



**ADVERTISING
STANDARDS
BUREAU**

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Case Report

1	Case Number	0055/14
2	Advertiser	Yum Restaurants International
3	Product	Food / Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	26/02/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

2.3 - Violence Bullying

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement shows various scenarios of friends interacting in happy and jovial workplace environments. Friends are shown at an office function, at a meeting, gathering around a colleague's computer and chatting on the factory floor. The Advertisement then focuses on an example of an office environment, whereby a colleague's office cubicle has been filled with Styrofoam beads. The scene shows the office worker whose cubicle has been affected illustrating to his friends that he is unable to sit in his chair, and then shows his friends laughing at the situation. A friend takes a photo of the him whilst laughing. The man then acknowledges the activity further by throwing a Styrofoam bead back at his friend.

A scene showcases the KFC \$5 Box offer and the Advertisement spends a significant amount of time showing all the colleagues from the previous office cubicle scene. The images show the man eating a \$5 Box, laughing and having fun together with his friends over lunch.

THE COMPLAINT

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

As seen at the URL above example and after some careful consideration, I have decided to place this complaint as I see this is a form of "workplace bullying" despite the ad's good intentions. Regardless of how harmful the ad is, under Australian WHS Act 2011 [and OHS Acts of VIC/WA], workplace bullying is not tolerated regardless of how trivial the "fun" is [ad is].

I bring to your attention the following supportive paper [Inspector Gregory Maddaford v Graham Gerard Coleman & Anor [2004] NSWIRComm 317: PE Am and J Hampton, p 72, 2011 [http://www.austlii.edu.au/au/journals/CanLawRw/2011/18.pdf]] that outlines a context where the bullied person [16yo boy] was wrapped in "cellophane" and among other things had a severe allergic reaction [eg asthma attack not mentioned in the paper but the case judgement outline this] from the bullying.

Therefore, it is within reason that I protest against this ad as the ad promotes workplace bullying regardless of the level of "fun [humor]" involved. Australian WHS/OHS laws forbid these types of expression or of any kind. In addition, I being an expert in this field of work [ie WHS/OHS] have to stand up and say something despite the ad's good intentions; forgive me, I hope you understand.

Should you feel the need for further elaboration on this matter, I am happy to provide this.

I believe that this ad promotes work place bullying, via the above mentioned last actions in the ad of the worker having his workstation filled with beads and his workers laughing. I believe that this also promotes workplace bullying by saying that this is OK. In Victoria I believe that this contravenes the very essence of "Brodie Law", and fundamentally promotes workplace bullying and this ad should be removed, especially the last aspects of it.

THE ADVERTISER'S RESPONSE

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

The Complaint

The Complainant has expressed concern that the Advertisement "promotes workplace bullying, via the above mentioned last actions in the ad of the worker having his workstation filled with beads and his workers laughing. I believe that this also promotes workplace bullying by saying that this is OK. In Victoria I believe that this contravenes the very essence of "Brodie Law", and fundamentally promotes workplace bullying and this ad should be removed, especially the last aspects of it"

Relevant Codes & Initiatives

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

Section 2.3 of the Code has been cited as relevant and the summary of issues lists Violence and Bullying.

Has the Code been breached?

KFC considers that the Advertisement does not breach section 2.3 of the Code.

Section 2.3 of the Code states that “Advertising and Marketing Communications shall not present or portray violence unless it is justifiable in the context of the product or service advertised.” In contrast to the communications that section 2.3 prohibits, the images contained in the Advertisement are images of positive, upbeat, fun and happy workplaces. There is not even the slightest hint of violence in any of the images or the narrative in the Advertisement.

Furthermore, there is also no hint of bullying, and particularly the serious bullying captured by Brodie’s Law to which the Complainant refers, in the Advertisement.

“Brodie’s Law” resulted in amendments to the Crimes Act 1958 (VIC). Offenders of serious bullying can now receive a charge for “stalking” which is punishable by 10 years in jail.

The Victorian Department of Justice website summarises the type of bullying that “Brodie’s Law” covers:

“Brodie’s Law applies to all forms of serious bullying, including physical bullying, psychological bullying, verbal bullying and cyberbullying. Bullying is often characterised by a course of conduct that can include behaviour such as threats and abusive and offensive words or conduct. Serious bullying may also include conduct or behaviour that is intended, or could reasonably be expected, to cause the victim of the bullying to engage in suicidal thoughts or thoughts or actions that involve self-harm.”

The Protagonist is not subject to any threats, and no abusive and offensive words or conduct are directed at him. The office cubicle scene is depicted as a harmless office joke, that friends at work have done without any malice, and it is obvious from the smiling and laughter that the actions were certainly done without any intent to cause the Protagonist any physical or mental harm, or fear.

The images show that the Protagonist considers the situation a joke, through his hamming up the idea that he can’t sit in his chair and also by him throwing a Styrofoam bead back at one of his colleagues. This last interaction of the Protagonist throwing the bead over the cubicle wall clearly shows that the Protagonist has no hesitation or fear in his dealings with his work friends, and that all the friends are part of the fun.

Furthermore, in the final scenes, we see the Protagonist laughing, talking and eating lunch with his colleagues who participated in the antics. The images clearly illustrate that this man still considers his colleagues, his friends. Overall, the images and narrative create the impression that the workers like each other and enjoy each other’s company.

It is also commonly understood that the depicted office cubicle scene arises in workplaces when workers celebrate a friend’s significant event, for example a wedding or a birthday, or it is carried out as a practical joke as it is in the Advertisement.

The Advertisement does not, in any way, seek to advocate work place bullying or aggression. KFC does not condone or promote bullying or violence in the workplace and considers that the Advertisement falls well short of both alleged types of conduct. KFC reiterates that the primary purpose of the television commercial is to try and remind people to take time out to connect with friends over lunch.

We trust this 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 shows inappropriate behaviour in a workplace and promotes workplace bullying.

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

The Board considered whether the advertisement was in breach of 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 noted the issue of bullying of a non-violent nature is appropriately considered within section 2.6 of the Code relating to material that is contrary to prevailing community standards on health and safety.

The Board noted the advertisement features various scenes of workplace friends interacting and meetings, in the factory etc. One scene includes visuals of one man's work cubicle that has been filled with Styrofoam beads. The voiceover describes the \$5 lunch deal being offered.

The Board noted that the voiceover in the advertisement refers to your 'work friends' being your 'friends' and that the things you share with them are the same as the types of things you share with your friends outside of work like funny emails.

The Board noted that there is a scene of a man's cubicle filled with packing foam and that another workmate takes a photo of the situation.

The Board noted that the man seemed annoyed by the actions of his peers but was not visibly upset or hurt. The Board noted that directly following that scene, the man is seen happily eating lunch with his work peers and the voiceover describes the lunch deal being offered by KFC.

The Board considered that this would be considered by most as a practical joke and that harmless practical jokes are common among workplace environments.

The Board determined that the current advertisement does not depict or condone bullying and does not breach section 2.6 of the Code.

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