



**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>0048-20</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>TV - Pay</b>
<b>5. Date of Determination</b>	<b>22-Jan-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.2 Exploitative or Degrading  
AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This television advertisement features a young woman looking at her reflection in the window of a parked car. She is dressed as though she is going to a festival, turns to check herself out from behind, then leans over and adjusts her top. The car window winds down to reveal two preteen boys and an unimpressed mother. The woman says, 'did someone say KFC?'. And is then seen eating KFC with a friend.

### THE COMPLAINT

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

*It is so offensive, firstly because it is objectifying the young woman's body and breasts. Secondly the two boys are ogling her with their mouths open.....this is so disturbing as they are only about 11 years old. It is just really upsetting to infer that it is ok, or even funny that they think she is sexy. I am really upset by this ad.*

### 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 a retail ad for the KFC brand and Zinger Box (Advert). The Advert is targeted at adults and will be advertised until 28 January 2020.*

*The Advert opens on a girl on her way to a music festival stopping to look at her reflection in the car window. While she is looking at herself she adjusts her outfit and the car window begins to roll down. She looks on in shock as she takes off her glasses to find a mother and two boys in soccer gear staring at her. The boys and the mother in the car look on in surprise as the girl on the other side of the window is revealed. We zoom in to the embarrassed festival goer as she says "Did someone say KFC?" Music starts: Icona Pop "I don't care."*

*The girl and her friend dig into two Zinger Popcorn boxes heartily with complete abandon while other festival goers behind them dance. The girl and her friend are then shown dancing with the crowd as they continue to joyfully eat their KFC items.*

*The complaints and relevant codes*

*The following concerns are cited in the complaints:*

- *AANA Code of Ethics 2.1: Discrimination based on Gender*
- *AANA Code of Ethics 2.2: Exploitative depiction of women*
- *AANA Code of Ethics 2.2: Degrading depiction of women*
- *AANA Code of Ethics 2.4: Depiction of sex, sexuality and nudity*
- *AANA Code of Ethics 2.4: Sexualisation of children*

*No breach of Code of Ethics based on gender*

*The Advert has been CAD approved with the above CAD number: W7IMDERA. The Advert is clearly distinguishable as an Advert and uses KFC branding to depict a fun, light hearted way to break the tension and embarrassment felt during awkward situations.*

*The Advert has a satirical humorous tone depicting a moment, familiar to many viewers, of using your reflection to adjust your clothing unaware someone is watching you do so. The focus of the Advert is on the moment of embarrassment and not on the festival goer herself.*

*The boys in the car are clearly shocked but do not make any lewd advances or comments that are offensive or are considered to be objectifying the festival goer. Rather, they are taken aback by the situation and are stunned. KFC does not encourage the sexualisation or objectification of women in any way.*

*The festival goer is shown simply adjusting her outfit before meeting friends at a festival, a common occurrence for both males and females. The festival goer does not demean or degrade herself by adjusting her clothing.*



*On this basis, the advert does not discriminate or vilify the festival goer based on her gender.*

*No breach of Code of Ethics depicting exploitative and/or degrading treatment of women*

*The act of the woman adjusting her outfit is a commonplace act that both males and females participate in when preparing to attend social events.*

*Having the festival goer adjust her clothing without knowing that she is being watched is an awkward device but she is not exploited or degraded in any manner. Once she recovers from her initial embarrassment at being caught unaware, she is clearly shown laughing with friends and enjoying the moment.*

*The Advert does not exploit or degrade the festival goer in breach of section 2.2 of the Code of Ethics.*

*No breach of Code of Ethics depicting sex, sexuality and nudity*

*KFC casts actors who represent a modern Australian audience in their advertisements. The actors are diverse and real people with different body shapes, skin colours etc. The woman in the Advert was selected due to her performance, interaction with the food and line deliveries. KFC does not support nudity nor do they showcase sex or nudity throughout the Advert.*

*KFC strives to create real situations which audiences can relate to; people wanting to look their best at a music festival and the feeling of embarrassment when caught unaware. KFC intentionally treats sex, sexuality and nudity with sensitivity to the relevant audience in all advertisements and marketing communications.*

*No breach of Code depicting sexualisation of children*

*The casting of the suburban mother and two children in soccer uniforms was specifically chosen to showcase a common family unit familiar to most Australia audiences. The characters in the car would have elicited the same reaction regardless of their gender or age.*

*It is important to note that the festival goer is not shown as encouraging a reaction from the young boys in the car as she is completely unaware of their presence until the end of the Advert. The only purpose of adjusting her clothing is to get ready for the festival. Her behaviour is in no way sexual, but rather depicts the feeling of embarrassment when unaware of being watched.*

*KFC does not encourage lewd and sexual behavior, particularly in relation to children.*

*AANA Code of Ethics*



*We note that the Advertisement:*

- *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);*
- *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 provisions of 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 complainant's concerns that the advertisement:

- Objectifies the young woman's body and breasts
- Depicts the two young boys are ogling her and thinking that she's sexy.

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

The Panel 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 Panel noted the Practice Note to Section 2.1 provides the following definitions:

"Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."

The Panel noted the advertiser's response that the focus of the advertisement is on the moment of embarrassment, not on the festival goer herself, and that the woman does not demean or degrade herself by adjusting her clothing.

The Panel considered that the female in the advertisement is clothed in a manner consistent with attending a music festival, and she stops to look at her reflection in the car window. The Panel considered that it is not uncommon for a person to look at their reflection when on their way to an event, or when they are dressed up, and that



this is not a stereotype only associated with women. The Panel considered that the woman being shown to be conscious of her appearance was not a negative stereotype.

The Panel considered that when the woman was shown to be embarrassed, it was because she had not realised that there were people in the car behind the windows she had been looking at herself in. The Panel considered that the humour related to the situation and not the woman's appearance or behaviour. The Panel considered that the advertisement does not humiliate or intimidate the woman, or depict her in a way which incites hatred, contempt or ridicule of her or women in general.

The Panel considered the boys in the advertisement were shown reacting to the situation in a natural way, and that they do not make any lewd remarks towards the woman, or give any indication that they were objectifying the woman. The Panel considered the humour in the situation was created by the embarrassing pause after the window was wound down, and the fact that the boys do not speak does not suggest they are witless or unable to control their hormones. The Panel considered that the advertisement does not humiliate or intimidate the boys, or depict them in a way which incites hatred, contempt or ridicule of them.

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

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “

Advertising or Marketing Communication shall not employ sexual appeal:  
(a) where images of Minors, or people who appear to be Minors, are used; or  
(b) in a manner which is exploitative or degrading of any individual or group of people.”

The Panel noted the complainant's concerns that the advertisement depicts the young boys ogling the woman and thinking that she is sexy.

The Panel noted the advertiser's response that the woman in the advertisement is not shown as encouraging a reaction from the boys as she is unaware of their presence until the end scenes.

The Panel noted the Practice Note for the Code states, “In advertisements where minors, or people who appear to be minors, are used, sexual appeal is not acceptable and will always be regarded as exploitative or degrading. Advertisements must not include sexual imagery, state or imply that minors, or people who appear to be minors, are sexual beings or that ownership or enjoyment of the advertised product will enhance their sexuality. Minors, or people who appear to be minors, must not be portrayed in a manner which treats them as objects of sexual appeal.”



The Panel considered that the woman in the advertisement is not aware of the boys in the car, and is not deliberately attempting to attract their attention. The Panel considered that when she discovers their attention she appears embarrassed and uncomfortable. The Panel considered that the boys in the advertisement were depicted reacting naturally to the situation, and were not targeted or depicted as sexual objects of sexual appeal. The Panel considered that the advertisement did not employ sexual appeal in relation to the Minors depicted in the advertisement.

The Panel noted that advertisers should be careful in using children in scenes where there is a suggestion that they are sexual beings, however considered that in this instance the boys were not depicted in a sexualised manner.

The Panel noted the complainant's concern that the advertisement objectifies the young woman.

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.

The Panel first considered whether the advertisement used sexual appeal.

The Panel noted the advertiser's response that the act of the woman adjusting her clothing without knowing she is being watched is an awkward device, but she is not exploited or degraded in any way.

The Panel considered that the woman was dressed as though she was on her way to a festival, and that other festival goers can be seen walking past in the background. The Panel considered that the woman was dressed in an outfit consistent with what many young women wear to festivals, and that her outfit was appropriate to the situation.

The Panel noted that the first shot is of the woman turning around to check her reflection from behind, and that this was a full-body shot of the woman. The Panel noted that the next shot of the woman was the reflection in the window and her leaning over and adjusting her top. The Panel considered that the woman's face takes up over half the window, and that whilst her cleavage is visible it is not the focus of the frame. The Panel noted that the next shot was from inside the car and the woman's face and depiction of her removing her sunglasses was again the focus of the shot.

The Panel considered that the depiction of an attractive young woman with some cleavage showing was not in itself a depiction which contained sexual appeal. The Panel considered that the woman's actions were not intended to be sexualised and that the overall theme of the advertisement was of an awkward situation of the woman being caught adjusting her clothing, not on the sexual appeal of the woman.



The Panel determined that the advertisement did not employ sexual appeal of minors or the woman and therefore did not breach Section 2.2 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Panel noted the complainant’s concerns that the advertisement depicts the young boys ogling the woman and thinking she is sexy.

The Panel noted the Practice Note for Section 2.4 of the Code provides “Models who appear to be minors should not be used in sexualised poses.”

The Panel considered that the woman was unaware the boys were in the car, and was not deliberately acting in a manner to attract their attention. Similar to the discussion in Section 2.2 above, the Panel considered that the boys in the advertisement were not depicted in sexual poses, or as the object of sexual appeal.

The Panel noted the complainant’s concerns that the advertisement objectifies the young woman’s body and breasts.

The Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel considered whether the images depicted sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is ‘sexual intercourse; sexually stimulating or suggestive behaviour.’ (Macquarie Dictionary 2006).

The Panel considered that the woman was depicted adjusting her clothing whilst looking into the reflection of a window, and that this was not sexually stimulating or suggestive behaviour. The Panel considered that the woman did not know there were people in the car and that she was not acting in a manner to deliberately attract attention. The Panel considered that the advertisement did not contain sex.

The Panel considered whether the advertisement featured sexuality. The Panel noted the definition of sexuality includes ‘sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one’s capacity to experience and express sexual desire; the recognition or emphasising of sexual matters’. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that part of the humour in the advertisement comes from the shocked yet happy look of the boy in the front seat, and the disapproving look of the mother. The Panel considered that it is clear the people in the car had seen the woman adjusting her cleavage, and that although this was not intended to be a sexual



act there is some recognition of sexual matters in the advertisement. The Panel considered that the advertisement did contain sexuality.

The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes 'something nude or naked', and that nude and naked are defined to be 'unclothed and includes something 'without clothing or covering'. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is factor when considering whether an advertisement contains nudity.

The Panel considered that the woman was clothed appropriately in a playsuit and that she was dressed in a manner consistent with many young women attending music festivals. The Panel noted that the woman's cleavage was visible when she leans over to look in her reflection and considered that whilst most of her nipples and breasts were covered, some members of the community may consider the depiction of the woman's cleavage to be partial nudity.

The Panel then considered whether the advertisement treated the issue of sexuality and nudity with sensitivity to the relevant audience.

The Panel considered the meaning of 'sensitive' and noted that the definition of sensitive in this context can be explained as indicating that 'if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.' (<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel considered that the requirement to consider whether sexual suggestion is 'sensitive to the relevant audience' is a concept requiring 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 concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.

The Panel noted that the complainant had viewed this advertisement on Pay TV on the station UK TV at 9:20 in the morning. The Panel considered that the relevant audience for this advertisement would likely be broad and include children.

The Panel considered that although the woman's cleavage was visible, it was not the focus of the advertisement and the woman was dressed and covered appropriately. The Panel considered that the reaction of the boy in the passenger seat was natural and added to the humour of the scene. The Panel considered that the woman's actions were not intended to be sexual and that the overall theme of the advertisement was of an embarrassing situation, not a sexual one.

The Panel considered that the advertisement contained mild sexual themes and that most members of the community would not consider this offensive or inappropriate for the broad audience.





The Panel considered that 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.

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