



## Case Report

<b>1</b>	<b>Case Number</b>	<b>0111/13</b>
<b>2</b>	<b>Advertiser</b>	<b>Yum Restaurants International</b>
<b>3</b>	<b>Product</b>	<b>Food / Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>10/04/2013</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Exploitative and degrading - women
- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.6 - Health and Safety Unsafe behaviour

### DESCRIPTION OF THE ADVERTISEMENT

The Advertisement commences with an opening shot of a Bacon and Cheese Burger accompanied by a super “Say it with chicken” and a male voiceover which says “Another opportunity to say it with chicken”. The Advertisement then proceeds to depict three scenarios where male friends use the Bacon and Cheese Burger to express their emotions, such as thanks, forgiveness and apologies.

The first scenario depicts a male in traction equipment and bandages in a hospital bed as his friend approaches him placing the Bacon and Cheese Burger on his chest as a gesture of ‘thanks’. In conjunction the voiceover says “Like thank you buddy... for jumping first”. The second scenario depicts two young girls laughing looking at their phone and then an embarrassed young guy fixing his hat and hair. His mate approaches him and hands him a Bacon and Cheese Burger whilst the voiceover says “Forgive me dude... for posting that picture of you”. The last scenario depicts two male friends after they have done Pilates class looking and smiling past the camera, while one friend hands the other a Bacon and Cheese Burger. The camera then cuts to a shot where we see girls doing Pilates exercises as the voice over says “And eternal gratitude mate... for introducing me to Pilates”.

The Advertisement cuts to a close up of the Burger and then the male from the scene biting into the Burger. The final voiceover says “KFC’s Bacon and Cheese Burger with premium shortcut bacon and tender chicken fillet... it says it all”. The Advertisement ends with KFC’s So Good trademark logo as the same male continues eating the burger.

## **THE COMPLAINT**

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

*This disgusted both my Husband and I, and we were embarrassed that our son had seen it also. That was a really offensive, sexist and totally unrelated thing to put in the advertisement. If we can't watch 'The Voice' as a family from 7pm on a weeknight, without witnessing that kind of inappropriate advertising, then we won't watch anything on channel 9 at all.*

*The ad was sexist and blatantly offensive. The women were presenting their vaginas and anus to the men like dogs. It dehumanises women and turns them into mere sex objects for the ogling of men. It is a disgusting indictment of humanity and equates men with rabid animals that exist only to consume women. Disgraceful.*

*The ad is very offensive, implying it is ok and normal to "perv" on women. It is actually illegal to look down women's shirts and up their shorts. It is disgusting.*

*I thought that the last scene objectified women. The women are shown from behind, bending over and in very tight clothing. Even though the women are just exercising, the ad sexualises this through the camera angle and showing them at the exact time that they're bending over in very tight clothing. While it's meant to be funny, I feel like this sort of ad perpetuates the view that men are free to perv on women's bodies in public places i.e. if women are wearing tight clothing and exercising in public, then men are free to ogle them and even congratulate each other for doing so.*

## **THE ADVERTISER’S RESPONSE**

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

*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 Bacon and Cheese 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 Bacon and Cheese Burger. This concept is reiterated in the opening line of the Advertisement, "Say it with chicken".*

*The First, Third, Fourth, Fifth, Sixth, Seventh and Eighth Complainant claim that the Advertisement is "sexist" and "offensive" and sends a negative message about woman. We note that the Advertisement features females partaking in a Pilates class, as two males watch following their own Pilates class, which is intended to demonstrate the interaction and bond between young male adult friends, in a way which resonates with the young male adult target audience. This scenario is in no way intended to disrespect or demean women. Throughout the entirety of the scenario, the Advertisement primarily focusses on the role the Bacon and Cheese 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 Second Complainant claims that the Advertisement depicts scenarios all of which are "dangerous, hurtful & disgusting". The first scenario they refer to "taking one for the boys" is in fact from a different Advertisement, which is part of the same campaign for The Black Edition Burger. The complaints received in relation to this Advertisement were dismissed 27 March 2013 (Reference number: 0080/13). This complainant also refers to the scenario in which a young male is hospitalised after jumping off something. In no way is the intention of this scenario to communicate disrespect or comedy in relation to accidental injury, but rather the depiction of the interaction between young males in way that this target audience can relate to based on typical behaviour of young males. The Complainant also references the scenario regarding posting "hurtful pictures". This scenario is another example of engaging with our target audience in way they can relate to by reflecting stereotypical cultural behaviours and acts of young male adults without any intention to encourage partaking in hurtful behaviour. Again, throughout all of these scenarios, the Advertisements primary focus is on the Bacon and Cheese Burger and the role it plays helping young males express their feelings.*

*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 sexist, offensive and objectifying in its portrayal of men watching women do pilates, and could encourage people to perform dangerous acts in order to get a free burger from a friend.

The Board considered whether the advertisement was in breach of Section 2.1 of the Code. Section 2.1 of the Code states: “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...gender...”

The Board noted the advertisement depicts scenarios where a male thanks his friend for doing something for him and rewards him with a burger. The Board noted that it had recently dismissed an advertisement by KFC (0080/13) which featured similar scenarios.

The Board noted that in this instance a man shows his friend where woman do pilates workouts on the beach and we see him being handed a burger whilst they watch the women bending over and stretching. The Board noted that it had previously dismissed an advertisement for SCA Hygiene which featured two women admiring men doing a workout in a park (0416/12) where it found,

“...that the overall tone of the advertisement was humorous rather than predatory and that the women are presented in a manner which is appreciative of the men rather than as threatening towards them.

The Board noted that all actors in the advertisement are fully clothed in a manner appropriate to their activities and considered that the men are portrayed as strong and confident.”

The Board considered that in this instance the advertisement depicts the women working out clothed in a manner appropriate to their activities and considered that the men are appreciative rather than threatening. The Board noted that physical activity is often carried out in public spaces and considered that to depict men admiring women does not of itself amount to material which discriminates against or vilifies women.

The Board determined that the material depicted did not discriminate against or vilify any person or section of the community on account of gender and did not breach Section 2.1 of the Code.

The Board considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: “Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative and degrading of any individual or group of people.”

The Board noted that as the men admire the women we see a brief close up of the women exercising. The Board considered that whilst this representation of the women could be considered to objectify them in the Board’s view it does not amount to a depiction which is exploitative and degrading.

The Board determined that the advertisement did not employ sexual appeal in a manner which is exploitative and degrading to men and that the advertisement did not breach Section 2.2 of the Code.

The Board then considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted that the women in the advertisement are wearing clothing appropriate to the outdoor exercise they are participating in and considered that their poses and movements are consistent with pilates exercises and are not sexualised or inappropriate.

The Board considered that the advertisement did treat the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Board determined that the advertisement did not breach Section 2.4 of the Code.

The Board considered whether the advertisement was in breach of 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 the complainant’s concerns that the advertisement depicts a man in hospital being thanked with a burger for ‘jumping first’ and that this could encourage people to do potentially dangerous activities in order to be rewarded.

The Board noted that when the man thanks his friend for jumping first it is clear that he also intended to jump and considered that the advertisement is not suggesting that the man was injured as a result of a dare but because he had the misfortune to go first.

The Board noted that the advertisement also depicts a man giving his friend a burger to say sorry for posting a picture of him on social media. The Board noted that there is significant community concern surrounding the use of social media and considered that in this instance it is not made clear what the photograph contains and that the man who posted the photograph is apologising. The Board considered that the advertisement is not condoning or encouraging people to upload images of their friends to social media sites.

Based on the above the Board considered that the advertisement did not depict 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.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.

