



Ad Standards Community Panel  
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Advertising Standards Bureau Limited  
ACN 084 452 666

## Case Report

1	Case Number	0126/19
2	Advertiser	Yum Restaurants International
3	Product	Food / Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/05/2019
6	DETERMINATION	Dismissed

### ISSUES RAISED

Food and Beverage Code 2.1 (a) - Misleading / deceptive

### DESCRIPTION OF THE ADVERTISEMENT

This television advertisement features a janitor in a high school seeing a poster for KFC \$2 large chips. He is then shown sliding down the hallway past the classroom windows eating the chips while students watch.

### THE COMPLAINT

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

*the box the person in kfc \$2 chips is a larger box not the box they are selling*

### THE ADVERTISER'S RESPONSE

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

*I refer to your letter of 26 April 2019 setting out a complaint made in relation to a TV advertisement made by a confidential complainant (Complainant). As the Marketing*



*Manager responsible for the relevant advertisement in this instance, I respond to the complaint as follows:*

#### *Description of Advertisement*

*The Advertisement to which the Complainant refers to is a 15" TVC for the KFC brand and \$2 Large Chips (Advertisement). The Advertisement is targeted at adults and will be advertised until 16th April 2019.*

*KFC's \$2 Large Chips 15" TVC featuring a janitor.*

#### *The complaints and relevant codes*

*The Complainants have expressed concern that the Advertisement is misleading or deceptive.*

*The following concern is cited in the complaint:*

*Food & Beverages Advertising & Marketing Communications Code 2.1 (a) - Misleading / deceptive advertising.*

#### *No misleading or deceptive advertising*

*In the Advertisement, the Janitor looks at a poster advertising KFC's \$2 large Chips and says "Shut up and Take my Money" from 0:05 – 0:07. This poster clearly displays the correct portion and packaging of the \$2 Large Chips available in KFC restaurants. A flat prop chip packet was essential for the action shot of the Janitor sliding down the hallway. This prop logistically allowed for the actor to both slide down the hallway whilst comically teasing the students with chips. In addition, the mid angle of the camera through the classroom window required a flat prop chip packet in order to display the chips in the most visible way.*

*The Advertisement was not designed to be misleading or deceptive or otherwise contravene Prevailing Community Standards. The marketing message that a large portion of KFC chips are on offer for \$2 was communicated in a manner appropriate to the level of understanding of the target audience.*

*KFC is therefore of the view that the Advertisement does not mislead or deceive customers in any way and there is no breach of the Food & Beverages Advertising & Marketing Communications Code 2.1 (a).*

*We trust this addresses the Complainants' concerns.*

#### **THE DETERMINATION**



The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code).

The Panel noted the complainant's concerns that the advertisement is misleading.

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

The Panel noted that the product advertised is hot chips and that therefore the provisions of the Food Code apply. In particular the Panel 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 Panel noted the television advertisement depicts a janitor in a school being disheartened after seeing dirty footprints on his clean floor. He then sees a poster advertising \$2 large chips from KFC and states 'shut up and take my money'. He is then seen gliding past a classroom eating from a box of hot chips while students watch from inside the classroom.

The Panel noted the complainant's concern that the advertisement is misleading as it shows the man eating from a larger box of chips than is actually available through the deal.

The Panel noted the advertiser's response that the advertisement features a flat prop chip packet in order to show the chips in the most visible way, but that the correct packaging is depicted in the poster in the advertisement.

The Panel noted the Practice note for the Food Code states: "In testing the requirement that an advertising or marketing communication should be truthful and honest, the Community Panel will consider whether the information most likely to be taken from the advertisement by an average consumer in the target market would be reasonably regarded as truthful and honest."

A minority of the Panel considered that most members of the community would assume that the packaging held by the man was the packaging available for purchase through the \$2 deal. The minority of the Panel considered that the packaging held by the man appeared larger than the usual large chips from KFC and that this depiction



would lead consumers to believe that they could get the larger packaging shown for \$2.

The majority of the Panel considered that the actual product that was available was depicted in the advertising on the poster seen by the man. The majority of the Panel considered that the target audience for the advertisement would be average consumers who eat KFC and that this target audience would be familiar with the sizes and packaging available from KFC. The majority of the Panel considered that while the box shape is different there is not a clear depiction that there are more or less chips than the actual \$2 packaging depicted in the poster, and therefore customers would mislead as to the quantity of chips. The majority of the Panel considered that the preexisting knowledge of the target audience in combination with the image of the actual product clearly displayed in the advertisement meant that the advertisement was not misleading consumers in relation to packaging sizes.

In the Panel's view the advertisement was not misleading or deceptive or otherwise contravenes prevailing community standards, and did not breach Section 2.1 of the Food Code.

Finding that the advertisement did not breach the Food Code or any other grounds the Panel dismissed the complaint.

