



**Ad Standards** Community Panel  
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Advertising Standards Bureau Limited  
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# Case Report

1	<b>Case Number</b>	<b>0223/18</b>
2	<b>Advertiser</b>	<b>Yum Restaurants International</b>
3	<b>Product</b>	<b>Food and Beverages</b>
4	<b>Type of Advertisement / media</b>	<b>TV - Pay</b>
5	<b>Date of Determination</b>	<b>09/05/2018</b>
6	<b>DETERMINATION</b>	<b>Dismissed</b>

## ISSUES RAISED

2.1 - Discrimination or Vilification Race

## DESCRIPTION OF THE ADVERTISEMENT

This Pay TV ad depicts an Asian man and his friends approach a money exchange booth. The man asks the woman behind the counter 'please change money' and hands her a large wad of bills. The woman counts the money and gives the man back three \$5 notes and some coins. The group looks concerned about the lack of money but then the man smiles and says 'shut up and take my money'. He has seen a poster advertising \$5 lunches. The group are then seen enjoying KFC with two members using a selfie stick to take a photo of them eating.

## THE COMPLAINT

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

*I feel that this advert is playing on racial stereotypes and the advert seems racist. Australia is a multicultural society and many people of Asian decent are born in Australia.*



*the advertisement depicted the asians in a very generic and stereotypical manner - implying that they are cheap and can not speak english properly. even though the product they are advertising is cheap, you don't need to associate that with asians who have in the past been stereotyped to be cheap - there are other ways to advertise your product without sinking to such a degrading and low manner.*

## **THE ADVERTISER'S RESPONSE**

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

### *Description of Advertisement*

*The Advertisement to which the Complainants refer to is a television commercial for the KFC brand and the value \$5 lunch offer (Advertisement). The Advertisement is targeted towards adults and will be advertised until 14th of May 2018.*

*The Advertisement opens on a lead character, a male tourist, approaching a currency exchange booth with a handful of international currency, which he hands over through the access point. The attendant at the currency exchange booth counts the international notes and returns the exchanged currency to the lead tourist.*

*The group of other tourists, gathered around the lead tourist, observe the transaction and the resulting Australian dollars received, which consists of mainly \$5 notes. The group's expression changes from disappointment to excitement as they see an outdoor advertisement for KFC's Hot & Spicy \$5 Lunch. The Advertisement then shows the entire group of tourists eating KFC's Hot & Spicy \$5 Lunch, and they take a group selfie with their meal. The group shares the food and is shown enjoying the occasion and the food.*

### *The complaints and relevant codes*

*The Complainants have expressed concern regarding the treatment of the Asian tourists depicted in the Advertisement.*

*The following is cited are relevant to the complaints:*

*- Section 2.1 of Australian Association of National Advertisers Code of Ethics (Code of Ethics)*

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

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

### *KFC's Marketing Strategy*

*The Advertisement is part of a series of advertisements created for KFC's marketing campaign, "Shut up and take my money!". The aim of the campaign is to redefine*



*KFC's positioning on value for money in the marketplace. The campaign also aims to celebrate KFC's personality; cheeky, authentic and genuine. The quick service restaurant advertising space is filled with 'value offers'.*

*KFC has strived to create a unique campaign that resonates with an adult audience that is young-at-heart and open to seeing the lighter side of life. This Advertisement celebrates KFC's lunch offer, focusing on the enjoyment of eating KFC and the value associated with a \$5 lunch offer. The Advertisement is a light-hearted representation of true value of our new lunch deal. It shows that even if Australia is not your home and the Australian dollar conversion does not show a high numeric value, the meal itself is still value for money for everyone. The Advertisement is purposely designed to fit within the campaign's objectives.*

*The TVC aims to acknowledge the truth that Australia is an expensive place to live and this is most obviously felt by tourists who are shocked by the cost of living in this country. This TVC playfully brings this to life by highlighting the absurdity and horror felt when you receive very little for your money in Australia. This hyperbolic situation then contrast this truth with the KFC offer to highlight the value and abundance of this offer. The cost of living is a universal truth felt by all Australians*

*No discrimination or vilification on account of race*

*The Advertisement does not discriminate or vilify the tourists in any way including on account of race, ethnicity or nationality and complies with section 2.1 of the Code of Ethics.*

*The depiction of the tourists embraces some behaviours that would be considered a stereotypical portrayal of cultural truths and genuine behaviour that is relatable to all. We believe that there is a universal feeling when a person exchanges currency that he/she will not or have not received the amount they desire or expect. This is depicted in the Advertisement.*

*This depiction is honest, light-hearted and humorous and clearly does not vilify the tourists. The transaction at the currency exchange counter results in a positive outcome that, whilst the number of bank notes exchanged seems to result in an underwhelming experience, in fact the value of the notes and the ability to purchase a KFC \$5 lunch deal calls for a celebration.*

*With respect to other sections of the Code of Ethics, I note that the Advertisement:*

- 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 portray show any form of violence (section 2.3)*
- 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 Section 2 of the AANA Code of Ethics (the "Code").

The Panel noted the complainants' concern that the advertisement is racist.

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

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 that the Practice Note for Section 2.1 of the Code of Ethics provides the following definitions:

Discrimination – unfair or less favourable treatment

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.

The Panel noted this Pay-TV advertisement features Asian tourists exchanging money and receiving a small amount of Australian money in exchange. The group is disappointed until they see an advertisement for the KFC lunch deal. They are then seen enjoying KFC.

The Panel noted the complainants' concern that the advertisement depicts negative Asian stereotypes and suggests that Asians are cheap.

The Panel noted the advertiser's response that the depiction of the tourists is light-hearted, honest and humorous and does not vilify the tourists.



The Panel noted that the Practice Note for Section 2.1 of the Code of Ethics provides: “advertisements can suggest stereotypical aspects of an ethnic group or gender with humour provided the overall impression of the advertisements is not a negative impression of people of that ethnicity or gender.”

The Panel considered that the advertisement did depict some stereotypes associated with tourists, such as exchanging a large pile of foreign money for a small amount of Australian notes and the use of a selfie-stick, however considered that these stereotypes were humorous, truthful and were not negative.

The Panel considered that the portrayal of the tourists was positive and humorous. The Panel considered that the tourists were not treated negatively by anyone in the advertisement.

The Panel considered that the advertisement did not depict the tourists receiving unfair or less favourable treatment and did not humiliate or incite ridicule of the tourists.

The Panel considered the advertisement did not portray material in a way which discriminates against or vilifies a person on the basis of race 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 advertisement contained the phrase ‘shut up and take my money’ and considered that some members of the community do not like the phrase ‘shut up’.

The Panel noted it had previously considered this phrase in an advertisement from the same advertiser in case 0306/17, in which:

“The Board noted that ‘shut up’ is not of itself strong or obscene language. The Board noted that saying ‘shut up’ to another person can be rude or inappropriate in some circumstances but considered that in this instance the phrase is spoken by a woman who is talking to herself and the manner in which she delivers the phrase is not aggressive or intended to be directed in a negative manner at another person. The Board noted that the phrase, ‘Shut up and take my money!’ is defined in the online urban dictionary as a positive phrase you use when you hear about or see something that you would pay money for (<http://www.dictionary.com/meaning/shut-up-and->



take-my-money) and considered that its use in the advertisement is consistent with this meaning.

The Board acknowledged that some members of the community would prefer that the phrase 'shut up' not be used in advertisements but considered that consistent with a previous determination for an advertisement featuring the same phrase, (0353/13), the phrase 'shut up' is part of the common vernacular and its use in the advertisement is not inappropriate."

Consistent with previous determinations (0306/17 and 0353/13) the Panel considered the phrase 'shut up' is part of common vernacular and its' use is not inappropriate.

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

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.

