



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0236-19</b>
<b>2. Advertiser :</b>	<b>Yum Restaurants International</b>
<b>3. Product :</b>	<b>Food/Bev Venue</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>24-Jul-2019</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This television advertisement depicts a woman entering a room at the same time as a man opens a bottle of wine and the cork hits her in the face displacing her glasses a little. An embarrassing silence then ensues and the man says, 'did anyone say KFC?'

### THE COMPLAINT

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

*The man is holding the bottle of wine / champagne out right in front of his groin area as the wine is bubbling out, suggestive of masturbation / ejaculation. This is during what I would normally consider to be family viewing time and the program we were watching was 'Australian Ninja Warrior 2019'.*

### 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 scene opens on a young man holding an overflowing champagne bottle in front of party guests. We cut to a shot of the girl's parents. The mother's glasses have been knocked off her nose and we see the father pulling a cork out from his champagne glass. We then cut to a close up of the mother looking angry as she fixes her glasses back into position. We then cut back to a close up of the boyfriend looking shocked. He turns to say "Did someone say KFC?"*

*Music kicks in as we play "I don't care" by Icona Pop*

*We finish with close ups of the boyfriend and his friends eating original recipe drumsticks, enjoying KFC and the Bucket for One outside.*

#### *The complaints and relevant codes*

*The Complainant has expressed concern that the Advertisement does not treat sex or sexuality with sensitivity to the relevant audience.*

*The following concerns are cited in the complaint:*

*1. AANA Code of Ethics\2.4 Sex/sexuality/nudity\S/S/N - general*

*No Sex, sexuality or nudity (Section 2.4)*

*KFC is of the view that the Advertisement does not depict or treat sex without sensitivity to the relevant audience.*

*The Advertisement is clearly distinguishable as an advert and uses KFC branding to that effect and does not in any way suggest sexual or lewd acts by the protagonist.*

*Our intention was to showcase to Australia how delicious Kentucky Fried Chicken is by visually representing the free-spirited nature of the boyfriend and his friends as they tuck into KFC's Bucket for One after an awkward interaction. The Boyfriend is meant to be feeling uncomfortable and out of his depth at a parent's party and makes a faux-pas by not knowing how to open a bottle of champagne correctly. To make matters worse, the cork even hits the host.*

*The act of eating KFC with friends shows that the food can be the catalyst to make awkward situations fun and forget about the preceding awkwardness.*

*The Advertisement is not sexually explicit. It does not use words, action, or behaviours that depict sex, sexuality, or nudity.*

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

*With respect to other sections of the Code of Ethics, I note that the Advertisement: Does not vilify or discriminate people within the specified groups (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);*



*only uses language which is appropriate in the circumstances (including appropriate for the relevant audience and medium) with no use of strong or obscene language (section 2.5); does not depict any material contrary to Prevailing Community Standards on health and safety (section 2.6); and 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 2.4 of the Code of Ethics.*

## **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 complainant's concerns that the advertisement is sexually suggestive.

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

This television advertisement depicts a woman entering a room at the same time as a man opens a bottle of wine and the cork hits her in the face displacing her glasses a little. An embarrassing silence then ensues and the man says, 'did anyone say KFC?'

The Panel considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Panel considered whether the advertisement contained sex, sexuality or nudity.

The Panel considered that all the people in the advertisement were clothed in normal everyday attire and that the advertisement did not contain nudity.

The Panel considered whether the advertisement contained sex. The Panel noted the dictionary definition of sex most relevant to this section of the Code of Ethics is 'sexual intercourse; sexually stimulating or suggestive behaviour.' (Macquarie Dictionary 2006).

The Panel noted the complainant's concern that the bottle of champagne bubbling out is suggestive of masturbation/ejaculation.

The Panel noted the advertiser's response that the advertisement does not use words, action, or behaviours that depict sex, sexuality or nudity.

The Panel considered that the complainant's interpretation of the scene is unlikely, and that most members of the community would see the advertisement as a man



having accidentally hit an older relative with a champagne cork, and that there was an awkward pause which followed. The Panel considered that the advertisement did not contain sex.

The Panel considered whether the advertisement contained sexuality. The Panel noted the definition of sexuality includes 'sexual character, the physical fact of being either male or female; The state or fact of being heterosexual, homosexual or bisexual; sexual preference or orientation; one's capacity to experience and express sexual desire; the recognition or emphasising of sexual matters'. The Panel noted that the use of male or female actors in an advertisement is not of itself a depiction of sexuality.

The Panel considered that there was no sexual suggestion in the advertisement and that the advertisement did not contain sexuality.

The Panel considered that this advertisement did not contain sex, sexuality or nudity and did not breach Section 2.4 of the Code.

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.