



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0360-21</b>
<b>2. Advertiser :</b>	<b>Yum Restaurants International</b>
<b>3. Product :</b>	<b>Food/Bev Venue</b>
<b>4. Type of Advertisement/Media :</b>	<b>TV - Free to Air</b>
<b>5. Date of Determination</b>	<b>19-Jan-2022</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification

### DESCRIPTION OF ADVERTISEMENT

This television advertisement features a man standing behind a microphone on stage too nervous to speak. A voice calls out, "did someone say KFC". The man is then seen eating a burger with friends.

### THE COMPLAINT

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

*I have severe anxiety and this is a day to day struggle. They are mocking the fact that this man is having an anxiety attack and promoting their product.*

### THE ADVERTISER'S RESPONSE

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

*The complaints and relevant codes*



*The Complainant has expressed concern that the Advertisement vilifies or discriminates on the basis of mental illness.*

*The following concerns are cited in the complaints:*

*AANA Code of Ethics\2.1 Discrimination or Vilification\Mental Illness*

*Alleged discrimination or vilification on the basis of mental illness:*

*The Advertisement depicts a performer at an amateur comedy night experiencing stage fright, a common occurrence for first time performers when faced with being on stage in public. The tone of the Advertisement is light hearted, depicting an awkward scenario most viewers will have experienced from time to time. The protagonist, who is anxious at his failed attempt at delivering a punchline, is offered a reprieve when an audience member breaks the silence with KFC's well known catch phrase 'Did somebody say KFC?'*

*The Advertisement ends with the protagonist enjoying a Zinger Crunch burger with the manager of the comedy club illustrating that the right meal can be a good distraction to alleviate an awkward situation. The protagonist is shown laughing and having recovered from any feeling of embarrassment or anxiety.*

*Practice Note to Section 2.1 of the Code defines discrimination as being the unfair or less favourable treatment of an individual. In the Advertisement, the protagonist is in no way treated unfairly or less favourably due to their experience of stage fright or performance anxiety.*

*The Code further defines vilification as the humiliation, intimidation, incitement of hatred, contempt or ridicule. When the protagonist is shown frozen with stage fright, the audience members shouts out KFC's well known and familiar catch phrase in an attempt to alleviate any anxiety or awkwardness being felt by the performer and to distract from it. The audience does not laugh at, ridicule or encourage the humiliation of the protagonist in any way.*

*KFC acknowledges and understands that anxiety is commonly experienced by many members of our community and in no way attempts to lessen the impact of that experience through the light hearted tone of our Advertisement. We do not believe that the Advertisement depicts the discrimination or vilification of any member of the community who may be impacted by anxiety or any other mental illness. The portrayal of our main character does not humiliate, incite contempt for, or ridicule those suffering from anxiety or other mental illness and as such the does not breach section 2.1 of the Code.*

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

*With respect to the other provisions of section 2 of the Code, we 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).*

*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 complainant's concern that the advertisement is mocking a man who is having an anxiety attack.

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

**Section 2.1: 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 Panel noted the Practice Note to Section 2.1 provides the following definitions:

"Discrimination – unfair or less favourable treatment.

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule."

The Panel considered that a fear of public speaking is not necessarily an example of a person having an anxiety condition and noted that a person can feel anxiety about a situation without having an anxiety disorder.

The Panel also considered that a reference to a person having a condition such as anxiety does not of itself constitute discrimination or vilification.

The Panel noted that the advertisement depicts a scene of a man who is trying to perform a stand-up routine at a comedy club however noted that while the man looks uncomfortable, he does not appear to be having an anxiety attack evidenced for example by erratic breathing.



However the Panel considered that if the man in the advertisement does indeed suffer from an anxiety condition, the advertisement does not disparage or humiliate the man on those grounds. Rather, the advertisement shows a person relieving the man's discomfort by asking if someone said KFC, and then showing the man happily eating and laughing with another person.

### **Section 2.1 conclusion**

The Panel 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 mental illness and 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 complaint.