



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0080/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Yum Restaurants International</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>27/03/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.6 - Health and Safety Within prevailing Community Standards

### DESCRIPTION OF THE ADVERTISEMENT

The Advertisement commences with an opening shot of The Black Edition Kentucky burger accompanied by a super "Say it with chicken" and a male voiceover which says "Opportunities to say it with chicken". The Advertisement then proceeds to depict three light hearted scenarios where male friends use The Black Edition Kentucky Burger to say thanks or sorry.

The first scenario depicts a male sleeping outside his apartment in the hallway and his flat mate's girlfriend leaving the apartment. The flat mate then hands The Black Edition Kentucky Burger to his friend who has spent the night sleeping in the hallway as the voiceover says "Like thank you champ... for taking one for the team". The second scenario depicts two friends who have turned up to a concert in fan paraphernalia only to find that they have arrived at the concert on the wrong date. One friend hands the Burger to the other and the voiceover says "Sorry man... for getting the date wrong". The last scenario depicts male friends having a poker night. The camera pans to reveal that one of the male friends has brought along his girlfriend and is accompanied by the voiceover "Forgive me bro... for breaking the boys' night rule". The male hands the Burger to his friend who has hosted the poker night.

The Advertisement cuts to a close up of the Burger with the super "limited time only at participating stores" and a male biting into the Burger. The final voiceover says "KFC's new Black Edition Kentucky Burger with special bourbon flavoured sauce and tender chicken

fillet... it says it all". The super "The Black Edition Kentucky Burger" is displayed on screen before the Advertisement ends with KFC's So good trademark logo.

## **THE COMPLAINT**

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

*The Steubenville rape case in the USA last week has had many commentators from all forms of media portraying the current US 'rape culture' that seems to be spreading. The advertisement in question has a scene where one man thanks another man with a KFC burger for showing him a women's pilates class on the beach. The camera shot is from behind the two men and towards the women who are facing with their backs to the camera. At the moment the speaker says 'Thanks mate, for showing me this pilates class' and one man hands his mate the burger, the women bend over forwards in a pilates stretch, leaving nothing to the imagination. In this day and age, women should not be objectified in this offending manner by one of our largest fast food chains.*

*I was offended because the scenarios showing women are pretty demeaning, while all the guys chomp on their burgers with cheesy grins thinking they're so special because it's like a man's code to eat this burger and nod at each knowingly. The first one with the one night stand is just crass... the girl tiptoes out barefoot while the guy hands a burger to the other and they both look at each other nodding and grinning at the fact that he scored, while the voice over says "thanks champ for taking one for the team".*

*The one at the poker match shows a girl looking ditsy and clueless while her boyfriend hands a burger to his mate and again the voice over says something like "thanks Jim for letting me break the boys only poker night rule". Again, is poker so complex that women can't work it out. And the girl is sitting right there. She must be too stupid to realise that her boyfriend is handing out burgers to say thanks to his mates for tolerating her presence.*

*I just think it shows a very sexist and blokey point of view, which is a bit old school. I have no interest in eating the burger and I get that they are marketing to mainly men (and probably obese ones who can't get dates) but I don't like being subjected to this kind of sexism and demeaning point of view about women.*

*I don't think it would have been too much more of a stretch for KFC to present a few other scenarios which didn't involve making women look ditsy or imply we are easy.*

*I object to this advertisement because it only shows women as sex objects or as idiots that men need to apologize for.*

*Not a single woman was shown eating a burger. There was a culture of brotherly love, backing each other up about using (as in the first section of the ad) or excluding and apologizing for women's behaviour (as in the end section of the ad).*

*Although the ad is meant to be satire, it is marginalizing women in an insidious way, that, unless you look critically at the underlying values that it is projecting, ends up being assumed and taught as a culture of 'friendship'. It's a highly misogynistic ad, about something which doesn't need to be (in my opinion, nothing really needs to be).*

*Why couldn't one of the fans have been a girl? Why couldn't they have shown the couple who took the room as actually being in love, instead of treating the woman like a sex object and making that behaviour seem normal? There are many places this ad could improve. Overall I feel like this ad is quite offensive to women, in its projection of them.*

*Saw this on TV "say it with chicken" I don't have a problem with the concert scene but the other two scenes are sexist and demoralising towards women;*  
*- Say thank you for 'taking one for the team'*  
*that whole scene is reinforcing a bro's club for treating women as sex objects.*  
*- Say sorry for 'breaking the boys night rule'*  
*KFC have portrayed the good looking lady as dumb and confused. They are saying its normal to need to APOLOGIZE for bringing a woman somewhere? NO!*  
*So according to this ad, women don't like eating chicken burgers. Because not a single one ate one. They only appeared as sex objects and idiots, and other men who aren't having sex with the woman, need to be compensated if the woman are around.*

*Because of its sexist and stereotyped portrayal of men and women particularly in two segments. One was where a woman had slept overnight with a man in a typical one night stand situation and the man's friend had slept outside the door in the hotel and was praised for being a "good mate" reinforcing sexist stereotypes about appropriate behaviour by males (it's good to enable a one night stand amongst blokes) I would like to see this situation reversed. The other segment was where a bloke was criticized for bringing a girl to a card night (because that's a bloke's thing)? I was so depressed and offended by this ad in 2013 considering we are hopefully trying to make it an equal world amongst the sexes. I was appalled and will never buy KFC again.*

*I felt gobsmacked and as though I'd been transported back to the 1950's and 1960's in Australia.*

*If it was supposed to be 'tongue in cheek' it failed stupendously. It was just offensive. I don't understand how anyone at KFC somehow thought this advertisement was funny. Unless it was written by a 75 yr old male CEO.*

*The only consolation I got from this advertisement was that the sexist young males it was directed at would eat KFC's fat laden food and die an early death from a coronary, before they could breed. That is it would act as an agent of natural selection, and eliminate sexist and less intelligent males early in life. Oh, these comments are not meant seriously, just 'tongue in cheek' like the advertisement.*

*I have never made a complaint before but I was struck by how sexist the advertisement was. I feel that in 2013 we have moved on from the days where women are supposed to stay at home and perform domestic duties, but in an age where it would not be abnormal to have a woman socialising, drinking and playing cards with her male counterparts. The fact that they talk about a "bro code" can only mean that it is an area of thought that women are excluded from.*

*Most offensive, I find the woman is clearly being portrayed as being incredibly stupid - showing her cards to the table with an inane smile on her obviously confused face. The reaction of the other men at the table demonstrate that she is ruining their evening until the burger comes out and cheers everyone up. It really upsets me. Women who enter into traditional male domains such as poker-playing are already very marginalised and alienated and this commercial perpetuates an out dated and hurtful ideology that women do not belong in this area. I feel strongly that this advertisement does our society harm.*

*The standards for society are so low and to show this immoral behaviour as if it is totally acceptable to this generation is disgusting. It is just another nail in the coffin for our young and not so young adults to think that this is ok behaviour. I am totally disgusted that a family orientated fast food restaurant would stoop so low as to try this angle to get people to buy their new burger; times must be really tough, shame on KFC.*

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*In this day and age of irresponsible/binge/underage drinking, I find the idea of using 'bourbon' flavouring to encourage purchasing of a product as irresponsible.*

*I found it highly offensive towards women. A burger can be a burger, but it cannot sexualise or demean women in any way. It did not put down any men at all.*

*I am not sure of the relevance of this message in regard to the advertising of food product but find it appalling that an esteemed company such as KFC, often associated with family in their advertising, would resort to the abuse of sexual innuendo to attract an audience. It is my belief that this particular message is condoning the behaviour of recreational sex in the target audience and for children who are not part of the target audience. Sexual promiscuity should not be advertised due to the serious nature of the outcomes. In Australia we are battling with growing numbers of Youth contracting sexually transmitted disease, including HIV AIDS. We are experiencing record numbers of abortions being carried out among many other threats to what we have in the past called "the family unit" It appears that KFC in partnership with the Facilitators of Australian Television, have such little regard for sex and would possibly promote the abuse of sex for "recreational purposes" and have little or no thought to the consequences that people suffer as a result, I believe they should be held accountable for this. The laws need to be stricter and this ad should be removed immediately. I have taken the time to post a note to the KFC Australia Face book page should you wish to see it there, and was told by the representative that this was "Light-hearted" aimed at 18- 29 year old men. If they really see issues such a sexual recreation and its consequences as light*

*hearted in this day and age then I am afraid they do not deserve to have the right to trade nor advertise.*

*The extremely sexist connotations of this ad bother me. It looks like this advertisement is directed at young men, and is clearly ridiculing women in 2 of the scenarios.*

## **THE ADVERTISER'S RESPONSE**

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

### *The Complaint*

*The complainants' main assertions are as follows:*

*First Complainant: "The extremely sexist connotations of this ad bother me. It looks like this advertisement is directed at young men, and is clearly ridiculing women in 2 of the scenarios".*

*Second Complainant: "In this day and age of irresponsible/binge/underage drinking, I find the idea of using 'bourbon' flavouring to encourage purchasing of a product as irresponsible".*

*Third Complainant: "I found it highly offensive towards women. A burger can be a burger, but it cannot sexualize or demean women in any way. It did not put down men at all".*

*The Fourth Complainant has expressed concern that KFC has resorted to "the abuse of sexual innuendo to attract an audience". The Fourth Complainant asserts that "this particular message is condoning the behaviour of recreational sex in the target audience and for children who are not*

*part of the target audience".*

### *Relevant Codes & Initiatives*

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

*Section 2 of the Code has been cited as relevant, and in particular:*

- *Section 2.1 "Advertising or Marketing Communications 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";*

- *Section 2.4 "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience"; and*

- *Section 2.6 "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".*

*Australian Association of National Advertisers Food and Beverages Marketing and Communications Code ("F&B Code")*

*There is no suggestion that the Advertisement breaches the F&B Code.*

*Australian Association of National Advertisers Code for Advertising and Marketing Communications to Children ("Children's Code")*

*There is no suggestion that the Advertisement breaches the Children's Code.*

*Has the Code been breached?*

*KFC considers that the Advertisement does not breach the Code.*

*Firstly, the Advertisement's primary purpose is to engage and build relevancy with young male adults who are the target audience for The Black Edition Kentucky Burger. To do so requires light hearted, tongue-in-cheek entertainment and humor; not dissimilar to the approach adopted for other male oriented marketing campaigns. In no way is the objective of the Advertisement to offend, discriminate against or vilify any person or section of the community on account of gender, be it male or female, age or sexual preference. The Advertisement also treats any concepts of sex, sexuality and nudity contained in it with sensitivity to its young male adult target audience.*

*Secondly, the execution of the Advertisement and the three scenarios depicted are designed to be amusing scenarios of young male adult kinship and acts of "mateship". The scenarios are light hearted portrayals of mates struggling to express their real emotions to each other. Throughout the Advertisement, various males are faced with scenarios where they are required to express their emotions to their friends and choose to do so via the Black Edition Kentucky Burger. This concept is reiterated in the opening line of the Advertisement, "Say it with chicken".*

*The First Complainant and Third Complainant claim that the Advertisement contains "sexist connotations" and ridicules or demeans women. We note that the Advertisement features females in two of the scenarios in order to demonstrate the interaction and bond between young male adult friends, including around their girlfriends, in a way which resonates with the young male adult target audience. These scenarios are in no way intended to ridicule or demean women. At all times during these scenarios, the Advertisement primarily focusses on the role The Black Edition Kentucky Burger plays in helping young male adult friends to express their emotions.*

*KFC actively promotes, supports and celebrates women in Australia. KFC is involved in conducting fundraising and supporting donations to the McGrath Foundation. The McGrath Foundation raises funds to place breast care nurses in Australian communities and promotes breast awareness in young Australian women. In addition, some of KFC's marketing campaigns focus on acknowledging the pivotal role that women play in society. For example, KFC's Mother's Day 2012 campaign provided a number of everyday Australians with the opportunity to feature in the campaign by personally saying thank you to their mothers via a KFC video 'Photo booth'.*

*The Fourth Complainant claims that KFC has resorted to "the abuse of sexual innuendo to attract an audience" and condones "the behaviour of recreational sex". All three scenarios portrayed in the Advertisement are intended to reflect stereotypical cultural behaviours and acts of young male adults. The Advertisement does not contain any images of recreational sex or sexual acts. Contrary to the Fourth Complainant's view, the Advertisement does not use sexual innuendo to attract its target audience or condone the behaviour of recreational sex.*

*The Second Complainant has expressed concerns about "irresponsible/binge/underage drinking" and the use of bourbon flavouring in The Black Edition Kentucky Burger. We note that The Black Edition Kentucky Burger is part of a premium range of burgers and contains a bourbon flavoured, non-alcoholic sauce which has a sweet, southern-style smoky flavour. This is communicated to the audience via the final voiceover in the Advertisement which says "KFC's new Black Edition Kentucky Burger with special bourbon flavoured sauce and tender chicken fillet... it says it all". The Black Edition Kentucky Burger is intended to be reminiscent of the heritage of KFC's Kentucky roots and is marketed by KFC as an occasional treat for adults.*

*Contrary to the complainants' views, the Advertisement does not portray people or depict material in a way which discriminates against females and treats any concepts of sex, sexuality and nudity contained in the Advertisement with sensitivity to the intended audience. Furthermore, the Advertisement does not depict material contrary to prevailing community standards on health and safety. The Advertisement therefore does not breach the Code. We trust 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 is offensive and reinforces negative stereotypes of women.

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

The Board considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray 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.'

The Board noted that the advertisement features various scenes of men offering a burger to their friend as a means of apologising or saying thank you. One scene includes a young man lying outside of his friend's room as a girl steps over him as she leaves. Another scene shows a group of males at a card game and one of them has brought his girlfriend along. The tagline is to "say it with chicken"

The Board noted that the scene of the men playing cards is a typical scene where young men

gather to play cards and the voiceover refers to the 'boys night rule' that is a colloquial term familiar among many Australians as a night that does not include females. The Board considered that the female in the advertisement does not appear to be unhappy about being at the game and she is not seen to be ridiculed for her lack of understanding about how the game works.

The Board determined that, the advertisement did not depict any material that discriminated against or vilified any person or section of society and did not breach Section 2.1 of the Code.

The Board then considered whether the advertisement complied with Section 2.4 of the Code which requires that: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted the scene where a girl leaves the room of a young man and steps over his friend who is lying at the doorway. The Board noted that a sock is hanging over the door handle of the room. The Board noted that there is a certain level of understanding necessary to be able to link any behaviour of a sexual nature to the scene depicted in the advertisement. The Board agreed that there was a suggestion that the girl was leaving after sharing an intimate night and that the friend was made to stay outside but that this would not be something that children would immediately understand.

The Board considered that whilst the viewer can draw sexual connotations to the scene depicted, there may be equally as many innocent scenarios that could explain the actions of the young adults in the scene.

The Board noted that the target audience for the product and the advertisement is young male adults and is designed to be light-hearted and humorous so that it connects with the target market. The Board agreed that the relevant audience would recognise the scenarios and the advertisement would have relevance for the young males it is targeting.

The Board noted the advertisement had been given a G rating by CAD and that it had been broadcast in a timeslot appropriate for that rating.

Based on the above, the Board considered that the advertisement did treat sex with sensitivity to the relevant audience and did not breach section 2.4 of the Code.

The Board then considered whether the advertisement complied with Section 2.6 of the Code which states that: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted that the advertisement is advertising the new range of burger called the "black edition Kentucky burger" and that it contains a bourbon flavoured sauce. The Board noted that the sauce itself is not an alcohol based sauce and that the flavours are manufactured to be bourbon flavoured but are not alcoholic at all. The Board considered that it is reasonable for the advertiser to promote their new flavour range and that the advertiser is not encouraging young people to develop a taste for a certain alcohol but rather to use the historical origins of KFC and Kentucky as a means to develop and promote new product lines.

The Board noted their previously dismissed case (ref: 350/10) relating to the use of a bourbon flavoured sauce and consistent with this decision determined that the advertisement was not



depicting material that was contrary to community standards on health and safety and 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.