



Ad Standards Community Panel
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AdStandards.com.au

Ad Standards Limited
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Case Report

1. Case Number :	0028-21
2. Advertiser :	Yum Restaurants International
3. Product :	Food/Bev Venue
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	24-Feb-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity
AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a woman dancing in her lounge room, with a mobile phone resting against a mug as she records herself. Suddenly, she stops mid-dance and looks at the camera.

The scene cuts to her daughter and two friends standing inside the lounge room with her husband behind them. They have just walked in on their mother dancing and the daughter looks embarrassed. The two friends and the father are depicted smiling and laughing.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

The advertisement is offensive and discriminatory to women.

So inappropriate to normalise and expose kids to this behaviour. I should not have to tell me kids to turn away/turn off or explain to my young kids why this is not appropriate for them. Please reign in KFC and it's deliberate over reach of sexualise content.

THE ADVERTISER'S RESPONSE



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

I refer to your letter of 8 February 2021 setting out the complaints made by two viewers on the free to air channel (Complainant). As the Brand manager responsible for the relevant advertisement in this instance, I respond to the complaint as follows:

Description of Advertisement

The Complainant references a retail television advertisement for the KFC brand and the Mixed Feast product item (Advertisement). The Advertisement is targeted at adults and will be advertised until 22 March 2021.

The complaints and relevant codes

The Complainant has expressed concern that the Advertisement promotes unsafe behaviour which may be copied by children watching the Advertisement.

The following concerns are cited in the complaints:

- *AANA Code of Ethics\2.1 - Discrimination or vilification*
- *AANA Code of Ethics\2.4 - Sex, sexuality and nudity*

No discrimination or vilification of a 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)

The Advertisement is light-hearted take on the popular cultural phenomenon of dancing to camera, and recording it so that it can be posted on video platforms such a TikTok and You Tube. As with all of the “Did someone say KFC?” campaign advertisements, the intention is to celebrate and illustrate that awkward moments are often not as bad as they may seem, if we all recognise and acknowledge that it’s OK to let yourself have fun and release your free spirit. In this instance, the audience fully understands the feeling of pure joy and release that comes from dancing when you think you are alone, and the protagonist is depicted dancing without care and with confidence. The Advertisement is not discriminating against any person or section of the community.

No depiction or treatment of sex, sexuality and nudity without sensitivity to the relevant audience (section 2.4)

The protagonist is appropriately and fully clothed and there is no depiction of nudity or sex. She is merely mimicking a popular dance trend in the privacy of her own home. This KFC ad has been CAD approved. The Advertisement is clearly distinguishable as an advert and uses KFC branding to that effect by showcasing it as a way to break free from a tired and uncomfortable situation.



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 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 use language which is inappropriate in the circumstances (section 2.5); 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 Code of Ethics.

We trust this addresses the Complainants' concerns.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement is sexualised and discriminatory towards women.

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

Section 2.1: Advertising or Marketing Communication shall not portray people 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 AANA Practice Note which provides guidance on the meaning of:
Discrimination - unfair or less favourable treatment
Vilification - humiliates, intimidates, incites hatred, contempt or ridicule
Gender - male, female or trans-gender characteristics.

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of gender?

The Panel noted that the complainant had not specified why the advertisement is offensive and discriminatory towards women, however considered the aspect of the woman looking foolish and her husband and the children laughing at her.



The Panel considered that advertisers are allowed to use embarrassing or awkward situations in advertisements. The Panel considered that while the husband and children are shown to laugh at the woman, this was due to her less than stellar dance moves as opposed to being a result of her gender.

The Panel considered that the content of the advertisement did not show the woman to receive unfair or less favourable treatment because of her gender, and did not humiliate, intimidate or incite hatred, contempt or ridicule of the woman because of her gender.

Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of gender, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

Section 2.4: Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

Does the advertisement contain sex?

The Panel considered whether the advertisement contained sex. The Panel noted the definition of sex in the Practice Note is “sexual intercourse; person or persons engaged in sexually stimulating behaviour”.

The Panel considered that the woman is not engaging in sexual activity. The Panel considered that the advertisement did not contain sex.

Does the advertisement contain sexuality?

The Panel noted the definition of sexuality in the Practice Note is “the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters”.

The Panel considered that the woman was dancing to a song in a manner which some members of the community may consider to be mildly sexualised.

Does the advertisement contain nudity?

The Panel noted that the definition of nudity in the Practice Note is “the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity”.

The Panel noted that the woman in the advertisement fully clothed, and considered that the advertisement did not contain nudity.

Is the issue of sexuality treated with sensitivity to the relevant audience?



The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

The Panel considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement.

The Panel noted that the woman is dancing to a song with the lyrics “bad ass boss with a long to-do list”. The Panel considered that adults may infer a sexual connotation from the woman’s dancing but considered that children would not draw a suggestion of sexual activity from the scene. The Panel considered that the main impact of the advertisement is the woman’s discomfort at being caught dancing. The Panel also considered that any sexual suggestion that may be implied from the woman’s dancing is mild.

The Panel considered that although there is a mild sexual suggestion in the advertisement, this suggestion would not be clear to children and the focus of the advertisement is on the embarrassing/awkward situation.

Section 2.4 Conclusion

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

Section 2.5: 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 that the advertisement uses the word “ass” in the context of “bad ass boss with a long to-do list”.

The Panel considered that the word is not used in a manner that is aggressive or demeaning. The Panel considered that the word is not prominent in the advertisement, and is relevant to the song used as the backing track.

Section 2.5 Conclusion

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

Conclusion

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaints.