



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0052/11</b>
<b>2</b>	<b>Advertiser</b>	<b>Chicken Treat</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>23/02/2011</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

Advertising Message QSR - 4.1 - Advertising and Marketing Message

### DESCRIPTION OF THE ADVERTISEMENT

The “Double Take” advertisement opens with Chicken Treat’s standard visual sequence depicting the animated family home and streetscape. It is accompanied by the key slogan and brand vision “Home of WA’s Favourite Chicken”.

Chicken Treat’s iconic “Chicken Character” is depicted - which is consistent with all of the brand’s television and other marketing communications for over a decade.

The voice over states “Introducing a deal so good you won’t believe your eyes. Double Take!” The animated chicken is subsequently featured looking stunned at the deal and shaking his head.

The voice over adds, “Take two meals for \$10 (chicken and chips are depicted), West Coast Fried (two pieces of chicken and chips are depicted) or delicious rotisserie (1/4 chicken [the wing] and chips are depicted). It’s the two meals for \$10 that makes it a Chicken Treat”.

The final visual depicts the animated chickens and a family (from the waist down) and the end frame that states, “It’s the two meals for \$10 that make it a Chicken Treat”.

### THE COMPLAINT

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

*We believe that the advertisement breaches clause 4.1 of the QSRI because it is an Advertising and Marketing Communication to Children for food (Chicken and Chips) which does not represent a healthier choice according to the QSRII nutrition criteria.*

### *Overview of advertisement*

*The advertisement features an animated chicken and contains fun music. The voice over states "Introducing a deal so good you won't believe your eyes. Double take!" During the voice over the animated chicken is featured looking stunned at the new deal and shaking his head. The voice over proceeds "Take two meals for \$10 (chicken and chips are depicted) West Coast Fried (two pieces of chicken and chips are depicted) or delicious rotisserie (1/4 chicken [the wing] and chips are depicted). It's the two meals for \$10 that makes it a Chicken Treat". The animated chickens and a family (from the waist down) are then depicted with the end frame stating "It's the two meals for \$10. Chicken Treat".*

*According to a tracking report we have received the advertisement was broadcast in Perth in November and December 2010 on channels 7 9 and 10. It was broadcast at a range of times including during programs that are watched by large numbers of children such as Junior Masterchef Modern Family and Glee. We would be pleased to provide the tracking report upon request. We understand that the advertisement has continued to be broadcast throughout January 2011.*

### *Advertising and Marketing Communication to Children*

*'Advertising or Marketing Communications to Children' is defined in clause 7 of the Initiative to mean such communications which 'having regard to the theme visuals and language used are directed primarily to Children and are for food and/or beverage products'.*

*The advertisement features fun music and a funny animated chicken that is likely to attract the attention of children first and foremost. The fun theme is clearly directed to children and the image of the family at the end of the advertisement is from a child's perspective (only the short chickens and the family from the waist down are depicted). The broadcast of the advertisement during programs that are very popular among children also indicates that the advertisement was intended to target children and was watched by a significant number of children.*

### *Nutrition criteria*

*The nutrition criteria for assessing meals outlined in clause 3 of Appendix 1 of the QSRII require that a meal must not exceed maximum limits of saturated fat (0.4g per 100KJ) sugar (1.8g per 100KJ) and sodium (650mg per serve). The maximum energy limit for advertisements targeting children aged 4 – 8 years and 9 – 13 years is 2080KJ and 2770KJ per meal respectively.*

*According to nutrition information on the Chicken Treat website 1/4 chicken (the wing) and chips contains 3264KJ per meal and therefore exceeds the maximum energy limits for the target age groups of 4 – 8 years and 9 – 13 years. It also contains 0.5g of saturated fat per 100KJ and 1521mg of sodium per serve exceeding the maximum limits for these nutrients. For the reasons set out above we believe the Chicken Treat advertisement breaches clause 4.1 of the QSRII.*

*We ask the Advertising Standards Bureau to submit this advertisement to the Advertising Standards Board for consideration. We ask the Board to request Chicken Treat to cease broadcasting this and any other advertisements for unhealthy foods that are directed to children.*

## **THE ADVERTISER'S RESPONSE**

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

*Please find below five key components (labelled A – E) identified by the complainant and Chicken Treat's response to each.*

*A. Alleged breach of Clause 4.1 QSR II for not representing a healthier choice.*

*The Double Take promotion of two of Chicken Treat's core menu items was created with the clear intent to appeal to our primary demographic of individuals aged 25-39 years. The positioning and composition of the advertisement reflects the fact this demographic are value driven and hence the premise of "Double Take".*

*The fundamental purpose of the QSR II is to ensure direct promotion/advertising to children (under 14 years) represents healthier meal choices. Given that Chicken Treat's key audience are not children, this advertisement was not intended to conform with the nutritional criteria of the QSR II. Chicken Treat does not, has not in the past, nor does it have plans to directly target the children's market in the future. It was therefore not Chicken Treat's intention to target children with this particular promotion, as this is not part of the brand's strategic positioning.*

*B. Use of animated character and fun music*

*Chicken Treat introduced the iconic "Chicken Character" in 1998. Since that time the animated chicken has been used consistently across all marketing communications developed by the brand.*

*With a clearly articulated vision of the "Home of WA's favourite chicken" all marketing communications are designed to appeal to the family market. As a direct consequence of the brand's position in the broader quick service industry, the chicken character is consistently depicted within a home environment. In fact, every Chicken Treat advertisement begins and ends with a depiction of the home, irrespective of the particular product being promoted. The use of humour and 'fun' elements, have been adopted as creative devices to appeal to our key demographic. Similarly the type of music chosen was deliberately intended to appeal to this group and is not consistent with children's style music such as that represented by popular children's entertainers. Chicken Treat believes that had children's style music been used, we would likely alienate our core adult audience. It is definitely not, nor has it ever been, Chicken's Treat intention to create material to deliberately target children.*

*C. Broadcast during Junior Masterchef, Glee and Modern Family*

*According to the ASB Food and Beverage Code, a large number of programs are identified as likely to appeal to children. It should be noted that Junior Master Chef, Glee and Modern Family are not included on that list. The specific programs mentioned by the complainant are promoted by their producers and networks to appeal to the 'family market'. Typically this demographic includes buyers aged between 25-39 years and likely to include a parent or primary caregiver who makes the purchase. As this target audience is directly aligned to Chicken Treat's core demographic we subsequently briefed our media planners and buyers to select programs on that basis.*

*Further it should be noted that Chicken Treat was an existing sponsor of the original Master Chef program prior to the creation of Junior Master Chef. Master Chef was chosen by Chicken Treat's media buyers because it was directed at our core demographic and was therefore seen as a clear fit for the brand. When the Junior series was subsequently developed, it was considered a logical extension of an existing advertising arrangement for Chicken Treat. While Junior Master Chef has not been identified by the ASB Code as appealing to children, Chicken Treat management has instructed our media buyers to avoid*

*such programming in the future. We believe that this will help to avoid any perceived conflict in the future.*

*D. Theme, language and child's perspective of chicken.*

*As previously stated the use of the animated chicken character has been a fundamental component of all Chicken Treat marketing communication since 1998. The Double Take commercial represents the campaign's latest creative incarnation which features 'The Chicken' as part of a family. This creative representation is a direct reflection of the brand's strategic vision and is therefore closely aligned to the brand's local, 'home-style' positioning. The Chicken Treat chicken character is modeled on popular animated cinema and television programs that use animation and humour to target a broad audience typically (25-39 years). Chicken Treat's characters are not modeled on, or written in the style of a traditional children's cartoon.*

*The low angle 'point-of-view' referred to by the complainant as "from a child's perspective" is in fact intended to represent the Chicken's perspective. The chicken has effectively invited the viewer into his home - demonstrating the natural fit of Chicken Treat products within a busy family environment. As a consequence of this strategic decision, every effort is made to maintain the viewer's eye and focus firmly on the chicken. The depiction of all other characters from approximately knee height helps to ensure that the primary message of "Home of WA's favourite chicken" is maintained. There was never an intention to deliberately or subliminally create the impression of a 'child's point of view'.*

*E. Exceeding stated nutrition criteria of code.*

*As children are not, have never been nor will ever be Chicken Treat's primary demographic, the content of all of our advertising campaigns (such as Double Take) are directly aimed at adults. As a consequence this deal does exceed the stated nutrition criteria of the QSRII, because it was not intended as a child's meal option.*

*Further Chicken Treat has not ever promoted "children's packs" in above the line mediums, nor placed any of our major product campaigns during programs identified by the ASB as likely to appeal to children.*

*As a signatory to the Code, Chicken Treat takes its responsibilities to comply with all aspects of the Code very seriously. Any perceived conflict with the terms of the Code, are purely unintentional. Chicken Treat remains committed to marketing responsibly to children across all of our marketing communications materials.*

## **THE DETERMINATION**

The Advertising Standards Board ('the Board') considered whether this advertisement breaches the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children (the QSR Initiative), Section 2 of the AANA Advertiser Code of Ethics (the "Code") and the AANA Food and Beverages Advertising and Marketing Communications Code.

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

The Board noted the complainant's concern that the advertisement is directed to children and does not present a healthier choice.

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

The Board noted that the QSR Initiative applies to ‘advertising or marketing communications to children’ which means ‘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.’

The Board noted the advertiser’s response that this advertisement was created with the clear intent to appeal to their primary demographic of individuals aged 25-39 years. The Board considered the language and tone of the advertisement, as well as the meals advertised, were clearly not directed at children.

The Board noted that in this instance the QSR initiative would not apply.

The Board then considered whether the advertisement was in breach of Section 2.2 of the AANA Food and Beverages Advertising and Marketing Communications Code. Section 2.2 of the Code states:

"Advertising or Marketing Communications for Food or Beverage Products shall not...encourage what would reasonably be considered as excess consumption through the representation of product/s or portion sizes..."

The Board noted that the advertisement is for two meals for \$10. The Board noted that the advertisement does not suggest that only one person eat both meals and considered that the advertisement does not encourage excess consumption.

Finding that the advertisement did not breach any of the Codes on any grounds, the Board dismissed the complaint.