



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0130-20</b>
<b>2. Advertiser :</b>	<b>Yum Restaurants International</b>
<b>3. Product :</b>	<b>Food/Bev Venue</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>8-Apr-2020</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification  
AANA Code of Ethics\2.2 Exploitative or Degrading  
AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This television advertisement opens on a close up image of a smiling boy who says “I love you.” He immediately looks a little nervous. There is an awkward silence until a girl says “Thank you.”. The scene then shows that the two of them are in bed together. There is another beat of awkward silence and the boy looks away and says “Did someone say KFC.” The scene changes to the boy eating KFC with two other boys in a living room.

### THE COMPLAINT

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

*The early hour it was displayed. Explanation to children would have to be made by parents as to what these young people were doing. Disrespect to females - suggesting that they are not important but KFC is more important. Treating a very special act between two consenting adults cheaply and disrespectfully.*



*This portrays to children, teenagers etc that it is ok to just have sex with anyone without any feelings for them. This is pushing the line too far. I find this very disgusting and inappropriate.*

*Because it is degrading to women. It also informs teenagers that KFC will fix everything after sex. WTF*

*I object to the man being on top of the woman in bed together. To me it is blatant sexual advertising with no thought of time. If it was late at night it may be acceptable. but the time slot of 7.20am makes it unsuitable for general viewing in relation to the position of the man and woman in the ad.*

*I object 1. because it shows a young woman who is clearly in a position of sexual & physical vulnerability which does not send a positive message to young women. 2. This sort of "humour" is derogatory to females as well as many people who do not want to see semi naked people flash on the screens every 5 minutes. 3. The boy in the ad looks very young to be sexually active which sends a poor message to very young teenagers that this is the norm. 4 the ad itself is trying to normalise sex between people who obviously aren't married, or in love etc. it belittles the value of sexuality. 6. The boy looks a lot younger than the woman ...why ? It's not appropriate. I seems These ads are dreamed up by infantile ad agency's who do not respect women or marriage. It needs to be taken off air as it demeaning.*

*1.The woman is in a sexual and physically vulnerable position which is not a helpful message to put out for young women in the form of making a light comedic styled ad. Many young women have been in vulnerable positions in a negative context so ads such as thus which diminish females are NOT helpful. 2. The boy in the ad looks very young, early teens which also sends a message to very young boys that this is behaviour to aim for or normalised as having sex within a casual context , sets an example with NO moral context apart from secular. 3. I believe many people do NOT want to see semi naked youths, although the woman looks a lot older than the male ... fumbling in bed. It's making a private situation completely public which I believe cheapens the idea of committed relationships in the context of sex. 4 who makes these ads ? And why?? Some agencies must have no moral compass and or respect for women. Please take it off the air.*

*the ad features a seemingly teenage aged couple interacting in sexual activity, its heavily implied that they were performing a sexual act and the ad implies one is unsatisfied with he others sexual performance and they experience and awkward moment that KFC will fix. This ad has played up to 6 times in one day and during mid day when young children can see it, its on the main tv channels. the issue is 1. the age of the couple implies teenage sexual activity, 2. inappropriate implied act that is not needed on Australian tv and 3. has nothing to do with purchasing fast food.*

*I object to this Ad as it shows a young teenage boy in bed (suggesting he's naked) with a young teenage girl with a red bra on, suggesting they are having sexual intercourse. This is appalling. This Ad must be banned asap. It's offensive and it being shown when*



*young tweenagers are up watching tv. APPALLING. KFC have shown a couple of recent Ad's that are all inappropriate and offensive like this one. Very Disappointing that these Ad's are even approved in the first place.*

*Absolute obvious! Highly suggestive of sexual intercourse aired at an inappropriate time. Obviously sexual content. Not only that, highly suggestive of male dominance, using the female for sex before thinking of KFC. Content has no connection to the product. Offensive and inappropriate, forceful to the viewer.*

*This was completely inappropriate, they were spotty teenagers with no attempt to suggest there was any adult content, the final picture was the male youth with similar aged boys enjoying food. This came on while my 11 year old son was watching.*

*Really! So the woman is stupid and will have sex with anyone who shows interest and falls for "I love you" and the man is really only interested in KFC. Haven't we moved on from portraying women as being dumb and the subject of men's needs along with food. That is what this add implies. Bad taste in this day and age!*

*Add unnecessary to promote KFC or any food! (Obviously saying 'one night stands are ok!')*

## **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 24 March 2020 setting out a complaint made by an anonymous 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 promotional ad for the KFC brand for a new product called the Bacon Lovers Burger. As per all KFC advertisements, this advertisement is targeted at adults and this advertisement will be on air until 20 April, 2020.*

*We open on a zoomed up image of a smiling boyfriend who says "I love you." He immediately looks a little nervous. The girlfriend is completely caught off guard. Amidst the awkward silence, she tried to find the right words to reply. "Thank you." she replies tentatively, not wanting to hurt his feelings. There's another beat of awkward silence. The boyfriend looks away and says, "Did someone say KFC?" to release the awkwardness of the moment. We then cut to the boyfriend enjoying the new Bacon Lovers Burgers with two of his housemates in the living room.*

*The complaints and relevant codes*



*The following concerns are cited in the complaints:*

- *AANA Code of Ethics 2.4: Depiction or treatment of sex, sexuality and nudity in any way or without sensitivity to the relevant audience.*

*This advertisement has been CAD approved with a W rating, meaning it is not misleading in any way. The advertisement follows the construct of the long-running campaign “Did someone say KFC?”. In this campaign, protagonists in various scenarios use KFC to alleviate the pressure of the awkward or difficult situations we all find ourselves in, and in which we can all empathise.*

*In many relationships, people’s emotions towards each other often progress at different speeds, and it is in this difference where the awkwardness lies. In the scenario depicted between a young man and woman, KFC is highlighting this common misunderstanding as to what stage a relationship has progressed.*

*KFC does not encourage lewd and sexual acts, nor does this advertisement display this conduct. The tone of the ad is empathetic and humorous, and plays on a relatable and well-understood relationship scenario. While at first the protagonist expresses shock, he is not ultimately offended as the ad plays on. The final act of eating KFC with friends clearly illustrates that the food can be the catalyst that allows them all to bond over the awkward situations we all experience.*

- *AANA Code of Ethics\2.4 Sex/sexuality/nudity\S/S/N – general*

*This advertisement has been CAD approved with a W rating and does not present or flaunt nudity, neither does it highlight or elevate sexual or lewd conduct. This ad does not include any sexual scenes, sexual actions, nudity or inappropriately sexual behaviour. The bedroom setting is purely to establish that they are a couple in a consenting, adult relationship so that the storyline and its ensuing awkwardness makes sense.*

- *AANA Code of Ethics\2.2 Exploitative or Degrading\Degrading – women*

*This ad does not degrade women. This ad does not exploit or target any gender specifically. Whilst the female lead character may feel awkward in expressing her difference of feeling towards her partner, she only feels this awkwardness because she does not desire to hurt his feelings. After expressing her feelings, she is neither fearful, harmed nor degraded for doing so.*

- *AANA Code of Ethics\2.2 Exploitative or Degrading\Exploitative or degrading children*
- *AANA Code of Ethics\2.4 Sex/sexuality/nudity\S/S/N - sexualisation of children*

*This advertisement has been CAD approved with a W rating meaning it can be shown during day- and night-time viewing. No children appear in this advertisement. All cast*



*members shown are of adult age. This ad does not include any sexual scenes, sexual actions, nudity or inappropriate behaviour that people can mimic.*

*AANA Code of Ethics*

*With respect to section 2 of the Code of Ethics, I note that the Advertisement:*

- does not discriminate or vilify any person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, disability, mental illness or political belief (section 2.1);*
- does not employ sexual appeal in a way that is exploitative or degrading of any individual or group of people (section 2.2);*
- does not present or portray violence in any way (section 2.3);*
- does not use language which is inappropriate in the circumstances (section 2.5);*
- does not depict any material contrary to Prevailing Community Standards on health and safety (section 2.6); and*
- the Advertisement is clearly distinguishable as an advert and uses KFC branding to that effect (section 2.7).*

*Therefore, for the reasons outlined above, KFC believes that the Advertisement complies with AANA Code of Ethics 2.4 and 2.2.*

*We trust this addresses the Complainants' concerns.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns were that the advertisement:

- Cheapens the idea of committed relationships
- Belittles the value of sex as they clearly aren't in love
- Suggests it's okay to have sex without feelings
- Suggests one night stands are okay
- Is disrespectful to women by showing the man using her before thinking of KFC
- Suggests that the woman is stupid and will fall for anyone who says I love you
- Suggests that the woman is dumb and is the subject of the man's needs
- Depicts a woman in a position of sexual and physical vulnerability
- Depicts people who look too young to be sexually active
- Is degrading to women
- Is sexualised and inappropriate for children to view
- Puts pressure on young people to have sex

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

The Panel noted the complainants' concerns that the advertisement:



- Cheapens the idea of committed relationships
- Belittles the value of sex as they clearly aren't in love
- Suggests it's okay to have sex without feelings
- Suggests one night stands are okay

The Panel noted that these are not issues under the Code and noted that it was unable to consider these aspects of complaints.

The Panel 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 Panel noted the Practice Note to Section 2.1 provides the following definitions:

*"Discrimination – unfair or less favourable treatment.*

*Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."*

The Panel noted the complainants' concerns that the advertisement:

- Suggests that the woman is stupid and will fall for anyone that says I love you
- Suggests that the woman is dumb and is the subject of the man's needs

The Panel considered that the advertisement depicts a young couple in an awkward position where one of the two has declared his love for the other and the other clearly does not reciprocate those feelings. The Panel considered that this is a depiction of a common moment in people's relationships and is one of the uncomfortable moments for both parties. The Panel noted that the woman politely rebuffs the man.

The Panel considered that there is no suggestion in the advertisement that the woman is not willingly with the man or that she has been manipulated. The Panel considered that the advertisement suggests that this is the first time the man has said "I love you" and that therefore the woman is not with because he has manipulated her by saying that.

The Panel considered that the advertisement implies that the man is enthusiastic and has prematurely declared his love for the woman and she does not reciprocate, and considered that this depiction does not humiliate or intimidate the woman, or depict her in a way which incites hatred, contempt or ridicule of her.

The Panel also considered that there is no discriminatory or vilifying treatment of the man and that the depiction shows him being treated politely by the young woman and not being humiliated. The Panel noted that he is embarrassed by not having his feelings reciprocated but that this is mitigated by the humorous reference to KFC.



The Panel noted the complainants' concerns that the advertisement is disrespectful to women by suggesting that KFC is more important.

The Panel considered that the implication in the advertisement is that the woman did not reciprocate the man's love and so he suggested KFC to defuse an awkward situation and then had KFC with his friends to commiserate once the woman had left. The Panel considered that there is no suggestion that the man thinks that KFC is more important than the woman.

The Panel noted the complainants' concerns that the advertisement depicts a woman in a position of sexual and physical vulnerability.

The Panel considered that the depiction of the woman below the man in bed did not of itself make her vulnerable. In the Panel's view the depiction of the couple was a usual depiction of how a couple may lie in bed and that there was no suggestion of an imbalance of power.

Overall the Panel considered that the advertisement does not humiliate or intimidate the woman, or depict her in a way which incites hatred, contempt or ridicule of her.

The Panel considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of gender and determined that the advertisement did not breach Section 2.1 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states:

*"Advertising or Marketing Communication shall not employ sexual appeal:  
(a) where images of Minors, or people who appear to be Minors, are used; or  
(b) in a manner which is exploitative or degrading of any individual or group of people."*

The Panel noted the complainants' concerns that the advertisement:

- Depicts people that look too young to be sexually active

The Panel noted the Practice Note for the Code states, *"In advertisements where minors, or people who appear to be minors, are used, sexual appeal is not acceptable and will always be regarded as exploitative or degrading. Advertisements must not include sexual imagery, state or imply that minors, or people who appear to be minors, are sexual beings or that ownership or enjoyment of the advertised product will enhance their sexuality. Minors, or people who appear to be minors, must not be portrayed in a manner which treats them as objects of sexual appeal."*

The Panel considered that while the man and woman in the advertisement appear young, they do appear to be over 18. The Panel noted that the man is seen sharing





KFC with other people while still in his boxers and that this suggest he lives with the men in a house-sharing situation which indicates his adulthood.

The Panel noted that advertisers should be careful in using young adults in scenes where they could be seen as minors, and that this must not be used in scenes where there is a suggestion that they are sexual beings. The Panel considered that in this advertisement the young couple appear to be adults.

The Panel noted the complainants' concerns that the advertisement is degrading to women

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

*Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.*

The Panel first considered whether the advertisement used sexual appeal.

The Panel considered that while the couple were depicted in a sexually intimate scenario, the focus of the advertisement was on the awkward situation and there was no sexual appeal in such an uncomfortable scene.

The Panel determined that the advertisement did not employ sexual appeal of the man or woman and therefore did not breach Section 2.2 of the Code.

The Panel 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 Panel noted the complainants' concerns that the advertisement puts pressure on young people to have sex.

The Panel considered that the advertisement makes no suggestion that other people should be sexually intimate and that most members of the community would not consider the depiction of two adults in an intimate scene to be considered to be encouraging or promoting underage sex.

The Panel noted the complainants' concerns that the advertisement:

- Is sexualised and inappropriate for children to view

The Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel considered whether the images depicted sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is





‘sexual intercourse; sexually stimulating or suggestive behaviour.’ (Macquarie Dictionary 2006).

The Panel considered that the couple are depicted in their underwear in bed together and the implication is that they have or will be sexually intimate. The Panel considered that most members of the community would consider this scene to be depicting sexually suggestive behaviour.

The Panel considered whether the advertisement featured sexuality. The Panel noted the definition of sexuality includes ‘sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one’s capacity to experience and express sexual desire; the recognition or emphasising of sexual matters’. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that a reference to sexual intimacy is a depiction of sexuality and that the advertisement did contain sexuality.

The Panel considered whether the advertisement contained nudity and noted that the dictionary definition of nudity includes ‘something nude or naked’, and that nude and naked are defined to be ‘unclothed and includes something ‘without clothing or covering’. The Panel considered that the Code is intended for the Panel to consider the concept of nudity, and that partial nudity is factor when considering whether an advertisement contains nudity.

The Panel noted that while the couple were covered with the blanket and only their heads and shoulders were visible, the Panel considered that some members of the community may consider the suggestion of nudity to be inappropriate. Additionally, the Panel noted that the woman’s shoulder straps are visible, indicating that she is wearing an item of clothing.

The Panel then considered whether the advertisement treated the issue of sex, sexuality and nudity with sensitivity to the relevant audience.

The Panel considered the meaning of ‘sensitive’ and noted that the definition of sensitive in this context can be explained as indicating that ‘if you are sensitive to other people's needs, problems, or feelings, you show understanding and awareness of them.’  
(<https://www.collinsdictionary.com/dictionary/english/sensitive>)

The Panel considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ is a concept requiring them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement – the concept of how subtle sexual suggestion is or might be is relevant to the Panel considering how children, and other sections of the community, might consider the advertisement.



The Panel noted that this television advertisement had been given a W rating by ClearAds meaning that it: “ may be broadcast at any time except during P and C programs or adjacent to P or C periods. Exercise care when placing in G programs principally directed to children.” (<https://www.clearads.com.au/wp-content/uploads/2020/01/ClearAds-Handbook-Edition-8.pdf>)

The Panel considered that although the advertisement suggested that the couple were sexually intimate, the focus of the advertisement was on the uncomfortable situation. The Panel considered that the scene was not sexually provocative or explicit, and that most members of the community would be familiar with the awkwardness of declaring love and receiving a thank-you in response.

The Panel considered that the advertisement contained mild sexual themes and that most members of the community would not consider this offensive or inappropriate for the broad audience.

The Panel considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.