



## Case Report

1	Case Number	0004/15
2	Advertiser	Yum Restaurants International
3	Product	Food / Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	28/01/2015
6	DETERMINATION	Dismissed

### ISSUES RAISED

2.5 - Language Inappropriate language

### DESCRIPTION OF THE ADVERTISEMENT

The Advertisement depicts a typical home environment in which the father is watching the cricket with his daughter who is eating a \$2 Taster Box from KFC. The scene shows the father becoming frustrated with a decision by the Umpire and saying, "Ah, what the..." but he stops himself short and looks over at his daughter.

The daughter smiles at him knowingly as she nods pointedly at the coffee table in front of them. The camera pans to the coffee table and to a jar labelled "SWEAR JAR" which contains a few coins. The father drops a coin in the jar (the clink of the coin is heard, not seen) to imply the father has contravened "house rules". The Advertisement voiceover concludes by stating "KFC's \$2 Taster Box with grilled chicken, chips and gravy. Just a couple of bucks".

### THE COMPLAINT

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

*The innuendo is that the dad uses a a swear word that rhymes with buck, particularly inappropriate with a child in the ad.*

*Kiddy has a swear jar and the father almost swears and pops money into jar. Then voice over*

*person says how cheap it is "just a couple of .....bucks" very suggestive as to what it rhymes with and you know exactly what they mean. Do we need to have kids in the ad and also watching and do we need to have our standards so reduced that this is okay??*

*The KFC ad with the Swear Box Ad is inappropriate for the KFC T20 viewing time. We've all heard the F word that is used by implication, but it's wrong to use a child in the ad and to encourage younger children who may find it amusing to mimic.*

## **THE ADVERTISER'S RESPONSE**

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

### *The Complaint*

*Our response below addresses the nine (9) individual complaints received to date.*

*The Complainants' primary concerns (as summarised by KFC) are as follows:*

- *use/suggestion of offensive language in advertising*
- *depicting a relationship between sport and/or children and offensive language*
- *airing of the ad during general viewing time and possible exposure of the ad to children*
- *use of young talent and possible effect of encouraging mimicking by children*
- *offensive language/commentary by the commentator serving to reinforce the ad and undermine the authority of parents*

### *Relevant Codes & Initiatives*

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

*The following sections of the Code are cited in the Letters as relevant to the issues raised to*

*date:*

## *2.5 – Language Inappropriate language*

*As required, our response below addresses all parts of Section 2 of the Code, including the AANA Food & Beverages Advertising & Marketing Communications Code and the AANA Code for Advertising and Marketing Communications to Children (as incorporated into the Code) as well as relevant issues concerning section 2.5 of the Code.*

*Has the Code been breached?*

*KFC considers that the Advertisement does not breach any part of the Code.*

*In brief, 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 sex, sexuality or nudity in any way (section 2.4);*
- only uses language which is appropriate in the circumstances and avoids strong and obscene language (section 2.5);*
- does not depict any material contrary to Prevailing Community Standards on health and safety (section 2.6); and*
- does not contravene the AANA Food & Beverages Advertising & Marketing Communications Code or the AANA Code for Advertising & Marketing Communications to Children (section 3).*

*Relevantly, section 2.5 of the Code provides:*

*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.*

*KFC considers the Advertisement does not contravene section 2.5 of the Code as it only uses language that is appropriate in the circumstances. Moreover, there is no use of strong or obscene language.*

*The suggestion that strong and obscene language – such as the ‘f’ word - is intended to be used is entirely subjective and is rejected by KFC.*

*Further, KFC believes the script is appropriate for the scenario depicted and the target audience of 18 to 45 year olds. The fact that the father stops himself before using a swear word sends the message that swearing is “not cricket” – it is neither appropriate nor condoned by KFC. The way in which the father refrains from actually swearing and looks guilty admitting to his almost misstep conveys a sense of light-heartedness and humour that is typical of such a scenario. For these reasons, KFC considers the Ad is appropriate for the ordinary adult sensibilities of the target audience and is entirely in keeping with Prevailing Community Standards.*

*KFC notes the AANA Code for Marketing and Advertising Communications to Children applies to ads “which having regard to the theme, visuals and language used, are directed primarily to Children*

*and are for Product”. “Children” means persons 14 years or younger. “Product” means “goods, services and/or facilities which are targeted toward and have principal appeal to Children”.*

*KFC considers that the Advertisement does not contravene the AANA Code for Marketing and Advertising Communications to Children as the Ad is not delivered in any way to appeal to a Child in terms of theme, language or content, and it does not use any hallmark features of advertising to children such as child’s perspective, storyline, or animated visuals. The \$2 Taster Box (which appears in the Ad) is not intended to target or appeal principally to Children. Nor has there been any suggestion that the Advertisement contravenes the AANA Food & Beverages Advertising & Marketing Communications Code in relation to Children.*

*The Advertisement is intended to depict a mature father/daughter relationship, and not one with a Child. KFC considers the particular scenario in the Ad would be familiar to early teenagers but not younger children who would be unlikely to identify with it. Therefore, KFC believes that the Ad cannot reasonably be regarded as being directed primarily at, or having any particular appeal to Children.*

*As mentioned above, the target audience for the Advertisement is 18 to 45 year olds. Further, KFC's media buying plan was specifically prepared for targeting the mainstream adult population. It comprises general viewing time (as appropriate for the wider Campaign), but the majority of airtime falls after 7pm across most of Australia and is aligned with cricket match times. The media buying plan does not comprise child-specific airtime.*

*Finally, the suggestion that the Ad was intentionally aired in association with live cricket footage and commentary involving offensive language is completely unfounded. KFC fully rejects any suggestion that it engineered this sequence of footage whether to "associate KFC with swearing/influencing minors" or "undermine parent authority and offend decency" (as alleged in separate complaints) or otherwise.*

*KFC has no responsibility or ability to control, or influence, the live footage referred to in the Complaint which was aired outside of KFC's airtime. In fact, KFC had no prior knowledge of the footage before the Complaint was received.*

*Therefore, for the reasons outlined above, KFC believes that the Advertisement complies with the Code in its entirety.*

*KFC trusts the response outlined in this letter 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 complainants' concerns that the advertisement contains a reference to a swear word in front of a young child and is both offensive and inappropriate.

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

The Board 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 Board noted the advertisement features a man and his daughter watching cricket on TV and when the man exclaims, “What the...?!” the daughter holds out a swear jar.

The Board noted the complainants’ concerns that the advertisement implies the ‘F’ word and that the voiceover saying, “Just a couple of bucks” is a further suggestion that the missing word is ‘fuck’.

The Board noted that although the man says, “What the...” we don’t hear what the missing word is. The Board noted the phrase, “What the...” on its own is often used as an exclamation and considered that even if the man had been about to use an additional word, this word is not said or beeped out. The Board acknowledged that in light of the young girl holding out a swear jar the most likely interpretation is that her dad was about to swear but the Board considered that overall the scene is portraying a loving relationship between a father and daughter in which the roles are humorously reversed and the daughter is admonishing her dad for his (implied) language.

The Board noted that whilst the use of a swear jar implies a suggested use of a swear word in the Board’s view this represents a consequence for potentially using bad language and considered that overall the advertisement does not portray or encourage the use of language which is strong, obscene or inappropriate in the circumstances.

The Board noted the complainants’ concerns about the rhyming of the word ‘bucks’ with the ‘f’ word but considered that bucks is a commonly used slang word in Australia meaning dollars and that its use in the advertisement to refer to an advertised product which costs two dollars is correct and not inappropriate. The Board noted that ‘bucks’ does rhyme with a swear word but considered that the implied reference to the ‘f’ word is relatively mild and not inappropriate for a broad audience which would include children.

The Board considered that the advertisement did not use language which was strong, obscene or inappropriate in the circumstances.

The Board determined that the advertisement did not breach Section 2.5 of the Code.

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