



Ad Standards Community Panel
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Case Report

1. Case Number :	0007-22
2. Advertiser :	Yum Restaurants International
3. Product :	Food/Bev Venue
4. Type of Advertisement/Media :	Internet - Social - Instagram
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 advertisement features two Instagram posts on the @bbl Instagram account.

The first post was posted on 29 November 2021 and features two still images of adults and children wearing cricket uniforms and KFC buckets on their heads. The caption reads: "Did someone say #BBL11".

The second was posted on 7 December 2021 and features a video of a group of people in the crowd with a large stack of KFC buckets which topple over. The commentators make the comment, "That's a lot of KFC to eat" and "That is a lot". The caption reads, "When you stack every single bucket you can find on one person's head, you're almost guaranteed to be a part of a KFC Bucket Moment... #BBL11".

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 an occasional food to children.

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 Food or Beverage Product in the Food Code is: "food or beverages 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 that the Instagram posts feature people interacting with 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 therefore 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 it they 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 noted that the first image features adults and children wearing the novelty buckets on their heads in a promotional shot. The Panel considered while the theme of wearing something silly on your head would be appealing the children, the overall theme of promoting the cricketing event would be unlikely to appeal to children. The Panel considered that the overall theme of the advertisement would have principal appeal to adult fans of cricket.

The Panel noted that the second shot featured video of children in a crowd attempting to stack a lot of buckets on someone’s head. The Panel noted that this behaviour attracted the attention of the adult commentators. The Panel considered that the overall theme of the advertisement is people interacting with the promotional buckets in an interesting way which would attract attention and be made into a ‘bucket moment’. The Panel considered that this promotion would have appeal to both children and adults who are interested in cricket.

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 picture appeared to be a promotional shot, and although it also included children it would have principal appeal to adult fans of cricket.

The Panel noted that the second shot featured video of children in a crowd attempting to stack a lot of buckets on someone’s head. The Panel noted that the advertisement also included a cartoon animation of the Colonel Sanders character with a bucket on his head waving his arms above his head in time with loud music.



The Panel considered that the animated visual, the use of the children and the activity of stacking buckets are all visuals which would be attractive to children. The Panel considered that the Colonel Sanders character and buckets would also be attractive to teenagers and adults familiar with the KFC brand, and noting that the behaviour of the children attracted the attention of commentators this activity is also likely to have appeal to adults. Overall, the Panel considered that the visuals of the advertisement were equally appealing to children and adults.

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

The Panel noted that the caption in the first image, “Did someone say #BBL11” was a reference to the KFC slogan “Did someone say KFC” and the fact that KFC is sponsoring the BBL. The Panel noted that the language would not be particularly appealing to children and would be of greater appeal to adult audiences.

The Panel noted that the commentary over the video was of two male adults and was consistent with commentary over a sporting match. The Panel also noted that the music used in the advertisement was a similar style to that often heard at sporting games. The Panel considered that the commentary/sports nature of the language and music in the advertisement would be of principal appeal to adult sports fans.

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

The Panel reiterated that it is essential that they consider all elements of the advertisement and to 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 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 Instagram requires account holder to be 13 or older, and there would be a low percentage of users under 15.

The Panel considered that the expected average audience of the BBL Instagram page, and these two Instagram posts, did not include a significant proportion of children under 15.

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.