



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
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Case Report

1	Case Number	0061/19
2	Advertiser	Yum Restaurants International
3	Product	Food / Beverages
4	Type of Advertisement / media	Internet-Social-FB
5	Date of Determination	06/03/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

QSR - 1.1 - Advertising and Marketing Message Advertising and Marketing Message must comply

DESCRIPTION OF THE ADVERTISEMENT

This Facebook advertisement featured a video with the caption "get creative, #Bucketheads! Breathe new life into your old buckets." The video features the words 'Last summer bucketheads gave us inspo' and shows a series of people and animals wearing creative buckets on their heads. The words "this Summer let's take it to the next level" then appear followed by more people wearing different design buckets such as the 'shady bucket' the 'selfie bucket' and the 'keep cool bucket'. The advertisement ends with the KFC logo and the words, "show us your

THE COMPLAINT

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

This is a manipulative technique to interact with children and build their brand loyalty. The final frame asked the public to share their pictures with KFC buckets on their heads - guess who shared? Countless number of children shared their pics of KFC buckets on their heads - KFC replied to these saying 'we have sent a DM' regarding



prizes. This campaign is shameful, blatant targeting techniques to push junk food to children that needs to stop!

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 Facebook video promoting Buckethacks in which people are encouraged to create novel ways to wear KFC branded buckets on their head (Advertisement). The Advertisement is targeted at adults and was shared on Facebook from 12 January 2019 to 17 February 2019.

The Advertisement depicts individuals in a social setting enjoying the Australian summer with creative ways of wearing KFC branded buckets on their heads. All individuals featured in the video provided permission for their images to be used prior to the video post being uploaded on social media.

The complaints and relevant codes

The Complainant has expressed concerns that the Advertisement represents an unhealthy lifestyle and / or dietary habits.

The following alleged contravention is cited in the complaint:

Section 1.1 of the Quick Service Restaurant Initiative for Responsible Advertising and Marketing to Children (QSRI);

No Advertising to Children

The Advertisement is not directed at children and is shared on a social media platform which requires users to be thirteen years of age or older in order to access content.

KFC has been a member of QSRI for responsible advertising to children since 2008. Since then KFC has continued to honour its commitment to not advertising during children's programming or advertising specific products (including children's meals) directly to children.

No Representation of Unhealthy Lifestyle or Eating Habits

KFC is committed to supporting responsible dietary choices for people of all ages. In this regard, KFC has taken a number of steps to improving the nutritional quality of its



food, part of which has involved reducing salt content in KFC products and transitioning to the use of canola oil to cook KFC products in store. Customers can access nutritional information about KFC's products, in-store and on KFC's website at <http://kfc.com.au/nutrition/index.asp>.

KFC views that its meal as depicted in the Advertisement has a place as a treat. KFC does not condone or promote inactive lifestyles and nothing in the Advertisement suggests this.

As such, KFC considers that the Advertisement does not breach Section 1.1 of the QSRI.

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

With respect to other sections of the Code of Ethics, I note that the Advertisement:

- does 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 (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 (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);*
- only uses language which is appropriate in the circumstances (including appropriate for the relevant audience and medium) with no use of strong or obscene language (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 section 2 of the Code in its entirety.

We trust this addresses the Complainant's concerns.

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches 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 reviewed 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 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 Facebook would fall under the category of Internet sites..

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 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 that the advertisement featured a video with the caption "get creative #Bucketheads! Breathe new life into your old buckets: The video featured the



words “last summer bucketheads gave us inspo. This summer let’s take it to the next level”. The advertisement features images of people and a dog wearing different styles of buckets on their heads.

The Panel considered that the theme was creativity and that this is a theme that would appeal to children and adults alike. The Panel considered that the concept of bucketheads was from a promotion run at sporting events and the audience of these events would be both adults and children. The Panel considered the call to action “get creative” would be of equal appeal to both adults and children and was not primarily directed at children.

The Panel considered that the visuals in the advertisement of people and a dog wearing different styles of buckets. The Panel considered that of the people who appeared in the advertisement only three appeared to be children under the age of 14, and the rest appeared to be older teenagers or adults. The Panel considered that the inclusion of children in the advertisement would make it attractive to children, however the visuals in the overall advertisement would be of equal appeal to both adults and children.

The Panel considered that the language in the advertisement. The Panel considered the use of hashtags and words such as ‘inspo’ and “take it to the next level” would be attractive to children, however would be of more appeal to older children and young adults. The Panel considered that the music for the advertisement did not contain lyrics and was not music that would be attractive to most young children.

The Panel considered that collectively, the overall impact of the advertisement is one of general appeal and is not directed primarily to children under 14.

The Panel noted that the advertisement appeared on Facebook which is included under the medium of internet sites. The Panel noted that Facebook is a website which is restricted to people over 13, and considered that this was a medium which is not directed primarily to children under 14 or a medium that was likely to have an audience of over 35% of people under 14, and therefore was not captured by point 2 or point 3.

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 QRSI does not apply in this instance.

Finding that the advertisement did not breach the QSRI the Panel dismissed the complaints.

