



Case Report

1	Case Number	0352/14
2	Advertiser	Yum Restaurants International
3	Product	Food / Beverages
4	Type of Advertisement / media	Internet - Social
5	Date of Determination	10/09/2014
6	DETERMINATION	Dismissed

ISSUES RAISED

- 2.4 - Sex/sexuality/nudity S/S/N - general
- 2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

The advertisement that is the subject of the Complaint is Kentucky Fried Chicken's (KFC) Facebook advertisement for KFC Burgers and the associated Facebook post (Advertisement). The Advertisement is targeted at 16 – 34 year olds and was posted on 21 August 2014.

The Advertisement comprises the image of part of the top section of a burger bun and is headed "KFCOHYEAH ANACONDA" and includes a logo containing the words "Parental Advisory Explicit Content".

THE COMPLAINT

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

Too many times KFC has gotten away with crude, insulting advertisements that usually relate their products to sex. This doesn't advertise the product in any way, is clearly sexual, and has brought about offensive comments from viewers of the ad and KFC itself- like "so juicy" and "just how we like our buns" -from KFC.

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 (Letter) in relation to the above complaint (Complaint).

The Advertisement was inspired by a new film clip "Anaconda" that had been released by popular music artist and celebrity Nicki Minaj for her new song which features the line "don't want none unless you got buns hun". The film clip has a strong following by the target market and was trending on Facebook and Twitter on the date of the Advertisement.

The Complaint

The Complainant stated the following concerns in respect of the Advertisement:

Too many times KFC has gotten away with crude, insulting advertisements that usually relate their products to sex. This doesn't advertise the product in any way, is clearly sexual, and has brought about offensive comments from viewers of the ad and KFC itself- like "so juicy" and "just how we like our buns"- from KFC.

Relevant Codes & Initiatives

Australian Association of National Advertisers Code of Ethics (Code)

The following sections of the Code are cited as being relevant issues raised to date in the Letter:

2.4 – Sex/sexuality/nudity S/S/N – general

2.5 – Language Inappropriate language

Our response below addresses all parts of Section 2 of the Code including the relevant issues concerning section 2.4 and 2.5 of the Code.

Has the Code been breached?

KFC considers that the Advertisement does not breach any part of the Code, including sections 2.4 and 2.5 of the Code.

Section 2.4 of the Code provides:

Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience.

KFC considers that the Advertisement does not portray sex, sexuality or nudity in any way. KFC considers the image reasonably invokes a likeness to a person's buttocks in a subtle, light-hearted manner and not in an overtly sexual way. KFC further considers that any sexual connotations which may reasonably be drawn from the Advertisement are very subtle and are appropriately adapted to the target audience.

The image of the KFC burger bun is a playful parody of the Nikki Minaj line "Done want none unless you got buns hun". This is intended to promote the desirability of the KFC burger bun in a playful manner. KFC considers that the use of the parody to promote the desirability of the KFC burger bun is both relevant and appropriate for the target audience (16 – 34 year olds) and the media platform (Facebook). The Advertisement and associated posts do not contain any sexually explicit or highly suggestive images or content. Further, KFC considers that nothing in the Advertisement can reasonably be considered to be generally objectionable to the community or to offend Prevailing Community Standards.

Section 2.5 of the Code provides:

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.

We note the AANA Code of Ethics Practice Note (26 November 2012) provides:

Words and phrases which are innocuous and in widespread and common use in the Australian vernacular are permitted (provided they are used in a manner consistent with their colloquial usage, for example with gentle humour, and not used in a demeaning or aggressive manner).

The words used in the Advertisement are “KFCOHYEAH ANACONDA” and “Don’t want none unless you got buns hun”. There is also a logo containing the words “Parental Advisory Explicit Content” which is used in good humour.

KFC considers the words “buns” and “Oh yeah” are innocuous. KFC also considers such language is appropriate in the circumstances as it reflects language in widespread common use, particularly by the target audience (16 – 34 year olds) on Facebook. No strong or obscene language is used in the Advertisement.

While there is user generated content (UGC) on the Facebook page associated with the Advertisement, such as those referred to in the Complaint, KFC monitors such UGC and is satisfied that there is no UGC which could reasonably be regarded as containing strong, obscene, demeaning or aggressive language. KFC also considers that the particular posts referred to in the Complaint – i.e. “so juicy” and “just how we like our buns” – are both innocuous and used in good humour in a manner that is appropriate for the Facebook medium.

Further, KFC notes that the Advertisement:

- does not discriminate or vilify any person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, disability, mental illness or political belief (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 in any way (section 2.3);*
- does not depict any material contrary to Prevailing Community Standards on health*

and safety (section 2.6).

Therefore, for the reasons outlined above, KFC believes that the Advertisement complies with section 2 of the Code in its entirety.

KFC trusts the response outlined in this letter addresses the Complainant's 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 complainant’s concern that the advertisement features an image of a burger bun which resembles buttocks and that this is sexualised and inappropriate.

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

The Board considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: “Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience”.

The Board noted that this Facebook advertisement features an image of the top of a seeded burger bun along with the text, “Don’t want none unless you got buns hon #NickiMinaj #KFCOhYeah”.

The Board noted that it had previously upheld an image of a burger lodged between a woman’s buttocks in case 0416/13 but considered that in the current advertisement the image is clearly of a burger bun and not of a woman’s bottom. The Board noted that whilst there is mild resemblance to buttocks the Board considered that the addition of the seeds on the bun lessens this resemblance and overall the image is not overly sexual.

The Board determined that the advertisement did depict sex, sexuality and nudity with sensitivity to the relevant audience and that it did not breach section 2.4 of the Code.

The Board then 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 link to the Nicki Minaj song, Anaconda, but considered its role was to consider the presented material in the advertisement and not any material linked to, but not used, in the advertisement. The Board noted that the lyric quoted in the advertisement, ‘Don’t want none unless you got buns hon’ is relatively mild and considered that this lyric has a clear reference to the image of the bun in the advertisement and is not of itself overly sexualised or inappropriate.

The Board noted the complainant’s concern about the user generated comments accompanying this advertisement, specifically ‘so juicy’ and ‘just how we like our buns’. The Board acknowledged that these comments could be interpreted as having sexual connotations towards a woman’s buttocks but considered that the level of innuendo is relatively mild and that these comments can equally be interpreted as referring to a juicy burger and to a burger bun. The Board noted that the Facebook audience is people aged over 13 years and considered that the language used in the advertisement is not inappropriate for

this audience.

The Board considered that the advertisement used language which was not strong or obscene.

The Board 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 complaint.