



Case Report

1	Case Number	0081/11
2	Advertiser	Yum Restaurants International
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	09/03/2011
6	DETERMINATION	Dismissed

ISSUES RAISED

Product Placement QSR - 4.3 - Product Placement
2.8 - Food and Beverage Code untruthful/dishonest

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features a male in his mid-twenties. He is shown taking out last night's leftovers from the refrigerator and considering having this for lunch with his girlfriend who is sitting on the couch.

The advertisement does not show exactly what the leftovers are, other than the food being in a plastic takeaway container.

The alter ego of the mid-twenties male appears and suggests that as he is already "punching above his weight" he should put the leftovers down and go and get KFC for lunch.

THE COMPLAINT

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

We write to complain about the KFC advertisement that we consider to be in breach of the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children (QSRII).

We believe that the advertisement breaches clause 4.1 of the QSRII because it is Advertising and Marketing Communication to Children for food (KFC streetwise lunch) which does not represent a healthier choice according to the QSRII nutrition criteria. The advertisement also breaches clause 4.8 because the nutrition information is not available.

The advertisement was directed to children by being shown during two children's movies and during My Kitchen Rules.

The advertisement was broadcast on Seven Digital in Sydney. It has been shown on 5th March at 7:29pm during The Incredibles, an animated children's movie, and on 26th February at 7:51pm during Over the Hedge, another children's animated movie. It also has appeared regularly on My Kitchen Rules on 2nd February at 7:57pm and twice during the one ad break at 8:06pm and 8:08pm 9th February at 8:14pm and 8:25pm 16th February at 8:09pm and 8:30pm 21st February 8:30pm 23rd February 8:06pm and 8:17pm and 2nd March 8:31pm.

Advertising and Marketing Communication to Children

The advertisement for KFC streetwise lunch was shown in two children's movies The Incredibles and Over the Hedge. The Incredibles started at 6:30pm clearly an indication by Channel 7 that it is a children's movie. Over the Hedge is also a children's movie featuring likeable cartoon animals which would appeal to children. It was also shown during My Kitchen Rules a program with a large children's viewing audience.

Nutrition criteria

The nutrition criteria for assessing meals outlined in clause 3 of Appendix 1 of the QSR II require that a meal must not exceed maximum limits of 2770kJ for children 9-13 years saturated fat (0.4g per 100KJ) sugar (1.8g per 100KJ) and sodium (650mg per serve). Although there seems not to be nutrition information for the double crunch burger on the KFC website estimates using other information available indicate the meal contains in excess of 3000kJ and in excess of 1000mg of sodium per serve. This product therefore fails to meet the QSR II nutrition criteria.

Availability of nutrition information

The Yum! Restaurants Australia Pty Ltd Individual Company Action Plan states "Nutritional information in respect of KFC and Pizza Hut products is available in-store and at www.kfc.com.au and www.pizzahut.com.au respectively." Nutrition information for the double crunch burger was not available from the website 3rd March 2011. I visited a KFC store on 3rd March and was given the packaging which has nutrition information for the range of twister burgers and told the double crunch burger is "similar but without tomato and on a different bun". Obviously this is not satisfactory availability of nutrition information as stated in the QSR II.

For the reasons set out above we believe the KFC advertisement breaches clause 4.1 of the QSR II.

That they said put down the real food and go and get the crappy food.

THE ADVERTISER'S RESPONSE

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

AANA Code of Ethics (the Code)

Section 2 of the Code has been cited as relevant. More specifically, sections 2.4 and 2.8 as they relate to Advertising or Marketing Communications to Children and food and beverages respectively.

Section 2.4 (Advertising or Marketing Communications to Children)

The Code provides that Advertising or Marketing Communications to Children are those communications which, having regard to the theme, visuals and language used, are directed primarily to Children. Children are those persons 14 years old or younger.

None of the advertising techniques used in either Advertisement could in any way be considered to be directed primarily to Children. The Lunch Advertisement is aimed at young men who live out of home while the Dinner Advertisement is aimed at married men.

This provision does not apply and neither of the Advertisements breaches the Code.

Section 2.B (food and beverages) and the AANA Food and Beverages Advertising and Marketing Communications Code (the F&B Code)

Neither of the Advertisements breaches the Code or the F&B Code. Both Advertisements are a light-hearted message about treating yourself and providing variety at meal time. Neither Advertisement was intended to offend.

More specifically, in the Lunch Advertisement, it is not made clear exactly what the leftovers are held in the container. In the Dinner Advertisement, we're not informed of the composition or size of the meat loaf meal. As such, we are unable to make any comparison between the meals being considered and KFC. KFC is broadly consumed by the Australian community.

Our products meet the prevailing standards of the Australian community in respect of food.

In this regard, we believe that the Australian community prioritises balance.

The KFC menu offers foods that can be enjoyed as an occasional treat and can easily fit into a healthy lifestyle. Nutritional information in respect of this food can be found in every store through nutritional pamphlets, on-pack and also online at www.kfc.com.au.

KFC encourages all Australians to maintain a healthy and active lifestyle. In that regard, please refer to the Nutritional section on www.kfc.com.au.

A healthy and active lifestyle includes combining a sensible and balanced diet composed of a variety of foods from all of the main food groups, with appropriate physical activity.

KFC Australia is committed to complying with all codes and applicable laws related to advertising. Yum! will continue to ensure that its advertisements do not offend prevailing community standards.

THE DETERMINATION

The Advertising Standards Board ('the Board') considered whether this advertisement breaches the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children (the QSR Initiative), Section 2 of the AANA Advertiser Code of Ethics (the "Code") and the AANA Food and Beverages Advertising and Marketing Communications Code.

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

The Board noted the complainants' concerns that the advertisement is directed to children and does not present a healthier choice, and that it is encouraging eating fast food over 'real food'. The Board also noted the complainant's concern that the advertisement was broadcast during children's programming including the movies 'The Incredibles' and 'Over the Hedge'.

The Board noted that the QSR Initiative is designed to ensure that only food and beverages that represent healthier choices are promoted directly to children and applies to ‘advertising or marketing communications to children’ which means ‘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.’

The Board noted the advertiser’s response that this advertisement was not directed at children. The Board considered the theme, visuals and language used in the advertisement were clearly directed to an adult audience concerning, as they do, a man giving himself advice on how to make sure he stays dating the attractive woman. The Board noted also that the product is directed primarily at adults - not children.

The Board determined that as the advertisement is not directed primarily to children the provisions of the QSR initiative do not apply even if the advertisement is broadcast during programming directed to children or with a significant child audience.

The Board then considered whether the advertisement was in breach of the AANA Food and Beverages Advertising and Marketing Communications Code (Food Code).

The Board noted that in the advertisement a man is encouraged by his alter ego to buy some KFC instead of feeding his girlfriend leftovers for lunch. The Board noted that it is not clear what the leftovers are, but the container they are in would suggest they are also some form of takeaway food.

The Board noted that the advertisement makes no suggestion about the nutrient profile of the product and does not compare it to any other food, other than to suggest that the advertised product will be tastier than the leftovers in the fridge. The Board considered that the advertisement was not suggesting that KFC should be bought every day, or that it was a healthy option, but rather that instead of providing leftovers you could buy KFC.

The Board also considered section 2.1 of the Food Code which states: “Advertising or Marketing Communications for Food or Beverage Products shall be truthful and honest, shall not be or be designed to be misleading or deceptive or otherwise contravene Prevailing Community Standards, and shall be communicated in a manner appropriate to the level of understanding of the target audience of the Advertising or Marketing Communication with an accurate presentation of all information including any references to nutritional values or health benefits.”

The Board considered that advertising a product in preference to ‘leftovers’ was not contrary to prevailing community standards as the advertisement does not suggest that that KFC is healthier than the other product – simply that it is more tasty or more likely to be thought so by the girlfriend. The Board determined that the advertisement did not breach section 2.1 of the Food Code.

The Board also considered whether the advertisement met the requirements of the Code of Ethics.

The Board noted the reference in the advertisement to the man ‘punching above his weight’ and considered that this was a suggestion that the man was going out with a woman who is better looking than he deserved. The Board considered that this was not a sexist or demeaning comment, rather was a well known humorous comment about the relative attractiveness of people when dating. The Board considered that this reference did not breach any provision of the Code.

Finding that the advertisement did not breach the Food Code or the Code of Ethics on any grounds, the Board dismissed the complaint.