



**Ad Standards** Community Panel  
PO Box 5110, Braddon ACT 2612  
P (02) 6173 1500 | F (02) 6262 9833

**AdStandards.com.au**

Advertising Standards Bureau Limited  
ACN 084 452 666

# Case Report

<b>1</b>	<b>Case Number</b>	<b>0209/18</b>
<b>2</b>	<b>Advertiser</b>	<b>Yum Restaurants International</b>
<b>3</b>	<b>Product</b>	<b>Food / Beverages</b>
<b>4</b>	<b>Type of Advertisement / media</b>	<b>TV - Free to air</b>
<b>5</b>	<b>Date of Determination</b>	<b>09/05/2018</b>
<b>6</b>	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

Advertising to Children Code 2.06 Social value

QSR - 1.1 - Advertising and Marketing Message Advertising and Marketing Message must comply

2.1 - Discrimination or Vilification Age

2.5 - Language Inappropriate language

## DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts a formal dining room with a boy and his aunt. The boy is eating dinner. The boy's older brother enters carrying a KFC bucket of chicken under his arm and places it in front of the boy. The boy looks over to his aunt, then looks back to the bucket. Then without taking his eyes off the bucket, he drops his knife and fork and says out loud "Bucket!" and reaches for it. The boy picks up the bucket and walks outside.

## THE COMPLAINT

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

*1. The woman depicted in the commercial is portrayed as a nasty Aunt or*





- grandmother watching the child eating. This is offensive to older woman.*
- 2. The child is given a Kentucky Fried Chicken choice from another person and in the process calls "bucket" instead of the word that is implied. This is offensive.*
  - 3. The child then takes the food outside into a street filled with other children. This is implying that the children want to eat the chicken.*

*I'm offended by the ad because it clearly refers to someone saying "Fuck It", but they are using the word "Bucket". Not suitable at the time slot as my three year old immediately copied the ad, but isn't saying Bucket! No need for the innuendo with so many other words in the dictionary that don't resemble blasphemy that could be used instead.*

#### **LET ME COUNT THE WAYS**

*Denigration of female trying to teach young male how to eat properly with knife and fork -- eating at table/manners/proper meal.blah blah blah  
Promotion of eating with hands..no sign of salad or vegetable  
Insinuating that child will be popular with friends - outside the confines of the house  
and contradiction of KFC own code of conduct - found on website about marketing to children*

*Responsible marketing to children KFC Australia has been a founding member of the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children since its inception in 2008.*

*We have voluntarily made additional commitments toward responsible marketing practices.*

*In 2008, we decided to no longer advertise children's meals or target our advertising campaigns directly at children.*

*We were also the first quick service restaurant system to remove toys from children's meals. This decision was made to reduce 'pester power' associated with toys and to support parents in their efforts to make informed dietary choices for their children.*

*I object to the implied use of a swear word rhyming with bucket used by a child in the advertisement. I believe it sends the wrong message to children and encourages swearing*

#### **THE ADVERTISER'S RESPONSE**

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



### *The complaints and relevant codes*

*The Complainants have expressed concern regarding advertising to children and the use of inappropriate language.*

*The following are cited in the complaints:*

- *Section 2.6 of the Australian Association of National Advertisers Code for Advertising and Marketing Communications to Children (Code for Advertising to Children)*
- *Section 1.1 of the Quick Service Restaurant Initiative for Responsible Advertising and Marketing to Children (QSRI)*
- *Section 2 of Australian Association of National Advertisers Code of Ethics (Code of Ethics)*

### *No advertising to children*

*The Advertisement is not directed to children and does not appear during children's programming times. The Advertisement has a W rating and was screened on television during appropriate hours to target an adult audience, not children. Please refer to the attached programming schedule for broadcasts.*

*Further, as the Advertisement is a celebration of KFC being in Australia since 1968, it is targeted at and intended to appeal to adults through the use of nostalgic imagery and music from that time, reminiscent of childhood experiences of plain home cooked dinners and the feeling of first tasting KFC chicken at home.*

*Accordingly, the complaints referring to the Code for Advertising to Children would not apply.*

*KFC has been a member of QSRI for responsible advertising to children since 2008. Since then KFC has continued to honour its commitment to not advertising during children's programming or advertising specific products (including children's meals) directly to children.*

### *No breach of the Code of Ethics*

*KFC considers that the Advertisement does not breach the Code of Ethics.*

### *KFC's Marketing Strategy*



*KFC has strived to create a unique campaign to celebrate our 50th birthday, focusing on the nostalgia of the moment of joy and release that came with eating KFC for the first time. The Advertisement is purposely designed to fit within the campaign's objectives.*

*No use of inappropriate language*

*The Advertisement does not use inappropriate language and complies with section 2.5 of the Code of Ethics.*

*It is quite clear that the younger brother says "Bucket" with reference to the bucket of chicken his older brother has placed in front of him.*

*KFC is a brand that has been bringing happiness to tables around Australia for 50 years. We believe that a bucket of KFC chicken creates a moment of joy and release for many people. This TV ad highlights our iconic bucket as the symbol of this sentiment.*

*With respect to other sections 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 depict or treat sex, sexuality and nudity in any way nor without sensitivity to the relevant audience (section 2.4)*
- uses appropriate language (section 2.5)*
- does not depict any material contrary to Prevailing Community Standards on health and safety (section 2.6)*
- 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 section 2 of the Code in its entirety.*

*We trust this addresses the Complainants' concerns.*

## **THE DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Code for Advertising and Marketing Communications to Children (the Children's Code), the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code), the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children (the QSRI) and the AANA Code of Ethics (the Code).



The Panel reviewed the advertisement and noted the advertiser's response.

The Panel noted that KFC is a signatory to the QSRI and determined that the provisions of the QSRI apply to this marketing communication.

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

The Panel considered the definition of advertising or marketing communications to children within the QSRI. 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 Panel noted that the QSRI captures Advertising and Marketing Communications to Children where:

1. ...the theme, visuals and language used, are directed primarily to Children and are for food and/or beverage products;
2. Advertising or Marketing Communications that are placed in Medium that is directed primarily to Children (in relation to television this includes all C and P rated programs and other rated programs that are directed primarily to Children through their themes, visuals and language); and/or
3. Where Children represent 35 per cent or more of the audience of the Medium.

The Panel considered the definition of Medium in advertising or marketing communications to children within the QSRI which includes "television, radio, newspaper, magazines, outdoor billboards and posters, emails, interactive games, cinema and internet sites." The Panel considered that television is covered by this definition.

The Panel reviewed the programming schedule provided by the advertiser and determined that the advertisement did not meet points 2 or 3 of the QSRI in that it was not broadcast in a Medium that is directed primarily to Children or where Children represent 35 per cent or more of the audience of the Medium.

The Panel noted that with regards to point 1 the Panel must consider whether the communication activity is directed primarily to Children – regardless of its placement.

The Panel noted that the dictionary definition of "primarily" is "in the first place" and that to be within the QSRI the Panel must find that the advertisement is clearly aimed



in the first instance at Children under 14 and that it must have regard to the 'theme, visuals and language' used in determining this issue.

The Panel noted the complainants' concern that the advertisement is against KFC's commitment to not advertise directly to children.

The Panel noted the advertiser's response that the advertisement was not directed to children and was intended to appeal to adults through the use of nostalgic imagery and music.

The Panel noted the television advertisement begins with a super that states 'April, 1968' and a young boy is depicted sitting in a formal dining room eating dinner with an older female relative. An adult male enters carrying a KFC bucket which he puts in front of the boy. The boy says 'bucket' and picks it up and walks outside where he holds it up and other children come running towards him. The words 'Finger lickin' good for 50 years' appears on screen.

The Panel noted that the main character in the advertisement was a child and considered that this may be attractive to children. However, the Panel considered that the advertisement was set 50 years ago and the main child character would be likely to create a sense of nostalgia for adults and remind them of when they were children, rather than be attractive to children given the dated setting.

The Panel considered the visuals in the advertisement were all consistent with a 60s setting, a formal dining room and a streetscape with vintage cars and costumes. The Panel considered that this nostalgic setting would appeal more to an adult audience, than it would to children. The Panel noted the brief section of the advertisement where a portrait on the wall was seen to raise an eyebrow in reaction to the KFC, and considered that this animation was humorous and would be of appeal to both children and adults alike.

The Panel noted the language in the advertisement, the young boy saying 'bucket' and the super which says 'Finger lickin' good for 50 years' and considered that the language was not child-like or targeted specifically to children.

The Panel considered the theme of the advertisement, a young boy in the 60s seeing KFC in a bucket for the first time and abandoning his dinner to run outside and share it with friends. The Panel considered that some aspects of the theme would be appealing to children, such as escaping formal dining and sharing KFC with friends. However the Panel considered that the advertisement's overall nostalgic and humorous theme would be of appeal to adults as well as children.

In this instance the Panel considered that the theme, visuals and language of the advertisement was highlighting that KFC had been available for 50 years, and



considered that this message was directed equally to adults and children and was not directed primarily to children under 14.

Based on the requirements outlined in the QSRI the Panel considered that as the advertisement was not directed primarily to Children, did not appear in a medium directed primarily to Children and did not appear in a medium which attracts an audience share of more than 35% of Children, the QRSI does not apply in this instance.

The Panel 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 Code), "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 Product".

For the reasons outlined above, the Panel considered that the advertisement is not directed primarily to Children.

The Panel determined that as this transport advertisement is not directed primarily to Children, the Children's Code and Part 3 of the Food Code do not apply.

The Panel then considered whether the advertisement complied with all relevant provisions of the Food Code.

The Panel then considered section 2.2 which states: "the advertising or marketing communication...shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets, or encourage what would reasonably be considered excess consumption through the representation of product/s or portion sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to prevailing community standards."

The Panel noted that the advertised product is KFC Chicken. The Panel considered that, consistent with previous decisions (Hungry Jacks 282/11, 0132/17), promotion of a product which may have a particular nutritional composition is not, per se, undermining the importance of a healthy or active lifestyle.

The Panel noted the complainants' concern that the advertisement showed the child preferring to eat KFC with his hands, and that the meal with vegetables was ignored.

The Panel considered that the tone and messaging in the advertisement was about



giving up formality for fun, and was not about rejecting healthy food for unhealthy food.

The Panel considered the advertisement featured a young boy who would rather be outside with his friends than inside eating a meal with a strict relative. The Panel considered this messaging was humorous and realistic and the overall impression of the advertisement was not one that would undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets.

The Panel noted the boy takes the bucket of chicken outside to share with his friends and considered that the amount of chicken was suitable for the group of children and was not a depiction which would be considered to encourage excess consumption.

The Panel determined that the advertisement did not breach Section 2.2 of the Food Code.

The Panel then considered whether the advertisement complied with the requirements of the AANA Code of Ethics (the Code).

The Panel considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Panel noted the complainants' concern that the advertisement denigrated the older woman who was attempting to teach the boy table manners.

The Panel considered the use of the woman in the advertisement was a stereotype of parental figures in the 1960s and was not a portrayal which would be seen by most members of the community to represent all women in the community today.

The Panel considered the advertisement did not portray material in a way which discriminates against or vilifies a person on the basis of age or gender and did not breach Section 2.1 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: "Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided".

The Panel noted the complainants' concerns that that when the boy says 'bucket' it is implying that he is saying 'fuck it', which is inappropriate.



The Panel considered that the boy's enunciation is clear when he says 'bucket' and that his words are clearly in the context of a bucket being placed in front of him.

The Panel considered that 'bucket' is not a word which would be considered inappropriate by most members of the community. The Panel considered there is no indication in the advertisement that the boy is alluding to saying 'fuckit' rather than the word 'bucket' is used in the context of being given a bucket of chicken and this wording is appropriate in the circumstances.

The Panel considered that even if there is an allusion to a stronger term, it is clearly overridden by the clear word "bucket". The Panel noted that they had previously considered a similar instance in case 0291/15 for a paper towel advertisement in which:

"The Board noted that whilst there is a suggestion of "shit" the actual word used is "sheet" and is clearly heard as such throughout the advertisement. The Board noted that after the exclamation is used, the word is contextualised immediately by onscreen imagery of the product being used to wipe up the particular mess... .. The Board also considered that the exclamation in this advertisement is used in a way that most people would use the word and it is not directed at any particular person and is not aggressive."

The Panel determined that the advertisement did not use language which was inappropriate in the circumstances and did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach the Code on any other grounds and did not breach the QSRI, the AANA Food Code or the AANA Children's Code, the Panel dismissed the complaints.

