentucky Fried Chicken with friends as a catalyst in making boring situations more fun. The bucket of chicken in the Advertisement is a treat used by consumers as a way of connecting with friends. The Advert is in no way intended to discourage or disparage the importance of examinations. KFC acknowledges and endeavours to comply with all prevailing community standards.

Section 2.5 of the Code of Ethics: Inappropriate language

We note that a similar complaint in relation to the use of the word 'bucket' in a KFC TV advertisement was previously been dismissed by the Ad Standards Community Panel as set out in case number 0533/18.

When the student says 'bucket' it is clearly in reference to the bucket of chicken being held by his friend at the window. The exclamation in this advertisement is used in a way that most people would use the word and it is not directed at any particular person.

As such the Advert does not use inappropriate language and complies with section 2.5 of the Code of Ethics.

Section 1.1 of the QSRI and Section 2.2 of the Food Code

KFC is committed to supporting responsible dietary choices for people of all ages. In this regard, KFC has taken a number of steps to improving the nutritional quality of its food, part of which has involved reducing salt content in KFC products and transitioning to the use of canola oil to cook KFC products in store. Customers can access nutritional information about KFC's products, in-store and on KFC's website at <http://kfc.com.au/nutrition/index.asp>. KFC views that its meal as depicted in the Advert has a place as a treat, which is used by friends sharing a moment of joy.

KFC does not condone or promote inactive lifestyles and nothing in the Advert suggests this.

The tone and messaging of the Advert depicts the friends favouring fun over formality and not about rejecting healthy food for unhealthy food. The student is shown outside sharing the bucket of chicken with his friends and the amount of chicken is suitable for the group of young men children and does not depict or encourage excess consumption.

Accordingly, the Advert does not breach the QSRI or Food Code.

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

With respect to section 2 of the Code of Ethics, I note that the Advertisement:



- *does not discriminate or vilify any person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, disability, mental illness or political belief (section 2.1);*
- *does not employ sexual appeal in a way that is exploitative or degrading of any individual or group of people (section 2.2);*
- *does not present or portray violence in any way (section 2.3);*
- *does not depict or treat sex, sexuality and nudity in any way nor without sensitivity to the relevant audience (section 2.4);*
- *does not depict any material contrary to Prevailing Community Standards on health and safety (section 2.6); and*
- *the Advertisement is clearly distinguishable as an advert and uses KFC branding to that effect (section 2.7).*

Therefore, for the reasons outlined above, KFC believes that the Advertisement complies with the relevant legislation and Code of Ethics.

We trust this addresses the Complainants' concerns.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Code for Advertising and Marketing Communications to Children (the Children's Code), the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code), the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children (the QSRI) and the AANA Code of Ethics (the Code).

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

The Panel noted the complainants' concerns that

- the advertisement was placed during the cricket and this ad is discouraging a healthy sporting lifestyle
- the advertisement promotes junk food to children and encouraging obesity and ill health
- The advertisement depicts three boys with a bucket of chicken which is excess consumption
- The advertisement patronises boys and suggest they are not good students
- The advertisement features the word 'bucket' said like 'fuck it' which is inappropriate language
- The advertisement undermines the value of education

The Panel noted that KFC is a signatory to the QSRI and determined that the provisions of the QSRI apply to this marketing communication.



The Panel noted that the QSRI is designed to ensure that only food and beverages that represent healthier choices are promoted directly to children.

The Panel considered the definition of advertising or marketing communications to children within the QSRI. The definition states that ‘Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for food and/or beverage products.’ Under this initiative children means “persons under the age of 14 years of age.”

The Panel noted that the QSRI captures Advertising and Marketing Communications to Children where:

1. ...the theme, visuals and language used, are directed primarily to Children and are for food and/or beverage products;
2. Advertising or Marketing Communications that are placed in Medium that is directed primarily to Children (in relation to television this includes all C and P rated programs and other rated programs that are directed primarily to Children through their themes, visuals and language); and/or
3. Where Children represent 35 per cent or more of the audience of the Medium.

The Panel considered the definition of Medium in advertising or marketing communications to children within the QSRI which includes “television, radio, newspaper, magazines, outdoor billboards and posters, emails, interactive games, cinema and internet sites.” The Panel considered that this advertisement is covered by this definition.

The Panel considered the spot list for the advertisement. The Panel determined that the advertisement did not meet points 2 or 3 of the QSRI in that it was not broadcast in a Medium that is directed primarily to Children or where Children represent 35 per cent or more of the audience of the Medium.

The Panel noted that with regards to point 1 the Panel must consider whether the communication activity is directed primarily to Children – regardless of its placement.

The Panel noted that the dictionary definition of “primarily” is “in the first place” and that to be within the QSRI the Panel must find that the advertisement is clearly aimed in the first instance at Children under 14 and that it must have regard to the ‘theme, visuals and language’ used in determining this issue.

The Panel then noted the visuals of the advertisement which shows students in a school exam setting. The Panel considered the characters in the advertisement were around 17 years old, and considered that this is a situation and a demographic which older children under the age of 14 would find attractive.



The Panel noted the language in the advertisement featured the main character saying 'bucket' and the Hall & Oates song entitled "You Make My Dreams". The Panel considered that this song was released in 1980 and would not be primarily of interest to children under 14, rather would hold nostalgic value for people over 50. The Panel considered the word 'bucket' would be primarily of interest to a broad audience, and not directed primarily to children under 14.

The Panel noted the theme of the advertisement was leaving a hard exam early to enjoy KFC with friends. The Panel considered that this is a theme that would be attractive to older children and teenagers, especially those in years 10 and 12 who had recently completed exams. The Panel considered that the theme of the advertisement was directed primarily to teenagers, and was not directed primarily towards children under 14.

In this instance the Panel considered that the theme, visuals and language of the advertisement were equally attractive to adults, teenagers and children and was not directed primarily to Children under 14.

Based on the requirements outlined in the QSRI the Panel considered that as the advertisement was not directed primarily to Children, did not appear in a medium directed primarily to Children and did not appear in a medium which attracts an audience share of more than 35% of Children, the QRSI does not apply in this instance.

The Panel then considered whether the advertisement complied with the requirements of the AANA Code for Advertising and Marketing Communications to Children (The Children's Code).

To fall within this Code, or Part 3 of the AANA Food and Beverages Advertising and Marketing Communications Code (The Food Code), "Advertising or Marketing Communications to Children means Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product".

For the reasons outlined above, the Panel considered that the advertisement is not directed primarily to Children.

The Panel determined that as this advertisement is not directed primarily to Children, the Children's Code and Parts 3 and 4 of the Food Code do not apply.

The Panel then considered whether the advertisement complied with all relevant provisions of the Food Code.

The Panel then considered section 2.2 which states: "the advertising or marketing communication...shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets, or encourage what would reasonably be considered excess consumption through the representation of product/s or portion



sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to prevailing community standards.”

The Panel noted the complainant’s concern that the advertisement:

- was placed during the cricket and this ad is discouraging a healthy sporting lifestyle
- promotes junk food to children and encouraging obesity and ill health
- depicts three boys with a bucket of chicken which is excess consumption.

The Panel noted the advertiser response that the amount of chicken is suitable for the group of teenage boys and does not depict or encourage excess consumption. The Panel further noted the advertiser’s response that the meal shown is a treat and that the advertisement does not condone or promote inactive lifestyles.

The Panel noted that the advertised product is fried chicken. The Panel considered that, consistent with previous decisions (0176-18, 0132-17), promotion of a product which may have a particular nutritional composition is not, per se, undermining the importance of a healthy or active lifestyle.

The Panel noted that the advertisement has no messaging around frequency of consumption.

The Panel noted the practice note for excess consumption states, “In testing whether an advertising or marketing communication encourages excess consumption through representation of products or portion sizes disproportionate to the setting portrayed, or by any other means contrary to prevailing community standards, the Community Panel will consider whether members of the community in the target audience would most likely take a message condoning excess consumption.”

The Panel considered that the target audience for this advertisement was people watching the cricket, and students. The Panel considered whether this target audience would consider a bucket of chicken shared between three teenage boys to be encouraging excess consumption.

The Panel considered that buckets of chicken are quite often shared between friends. The Panel considered the chicken is used as an example of the products available, but does not show the boys consuming the entire bucket. The Panel further noted the advertisement does not explicitly state how many pieces of chicken are in the bucket. The Panel considered that the members of the target audience would not consider three teenage boys sharing a bucket of chicken to be excess consumption.

The Panel determined that the advertisement is not encouraging excess consumption of the product. The Panel determined that the advertisement did not breach Section 2.2 of the Food Code.

The Panel then considered the advertisement under the AANA Code of Ethics.



The Panel 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 Panel noted the Practice Note to Section 2.1 provides the following definitions:

"Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."

The Panel noted the complainants' concern that the advertisement patronises boys and suggest they are not good students.

The Panel considered that the boys in the advertisement are not representative of all males, and that there are many other male students shown staying and completing their exam.

The Panel considered that the advertisement does not show the boys to receive unfair or less favourable treatment because of their gender, and it does not humiliate, intimidate or incite hatred contempt or ridicule of the boys.

The Panel 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 gender and determined that the advertisement did not breach Section 2.1 of the Code.

The Panel then considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided".

The Panel noted the complainants' concern that the advertisement featured the word 'bucket' which sounds like 'fuck it'.

The Panel noted that it had previously considered the word 'bucket' in case 0540-18 in which:

"The Panel considered that 'bucket' is not a word which would be considered inappropriate by most members of the community. The Panel considered there is no indication in the advertisement that the boy is alluding to saying 'fuck it' rather that the word 'bucket' is used in the context of being given a bucket of chicken and this wording is appropriate in the circumstances."



Consistent with the previous determination, the Panel considered that in the current advertisement the boy is clearly heard to say 'bucket' which is linked to the visuals of the bucket of chicken. The Panel considered that most members of the community would not consider the use of the word 'bucket' to be inappropriate language.

The Panel considered that the advertisement did not contain language which was inappropriate for the circumstances, or strong and obscene language and determined that the advertisement did not breach Section 2.5 of the Code.

The Panel noted complainants' concerns that the advertisement undermined the value of education. The Panel acknowledged that many parents watching the cricket with their children would not appreciate the theme of leaving an exam in order to eat fast food, however the Panel considered that the advertisement is clearly showing an unrealistic situation and is meant to be humorous rather than an incitement for children to treat school less seriously. In any case however, the Panel considered that the value of education, or the modelling of inappropriate behaviour, were not issues which were covered by the Code, and therefore not issues which the Panel can consider.

Finding that the advertisement did not breach the QSRI, the AANA Food Code, the AANA Children's Code or the AANA Code of Ethics the Panel dismissed the complaints.