



ADVERTISING
STANDARDS
BUREAU

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Case Report

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| 1 | Case Number | 0064/14 |
| 2 | Advertiser | Yum Restaurants International |
| 3 | Product | Food / Beverages |
| 4 | Type of Advertisement / media | TV |
| 5 | Date of Determination | 12/03/2014 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

2.6 - Health and Safety Bullying (non violent)

DESCRIPTION OF THE ADVERTISEMENT

The advertisement depicts various scenes of women socialising. The female voice over says, "Have you noticed it's a lot easier to say things over lunch like, "Tracey's such a cow'?" The voice over then goes on to describe KFC's new Nacho Box and the text on screen reads, "Stop & smell the chicken".

THE COMPLAINT

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

We are all aware of the amount of bullying that is happening through social media and Facebook. It has very serious effects on people. In this ad young women come together and one of them says "Tracey is such a cow". I find this statement extremely offensive and very worrying.

I found this advertisement offensive due to the bullying/troll behaviour and wording of the ad. It has two girls who are heard to say "and that Tracy is a cow". In a society that is trying to prevent bullying behaviour this is just wrong and totally inappropriate from such an organisation. The advertising executives that allowed such a disgusting act should be severely reprimanded.

I object to the wording of the ad. KFC female voice over talks in the ad about having lunch

together so you can easily talk about how someone "Is such a cow". The ad is being shown when kids are home from school. I find in today's society when we are trying to stop bullying and harassment that having an ad that talks about someone being "a cow" is inappropriate and unnecessary and is encouraging the bullying. It has nothing to do with the advertising of the food.

THE ADVERTISER'S RESPONSE

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

There are two versions of this television commercial: a version which airs in Queensland which does not feature a price point, and a version which runs in all other regions in Australia which features a price point of \$3.95. The price point is the only difference between the two versions.

Has the Code been breached?

KFC considers that the Advertisement does not breach section 2.6 of the Code.

Section 2.6 of the Code states that "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety."

There is no one definition of bullying. The National Centre Against Bullying, an expert anti-bullying advocacy group states that:

"Bullying is when someone or a group of people with more power repeatedly and intentionally causes hurt or harm to another person or group of people who feel helpless to respond. Bullying can continue over time, is often hidden from adults and will probably continue if no action is taken."

The above definition of bullying is similar to the definition of "bullied at work" contained in the Fair Work Act 2009, and although the Advertisement does not depict work situations, the definition of bullying is instructive as to the Prevailing Community Standards:

"an individual, or a group of individuals, repeatedly behaves unreasonably towards the worker, or a group of workers of which the worker is a member, and that behavior creates a risk to health and safety."

Amalgamating these authoritative definitions of bullying, informs us that the Prevailing Community Standards in relation to bullying requires the following the elements:

there is repetitive behaviour directed towards a victim;

that the behaviour directed towards the victim is socially unacceptable; and

that the socially unacceptable behaviour results in harm to the victim.

In contrast to the above elements of bullying which create harm, KFC displays a light-hearted and innocuous sharing of views between women (“girl-talk”) through the train-of-thought of the voice over. The Advertisement seeks to demonstrate the honesty of “girl-talk”.

The words “Tracey is such a cow” are spoken by the voice over and are a suggested example of a one-off conversation that could occur between two friends in a private lunch. The term “cow” is a well understood and commonly used turn of phrase in Australia.

The words “Tracey’s such a cow” are suggested as a reference to someone the friends both know and the voice-over does not suggest this is her personal opinion about “Tracey”. The voice over does not at any time invite the friends to agree with the voice over’s expressed conversational example about “Tracey”, nor does the voice over suggest that any action should be taken by the women and directed towards “Tracey”. These words of the voice over are not, and are never intended to be, the views of the women and they are never intended to be directly communicated to “Tracey”. The voice over only seeks acknowledgement of the idea that food allows us to genuinely connect.

There is simply no behaviour, in a single instance or of a repeated nature, in which “Tracey” becomes a victim of any bullying behaviour and from which “Tracey” is harmed. This conversational example does not contain any of the elements of bullying and therefore falls well short of being contrary to the Prevailing Community Standard.

The voice over also suggests other examples of “girl talk” could be, “I love your hair” and “No really, serious babe,” and these examples also typify the honest, genuine discussions that occur over meals.

In respect of the allegation concerning troll behaviour, trolling is part of the broader term “cyber bullying” where an internet user posts content that is meant to intentionally anger or frustrate someone else in order to provoke a response. The Advertisement does not depict any images or words relating internet usage.

The Advertisement does not, in any way, seek to advocate bullying or troll behavior. KFC does not condone or promote bullying or troll behavior, and considers that the Advertisement falls well short of both alleged types of conduct. KFC have determined after further

consideration of the views expressed about the words “Tracey is such a cow”, that these words have been misunderstood. KFC has now re-recorded this line to another representation of authentic conversation. The revised version will air nationally no later than Thursday 6 March, 2014.

KFC trusts this addresses the Complainants’ 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 complainants’ concerns that the advertisement promotes bullying in its depiction of a woman referring to another woman as “a cow”.

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

The Board considered 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 that the advertisement depicts various women sharing lunch and chatting and that the voiceover comments that it is easier to say some things over lunch like, “Tracey’s such a cow”.

The Board noted the complainant’s concerns that referring to a woman as a cow amounts to bullying behaviour.

The Board noted that as well as making reference to Tracey being a cow, the voiceover also comments on liking a friend’s hair. The Board noted that these comments are made in the context of a typical conversation between friends and considered that whilst the reference to a woman as a cow is not the best example the advertiser could have used, in the Board’s view, the example is a reflection of women chatting and gossiping rather than bullying behaviour.

The Board noted the complainants concerns that the advertisement promotes bullying using social media. The Board noted no devices are depicted in the advertisement and that all communications are made face to face. The Board considered that the advertisement does not depict or condone bullying behaviour via social media.

Based on the above the Board considered that in this instance the advertisement does not depict any material contrary to Prevailing Community Standards on health and safety.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

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