



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0066-21
2. Advertiser :	Yum Restaurants International
3. Product :	Food/Bev Venue
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	24-Mar-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a woman standing with a man who is presumably her date. The woman sees a friend and goes to introduce her date, however pauses as she has forgotten his name. The woman asks, "Did someone say KFC?" And the two women are then seen eating KFC.

THE COMPLAINT

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

Female partner publicly humiliates her male partner. Rather than apologise, she diverts to eating kfc, which doesn't include the male partner to make up for it. This promotes an unreasonable lack of equality and humiliation towards the male gender which promotes them as disposable towards the female gender. This should never be advertised in a time of gender and racial equality.

With equal opportunity can you imagine if that were 2 men and the man couldn't remember the woman's name then they were stuffing their face with KFC and laughing. It would never have made it to air. Double standard.



THE ADVERTISER'S RESPONSE

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

The Advertisement to which the Complainant refers to is a retail television advertisement for the KFC brand and the Tower Burger (Advertisement). The Advertisement is targeted at adults and will be advertised until 22 March 2021.

The Advertisement opens with a couple on their first date walking out of a movie theatre. The woman has her arm around her date. She hears a friend call out to stop them and asks her who her date is. The woman is startled and turns to introduce her date, but in that moment, forgets his name. The male looks at her with a smile that quickly turns to astonishment when he realises she has forgotten his name.

Our protagonist, completely embarrassed lightens the moment by saying, "Did someone say KFC?"

The complaints and relevant codes

The Complainant has expressed concern that the Advertisement promotes discrimination or vilification based on gender.

The following concerns are cited in the complaints:

AANA Code of Ethics\2.1 - Discrimination or vilification of gender

No depiction of discrimination or vilification based on gender

The Advertisement depicts a light hearted moment many people have experienced where, in the heat of the moment, you cannot recall the name of the person you are introducing. The characters could be interchangeable in this scenario and the male character is in no way discriminated against or vilified based on his gender. The lead character is clearly embarrassed by her inability to recall her date's name and attempts to shrug off the awkward moment by saying 'Did someone say KFC?' The male character is not depicted in a negative manner at any time throughout the Advertisement.

As such, the Advertisement does not contravene section 2.1 of the Code of Ethics.

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

With respect to section 2 of the Code of Ethics, I note that the Advertisement:

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 in any way (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);
does not use language which is inappropriate in the circumstances (section 2.5);
does not violate any codes of 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 2.1 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 complainants' concerns that the advertisement is humiliating towards the man and promotes men as disposable.

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

Section 2.1: Advertising or Marketing Communication shall 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.

Does the advertisement portray material in a way which discriminates against or vilifies a person on account of gender or nationality?

The Panel noted the AANA Practice Note which provides guidance on the meaning of:
Discrimination - unfair or less favourable treatment
Vilification - humiliates, intimidates, incites hatred, contempt or ridicule
Gender - male, female or trans-gender characteristics.

The Panel noted that the impression of the advertisement is that the couple are on a first date, rather than have been dating for a period of time.

The Panel noted that the woman forgot the name of a person that she was on a first-date with after seeing a lengthy movie with him. The Panel considered that this is a relatable scenario, and is not a serious comment on the value of the man in the advertisement, or men in general.

The Panel considered that the gender of the man is not referred to in any way, and there is no suggestion that the woman forgot his name on account of his gender.



The Panel considered that the scene showing the two women laughing as they eat is reflects the embarrassment of the situation, rather than laughing at the man particularly. The Panel noted that the theme of uncomfortable situations is common in advertisements for KFC.

The Panel considered that the content of the advertisement did not show the man to receive unfair or less favourable treatment because of his gender, and did not humiliate, intimidate or incite hatred, contempt or ridicule of the man because of his gender.

Section 2.1 conclusion

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

Conclusion

Finding that the advertisement did not breach any other section of the Code, the Panel dismissed the complaints.