



Case Report

1	Case Number	0126/12
2	Advertiser	Yum Restaurants International
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	11/04/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

Food and Beverage Code Misleading / deceptive
2.5 - Language inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement opens on the farm with the teenagers waking up and helping out the farmer with collecting and carrying bags of feed for the free range chickens on the farm. A female voiceover says that the KFC staff have been sent to the farm to see free range chickens first hand as KFC now serves free range chicken tenders.

Various montage shots of the teenagers' farm experience are shown throughout the Advertisement, including a girl slipping on the muddy ground and teenagers rounding up the free range chickens on the farm. Towards the end of the Advertisement, the teenagers and farmer are shown sitting around a table eating KFC Free Range Chicken Kebab and Tenders meals. The Advertisement ends with KFC's "The Goodification", "KFC Free Range Tenders" and "So Good" trademarks.

THE COMPLAINT

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

I object to this ad as it is extremely misleading as it implies that the farm portrayed in the ad is the source of the free range chickens being supplied to KFC. This is not the farm where KFC sources its chickens and I believe the ad deliberately deceives consumers. Of particular concern is space per chicken: the ad shows maybe 20 or so chickens being let out to run around in an expansive paddock of green grass. I object to the misleading inference of the

amount of space per chicken provided to chickens by farms supplying KFC and understand that the amount of space per chicken is far less than what is shown in the ad. The living condition of chickens is an extremely important factor for many consumers when making the decision to purchase these animal products. The viewer of the ad is led to believe that particular animal welfare issues related to chicken farming on a commercial scale are absent in the free range chicken sold by KFC.

I implore the Advertising Standards Bureau to take the issue of misrepresentation of animal welfare issues very seriously as this is an extremely ethical imperative for many consumers. I object to the ad because there is NO WAY that the free range farmer would have that many chickens in a large space - it's unbelievable because there is no legislation on the actual size to warrant it to be free range. That the chickens are clean, white, happy and healthy is misleading from a large multi-national food service like KFC. They are telling the consumer they are environmentally conscious which is inaccurate.

THE ADVERTISER'S RESPONSE

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

The Complaints

The First Complainant has asserted that the Advertisement is "misleading", stating that "it implies that the farm portrayed in the ad is the source of the free range chickens being supplied to KFC". The First Complainant also states that "Of particular concern is space per chicken: the ad shows maybe 20 or so chickens being let out to run around in an expansive paddock of green grass".

The Second Complainant has asserted that the Advertisement is "misleading", stating that "Genuine Free range meat is significantly more expensive than the chicken KFC sells but this is not reflected in the price of the product so basically KFC is lying about the chicken's source or not making a profit from this chicken". The Second Complainant also states that "the number of chickens shown in the ad is simply ridiculous".

The Third Complainant has asserted that the Advertisement is "misleading", stating that "there is NO WAY that the free range farmer would have that many chickens in a large space". The Third Complainant also states that like the chickens are clean, white, happy and healthy is misleading from a large multi-national food service like KFC".

The complainants cite animal welfare issues as their primary reason for concern.

Relevant Codes

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

Section 2 of the Code has been cited as relevant.

Australian Association of National Advertisers Food and Beverages Marketing and Communications

Code (the F&B Code)

There is a suggestion that the Advertisement breaches the F&B Code in that it is misleading/deceptive.

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

There is no suggestion that the Advertisement has breached the Children's Code.

Has the Code and/or the F&B Code been breached?

KFC considers that the Advertisement is not misleading or deceptive contrary to the Code and the F&B Code (and, specifically, clause 2.1 of the F&B Code).

Firstly, the Advertisement is a representation of an Australian working farm setting and is designed to capture the group of teenagers as "fish out of water" city-slickers who are having fun on the farm. The chickens which feature in the Advertisement are real commercial free range chickens. Further, the feed shown in the Advertisement is correct certified feed.

KFC's Free Range Chicken Tenders are only used in KFC's Kebab and Tenders meal range and these products are offered for a limited time only and do not form part of KFC's permanent menu. The Advertisement promotes KFC's use of free range chicken in its Kebab and Tenders meal range. This is reinforced throughout the Advertisement with the use of supers which state "free range chicken Tenders", "now in our new Kebab & Tenders meal" and the disclaimer which states "Limited time only at participating stores". There is no suggestion in the Advertisement that KFC uses free range chicken for all of its chicken products.

KFC sources all of its chicken from three Australian suppliers, Baiada, Inghams and Golden Farms, and uses barn raised chicken and free range chicken. In comparison to barn raised chickens, KFC's suppliers have a smaller number of farms which grow free range chickens. As such, KFC only uses free range chicken for its Free Range Chicken Tenders products and uses barn raised chicken for all of its other chicken products to enable it to meet consumer demand at an affordable price.

Secondly, contrary to the Second Complainant's view, KFC uses genuine free range chicken for its Free

Range Chicken Tenders. The free range chicken provided by KFC's suppliers is accredited by Free Range Egg & Poultry Australia ("FREPA") and grown in accordance with FREPA's standards which aim to create a non-stressful environment for free range chickens.

As licensees of FREPA, KFC's suppliers are required to strictly adhere to FREPA's standards which include, amongst other requirements, compliance with the applicable State Animal Welfare Code and ensuring that free range chickens when fully feathered have easy access to an outdoor area on which to range during daylight hours. The number of free range chickens grown on each farm used by KFC's suppliers varies and is dependent on the size of the individual farm.

The Advertisement depicts fully feathered free range chickens ranging outdoors in a grassy area during daylight hours. Further, the Advertisement shows a number of free range chickens on the farm ranging outdoors as opposed to the stocking density of free range chickens that may live inside a farm shed.

We trust this addresses the complainants' concerns and illustrates that the Advertisement is not misleading or deceptive contrary to any of the above-mentioned Codes.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) or section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainants' concerns that the advertisement is misleading its suggestion that the farm featured is the farm used by KFC and that the free range chickens they use enjoy the same level of freedom as portrayed at this farm.

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

The Board noted that the product advertised is food and that therefore the provisions of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) apply. In particular the Board considered section 2.1 of the Food Code which provides:

'Advertising or marketing communications for food ...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 noted that the advertisement features KFC staff at a free range chicken farm whilst the voiceover says that KFC's chicken tenders now contain free range chicken. The Board noted the advertiser's response that the farm is representative of a free range chicken farm and considered that most reasonable members of the community would not expect a single farm to supply KFC with the volume of chicken needed to meet their commercial requirements.

The Board noted that according to the Ethical Consumer Guide, "...there is presently no binding legal definition for 'free -range', only voluntary standards..." and considered that the advertisement's depiction of chickens roaming around a farm is a depiction which most members of the community would associate with 'free range'.

The Board noted that both the voiceover and the text on screen makes it clear which KFC products contain free range chicken and considered that the advertisement is not trying to imply all of its chicken products contain free range chicken.

Based on the above the Board considered that the advertisement was not misleading or deceptive and did not breach Section 2.1 of the Food Code.

Finding that the advertisement did not breach any of the Codes on any grounds, the Board dismissed the complaint.

