



Case Report

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| 1 | Case Number | 0178/12 |
| 2 | Advertiser | Yum Restaurants International |
| 3 | Product | Food and Beverages - QSR |
| 4 | Type of Advertisement / media | TV |
| 5 | Date of Determination | 23/05/2012 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

Advertising Message QSR - 4.1 - Advertising and Marketing Message

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement opens with a close up of a young girl eating a piece of KFC chicken in an outdoor setting. The Advertisement cuts to a little boy who reaches for some KFC chicken placed in the centre of the dining table. The first two shots are accompanied by a female voiceover that says "These School Holidays make the most of your time".

The Advertisement proceeds with a close up of a variety of KFC family dinner meal items, including chicken crispy strips, a plate of chicken pieces, chicken nuggets, dipping sauces and chips, on the table. This close up is accompanied by a female voiceover that says "A KFC dinner from 19.95 sorts out meal time" and the super "From \$19.95".

The Advertisement closes with a zoom out of the entire group of families, consisting of five adults and six children, seated at the outdoor dining table sharing KFC family meals together. The final shots are accompanied by a female voiceover that says "And getting the family out of the house sorts out together time... It's all part of the Goodification". The Advertisement ends with KFC's "The Goodification" and "So Good" trademarks.

THE COMPLAINT

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

We write to complain about the KFC 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.

The advertisement was directed to children as it was shown twice during The Ant Bully a popular movie for children. The advertisement showed a scene where children eat KFC. This advertisement was broadcast during a children's television movie which is particularly of appeal to children with a G rating and was shown during a Saturday movie timeslot.

Broadcast

• During The Ant Bully a kids movie rated G on April 14th 2012 at 9.02pm and 9.11pm on Channel 9.

Nutrition criteria

The nutrition criteria for assessing meals outlined in clause 3 of Appendix 1 of the QSR II 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).

As the advertisement did not mention any specific family meal nutrition information was unable to be determined. However given that the meal comprises chips and various coated chicken pieces it will be high in sodium fat saturated fat and overall energy. The Dietary Guidelines for Children and Adolescents in Australia advise to "limit saturated fat and moderate total fat intake" and "choose foods low in salt". Therefore the KFC meal does not represent a healthy dietary choice.

THE ADVERTISER'S RESPONSE

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

The Complainant has asserted that the Advertisement is "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". In particular, the Complainant asserts that the Advertisement "breaches clause 4.1 of the QSR II because it is Advertising and Marketing Communication to Children for food".

The Complainant states that the Advertisement "was directed to children as it was shown during The Ant Bully, a popular movie for children".

The Complainant also cites children's nutrition as a concern and references the nutrition criteria for assessing children's meals set out in Appendix 1 of the Initiative.

Relevant Codes & Initiatives

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

Section 2 of the Code has been cited as relevant.

Australian Association of National Advertisers Food and Beverages Marketing and Communications Code (the 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 (the Children's Code)

There is a suggestion that the Advertisement breaches the Children's Code in that it is directed at children.

Australian Quick Service Restaurant Initiative for Responsible Advertising and Marketing to Children (the Initiative)

There is a suggestion that the Advertisement breaches the Initiative, and in particular clause 4.1 of the Initiative, in that it is directed at children.

Has the Code, the Children's Code and/or the Initiative been breached?

KFC considers that the Advertisement does not breach the Code, the Children's Code or the Initiative.

Under the Children's Code the term "Advertising or Marketing Communications to Children" means "Advertising or Marketing Communications which, having regard to the theme, visuals and language used, are directed primarily to Children and are for the Product". The Children's Code define the term "Children" as "persons 14 years old or younger" and the term "Product" as "goods, services and/or facilities which are targeted toward and have principal appeal to Children".

In KFC's view, the Advertisement does not constitute "Advertising or Marketing Communications to Children" as defined by the Children's Code.

Firstly, the Advertisement's primary purpose is to appeal to mothers over the School Holiday period and assist mothers come up with a dinner solution for this time of the year when they may experience a break in their routine. To reiterate this objective, a female voiceover which is spoken from a mother's perspective is used throughout the Advertisement to communicate to mothers, the prevailing target audience. For instance, the voiceovers "These school holidays make the most of your time" and "And getting the family out of the house sorts out together time" aims to address mothers. Further, the Advertisement depicts a group of families, consisting of mothers, fathers and children, all spending quality meal-time together around an outdoor dining table. The Advertisement is therefore directed primarily to mothers and not children.

Secondly, the Advertisement only promotes KFC family dinner meals which are designed to be consumed by a number of adults and children. Only KFC family dinner meal items are depicted in the Advertisement. The quantity of the KFC food items shown in the visuals shots of the Advertisement are bountiful to emphasise the family dinner meals being shared by the group of families. The pricing of the meals "From \$19.95" also reflects that the KFC products advertised are family meals. Consequently, the KFC products depicted in the Advertisement are targeted toward and have principal appeal to mothers who typically arrange dinner meals for their family members, whether they be over or under 14 years of age.

Notwithstanding the above, KFC is a signatory to the Initiative, and as such, is committed to setting a high standard for responsible marketing to children. A central tenet to this commitment is KFC's policy not to advertise directly to children or during children's programming. KFC considers programs for children are those which are classified as "C" or "P", and as such, designed to specifically meet children's interests.

The Complainant claims that the Advertisement was broadcast twice during the movie, "The Ant Bully", on 14 April 2012 at 9.02pm and 9.11pm on Channel 9. KFC's media buyer, Mediacom, arranged for the placement of the Advertisement on commercial television station, Channel 9, during an evening time slot. Mediacom has advised that "The Ant Bully" is classified "G". The Commercial Television Code of Practice states that "Material classified G is not necessarily intended for children, but it must be very mild in impact and must not contain any matter likely to be unsuitable for children to watch without supervision". KFC is of the view that the "G" classification of "The Ant Bully" indicates that the movie is not

necessarily intended for children. As such, the Advertisement was appropriately placed during the broadcast of the “G” rated movie and evening time slot.

Lastly, the Complainant cites children’s nutrition as a concern and references the nutrition criteria for assessing children’s meals as set out in Appendix 1 of the Initiative. Given that the Advertisement does not fall within the Children Code’s definition of “Advertising or Marketing Communications to Children”, the nutrition criteria set for assessing children’s meals under the Initiative does not apply to the KFC family meals promoted in the Advertisement.

That being said, KFC is committed to supporting responsible dietary choices for people of all ages and focuses on supporting parental responsibility with respect to children’s nutritional intake. In this regard, KFC has taken a number of steps to improving the nutritional quality of its food, part of which has involved reducing salt content in KFC products and transitioning to the use of canola oil to cook KFC products in store by the end of May this year. Customers can access nutritional information about KFC’s products, including food items contained in KFC family meals, in-store and on KFC’s website at <http://kfc.com.au/nutrition/index.asp>.

Contrary to the Complainant’s view, the Advertisement is not directed at children and therefore does not breach the above-mentioned Codes. We trusts this addresses the Complainant’s concerns.

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 promotes unhealthy food to children.

The Board viewed 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 features a description of the Family Dinner and shows a family outdoors enjoying their KFC Family Dinner together. The Board considered that the overall theme (the Family Dinner meal), visuals (a family eating the meal) and the language used (directed to the mother) 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 advertisement under the AANA Food and Beverages Advertising and Marketing Communications Code (Food Code). The Board noted that the advertisement features a family meal and considered that a depiction of a family meal does not of itself constitute excess consumption and that in this instance the advertisement does not breach any 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.