



Case Report

1	Case Number	0166/15
2	Advertiser	Yum Restaurants International
3	Product	Food / Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	13/05/2015
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.6 - Health and Safety Motor vehicle related
- 2.6 - Health and Safety Unsafe behaviour

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features two young women and a man in a car driving along a country road. The man is driving and the girls are sharing some KFC hot and spicy chicken. The voiceover describes that now the chicken is boneless. The girl in the passenger seat breaks a piece of chicken and puts it in the mouth of the male driver. This visuals are accompanied by the female voiceover "It's boneless". KFC's "Chase the Taste" slogan and "So Good" logo are displayed on the end frame.

THE COMPLAINT

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

Not offended but giving the wrong message to other young drivers who are learning or are on p plates. This is a distraction while driving. There are ads about texting and taking your eyes of the road. Eating while driving is very similar.

In other countries this is taught in proper driving schools not to do and I would object showing these young people consuming while driving. We hear a lot about accidents whit young drivers and it comes down to distraction or not concentrating while driving.

Nothing wrong with the product but should show pulling over and eat.

THE ADVERTISER'S RESPONSE

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

The advertisement to which the Complainant refers is KFC's 15 second television commercial for its Hot & Spicy Boneless Chicken ("Advertisement"). The Advertisement is targeted at adults aged 18 years and over and will finish airing on 18 May 2015.

The Complaint

The Complainant has alleged that the Advertisement's depiction of the front seat passenger giving a piece of Product to the driver to eat while he is driving is a distraction.

Relevant Codes & Initiatives

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

There is a suggestion that the Advertisement may breach section 2.6 of the Code which states:

"Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety."

Australian Association of National Advertisers Food and Beverages Marketing and Communications Code ("F&B Code")

There is no suggestion that the Advertisement breaches the F&B Code.

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

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

Has the Code been breached?

KFC considers that the Advertisement does not breach the Code.

We note that the Advertisement features a shot of the driver being fed a piece of the Product by the front seat passenger while he is driving. During this shot, the driver at all times keeps his eyes on the road and his hands on the steering wheel of the car while he takes a bite and eats the Product. At no time is the driver distracted by the Product while he is driving the car. Throughout the Advertisement the driver is focused on driving. As such, the driver remains in proper control of the car while he is driving in accordance with appropriate public health and safety standards.

We further note that it is common cultural behaviour in Australia for young adults to share food as a means of bonding with their friends while they are travelling on a road trip together. Notwithstanding this, KFC in no way advocates unsafe driving practices or behaviour.

We trust this addresses the Complainant's concerns.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainants’ concerns that the advertisement shows an unsafe driving practice that would encourage young drivers to copy poor driving actions.

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

The Board considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Board noted that this advertisement features two young women and a man in a car driving along a country road. The man is driving and the girls are sharing some KFC hot and spicy chicken. The voiceover describes that now the chicken is boneless. The girl in the passenger seat breaks a piece of chicken and puts it in the mouth of the male driver. He smiles and looks excitedly at the girl.

The Board noted that the car is moving throughout the advertisement and that the driver gives a quick glance to the girl in the passenger seat to indicate that he would like some of the chicken they are eating.

The Board noted that the man’s reaction is of surprise or delight as the chicken is spicy and he glances at the girl. The Board noted that the man’s hands do not leave the steering wheel at any point in the advertisement and that he does not look away from the road for long periods of time.

The Board noted that eating while driving is not illegal and that the driver stays well in control of the vehicle at all times and does not appear distracted nor does he drive recklessly.

The Board considered the complainants concerns that eating while driving is similar to texting while driving. The Board considered that the two activities are not at all similar and that the man barely takes his eyes off the road.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety relating to driver safety and did not breach of Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any grounds, the Board dismissed the complaint.