



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0131-20
2. Advertiser :	Yum Restaurants International
3. Product :	Food/Bev Venue
4. Type of Advertisement/Media :	TV - On Demand
5. Date of Determination	8-Apr-2020
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

DESCRIPTION OF ADVERTISEMENT

This TV On Demand 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:

It's distasteful, they are young - late teens early 20's and it's inappropriate and offensive. I have no interest in seeing this type of crass advertising.

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.

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.

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 complainant's concerns that the advertisement is inappropriate, offensive and crass.

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 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 a 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.