



**ADVERTISING  
STANDARDS  
BUREAU**

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## Case Report

<b>1</b>	<b>Case Number</b>	<b>0163/12</b>
<b>2</b>	<b>Advertiser</b>	<b>Yum Restaurants International</b>
<b>3</b>	<b>Product</b>	<b>Food and Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV</b>
<b>5</b>	<b>Date of Determination</b>	<b>09/05/2012</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

### ISSUES RAISED

Advertising to Children Code 2.7 Parental Authority  
Advertising Message QSR - 4.1 - Advertising and Marketing Message

### DESCRIPTION OF THE ADVERTISEMENT

The TVC depicts the preparation of several different pizzas that have recently been added to the Pizza Hut Signature. Semi slow motion close ups are depicted of slicing thick steak, chunks of chicken breast, slicing fresh produce and drizzling oil. These shots are followed by a hero shot of the pizzas in the Signature range including Mexicana and Tandoori Chicken. Finally one of the pizzas is placed in a Pizza Hut Signature range box and taken by the Pizza Hut delivery boy to be delivered in a stretch hummer limousine as he says to the audience "It's a slice of the good life".

### THE COMPLAINT

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

*We write to complain about the Pizza Hut advertisement that we consider to be in breach of the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children (QSR II) and the Australian Association of National Advertisers (AANA) Code for Advertising and Marketing Communications to Children.*

*We believe that the advertisement breaches clause 4.1 of the QSR II because it is Advertising and Marketing Communication to Children for food (Pizza Hut Signature Range) which does not represent a healthier choice according to the QSR II nutrition criteria.*

*The advertisement was directed to children as it was shown during the children's movies; Bee Movie and the Lion King and a children's TV program; Wild Vets. All three programs are rated G. The movies were also played in Saturday family movie timeslots.*

#### *Broadcast*

*The advertisement was broadcast four times on the 10th of March 2012;*

- At 7.35pm and 8.24pm on Channel 9 Sydney during Bee Movie rated G.*
- At 7.10pm on Channel 7 Sydney during The Lion King rated G.*
- At 5.14pm on Channel 7 Sydney during Wild Vets rated G.*

#### *Advertising and Marketing Communication to Children*

*The advertisement for Pizza Hut Signature Range was shown during two children's' movies both rated G and both commenced screening in the traditional children's Saturday movie slot (starting at 6.30pm). Wild Vets is also a children's television program rated G.*

#### *Nutrition criteria*

*The nutrition criteria for assessing meals outlined in clause 3 of Appendix 1 of the QSRII require that a meal must not exceed maximum limits of 2770kJ for children 9-13 years saturated fat (0.4g per 100KJ) sugar (1.8g per 100KJ) and sodium (650mg per serve).*

*It is clear that the meal advertised does not meet these criteria. According to nutrition information on the Pizza Hut website and assuming that a meal for children would include at least 2 slices both pizzas exceed the sodium criteria (760mg for Tandoori Chicken and 802mg for Mexicana). This meal therefore fails to meet the QSRII nutrition criteria.*

#### *Australian Association of National Advertisers (AANA) Code for Advertising and Marketing Communications to Children*

*This advertisement is also in breach of the Australian Association of National Advertisers (AANA) Code for Advertising and Marketing Communications to Children as we believe it creates peer pressure amongst children breaching 2.7c of the code. (Must not state or imply that a product makes children who own or enjoy it superior to their peers). The branding of the food as a "slice of the good life" and with the images of a delivery man in a luxurious limousine implies superiority amongst those who eat Pizza Hut Signature Range Pizzas. For the reasons set out above we believe the Pizza Hut advertisement breaches clause 2.7c of the AANA Code.*

## **THE ADVERTISER'S RESPONSE**

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

*Yum! Restaurants Australia Pty Limited (Pizza Hut) was concerned to learn of this complaint and wishes to assure the ASB that it has strict operating procedures and advertising guidelines in place which provide for the development of advertisements in accordance with those procedures and standards. Pizza Hut makes every effort to ensure that its advertisements do not offend prevailing community standards and comply with all relevant legislation.*

*We also confirm that Pizza Hut sought and received CAD approval in respect of the commercial prior to it being aired to the public. CAD did not raise any issues in respect of those matters the subject of the complaint.*

*Code for advertising and Marketing Communications to Children (the Code”)- Section 2.7 Parental Authority*

*Advertising or Marketing Communications to Children:*

*(a) must not undermine the authority, responsibility or judgment of parents or carers;  
(b) must not contain an appeal to Children to urge their parents or carers to buy a Product for them;*

*(c) must not state or imply that a Product makes Children who own or enjoy it superior to their peers; and*

*(d) must not state or imply that persons who buy the Product the subject of the Advertising or Marketing Communication are more generous than those who do not.*

*The TVC was designed to appeal to adult consumers wanting a gourmet pizza experience.*

*The depiction of the ingredients and stretch hummer limousine are images and concepts that are designed to appeal adult consumers. The TVC was not designed or intended to be aimed at children. We submit that the showing of the TVC during children’s television programming does not constitute a breach of section 2.7 of the Code as set out above. We further submit that the TVC does not breach any of the provisions of section 2.7.*

*Australian Quick Service Restaurant Industry Initiative For Responsible Advertising and Marketing to Children (“QSR”) – Section 4.1*

*Advertising or Marketing Communications to Children for food and beverages must:*

*(a) Represent healthier choices, as determined by a defined set of Nutrition Criteria for assessing children’s meals (see Appendix 1); and/or*

*(b) Represent a healthy lifestyle, designed to appeal to the intended audience through messaging that encourages:*

*a. healthier choices, as determined by a defined set of Nutrition Criteria for assessing children’s meals (see Appendix 1); and*

*b. physical activity.*

*We submit that the depiction of the particular ingredients shown and stretch hummer limousine clearly demonstrate that the intended audience of the TVC is the adult consumer. Children are not the intended audience for this TVC and as such we submit that the TVC is not in breach of section 4.1 of the QSR*

*This being the case, we believe that the advertisement is not in breach of the requirements of section 2.7 of the Code and section 4.1 of the QSR.*

## **THE DETERMINATION**

The Advertising Standards Board (‘The Board’) considered whether this advertisement breaches the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children (the QSR Initiative), the AANA Code for Advertising and Marketing Communications to Children, the AANA Food and Beverages Advertising and Marketing Communications Code and Section 2 of the AANA Advertiser Code of Ethics (the “Code”).

The Board noted the complainant’s concern that the advertisement is directed to children, and that the product does not represent a healthier choice.

The Board reviewed the advertisement and noted the advertiser’s response.

The Board noted that the QSR Initiative is designed to ensure that only food and beverages that represent healthier choices are promoted directly to children.

The Board noted that the QSR Initiative applies to ‘advertising or marketing communications to children’ which means ‘advertising or marketing communications which, having regard to the theme, visuals and language used, are directed primarily to children and are for food and/or beverage products.’ Under this initiative children means “persons under the age of 14 years of age.”

The Board noted that the program in which the advertisement is shown is not relevant to the determination of whether or not an advertisement is directed primarily to children.

The Board noted that the advertisement depicts the preparation of several different pizzas that have recently been added to the Pizza Hut Signature range. Semi slow motion close ups of the ingredients are shown. Finally one of the pizzas is placed in a Pizza Hut Signature range box and taken by the Pizza Hut delivery boy to be delivered in a stretch hummer limousine as he says to the audience “It’s a slice of the good life”.

The Board noted that the images of the meal do not include any child focused products, and would likely have principal appeal to adults. The Board considered that the language used in the voiceover was aimed at adults.

The Board considered that the overall theme (the signature range), visuals (ingredients on a pizza) and the language used are not directed to children. The Board considered that this advertisement is not directed primarily to children and therefore that the provisions of the QSR Initiative do not apply.

The Board considered the advertisement under the AANA Code for Advertising and Marketing Communications to Children. The definition of what is advertising and marketing communications to children' in the AANA Children's Code is largely the same as that in the QSR Initiative. For the same reasons noted above, the Board considered that this advertisement is not primarily directed to children; therefore the provisions of the Children's Code are not applicable in this case.

The Board considered the AANA Food and Beverages Code (Food Code). The Board considered the provisions within the Food Code and determined that in this instance the advertisement complied with all of the provisions of the Food Code.

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

