



Case Report

1	Case Number	0356/13
2	Advertiser	Yum Restaurants International
3	Product	Food / Beverages
4	Type of Advertisement / media	Print
5	Date of Determination	23/10/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

QSR - 4.1 - Advertising and Marketing Message Advertising and Marketing Message must comply

QSR - 4.3 - Product Placement no placement unless products consistent with Article 4 (1)

DESCRIPTION OF THE ADVERTISEMENT

This offer was placed in the West Australian Newspaper which included a third page horizontal ad in schools out magazine, 1 coupon in Schools Out Magazine and 10 coupons (total) 1 coupon per day (M-F) in the Entertainment section of The West Australian during the school holidays. There is an image of a meal deal called the "Cheap as Chips" meal which includes 8pcs chicken, 6 nuggets, 2 large potato and gravy, 2 large chips and 2 dipping sauces for \$20.95.

THE COMPLAINT

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

Breach of the QSRI:

The Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children ('QSRI') purports to provide a framework for signatories to ensure that only food and beverages that represent healthier choices are promoted directly to Children. This advertisement has been printed in breach of the QSRI.

Specifically, the advertisement breaches clause 3.1 of the QSRI, which provides:

"Advertising or Marketing Communications to Children for food and/or beverages must:

(a) Represent healthier choices, as determined by a defined set of Nutrition Criteria for

assessing children's meals (see Appendix 1); and/or

(b) Represent a healthy lifestyle, designed to appeal to the intended audience through messaging that encourages:

*(i) good dietary habits, consistent with established scientific or government criteria; and
(ii) physical activity."*

The advertisement breaches clause 3.1 because: -

- 1. It is a marketing communication directed to children which depicts food and/or beverage products;*
- 2. It does not represent healthier choices; and*
- 3. It does not encourage good dietary habits consistent with established scientific government criteria; and*
- 4. It does not encourage physical activity.*

The advertisement is directed primarily to children

We rely on the limb of the definition of "advertising and marketing communications to children" that confirms the provisions of the QSRI apply to communications where "the Medium is directed primarily to children", regardless of the nature of the actual advertisement.

In support of this submission, we draw the Board's attention to the printed Medium in which the advertisement is communicated. It appears on page 3 (the inside cover) of a school-holiday special lift-out from the newspaper, that reports on movies and contains details of mail-away prize competitions for kids movies., Its title: "School's Out!" appears in large, brightly coloured letters, surrounded by characters from recently released children's movies including the animated adventures designed for young children: 'Smurfs' and 'Snails'. The lift-out's cover promotes the opportunity to win prizes, such as DVD packs featuring merchandise from the movies "Smurfy Hollow", "Despicable Me 2" and "Monster's University". The lift-out is a self-contained piece of the newspaper directed primarily (or solely) to children who are beginning school holidays, with the intended audience obvious from the very heavy use of popular animated characters, movie tie-ins and promotion of prizes aimed at children. Therefore, although the advertisement itself advertises a "family" meal deal, and does not depict characters or elements that are, of themselves, directed primarily to children, it clearly meets the definition of a "marketing communication directed primarily to children" within the meaning of s.2 of the QSRI, because the Medium itself is directed primarily to children.

In considering the child-directed nature of the Medium through which the advertisement is communicated, the Board has previously noted that certain Media are so obviously child-oriented, that they meet the definition regardless of whether the actual audience is comprised of children. For example, the Board noted in decision 0179/13 that the television program "Skippy" is a program that is directed at children even when it is aired at 2am, when the actual audience is likely to be composed mostly of adults. We submit that a school holiday lift-out special with a front cover depicting characters from children's animated and adventure movies, promoting the opportunity to win movie prizes should be similarly categorized. To suggest the lift is not directed primarily to children, given its title ("School's Out!") and lavish decoration with a collage of Smurfs, animated aeroplanes and animated snails, all from children's films timed to be released coincident with school holidays, would be nonsensical.

In short, despite the fact that the advertisement itself does not draw on design elements of particular appeal to children, its placement within the school-holiday special lift-out for kids fits the definition of a "marketing communication to children" in that it is within a "medium directed primarily to children".

The ad is for food and/or beverage products

The ad shows KFC food products (chicken pieces, chicken nuggets, potato and gravy, chips and dipping sauces).

The food products advertised do not represent healthier choices

We submit the products depicted are high in fat, saturated fat and salt and in no way represent healthier choices.

We consider it of particular concern that such a meal, which does not fit the criteria of a children's meal, contains no healthy elements or beverages whatsoever, and is not suitable for consumption by one person (let alone a child), should be promoted in a Medium directed primarily at children.

Even if a child was to consume ¼ of the food in the meal deal, that serving would not meet the energy criteria values for children of any age as set out in s.2 of Appendix 1. Certainly the meal depicted does not include a beverage, which is a requirement of the composition of meals directed at children, and the average levels of saturated fat, sugar and sodium in the products depicted exceed the limits set out in the QSRI for "nutrients of public health concern".

The ad does not represent a healthy lifestyle, designed to appeal to the intended audience through messaging that encourages

*(i) good dietary habits, consistent with established scientific or government criteria; and
(ii) physical activity.*

The advertisement depicts only the food products listed, most prominently a large pile of fried chicken. In no way does it reference or encourage dietary habits consistent with scientific or government criteria, or physical activity.

Relevant government standards and recommendations for adults and children include the Australian Dietary Guidelines (2013), which recommend limiting intake of foods high in saturated fat and salt. The large servings depicted, even if they were to be shared among a family, are contrary to governmental dietary guidelines, which recommend the consumption of a variety of food groups, with vegetables, legumes and cereals recommended for regular eating, and foods high in salt and saturated fat recommended "only sometimes and in small amounts".

There is no quantity of the product depicted that could be recommended to form part of good dietary habits, and the absence of any drinks or vegetables is in fact strongly suggestive of unhealthy dietary habits. However, if the Board does not agree with this proposition, it remains clear that the ad still fails to discharge the onus of promoting good dietary habits. The Board has previously noted when considering equivalent provisions of the RCMI, that merely omitting any references to unhealthy eating choices is not sufficient to discharge this obligation (see decision 0454/11). It is quite clear that the advertiser is required to positively encourage good dietary habits and physical activity. In no way could this advertisement be said to depict good dietary habits, as none of the elements of the meal deal represent healthier choices, either on their own or in combination.

Further, the advertisement, which simply depicts a large quantity of fried food, patently fails to reference, let alone promote, any kind of physical activity.

Conclusion

We respectfully submit this advertisement represents a flagrant breach of the QSRI, promoting unhealthy foods in Media directed primarily to children. We consider this highly unethical and harmful corporate behavior, particularly at a time when one in four Australian children are overweight or obese. We ask the Board to request the removal of this advertisement from all future print Media directed at children, including, but not limited to, School Holiday special lift-outs in newspapers in Australia.

The advertisement features in a newspaper lift out for the school holidays; therefore the content has a target audience of school children. The advertisement features on page 3 of the lift out so is noticeable when you first open from the first page. The ad associates school holidays with the consumption of fast food, and is directly targeted at children. The ad is also featured on the back page of the lift out amongst other advertisements for activities which target children during the school holidays, such as recreational and educational activities. The KFC advertisement is the only food-based ad on this page and should not be promoted amongst other advertisements for ads about activities to do during the school holidays.

THE ADVERTISER'S RESPONSE

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

DESCRIPTION OF ADVERTISEMENT

The advertisement to which the complainant refers is what we call a High End/Core Family bundle which we target towards Grocery Buyers with kids 5-17yo. We classify this as a family bundle due to the fact it is enough to feed between 3-4 family members. The bundle includes 8pcs chicken, 6 nuggets, 2 large potato and gravy, 2 large chips and 2 dipping sauces for \$20.95 which we call the "Cheap as Chips" meal.

Offer placed in The West Australian Newspaper which included a third page horizontal ad in schools out magazine, 1 coupon in Schools Out Magazine and 10 coupons (total) 1 coupon per day (M-F) in the Entertainment section of The West Australian during the school holidays. HAS THE CODE, THE CHILDRENS CODE AND/OR THE INITIATIVE BEEN BREACHED? Competitive Foods considers that the Advertisement does not breach the Code, the Children's Code or the Initiative.

Under the Children's Code the term "Advertising or Marketing Communications to Children" means "advertising or Marketing Communications which, having regards to the theme, visuals and language used, are directed primarily to Children and are for the Product". Competitive Foods does not believe we are targeting direct to children.

Firstly the Advertisements primary purpose is to appeal to mothers over the School Holliday period and assist mothers to come up with a dinner solution for this time of year when they may experience a break in their routine. To reiterate, the text on the advertisement (not the coupon itself) states "Now schools out...this is a KFC FAMILY MEAL DEAL definitely worth going on holidays for."

Secondly, as addressed earlier, the Advertisement only promotes KFC Family dinner meals which are designed to be consumed by a number of adults and children. Only KFC family dinner meal items are depicted in the Advertisement. The pricing of the meal \$20.95 also reflects that the KFC products advertised are family meals. Consequently, the KFC advertisement is targeted toward and have principal appeal to parents who typically arrange dinner meals for their family members, whether they be over or under 14 years of age. The complainant states the ad associates school holidays with the consumption of fast food and is directly targeted at children. She also states the ad is also featured on the back page of the lift out amongst other advertisements for activities which target children during the school holidays, such as recreational and educational activities.

The proposal sent to me from The West Australian clearly states "Schools out magazine is the ultimate resource for parents during the school holiday's period packed full of fun activities, special offers and ideas to keep kids entertained. The "objective" for the campaign is to "increase consumer awareness, drive store traffic and position KFC as a great place for

Families to enjoy good times and delicious food during the school holidays. Furthermore to the West Australians proposal states that “thousands of parents with school aged children read the West Australian each week seeking news and relevant information. Please see attachment of proposal uploaded along with this letter.

That being said, Competitive Foods is a signatory to the Initiative, and as such, is committed to setting a high standard for responsible marketing to children. A central tenet to this commitment is KFCs policy not to advertise directly to children or during children’s programming. KFC were actually one of the first QSR to sign this initiative a number of years ago and we are very mindful of our responsibilities towards children.

Contrary to the Complainants view, the advertisement is not directed at children and therefore we do not believe that we breached any codes. We trust this addresses the Complainants concerns.

THE DETERMINATION

The Advertising Standards Board (‘the Board’) considered whether this advertisement breaches the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children (the ‘QSR Initiative’), the AANA Food and Beverages Advertising and Marketing Communications Code (the ‘Food and Beverages Code’), and the AANA Code for Advertising and Marketing Communications to Children (the ‘Children’s Code’).

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

The Board noted the complainant’s concern that the advertisement is promoting unhealthy food to children.

The Board noted that the QSR Initiative is designed to ensure that only food and beverages that represent healthier choices are promoted directly to children.

The Board considered the definition of advertising or marketing communications to children within the QSR Initiative. The definition states that ‘advertising or marketing communications which, having regard to the theme, visuals and language used, are directed primarily to children and are for food and/or beverage products.’ Under this initiative children means “persons under the age of 14 years of age.”

The Board also noted that the QSR Initiative captures Advertising and Marketing Communications to Children where:

1. The communication is directed primarily to Children (regardless of its placement); or
2. The Medium is directed primarily to Children (in relation to television this includes all C and P programs and G rated programs that are directed primarily to Children); or
3. The Medium attracts an audience share of greater than 50% of Children.

The Board first considered whether the communication itself was directed primarily to children.

The Board noted the advertisement, which features an image of a KFC family meal consisting of chicken pieces, chicken nuggets, chips, potato and gravy and dipping sauces, was placed in the School Holiday lift-out of the Western Australia newspaper.

The Board noted the theme of the advertisement (a KFC meal deal), the visuals (images of

food) and the language (...this is a KFC family meal deal...) and considered that overall the advertisement is directed primarily to adults.

The Board noted the complainant's concerns that the medium is directed to children because it is a school holidays lift-out. The Board noted that this lift-out does contain some content which would be attractive to children. The Board noted the information provided by the advertiser which outlines the Western Australia newspaper's sales information which includes readership statistics and feedback on the effectiveness of advertising to parents in this medium and considered that despite the inclusion of some activities of appeal to children, in the Board's view overall the medium is directed primarily at parents, not children. The Board noted the reader demographics of the Western Australian School Holiday lift-out which was provided by the advertiser in their response and considered that the audience share of the lift-out would not be greater than 50% of children.

Based on the requirements outlined in the initiative, the Board considered that as the advertisement was not directed primarily to Children, did not appear in a medium directed primarily to children and did not appear in a medium which attracts an audience share of greater than 50%, the QSR does not apply.

The Board then considered whether the advertisement complied with the requirements of the AANA Code for Advertising and Marketing Communications to Children (the Children's Code).

To fall within this Code, or Part 3 of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food and Beverages 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."

For the reasons mentioned above, the Board considered that the advertisement is not directed primarily to children and a family meal deal is not a product directed to children therefore the Children's Code and the Food Code do not apply.

Finding that the advertisement did not breach the QSRI, the AANA Food Code or the AANA Children's Code, the Board dismissed the complaint.