



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0033-20</b>
<b>2. Advertiser :</b>	<b>Yum Restaurants International</b>
<b>3. Product :</b>	<b>Food/Bev Venue</b>
<b>4. Type of Advertisement/Media :</b>	<b>Transport</b>
<b>5. Date of Determination</b>	<b>12-Feb-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Food and Beverages Code\2.2 Healthy lifestyle/ excess consumption  
AANA Food and Beverages Code\3.5 Pester Power

### DESCRIPTION OF ADVERTISEMENT

This transport advertisement features a person holding a large KFC bucket of chicken with the words 'Bucket why not?'

### THE COMPLAINT

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

*Constant bombardment of these ads encourages children to pester their parents to go to KFC. Also promotes and encourages excessive consumption - one person in the ad holding a large bucket of deep fried chicken with the text implying that you will have a better life if you eat a bucket of deep fried chicken. Both misleading and adds to the normalisation of junk food. Deep fried chicken is not a healthy option and is fueling the obesity epidemic.*

### 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 Complainant refers to is an out of home advertisement for the KFC brand (Advertisement). The Advertisement is targeted at adults and will be advertised until 26 January 2020.*

*The Advertisement shows close up photography of an individual adult holding a single bucket of Kentucky Fried Chicken. There is space on the Bucket to allow the following headlin;*

- *Bucket. Why Not?*

*The complaints and relevant codes*

*The Complainants have expressed concern that the Advertisement promotes excessive consumption of our product and appealing to children.*

*The following concerns are cited in the complaints:*

- *AANA Food and Beverages Code\2.2 Healthy lifestyle/ excess consumption\not undermine importance or promotion*
- *AANA Food and Beverages Code\3.5 Pester Power\shall not include appeal to children*

*No promotion of excessive consumption*

*The Advertisement does not depict any consumption of food. The visual shows one person holding a bucket of Kentucky Fried Chicken intended for sharing with friends and family.*

*KFC is committed to helping its customers make informed decisions about their food and beverage choices. KFC provides healthier food and beverage options for adults and children and ensures nutritional information is easily accessible to its customers. Nutritional information is available on websites, including on its website ([www.kfc.com.au](http://www.kfc.com.au)), in its restaurants and, wherever possible, on product packaging.*

*No appeal to children*

*KFC does not advertise to children. We were a founding member of the Australian Food and Grocery Council's "Quick Service Restaurant Initiative for Responsible Advertising and Marketing to Children" and take our obligations under this initiative seriously.*



*The advertisement is not directed at children and there is nothing in the artwork that is intended to appeal to or entice children to buy our product. No children are featured in the Advertisement. All talent represented in the Advertisement are 16 years old.*

*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 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 any 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).*

*Therefore, for the reasons outlined above, KFC believes that the Advertisement complies with the both the Code of Ethics and Food & Beverages Code.*

*We trust this addresses the Complainants' concerns.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Code for Advertising and Marketing Communications to Children (the Children's Code), the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code), the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children (the QSRI) and the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the constant visual posters encourages children to pester their caregivers to buy unhealthy options, and that the advertisement encourages excess consumption.

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

The Panel noted that KFC is a signatory to the QSRI and determined that the provisions of the QSRI apply to this marketing communication.



The Panel noted that the QSRI is designed to ensure that only food and beverages that represent healthier choices are promoted directly to children.

The Panel considered the definition of advertising or marketing communications to children within the QSRI. The definition states that *'Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for food and/or beverage products.'* Under this initiative children means *"persons under the age of 14 years of age."*

The Panel noted that the QSRI captures Advertising and Marketing Communications to Children where:

1. ...the theme, visuals and language used, are directed primarily to Children and are for food and/or beverage products;
2. Advertising or Marketing Communications that are placed in Medium that is directed primarily to Children (in relation to television this includes all C and P rated programs and other rated programs that are directed primarily to Children through their themes, visuals and language); and/or
3. Where Children represent 35 per cent or more of the audience of the Medium.

The Panel considered the definition of Medium in advertising or marketing communications to children within the QSRI which includes "television, radio, newspaper, magazines, outdoor billboards and posters, emails, interactive games, cinema and internet sites." The Panel considered that this advertisement is covered by this definition.

The Panel determined that the advertisement did not meet points 2 or 3 of the QSRI in that it was not broadcast in a Medium that is directed primarily to Children or where Children represent 35 per cent or more of the audience of the Medium.

The Panel noted that with regards to point 1 the Panel must consider whether the communication activity is directed primarily to Children – regardless of its placement.

The Panel noted that the dictionary definition of "primarily" is "in the first place" and that to be within the QSRI the Panel must find that the advertisement is clearly aimed in the first instance at Children under 14 and that it must have regard to the 'theme, visuals and language' used in determining this issue.

The Panel noted the advertisement was an image of an adult holding a bucket of chicken. The Panel considered that the visuals of the advertisement would be of equal appeal to people of all ages and were not directed primarily to Children.

The Panel noted the language used in the advertisement was the phrase "Bucket, why not?". The Panel considered the language used in the advertisement was directed at an older adult audience, and was not directed primarily to children.



The Panel considered the theme of the advertisement was a call to action to buy fried chicken, and considered that this was a theme which was directed to an older audience, and was not directed primarily to children.

The Panel considered that the overall theme, visuals and language of the advertisement were directed to an adult audience, and were not directed primarily to Children.

Based on the requirements outlined in the QSRI the Panel considered that as the advertisement was not directed primarily to Children, did not appear in a medium directed primarily to Children and did not appear in a medium which attracts an audience share of more than 35% of Children, the QSRI does not apply in this instance.

The Panel then considered whether the advertisement complied with the requirements of the AANA Code for Advertising and Marketing Communications to Children (The Children's Code).

To fall within this Code, or Part 3 of the AANA Food and Beverages Advertising and Marketing Communications Code (The Food Code), *"Advertising or Marketing Communications to Children means Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for Product"*.

For the reasons outlined above, the Panel considered that the advertisement is not directed primarily to Children.

The Panel determined that as this transport advertisement is not directed primarily to Children, the Children's Code and Parts 3 and 4 of the Food Code do not apply.

The Panel considered whether the advertisement complied with relevant provisions of the Food Code.

The Panel considered section 2.2 of the Food Code which states: *"the advertising or marketing communication...shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets, or encourage what would reasonably be considered excess consumption through the representation of product/s or portion sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to prevailing community standards."*

The Panel noted that the advertised product is fried chicken. The Panel considered that, consistent with previous decisions (Ferrero 0345/17, Hungry Jacks 282/11, and Mondelez 0550/17), promotion of a product which may have a particular nutritional composition is not, per se, undermining the importance of a healthy balanced lifestyle.



The Panel noted the AANA Food and Beverages Advertising and Marketing Communications Code – Practice Note which provides that: *“In testing whether an advertising or marketing communication encourages excess consumption through representation of products or portion sizes disproportionate to the setting portrayed, or by any other means contrary to prevailing community standards, the Panel will consider whether members of the community in the target audience would most likely take a message condoning excess consumption.”*

The Panel noted the complainant’s concern that the frequency at which they viewed the advertisement added to the call to action to buy unhealthy food, however the Panel considered that its role is limited to a consideration of the content of individual advertisements not the frequency that an advertisement may be viewed.

The Panel noted the advertiser’s response that the Advertisement does not depict any consumption of food and that the visual shows one person holding a bucket of Kentucky Fried Chicken intended for sharing with friends and family.

The Panel noted that the advertisement depicts one person holding the bucket of chicken, however considered that there is no suggestion that they intend to eat the entire bucket in one sitting on their own. The Panel considered that the advertisement did not contain any messaging in regard to consumption of the bucket of chicken shown in the advertisement.

The Panel considered that the advertisement did not contain any messaging that would encourage excess consumption or undermine the importance of a healthy or active lifestyle. The Panel determined that the advertisement did not breach Section 2.2 of the Food Code.

Finding that the advertisement did not breach the QSRI, the Food Code or the Children’s Code the Panel dismissed the complaint.