



# Case Report

1	Case Number	0021/14
2	Advertiser	Yum Restaurants International
3	Product	Food / Beverages
4	Type of Advertisement / media	Radio
5	Date of Determination	12/02/2014
6	DETERMINATION	Dismissed

## ISSUES RAISED

- 2.1 - Discrimination or Vilification Race
- 2.6 - Health and Safety Bullying (non violent)

## DESCRIPTION OF THE ADVERTISEMENT

This radio advertisement for KFC features banter between an English and an Australian cricket fan regarding KFC's Green and Gold buckets. The English supporter questions "you call that a hat?" This is followed by banter about the nature of the lack of tuneful singing "at least the Aussie fans can sing in tune, unlike your Barmy Army." Similar quips are lobbed back by the English supporter. The banter then focuses on Sweet Sesame Crunch, and the English supporter queries why the product is not available in England. The Australian supporter retorts that KFC is "not stodgy enough" to be on the English menu.

## THE COMPLAINT

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

*The ad displays poor sportsmanship and endorses bullying and racism. I found it very offensive and encouraging of verbal aggression and name calling at sporting events.*

## THE ADVERTISER'S RESPONSE

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

## *The Complaint*

*The complaint alleges that the Advertisement “displays poor sportsmanship and endorses bullying and racism, [that it was] very offensive and encouraging of verbal aggression and name calling at sporting events.”*

## *Relevant Codes & Initiatives*

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

*Sections 2.1 and 2.6 of the Code have been cited as relevant.*

*Australian Association of National Advertisers Food and Beverages Marketing and Communications Code (the F&B Code)*

*There is no suggestion that the Advertisement breaches the F&B Code.*

*Australian Association of National Advertisers Code for Advertising and Marketing Communications to Children (the Children’s Code)*

*There is no suggestion that the Advertisement breaches the Children’s Code.*

*Has the Code been breached?*

*KFC considers that the Advertisement does not breach the Code.*

*The conversation between the supporters is exchanged through good natured banter which is commonly communicated during high profile sporting events such as the Ashes series and the World Cup.*

*The banter between the supporters falls well short of discrimination or vilification referred to under section 2.1 of the Code because it does not leave a negative impression of either nationality. Furthermore, the friendly banter is not caught by section 2.6 of the Code as it would not meet the threshold of being contrary to the Prevailing Community Standards relating to health and safety. Section 2.6 is aimed at preventing advertising that condones dangerous behaviour, creates distress or psychological impacts or public health issues. To reiterate, the advertisement communicates light hearted banter amongst sporting rivals.*

*Notwithstanding the above, KFC does not endorse discrimination or vilification of people based on their ethnicity or nationality, nor does it not condone advertising which is contrary to health and safety norms.*

*We trust that this response addresses the Complainant’s 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 complainant’s concerns that the advertisement displays poor sportsmanship and endorses bullying and racism.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board 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 Board noted this radio advertisement involves a conversation between two men one who is portrayed as an Australian cricket team fan and the other a member of the Barmy Army and a English cricket team fan. The conversation between the two is related back to the new menu item available at KFC.

The Board noted that the Barmy Army is a well-recognised group of cricket fans that gather at matches in support of the English cricket team and sing and cheer and dress in loud ways to support the team.

The Board noted that the rivalry between the Australian and English supporters is well known and that the attitude toward the Barmy Army is considered by most to be endearing rather than malicious or nasty.

The Board noted that the banter in the advertisement between the men is friendly banter and that both the men are being ridiculed and that there is no single person or group being genuinely made fun of. The Board noted that the reference to ‘stodgy food’ is also a stereotype but that it is made in a manner that is consistent with rivalry and not discrimination.

Based on the above the Board determined that the advertisement did not depict any material that discriminated against or vilified any person or section of society and that that the

advertisement did not breach Section 2.1 of the Code.

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board considered that the issue of bullying is a very serious matter and that the Board does not take the issue of bullying lightly. The Board noted that the Australian fan refers to the food not being available in England because it is not ‘stodgy enough’ and considered that the depiction of people behaving in a manner or eating foods that are attributed to people of a specific ethnic background is not behaviour that amounts to bullying and that the advertisement does not encourage or condone behaviour that could be considered racist or bullying.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on bullying and determined that the advertisement did not breach Section 2.6 of the Code.

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