



Case Report

1	Case Number	0275/17
2	Advertiser	Yum Restaurants International
3	Product	Food / Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	21/06/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

Food and Beverage Code 2.2 - healthy lifestyle / excess consumption
Advertising to Children Code 2.05 Safety
2.6 - Health and Safety Unsafe behaviour
2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The advertisement to which the Complainant refers to is a television commercial for KFC's \$10 Popcorn Chicken bucket ("Advertisement"). The Advertisement is targeted at mums and will be advertised until Monday 12th June.

The Advertisement opens with a child's birthday party finishing. The house is chaotic with mess left-over from the party. As the guests from the party start to leave, the exhausted host mum momentarily closes her eyes and slumps back on the couch to rest. Two other mum friends who have helped at the party are also resting on another couch in the lounge room.

The Advertisement shows a close up of the host mum saying "Shut up and take my money!" as she sees an advertisement for KFC's \$10 Popcorn Chicken Bucket appear on the television screen in the lounge room. This captures the attention and imagination of the host mum. At this point, the host mum starts to dream and imagine how good life would be if she could forget about the mess and cleaning up, and just have fun with her friends by eating some Popcorn Chicken and jumping on the bouncy castle in the backyard.

The Advertisement cuts to a dream sequence of shots of the host mum with her friends having fun jumping on the bouncy castle and throwing and eating Popcorn Chicken, which is accompanied by heavy metal music and the disclaimer "No mums were harmed, this was only in their dreams, so don't try this at home". The Advertisement then cuts to a shot of the

mums' daughters sitting on the deck of the house looking on in utter disappointment at their mums.

The Advertisement closes with a visual and text of the "\$10 Bucket Popcorn Chicken".

THE COMPLAINT

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

This advertisement exhibits dangerous behaviour where there is a high risk of choking when the "mums" are jumping excitedly and throwing popcorn chicken into each other's mouths whilst being watched by children.

So often we hear of people including young children choking on food whilst they are moving (especially when running around and jumping). This is why most childcares have rules in place that children need to be seated when eating to reduce the risk of choking. This ad is both dangerous to the adults exhibiting this behaviour and also to the children that are watching their mums play this 'game'.

Let me ask a question, would you let yourself, your friends or family or one of your children or children's friends onto a bouncy castle and play the 'game' of throwing KFC's popcorn chicken into each other's mouths? This ad depicts material that is contrary to Prevailing Community Standards on health and safety for all individuals. Furthermore children copy from their role-models, and this advertisement depicts a group of mum's that are having a lot of fun, excitedly jumping around throwing KFC popcorn chicken into each other's mouths – this would highly appeal to children and they would likely try to imitate. KFC has not taken care not to depict behaviour that children may imitate. Therefore breaches both the Code of Ethics (section 2.6) and Code of Advertising and Marketing Communications to Children (section 2.5).

After seeing this ad on TV, it was only when I went to take a screenshot of the ad from YouTube (to submit for this complaint) that I noticed the VERY small text in white (so blended in with the background) saying 'no mums were harmed, this was only in their dreams, so don't try this at home'. This is completely inadequate as it is easily overlooked, even if it was 'in their dreams' the ad depicts a realistic scene and could be easily mistaken by both adults and especially children as real life. If KFC respond saying that they have been 'responsible' and 'done their bit' to alert the customers about the danger of throwing chicken into each other's mouths then they themselves are dreaming and the text should have been larger and in a more prominent position.

*This advertisement also encourages excessive consumption of unhealthy choices. According to KFC's website, one serving of \$10 Popcorn Chicken is regarded as 5,846kJ, which is 2/3rd of a daily energy intake of the average person (8,700kJ) going against the Food and Beverage Advertising and Marketing Communications Code (section 2.2).
https://www.kfc.com.au/media/1142076/kfc-nutrition-information_april2017.pdf.*

The theme of this advertisement would appeal to children as it is of a child's party. Also the use of a jumping castle and the 'fun' shown jumping on the castle eating unhealthy choices

would also greatly appeal to children. This ad misleads children that throwing popcorn chicken into each other's mouths is a fun and 'normal' activity to do at parties. Therefore I submit that this ad is also targeted at children and is promoting dangerous behaviour and excessive consumption of unhealthy food.

THE ADVERTISER'S RESPONSE

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

I refer to your letter in relation to the above complaint made by an anonymous complainant ("Complainant"). As the Marketing Director responsible for the relevant advertisement in this instance, I respond to the complaint as follows:

The Complaint

The Complainant has expressed concern that the Advertisement:

- *promotes dangerous behaviour;*
- *has appeal, and is targeted, at children; and*
- *encourages excessive food consumption of unhealthy choices.*

Relevant Codes & Initiatives

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

Section 2 of the Code has been cited as relevant, and in particular section 2.6.

Quick Service Restaurant Initiative for Responsible Advertising and Marketing to Children ("QSRI")

There is a suggestion that the Advertisement breaches the QSRI.

Australian Association of National Advertisers Code for Advertising and Marketing Communications to Children ("Children's Code")

There is a suggestion that the Advertisement breaches section 2 of the Children's Code.

Australian Association of National Advertisers Food and Beverages Marketing and Communications Code ("F&B Code")

There is a suggestion that the Advertisement breaches clause 2.2 of the F&B Code.

Has the Code of Ethics, QSRI, Children's Code or F&B Code been breached?

KFC considers that the Advertisement does not breach the Code of Ethics, QSRI, Children's Code or F&B Code.

Health and safety

KFC is of the view that the Advertisement does not in any way encourage or promote individuals, whether adults or children, to engage in dangerous behaviour or practices.

The primary purpose of the Advertisement is to demonstrate the total exhaustion mums experience when they host or attend a child's birthday party and the fact that mums are often unable to relax during this time. In other words, the concept of mums relaxing at a child's birthday party is a complete fantasy and does not happen in real life.

The visuals of the host mum and her friends jumping on the bouncy castle and throwing and eating Popcorn Chicken depicts the host mum's dream of what she really wishes she could do. There is a clear cut between scenes from the moment the host mum sees KFC's \$10 Popcorn Chicken Bucket deal on the television screen and the dream sequence of shots with the host mum and her friends jumping on the bouncy castle. The heavy metal music track also starts at the beginning of the dream sequence of shots to reiterate to the audience that these are visuals of the mum's dream.

Further, the Advertisement communicates that it does not depict any material which would be contrary to community standards on health and safety through the inclusion of the CAD approved, onscreen disclaimer, "No mums were harmed, this was only in their dreams, so don't try this at home". This disclaimer is clear and prominently displayed throughout the dream sequence in the Advertisement to discourage viewers from engaging in similar activities or mimicking it at home.

At the end of the Advertisement, the visual of the daughters expressing distain at watching their mums emphasises that the daughters do not wish to participate in the bouncy castle activities. As such, the daughters are not excited by this event or in any way encouraged to imitate their mums' behaviour.

KFC also took the necessary precautions while filming to ensure the safety of all talent used in the Advertisement and appropriately supervise the activities performed on the bouncy castle.

Advertising to children

KFC is a signatory to the QSRI, and as such, is committed to setting a high standard for responsible marketing to children. A key principle of this commitment is KFC's policy not to advertise directly to children. The Advertisement is not, having regard to the theme, visuals and language used, directed primarily to children being persons under 14 years of age.

Firstly, the Advertisement is targeted at mums. Mature aged women were specifically cast as talent for this purpose. The central focus throughout the Advertisement is therefore on the host mum and her friends. In particular, the uninhibited experience and joy mums dream to have after a party is finished and their strong desire to escape from the reality of having to clean up the party mess. The bouncy castle and enjoyment of eating Popcorn Chicken are used in the mum's dream to achieve this objective.

In addition, the voiceover of the host mum who says, "Shut up and take my money!" is overtly adult language which resonates with mums and not children. The heavy metal music track is used to enhance the adult theme and tone of the advertisement. The Advertisement

does not at any time show any children eating or holding the Popcorn Chicken.

We note that the Advertisement has a W rating and has been accordingly screened on television during appropriate hours to target an adult audience. We are advised by MediaCom that the Advertisement was not aired in any C or P rated programs or G rated programs where children represent 35% or more of the audience. In this regard, please refer to the attached programming schedule of the Advertisement spots that have been broadcast.

Excessive Consumption

We note that the average kilojoule content of KFC's Popcorn Chicken Bucket is 5,846kJ. The Popcorn Chicken Bucket is a snack product that can be easily shared amongst friends due to the fact that there are more than 80 pieces contained in each bucket. The Advertisement depicts three mums sharing the Popcorn Chicken Bucket rather than one individual in order to position the product in this way. As such, the Advertisement in no way encourages or promotes excessive consumption of food.

KFC is committed to supporting responsible dietary choices for people of all ages and focuses on supporting parental responsibility with respect to children's nutritional intake. In this regard, KFC has taken a number of steps to improving the nutritional quality of its food, part of which has involved reducing salt content in KFC products and using canola oil to cook KFC products in store. Customers can access nutritional information about KFC's products, including snack menu items, in-store and on KFC's website at www.kfc.com.au.

Contrary to the Complainant's views, the not breach the above-mentioned Codes or the QSRI. We trust this addresses the Complainant's concerns.

THE DETERMINATION

The Advertising Standards Board ("the Board") 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") and the AANA Code of Ethics (the "Code").

The Board noted the complainant's concerns that the advertisement depicts women throwing popcorn chicken in the air and catching it in their mouths while bouncing on a jumping castle which is dangerous, would encourage children to copy, and also promotes excess consumption.

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

The Board considered whether the Children's Code applied.

The Board considered the definition of advertising or marketing communication to children. Under the Children's 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." The Board noted that Children are defined as "...persons 14 years old or younger" and Product is defined as "...goods, services and/or facilities which are targeted toward and have principal appeal to

Children.”

The Board considered whether the advertisement is directed primarily to children (14 years or younger). The Board noted the practice note for the Food and Beverages Code which states that whether an advertisement or marketing communication is “directed primarily to children” is an objective test based on several factors including, but not limited to the combination of visual techniques, product and age of characters and actors. The use of any one factor or technique in the absence of others may not necessarily render the marketing communication “directed primarily to children.”

The Board noted that the dictionary definition of “primarily” is “in the first place” and that to be within the Children’s Code the Board must find that the advertisement is aimed in the first instance at children.

The Board noted the marketing communication is a television advertisement which has been rated W by CAD.

The Board noted the theme of the advertisement, women playing on a jumping castle while eating popcorn chicken. The Board noted that the advertisement opens on a children’s birthday party celebration which is just finishing and considered that although there is a jumping castle and children dressed up, the focus in the advertisement is clearly on the mums rather than the children and the party, and in the Board’s view the theme of the advertisement is of appeal to adults and not primarily to children.

The Board noted the visuals of the advertisement and considered that the opening scene of women relaxing on lounges and then seeing an advertisement for popcorn chicken followed by the same women eating popcorn chicken while on the jumping castle amounts to an overall depiction which is likely to be attractive to adults rather than children.

The Board then considered the language used in the advertisement. The Board noted that we hear one woman say, “Shut up and take my money!” after seeing an advertisement for popcorn chicken and considered that this is the only phrase spoken in the advertisement and in the Board’s view it is not language commonly used by children and is directed more towards an adult audience than to children.

The Board then considered whether the product itself was directed to children. The definition in the Children’s Code states that “product means goods, services and/or facilities which are targeted toward and have principal appeal to Children.”

The Board noted that KFC is a fast food restaurant chain and considered that while it does have a child menu, which includes a Kids Popcorn Meal, the majority of its products are aimed at adults and the popcorn chicken box depicted in the advertisement is a share bucket and not the children’s version.

Overall the Board considered that the advertisement is not directed primarily to children and the product is not a product directed primarily to children therefore the provisions of the Children’s Code do not apply.

The Board noted that the product advertised is food and that therefore the provisions of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food

Code) apply.

The Board noted in particular 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 Board considered that, consistent with previous decisions (0101/14, 0262/15, 0593/16, 0057/17), the promotion of a product which may have a particular nutritional composition is not, per se, undermining the importance of healthy, balanced diets or contrary to prevailing community standards.

The Board then noted the Practice Note to section 2.2 which states:

“The Board will not apply a legal test, but consider material subject to complaint as follows:

(1) In testing whether an advertising or marketing communication undermines the importance of a healthy lifestyle, the Board will consider whether the communication is disparaging of healthy foods or food choices or disparaging of physical exercise. Such disparagement need not be explicit, and the Board will consider the message that is likely to be taken by the average consumer within the target market of the communication.”

The Board noted that the advertisement makes no reference to exercise and considered that we do see the main characters playing on a jumping castle which is suggestive of exercise, and overall the advertisement is not disparaging of healthy or active lifestyles.

“(2) In testing whether an advertising or marketing communication encourages excess consumption through representation of products or portion sizes disproportionate to the setting portrayed, or by any other means contrary to prevailing community standards, the Board will consider whether members of the community in the target audience would most likely take a message condoning excess consumption.””

The Board noted that the advertisement depicts women sharing a bucket of popcorn chicken.

The Board noted the complainant’s concern that one serving of the advertised product is two thirds of a daily energy intake of the average person therefore the advertisement is encouraging excess consumption.

The Board noted that the advertisement depicts three women sharing the bucket of popcorn chicken and considered that we do not see the women finishing the bucket and there is no indication of whether the women do or do not share the popcorn chicken with other people. Overall the Board considered that as the women are shown sharing the chicken amongst themselves, there is no suggestion of excess consumption and in the Board’s view the advertisement does not encourage or condone excess consumption.

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

The Board considered Section 2.6 of the AANA Code of Ethics. 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 Board noted the complainant’s concerns that there is a high risk of choking when you throw and catch food in your mouth and that the advertisement could encourage children to copy this behaviour.

The Board noted that when the women are bouncing on the jumping castle and throwing popcorn chicken, including one instance where a woman throws the chicken and another woman catches it in her mouth, their children are sitting watching them and considered that the children appear disdainful of their mothers’ behaviour which in the Board’s view indicates that they would be unlikely to copy this behaviour.

The Board noted that it had previously dismissed a similar complaint about throwing and catching peanuts in case 0094/12 where:

“The Board noted that whilst it is possible to choke on nuts thrown in to the air and caught in the mouth, in the Board’s view most members of the community would consider that whilst it is not the most sensible way to eat nuts or other foods, the advertisement is not encouraging or condoning behaviour which would be contrary to prevailing community standards on health and safety to the point it would breach the Code.

The Board noted the complainant’s concerns that children could copy the advertisement and considered that young children viewing this W rated advertisement should be accompanied by a responsible adult who could explain the possible repercussions of throwing a nut and catching it in their mouth.”

The Board noted in the current advertisement that there is an on-screen disclaimer which appears when the women are on the jumping castle which reads, “No mums were harmed, this was only in their dreams, so don’t try this at home” but considered that the disclaimer is very small and easily overlooked. The Board noted that children are not shown throwing popcorn chicken and catching it in their mouths and considered that although the disclaimer is very small and likely to be overlooked, in the Board’s view the women’s behaviour in the advertisement is unlikely to be of appeal to children and overall the advertisement does not encourage or condone behaviour which would be contrary to Prevailing Community Standards on health and safety.

The Board noted the advertisement had been rated W by CAD and considered that consistent with its previous determination in case 0094/12, young children watching this advertisement should be accompanied by a responsible adult who could explain the possible repercussions of throwing food and catching it in their mouth.

The Board considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety and determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Food Code or the Code of Ethics, the Board dismissed the complaint.

