



Case Report

1	Case Number	0306/17
2	Advertiser	Yum Restaurants International
3	Product	Food / Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	26/07/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.1 - Discrimination or Vilification Age
- 2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement is for KFC's \$5 Hot Rod Lunch. The Advertisement features three elderly women riding mobility scooters in a park. The Advertisement shows a close up of one of the women saying, "Shut up and take my money!" as she sees an advertisement for KFC's \$5 Hot Rod Lunch appear on a large format outdoor advertising board. The Advertisement closes with a KFC logo visual and text of the "\$5 Hot Rod Lunch".

THE COMPLAINT

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

I find this commercials very offensive. We should be teaching our children better manners not abusive language.

The statement "shut up and take my money" is a rude and demeaning expression. It is an arrogant and offensive way to speak to anybody. This expression, through it's usage in the frequent advertisements, could well be copied and adopted by members of the public when purchasing Kentucky Fried Chicken at one of that company's outlets. Hospitality service staff do not deserve to be spoken to in that manner.

It is particularly inappropriate that this advertisement is played during prime family viewing time when young children and teenagers will see it repeatedly. It has the potential for young

children and teenagers to adopt this arrogant, rude and demeaning language when dealing with hospitality staff at Kentucky Fried Chicken.

It may also be deemed by young children, teenagers and as well as adults that this is an acceptable way in which to speak to anybody at any time anywhere.

It is totally unnecessary and inappropriate for this type of language to be used at any time, but repeatedly playing it on television just aids in the deterioration of our language and most importantly aids in the acceptability by society that it is acceptable to speak in such a demeaning way to another person.

Disgusting portrayal of elderly person

I find the comment "shut up and take my money", especially by the elderly people in wheelchairs, in very poor taste. Unfortunately, children will see those ads and think it is OK to say it too.

THE ADVERTISER'S RESPONSE

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

Advertiser Complaint Reference Number: 0306/17

I refer to your letter in relation to the above complaint made by three anonymous complainants ("Complainants"). As the Group Marketing Manager responsible for the relevant advertisement in this instance, I respond to the complaints as follows:

Description of Advertisement

The advertisement to which the Complainants refer to is a television commercial for KFC's \$5 Hot Rod Lunch ("Advertisement"). The Advertisement is targeted towards adults and will be advertised until Monday 10 of July 2017.

The Advertisement opens with three elderly women riding mobility scooters in a park. The Advertisement shows a close up of one of the women saying, "Shut up and take my money!" as she sees an advertisement for KFC's \$5 Hot Rod Lunch appear on a large format outdoor advertising board.

The Advertisement cuts to the woman and her two friends enjoying eating the Hot Rods with a hip hop groove whilst others in the park look on, namely two male gardeners. These visuals are accompanied by hip hop music and the onscreen disclaimer "This offer is not everywhere and not forever. Available until 4pm". The Advertisement then cuts to a shot of two of the women high fiving each other to signify their joy.

The Advertisement closes with a KFC logo visual and text of the "\$5 Hot Rod Lunch".

The Complaints & Relevant Codes

The Complainants have expressed concern regarding the use of language and portrayal of elderly people in the Advertisement.

Section 2 of Australian Association of National Advertisers Code of Ethics (“Code of Ethics”) has been cited as relevant, and in particular sections 2.1 and 2.5.

Has the Code of Ethics been breached?

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.

One of KFC’s brand values is generosity, and as such, its “value” product offers are plentiful. KFC believes in the concept of giving a lot for little in return. The campaign leverages the common colloquial expression, “Shut up and take my money!”, to refer to KFC’s value deals which are just too good to be true.

The campaign also aims to celebrate KFC’s personality which is cheeky, charming and genuine. The quick service restaurant advertising space is littered 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.

The Advertisement is purposely designed to fit within the campaign’s objectives.

Age Discrimination or Vilification

KFC is of the view that the Advertisement does not in any way discriminate against or vilify elderly people.

The primary purpose of the Advertisement is to demonstrate that joy is ageless and has no boundaries in life. As such, the Advertisement portrays three elderly women all having fun, smiling and enjoying life together. The visuals of the elderly women in the Advertisement do not in any way disrespect, humiliate or demean the elderly women, but rather positively showcase the sheer pleasure they experience in eating their \$5 Hot Rods Lunch.

KFC prides itself on ensuring that its value offers, such as the \$5 Hot Rods Lunch, can be enjoyed by consumers of varying ages. The Advertisement includes visuals of the women having a good time eating their \$5 Hot Rods Lunch to resonate with all adults, regardless of age differences, who can relate to the light-hearted scenes unfolding.

Inappropriate language

KFC considers that the language used in the Advertisement is appropriate and relevant for an adult audience, which is the target group of the Advertisement.

The mature-aged women were specifically cast as talent for the Advertisement to connect

with an adult audience. The central focus throughout the Advertisement is on the women's behaviour.

Further, the voiceover of the women who says "Shut up and take my money!" is overtly adult language. At the time this voiceover is delivered, we clearly see a close up of the women facing towards the outdoor advertising board which shows the advertisement for KFC's \$5 Hot Rod Lunch on it. The woman clearly says "Shut up and take my money!" out aloud to herself rather than directly at or to anyone else in the Advertisement. The hip hop music track is used during the Advertisement to enhance the adult theme and tone of the Advertisement.

In our view, the line "Shut up and take my money!" is appropriately used in the context in which it is delivered. The language is a form of expression of the lead character's amazement and enthusiasm at seeing KFC's great value offer for its Hot Rods Lunch. The lead character uses a tone of voice of genuine surprise and excitement when she says the line "Shut up and take my money!", as the deal is just too good to be true. Her tone of voice is in no way rude or angry.

We believe the words "shut up" are used in the Advertisement in a manner consistent with their colloquial usage in order to command the audience's attention. The words are commonly and widely used in the Australian vernacular, and are consequently embedded in pop culture in Australia and elsewhere in the world.

Lastly, we note that the Advertisement has a W rating (General/Care in placement) and has been accordingly screened on television during appropriate hours to target an adult audience.

We trust this addresses the Complainants' concerns.

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 complainants' concerns that the advertisement depicts older people in an inappropriate manner and uses language which is rude and demeaning.

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

The Board 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 Board noted this television advertisement features an older woman riding a mobility scooter notice an advertisement promoting a \$5 Hot Rod Lunch deal at KFC and exclaiming, "Shut up and take my money!"

The Board noted the complainants' concerns that a depiction of an older woman saying 'shut up' is a disgusting and distasteful portrayal of an older person.

The Board noted that when the woman says, “Shut up...” she has just seen a meal deal being advertised and considered that the manner in which she says this phrase is strongly suggestive of the woman talking to herself and not addressing another person. The Board noted that we subsequently see the woman and her two friends eating the advertised meal deal and considered that their behaviour and the manner in which they handle their mobility scooters is strongly suggestive of these older women being confident and in control of their lives.

The Board acknowledged that some members of the community may find it inappropriate to depict an older person using language such as ‘shut up’ but considered that the advertisement does not suggest that all older people would use this phrase and in the Board’s view the manner in which it is used in the advertisement is not inappropriate and does not portray older people in a negative or demeaning light.

Overall the Board considered that the advertisement did not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of age and determined that the advertisement did not breach Section 2.1 of the Code.

The Board 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 Board noted the complainants’ concerns that ‘shut up’ is not appropriate language to use and that the advertisement may encourage children to use this phrase.

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 noted that the advertisement had been rated ‘W’ by CAD which means the audience would include children and considered that the focus of the advertisement is on the food product, not the language used by the woman in the opening scene, and in the Board’s view the language is not of itself strong, obscene, or inappropriate for children to hear.

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.

The Board considered that the advertisement did not use strong or obscene language and 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 Board

dismissed the complaints.