



Case Report

1	Case Number	0188/13
2	Advertiser	Yum Restaurants International
3	Product	Food / Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	12/06/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

Food and Beverage Code 2.1 (b) - Contravenes community standards

DESCRIPTION OF THE ADVERTISEMENT

We open on a scenario which depicts a dad and his son together. We see the dad brushing his hair and teeth and his son copying him. Dad catches on that his son is copying his every move. We then see the Dad standing next to his son in the garden watering the plants. His son has a watering can while he uses the hose. He looks at his son, grins and turns the hose towards his son. His son laughs and runs away. We see our family laughing and smiling. We see close up shots of dad, mum and their daughter and son sitting at an outdoor dining table enjoying and sharing KFC's 12 for \$12 meal deal which is placed on a plate in the middle of the table.

THE COMPLAINT

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

Because it displays that being a responsible parent includes feeding a 2-3 year old, food that clearly should not be part of a balanced diet for that age.

THE ADVERTISER'S RESPONSE

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

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 a suggestion that the Advertisement breaches the F&B Code in that it contravenes prevailing community standards.

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

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

Has the Code or the F&B Code been breached?

KFC considers that the Advertisement does not breach the Code or the F&B Code.

Firstly, the Advertisement's primary purpose is to appeal to parents and assist them come up with an affordable meal solution on Tuesdays. To reiterate this objective, an adult male voiceover spoken from a parent's perspective is used through the Advertisement to communicate to parents, the prevailing target audience. For instance, the voiceovers "For the you that sets a good example" and "And the you who knows life's about having fun too" aim to address parents by referring to them as "you". Further, the Advertisement depicts a family, consisting of a mother, father, daughter and son, all spending quality meal-time together around an outdoor dining table.

Secondly, the Advertisement promotes KFC's 12 for \$12 meal deal, which is designed to be consumed by parents and their children, whether they be over or under 14 years of age. KFC is a signatory to the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children, 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 on 27 May 2013 at approximately 7.20pm on 7Mate. KFC's media buyer, Mediacom, arranged for the placement of the Advertisement on commercial television station, 7Mate, during an evening time slot. Mediacom has advised that the Advertisement was broadcast in Tasmania during the program "Seinfeld" which is classified "PG". The Advertisement was therefore appropriately placed. A copy of Mediacom's media booking report is attached for your reference.

KFC is committed to supporting responsible dietary choices for people of all ages and focusses 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>.

KFC considers that the Advertisement does not breach prevailing community standards. As such, the Advertisement does not breach the Code or the F&B Code. We trust 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 Food and Beverages Advertising and Marketing Communications Code (the 'Food and Beverages Code'), AANA Code for Advertising and Marketing Communications to Children (the 'Children's Code') and the AANA Code of Ethics for Advertising (the Code). The Board reviewed the advertisement and noted the advertiser's response.

The Board noted the complainant's concern that the advertisement is advertising fast food that should not be part of a young child's diet.

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 considered the definition of advertising or marketing communications to children within the QSR Initiative. The definition states that '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 also noted that the QSR Initiative states that:

This initiative captures Advertising and Marketing Communications to Children where:

1. The communication is directed primarily to Children (regardless of its placement); and/or
2. The Medium is directed primarily to Children (in relation to television this includes all C and P programs and G rated programs that are directed primarily to Children); and/or
3. The Medium attracts an audience share of greater than 50% of Children.

The Board first considered whether the communication itself was directed primarily to children.

The Board noted the advertisement features a young boy mimicking his Dad, copying him comb his hair and then in the garden watering. The voice over talks about the "YOU" that

sets a good example and the “YOU” that knows life is about having fun too. The information is then given about the deal that is offered on Tuesdays.

The Board noted the complainant’s concerns that advertisement is suggesting that part of being a responsible parent includes providing fast food to young children.

The Board noted the theme of the advertisement (the cheap deal offered on Tuesdays), the visuals (a father and son carrying out activities together) and the language (a male voiceover describing the contents and the low cost) and considered that overall the advertisement is not directed primarily to children. The Board noted that whilst the advertisement may have some appeal to children because it includes a young child, the advertisement itself is directed at an adult audience and not directed primarily to children.

The Board then considered whether the medium was directed primarily to children. The Board noted the advertiser’s response that the advertisement was aired during ‘Seinfeld’ which has a PG rating. The Board considered that while some episodes of Seinfeld may have appeal to children it is directed at an adult audience and is not directed primarily to children. The Board also noted that the medium in which the advertisement was broadcast does not have an audience share of greater than 50% of children. On this basis the Board determined that the advertisement was not broadcast in programs where the audience is predominantly children or the program is directed primarily to children.

The Board determined that as the advertisement does not meet the definition of ‘advertising to children’, the initiative did not apply and that the advertisement did not breach the QSR initiative.

The Board then considered whether the advertisement complied with the requirements of the AANA Code for Advertising and Marketing Communications to Children (the Children’s Code).

To fall within this Code, or Part 3 of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food and Beverages Code), the advertisement must be “having regard to the theme, visuals and language used [...] be directed primarily to children and are for product.”

For the reasons mentioned above, the Board considered that the advertisement is not directed primarily to children and therefore the Children’s Code and Part 3 of the Food Code do not apply.

The Board considered that the advertisement did not breach any of the sections within the Code of Ethics.

Finding that the advertisement did not breach the QSR Initiative, the Food Code, the Children’s Code or the Code of Ethics, the Board dismissed the complaint.

