



Case Report

1	Case Number	0261/10
2	Advertiser	Yum Restaurants International
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	22/06/2010
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Other

DESCRIPTION OF THE ADVERTISEMENT

The advertisement for "SweetBites" opens with a close up head shot, which focuses on the mouths of two people, smiling, as they eat the mouthsize muffin and then to a longer shot of two young people dressed in black with heavy makeup. Voiceover: "For a sweet treat that will bring a smile to anyone's face, KFC SweetBites in delicious triple chocolate and banana caramel for a sweet 99cents each".

End caption: "KFC SweetBites - can't beat that taste".

THE COMPLAINT

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

Any teenager who views the commercial will immediately associate the two teenagers contained within as EMO. EMO's are bullied in schools because they wear black clothing any one who dresses in black is automatically called an 'emo' are seen by teenagers as being freaks. EMO however stands for emotionally depressed and suicidal is a mental illness that is depression and therefore can not be 'cured by KFC food' which the advertisement implies. Also that they are using emo children as 'sad' people is intimidation and bullying of a mental illness. It is discriminating and should not be allowed. Teenagers bully 'emo' children due to ignorance KFC's commercial I believe perpetuates this ignorance and is outright bullying on the part of KFC. Why else have KFC used 'sad' darkly dressed teenagers if they are not suggesting they are miserable and depressed? It seems a clear act of discrimination to me.

THE ADVERTISER'S RESPONSE

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

The Advertisement does not constitute a breach of the Code.

There is no discrimination or vilification on the basis of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief.

The Advertisement shows a contrast in the expressions of the young people from happy to sad. This implies that they have just enjoyed a KFC Sweetbite and perhaps would like another.

Yum! Restaurants International is committed to complying with all codes and applicable laws related to advertising. Yum! will continue to ensure that its advertisements do not offend prevailing community standards.

THE DETERMINATION

The Advertising Standards Board ("Board") considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the "Code").

The Board noted the complainant's concerns that the advertisement is inappropriate and discriminatory.

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

The Board considered whether the advertisement was in breach of section 2.1 of the Code. Section 2.1 of the Code states:

"Advertising or marketing communications shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, sex, age, sexual preference, religion, disability or political belief."

The Board noted the advertisement for KFC's "SweetBites" depicts a close up head shot, which focuses on the mouths of two people as they eat and demonstrate their enjoyment of the experience with smiles; and then longer shot of two young people dressed in black with heavy makeup.

The Board noted the complainant's concern that anyone who wears black clothing is automatically called an 'emo' and may be the subject of bullying.

The Board agreed that 'emo' is short for emotional and that 'emo' people express their feelings and emotions very strongly – whether happy or sad – and that they are stereotyped by their music, fashion and culture.

While the advertisement does present what could be seen as a stereotypical depiction of 'emo' young people, the Board considered that most members of the community would

appreciate that the advertisement was lighthearted and did not demean or discriminate against any sector of society on the basis of clothing, music or culture and that the advertisement did not breach Section 2.1 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.