



Ad Standards Community Panel
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Ad Standards Limited
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Case Report

1. Case Number :	0321-21
2. Advertiser :	Yum Restaurants International
3. Product :	Food/Bev Venue
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	24-Nov-2021
6. DETERMINATION :	Dismissed

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

DESCRIPTION OF ADVERTISEMENT

This television advertisement features a group of taxi drivers. One offers a man a taxi and he refuses, leaving in another car. The group then sit in a taxi and eat KFC.

THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

I feel the ad is racially stereotyped and portrays taxi drivers as being a bit sleazy.

Taxi touting is illegal & makes out country look like a third world country so therefore shouldn't be advertised on tv

It is the stereotyping that KFC has unashamedly used in this version of the ad where a group of taxi drivers are keenly waiting for clients. All the drivers were of Culturally and Linguistically Diverse Background (CALD) and the driver who said the line 'Shut up and take my money' had to do it with an Indian Accent. This is so wrong on so many fronts. KFC assumes firstly that taxi drivers in Australia have to be of CALD background and have to include a person of Indian Origin? What is KFC trying to insinuate? How is that AD even inclusive?



THE ADVERTISER'S RESPONSE

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

Section 2.0: Taxi Touting

The Advertisement opens on a typical late night scenario with a man leaving a venue in a rush to get home. There are a group of taxi drivers parked in a taxi cab rank marked as a 'Taxi Zone'. The protagonist highlights that he is available as is common taxi rank etiquette with the expectation that the customer take the first cab off the rank. However, the man chooses to walk past and get in to a different taxi.

The Advertisement is light hearted take on the on the growing competition between registered taxi companies and other ride-share services.

The protagonist is disappointed at first with the loss of a potential customer and fare but this quickly dissipates when he is distracted by the Advertisement and the Wicked Wing promotion. The act of eating KFC with his fellow taxi drivers shows that enjoying KFC can be the catalyst to alleviate a disappointing situation and the Advertisement ends with the taxi drivers enjoying themselves.

Section 2.1: Discrimination or vilification based on race

The Advertisement was cast to represent a range of races and features a mixed-raced protagonist and multiple taxi drivers from varying ethnicities. Different nationalities were specifically chosen to highlight humorous or positive stereotypes commonly found in this industry. There are no negative or derogatory behaviours shown in relation to the taxi drivers or any other characters.

The taxi drivers are not depicted as behaving in any way which portrays bigotry, intolerance or unfavourable treatment towards any of the characters because of their race, ethnicity, nationality, sex, age, religion or political belief.

There are also no behaviours shown which intend to humiliate, intimidate or incite hatred or contempt for any of the characters because of their race, ethnicity, nationality, sex, age, religion or political belief.

The Advertisement does not discriminate or vilify the taxi drivers in any way including on account of race, ethnicity or nationality and complies with section 2.1 of the Code of Ethics.

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

With respect to section 2 of the Code of Ethics, I note that the Advertisement:

- 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 in any way (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);*



- *does not use language which is inappropriate in the circumstances (section 2.5); 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 2.0 and 2.1 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 complainants' concern that the advertisement:

- Is racially stereotyped and offensive
- Portrays taxi drivers as sleazy
- Depicts taxi touting.

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

The Panel first considered the concern that the advertisement depicts taxi touting. The Panel noted that touting refers to drivers soliciting fares where it's not permitted, or people who are not registered to provide commercial passenger vehicle services soliciting fares. The Panel considered that the taxis depicted in the advertisement are clearly marked and appear to be in a rank, and there is no indication that they are not permitted to offer their services.

The Panel noted a concern that the advertisement depicts taxi drivers as sleazy. The Panel noted that occupation is not a category under Section 2.1 of the Code, and as such these complaints do not raise an issue which can be considered under the Code (and in any case did not agree).

Section 2.1: Advertising or Marketing Communication 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, gender, age, sexual preference, religion, disability, mental illness or political belief.

The Panel noted the AANA Practice Note which provides guidance on the meaning of:

- Discrimination - unfair or less favourable treatment
- Vilification - humiliates, intimidates, incites hatred, contempt or ridicule
- Race - viewed broadly this term includes colour, descent or ancestry, ethnicity, nationality, and includes, for example, ideas of ethnicity covering people of Jewish or Muslim origin.



Does the advertisement portray material in a way which discriminates against or vilifies a person on account of race?

The Panel noted complainants' concerns that the advertisement is racially stereotyped in its depiction of the taxi drivers and that such a depiction is offensive.

The Panel noted that there is an existing stereotype of taxi drivers commonly being of a culturally diverse background, however the Panel considered that this stereotype is not in itself discriminatory or necessarily negative.

The Panel considered that the taxi drivers are shown to be working individuals who are on shift at night and offer a service to a man who appeared to have arranged other transport (another driver has pulled up and the man refers to him by name). Upon rejection of that offer, the men see an advertisement for KFC and turn off their taxi lights in order to enjoy their food together. The Panel considered that this depiction did not show the men in a negative light.

The Panel considered that the inclusion of culturally diverse people in the advertisement was not discriminatory and considered that there is nothing in the advertisement that is negative or suggests that culturally diverse people are deserving of unfair or less favourable treatment, or which humiliates, intimidates or incites hatred, contempt or ridicule of anyone.

Section 2.1 conclusion

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of race, the Panel determined that the advertisement did not breach Section 2.1 of the Code.

Conclusion

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