



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

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| 1. Case Number : | 0241-19 |
| 2. Advertiser : | Yum Restaurants International |
| 3. Product : | Food/Bev Groceries |
| 4. Type of Advertisement/Media : | TV - Free to Air |
| 5. Date of Determination | 7-Aug-2019 |
| 6. DETERMINATION : | Dismissed |

ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety
AANA Code of Ethics\2.5 Language

DESCRIPTION OF ADVERTISEMENT

The television advertisement features a woman in a carpark who pushes a trolley away from her. Two male trolley collectors look dejected as they start cleaning up the trolley mess. As they're clearing up, one of the males spots a KFC ad on one of the trolleys and excitedly exclaims: 'Shut up and take my money!' The males are then seen eating KFC while on and in trolleys. The woman returning to her car drops her bags in surprise as she sees one of the men in the trolley, and the other man leaning on the back of the trolley as it is moving.

THE COMPLAINT

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

I wish to submit my concerns about the KFC commercial showing a mature age woman just pushing a shopping trolley into others left indiscriminately in carpark causing a safety issue.

Not to be satisfied with that it then shows two males "playing" with trolleys and one actually sitting in a trolley, which is of course is a health hazard not to mention the danger and stupidity of it all.



*Shopping centre car parks are dangerous enough at any time without giving people ideas of how to make them more dangerous, why would any company think a commercial like this would inspire the public to buy their products?
I did start to make note of when seen but now not sure if I am supposed to note when this commercial is seen but programs being saturated with it recently.*

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 Complainant refers to is a retail ad for the KFC brand and the \$4.95 Fill Up with Hot Rod (Advert). The Advert is targeted at adults and will be advertised until 5th of August 2019.

The advertisement opens in a supermarket carpark. A woman steps outside of her car, finds a trolley in her way and pushes it away from her car. The scene shifts to two male trolley collectors who look dejected as they start cleaning up the trolley mess. As they're clearing up, one of the males spots a KFC ad on one of the trolleys and excitedly exclaims: 'Shut up and take my money!'

We then cut to a sequence of the two males slowly moving with a trolley through an almost empty car park, enjoying KFC's new Hot Rods.

The complaints and relevant codes

The Complainants have expressed concern that the Advert depicts unsafe behaviour which poses a health hazard.

The following concerns are cited in the complaints:

AANA Code of Ethics \ 2.6 Health and Safety \ Unsafe behaviour

Section 2.6 of the Code of Ethics

KFC is of the view that the advertisement does not encourage unsafe behaviour and complies with section 2.6 of the Code of Ethics.

The tone and message behind the advertisement is fun and light-hearted and talks to a very common situation that happens in car parks everywhere. The woman in the advertisement finds a trolley in her way and moves it towards some stationary trolleys nearby. Whilst the behaviour can be considered lazy, it is by no means unsafe as the



car park is almost empty, there is no one around, and the woman clearly knows where she is moving the trolley as she casts a knowing and assured glance in its direction. We also made sure there were no moving cars in the scene.

The two characters are shown enjoying KFC's Hot Rods in trolleys as they navigate through the car park. The intention was to showcase how delicious the food is and the role KFC plays in bringing joy to people.

The trolleys move at a safe walking pace, and the camera never glorifies the act of being in the trolley as the focus is always on the characters and the joy eating KFC brings to people in normal life situations.

Finally, there is a clear disclaimer on screen during the trolley sequence, clearly stating that the Advertisement was filmed in a safe and controlled environment and states to viewers that the actions of the trolley collectors should not be imitated.

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 Advert:

*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);
does not present or portray 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);
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); and
the Advertisement is clearly distinguishable as an advert and uses KFC branding to that effect (section 2.7).*

We do not believe the Advert depicts any material contrary to Prevailing Community Standards on health and safety and believe that the Advert complies with sections 2.6 of the Code of Ethics.

We trust this addresses the Complainant's 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 complainant's concern that the advertisement featured unsafe behaviour.

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



The television advertisement features a woman in a carpark who pushes a trolley away from her. Two male trolley collectors look dejected as they start cleaning up the trolley mess. As they're clearing up, one of the males spots a KFC ad on one of the trolleys and excitedly exclaims: 'Shut up and take my money!' The males are then seen eating KFC while on and in trolleys. The woman returning to her car drops her bags in surprise as she sees one of the men in the trolley, and the other man leaning on the back of the trolley as it is moving.

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 it had previously dismissed complaints about the use of the phrase 'shut up and take my money' in cases 0224/18, 0306/17 and 0343/13.

Consistent with previous determinations, the Panel noted that 'shut up' is not of itself strong or obscene language. The Panel considered that while saying 'shut up' to another person can be rude or inappropriate in some circumstances, in this instance the phrase is spoken by the trolley collector in a positive manner to indicate excitement. The Panel 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-andtake-my-money>) and considered that its use in the advertisement is consistent with this meaning.

The Panel 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 determinations for an advertisements featuring the same phrase the phrase 'shut up' is part of the common vernacular and its use in the advertisement is not inappropriate.

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

The Panel considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Panel noted the complainant's concern that the advertisement features a woman pushing a shopping trolley into others causing a safety issue.



The Panel noted the advertiser's response that while the woman's behaviour may be considered lazy it cannot be considered unsafe as the carpark is almost empty, there is no one around and she clearly knows where she is moving the trolley.

The Panel considered that the woman is shown as the 'villain' of the story and her behaviour is not encouraged or condoned. The Panel noted that the advertisement clearly shows the carpark to be almost empty with no cars in the direction she pushes the trolley. The Panel considered that there were already other trolleys in the area waiting to be collected and that in the context this behaviour was not unsafe.

The Panel noted the complainant's concern that the advertisement features two males playing with trolleys, including sitting in a trolley, which is a health hazard.

The Panel noted the advertiser's response that the trolleys move at a safe walking pace, and the advertisement does not glorify the act of being in a trolley as the focus is on the characters and the product. Further the Panel noted the advertiser's response that there is a clear disclaimer stating that the advertisement was filmed in a safe and controlled environment and states to viewers that the actions of the trolley collectors should not be imitated.

The Panel noted that the disclaimer appeared on screen only briefly and may not be noticed by people viewing the advertisement.

The Panel noted that it had previously considered the issue of someone riding on a trolley in case 0239-17, in which:

"A minority of the Board considered that the actions of the woman were very dangerous and that it is not uncommon to see children standing in the front and side of trolleys regardless of the warnings in stores and on signs not to do so. In light of this, some members of the Board considered that the advertisement did depict behaviour that may be copied by young children and is unsafe. The majority of the Board however, considered that the exaggerated nature of the advertisement and the overall look and tone was clearly one of fantasy and was not considered to be realistic in any way. The Board noted that the woman was not shown to be thrilled or excited by her own actions but rather in a trance like state which lessened the impact of the stunts she was performing.

The Board acknowledged the safety concerns about riding on trolleys but considered in this instance, the advertisement was highly stylised and was not encouraging or condoning this behaviour and did not depict material contrary to Prevailing Community Standards on health and safety and did not breach Section 2.6 of the Code."

The Panel noted that the depiction of the trolley collectors in the current advertisement was not highly stylised and was realistic, however the depiction was humorous and light-hearted and did not focus on the behaviour with the trolleys. The Panel considered that it was clear from the context of the advertisement that the



behaviour was taking place in a controlled location with no moving vehicles or obstacles around.

The Panel acknowledged the safety concerns relating to riding in or on trolleys but considered that in this instance the advertisement was not encouraging or condoning this behaviour.

The Panel considered that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

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