



Ad Standards Community Panel
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Case Report

1. Case Number :	0006-22
2. Advertiser :	Yum Restaurants International
3. Product :	Food/Bev Venue
4. Type of Advertisement/Media :	Promotional Material
5. Date of Determination	19-Jan-2022
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Food and Beverages Code\3.1 Must not target children
AANA Food and Beverages Code\3.2 Sponsorship

DESCRIPTION OF ADVERTISEMENT

This promotional activity relates to giving away empty KFC buckets at BBL matches.

THE COMPLAINT

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

KFC are advertising their brand directly to children by giving away empty chicken buckets, this packaging is then worn by the children attending Big Bash League games with incentive for use and extension of this promotion being the opportunity to be featured at the game, through the broadcast during the 'KFC Bucket Moment' segment, and then shared online through the Cricket Australia website and Big Bash League website and social media.

The AANA Food and Beverages Advertising Code, in section 3.1 and 3.2 stipulates: advertising (including sponsorship advertising) of occasional food or beverage products must not target children and sponsorship advertising that targets children must not show occasional food or beverage products or such product packaging. The aforementioned example is in clear contradiction to these codes by advertising an occasional food to children through its product packaging.

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 Complainants refer is a social media post on the office Cricket Australia Instagram page promoting the KFC Buckethead campaign during the Big Bash League (Advertisement). The Advertisement is targeted at adults.

As requested, please find attached:

- *a copy of the promotional material referenced in the complaints, and*
- *a digital copy of the Advertisement*

The complaints and relevant codes

The Complainants have expressed concern that the Advertisement promotes advertising of occasional food to children during a sponsored event.

The following concerns are cited in the complaints:

- *AANA Food and Beverages Code\3.1 Must not target children\advertising for OFBP must not target children*
- *AANA Food and Beverages Code\3.2 Sponsorship\sponsorship must not show OFBP*

Alleged advertising of occasional food products to children at a sponsored event

KFC takes its obligations in relation to advertising to children as set out in the AANA Food and Beverages Advertising Code very seriously. The Advertisement is targeted at adults, both in content and timing of airing and we do not offer children's meals or collectible toys on any of our menus.

The Complainants allege that an Advertisement on Cricket Australia's Instagram page for a promotional activity associated with KFC, as a long standing sponsor of the KFC Big Bash League (BBL) promotes KFC products to children.

The BBL has become a key fixture of Australia's sporting calendar and for many years, and the use of KFC 'bucket hats' is a fun, light hearted promotional activity on match days. KFC buckets are printed in BBL team colours with the KFC BBL logo, and handed out at the ground for patrons to support their team (Buckethead Campaign). The Buckethead Campaign is targeted at followers of Cricket Australia's social media pages and attendees at events, the majority of whom are over 18 years old and older as set out in the table below.

In determining whether an Advertisement is targeted to children, the following criteria are considered:



(a) The nature and intended purpose of the product being promoted is principally or significantly appealing to children.

The principal purpose of the Advertisement on Cricket Australia's Instagram page is to promote the BBL by encouraging followers and members of Cricket Australia to demonstrate support for their team by participating in the Buckethead Campaign.

(b) The presentation of the advertisement content (e.g. theme, images, colours, wording, music and language used) is principally appealing to children.

The presentation of the Buckethead Campaign appeals to attendees at matches and visitors to the social media pages of Cricket Australia (where the Advertisement was published), the majority of whom are 18 years old and older.

(c) The expected average audience at the time or place the advertisement appears includes a significant proportion of children.

The Advertisement was published on Cricket Australia's official Instagram page where less than 10% of its followers are children are under the age of 17.

The macro statistics for Audiences on Facebook and Instagram are as follows:

- 13-17 y.o. on Facebook are 3.8% of the total users*
- 13-17 y.o. on IG are 5.9% of the total users*

The Advertisement promotes the Buckethead Campaign as part of KFC's sponsorship of Cricket Australia's Big Bash League. This long standing campaign has always intended to appeal to attendees of events and visitors to Cricket Australia's official social media pages. Children under the age of 15 are not a significant proportion of the expected average audience of either of these and as such, it is clear the Advertisement does not target children.

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

With respect to the remaining provisions of 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 use language which is inappropriate in the circumstances (section 2.5);*
- does not depict 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).*



We trust this addresses the Complainants' concerns.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Food and Beverages Advertising Code (the Food Code).

The Panel noted the complainant's concern that the advertisement targets children directly by giving children buckets at BBL games.

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

Is the advertisement for an Occasional Food or Beverage Product?

The Panel noted that the definition of Occasional Food or Beverage Product in the Food Code is: "food or beverage products which do not meet the Food Standards Australia Nutrient Profile Scoring Criterion as published from time to time by Food Standards Australia New Zealand".

The Panel noted the advertisement is an empty bucket, similar to buckets available in KFC stores with fried chicken in them. The Panel noted that while these buckets are promotional and not intended to ever contain food, they are similar enough to identifiable product packaging to be considered advertising for the bucket of fried chicken product. The Panel noted that the advertiser had not provided information about whether the product meets the FSANZ criteria. The Panel considered that if the product did meet the criteria the advertiser would have provided that information as the case would have been dismissed, and concluded that the fried chicken product does not meet the FSANZ criteria and is an occasional food product.

Does the advertisement target Children?

The Panel noted that the Food Code defines "target children" as:

"Target Children is determined by the context of the advertisement and the following three criteria:

- *Nature and intended purpose of the product being promoted is principally or significantly appealing to Children;*
- *Presentation of the advertisement content (e.g. theme, images, colours, wording, music and language used) is principally appealing to Children;*
- *Expected average audience at the time or place the advertisement appears includes a significant proportion of Children."*

The Panel noted that the Practice Note provides guidance on the interpretation of "target children":



“All three criteria will be considered by the Community Panel in determining whether or not advertising targets Children. The weighting given by the Community Panel to each of the three criteria will be determined on a case by case basis. In the event of a complaint being considered by the Community Panel, the advertiser should be in a position to provide details in terms of the nature and intended purpose of the product, the presentation of the advertisement content and the expected average audience at the time or place the advertisement appears.

“In relation to the third criteria, measures to determine if Children are likely to be a ‘significant proportion’ of the expected average audience may include one or a combination of the following:

- Where data exists, 25% or more of the predicted audience will be Children. In relation to outdoor advertising, if across a campaign the data shows a predicted audience with less than 25% Children, and there is a Children’s event or concert that is incidental to the ad placement, the audience of that incidental Children’s concert or event will not be captured.*
- C&P programmes.*
- Programs, artists, playlists, video, movies, magazines or other content with significant appeal to Children (e.g. featuring personalities or characters popular with Children).*
- Compliance with the Outdoor Media Association Placement Policy and Health & Wellbeing Policy which regulate the placement of advertising at primary and secondary schools which are locations where Children regularly and predictably gather. Where accurate program audience data is not available, the Community Panel may have regard to other factors listed above such as the program content, the time or the location where the advertisement is being shown (in line with the above provision).”*

The Panel further noted the Practice Note for this section of the Food Code which provides:

“Advertisers must be able to demonstrate that they have evaluated or that care has been taken to evaluate the expected average audience composition before the placement of Occasional Food or Beverage advertisements to ensure they are not targeted at children. Where a meal deal is being advertised, each item in that meal deal must meet the Food Standards Australia Nutrient Profile Scoring Criterion, otherwise the advertisement will be considered to be for Occasional Food and Beverage Products.”

Point 1: Is the nature and intended purpose of the product principally or significantly appealing to children?

The Panel considered that KFC is a long established brand and product that is of appeal to both adults and children alike. The Panel noted the advertiser’s response that it does not sell children’s meals and its target audience is not children.



The Panel considered that while KFC chicken is a product which children enjoy it has of equal or greater appeal to teenagers, adults and families and is not a product with principal or significant appeal to children.

Point 2: Is the content of the advertisement principally appealing to children?

The Panel noted that to fall within Section 3 of the Food Code the Panel must find that the advertisement is aimed in the first instance at children under 15.

Is the theme of the advertisement principally appealing to children?

The Panel considered that advertisement is novelty buckets designed to be worn as hats which are handed out at sporting events. The Panel noted that while this is a concept which would be attractive to children, it was equally attractive to teenagers and adults in attendance at the sporting events.

Are the visuals of the advertisement principally appealing to children?

The Panel noted that the buckets visually represented buckets of chicken available at KFC. The Panel noted that the bucket included a cartoon image of the Colonel Sanders character and logos for the bucket head promotion, the BBL and WBBL. The Panel considered that while these visuals would be appealing to children under 15 they would be equally appealing to older teenagers and adults .

Is the language/wording/music of the advertisement principally appealing to children?

The Panel noted that the advertisement contained logos, disclaimers and the words 'what do we have here' under a QR Code. The Panel considered that the language of the advertisement would not be principally appealing to children.

Is the content of the advertisement overall principally appealing to children?

The Panel reiterated that it is essential that it consider all elements of the advertisement and make a decision based on how all of the elements of the advertisement interact, and the overall impression that they make, in determining whether an advertisement is principally appealing to children.

The Panel considered that the overall advertisement would be equally attractive to children under 15, older teenagers and adults.

The Panel considered that the advertisement's content was not principally appealing to children under 15.

Point 3: Does the expected average audience of the advertisement include a significant proportion of children?



The Panel noted the advertiser's response that its social media pages indicate a low percentage of followers under 17. The Panel noted that unlike social media which requires account holder to be 13 or older, children of all ages are able to attend the sporting matches where the buckets are distributed. The Panel also noted that the advertiser had not provided audience data for the sporting events where the buckets were distributed.

The Panel noted that specific audience data for the BBL and WBL matches are not available, however considered that it was highly unlikely that the audience would include a proportion of children under 15 of or above 25%.

Targeting children conclusion

The Panel determined that the advertisement did not target children and therefore Section 3.1 and 3.2 of the Food Code does not apply.

Conclusion

Finding that the advertisement did not breach any other section of the Food Code the Panel dismissed the complaint.