



Case Report

1	Case Number	0368/12
2	Advertiser	Yum Restaurants International
3	Product	Food and Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	12/09/2012
6	DETERMINATION	Dismissed

ISSUES RAISED

Food and Beverage Code 2.1 (a) - Misleading / deceptive

2.1 - Discrimination or Vilification Gender

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

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement opens with a man inside a KFC store having just purchased a boxed meal and is accompanied by a male voiceover which says “KFC presents man versus the world” and the super “Man vs The World”. As the man walks to exit the KFC store he is confronted with a dilemma; he cannot open the door with his hands because they are full holding and eating from the boxed meal. The man therefore pulls the door open using his foot. We then see men ten pin bowling, ‘high fiving’ each other, using a spanner to fix a car, rubbing sticks to light a camp fire, pitching a tent, undoing a partner’s bra and handling a chainsaw to create a superhero sculpture. In all these scenes the man uses his feet to perform the tasks as he is using his hands to hold a KFC Five Stars Box and eat a burger. We then see a close-up image of KFC’s Five Stars Box meal and the voiceover says “Man one, world zero. KFC’s new Five Stars Box. It’s not a mouthful, it’s an armful”. The Advertisement ends with KFC’s “So Good” trade mark.

THE COMPLAINT

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

The ad for 5 stars box shows every person holding a 5 stars box eating a burger and yet the 5 star box contains no burger or burger option.

The content of this ad- the part in which they say 'man 1-woman 0' and have the statue/sculpture of the man with the woman at his feet is sexist and derogatory to women. We live in a society in which we are trying to get rid of macho male culture and aim for equality but ads like this just reinforce disrespect for the female gender and promote competition between men and women and teach boys it's good to be 'blokey' misogynists.

THE ADVERTISER'S RESPONSE

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

There are two versions of the Advertisement, namely a G rated version, and an M rated version. The M rated version is only aired after 8.30pm. The Advertisement is targeted at males aged between 18-35 years. The Advertisement will finish airing nationally on 3 September 2012, with the exception of the Wollongong region which will finish airing on 24 September 2012. The anonymous complainants claim to have viewed the Advertisement at approximately 9.00pm and 10.20pm. For the purposes of responding to all of the complaints, we have assumed that the Advertisement of concern is the M rated version. The Complaints

The first complainant asserts that "The content of this ad – the part in which they say 'man 1-woman 0 and have the statue/sculpture of the man with the woman at his feet is sexist and derogatory to woman". The first complainant also asserts that "ads like this just reinforce disrespect for the female gender and promote competition between men and women and teach boys it's good to be 'blokey' misogynists". The second complainant has questioned what the activity depicted in the Advertisement has got to do with eating KFC and asserts that they "find it puzzling and very confronting". The third complainant has asserted that "The ad for 5 stars box shows every person holding a 5 stars box eating a burger and yet the 5 star box contains no burger or burger option". Relevant Codes Australian Association of National Advertisers Code of Ethics ("the Code") Section 2 of the Code has been cited as relevant, and in particular: • Section 2.1 "Advertising or Marketing Communications 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"; and • Section 2.4 "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience". Australian Association of National Advertisers Food and Beverages Marketing and Communications Code ("the F&B Code") There is a suggestion that the Advertisement breaches the F&B Code in that it is misleading/deceptive. Australian Association of National Advertisers Code for Advertising and Marketing Communications to Children There is no suggestion that the Advertisement breaches the Children's Code. Has the Code and/or the F&B Code been breached? Firstly, the Advertisement's primary purpose is to engage and build relevancy with young male adults who are the target audience for KFC's Five Stars Box meal. To do so requires light hearted, tongue-in-cheek entertainment and humour; not dissimilar to the approach adopted for other male oriented marketing campaigns. In no way is the objective of the Advertisement to offend, discriminate against or vilify any person or section of the community on account of gender, be it male or female, age or sexual preference. The Advertisement also treats any concepts of sex, sexuality and nudity contained in it with sensitivity to its young male adult target audience. Secondly, the execution of the Advertisement and the scenarios depicted are designed to be amusing and over the top exaggerations of how young males prioritise and

make decisions when confronted with satisfying their stomachs and performing activities. Throughout the Advertisement the men each prioritise holding and eating from the KFC boxed meal over everyday tasks, and as such, the men use their feet to perform the tasks. The first complainant claims that the Advertisement includes a voiceover which says “man 1-woman 0”. However, the voiceover used in the Advertisement in fact says “Man one, world zero” and includes the super “Man vs The World”. The purpose of the Advertisement is to play on the concept of a man facing the world. The Advertisement therefore does not promote any competition between the male and female gender. In relation to the first complainant’s reference to the sculpture of the man with the woman at his feet, we note that the portrayal of the sculpture in the Advertisement is intended to artistically mimic a male superhero figure and pose renowned in popular culture. The sculpture is adapted to show a man holding a boxed meal under one arm and a burger high in the air with the other hand. The sculpture and other images contained in the Advertisement are not in any way meant to be sexist or derogatory to women. KFC actively promotes, supports and celebrates women in Australia. KFC is involved in conducting fundraising and supporting donations to the McGrath Foundation. The McGrath Foundation raises funds to place breast care nurses in Australian communities and promotes breast awareness in young Australian women. In addition, some of KFC’s marketing campaigns focus on acknowledging the pivotal role that women play in society. For example, KFC’s Mother’s Day 2012 campaign provided a number of everyday Australians with the opportunity to feature in the campaign by personally saying thank you to their mothers via a KFC video ‘Photo booth’. Contrary to the first and second complainants’ views, the Advertisement does not portray people or depict material in a way which discriminates against or vilifies any person or section of the community on account of gender, age or sexual preference and treats sex, sexuality and nudity with sensitivity to its intended audience. KFC considers that the Advertisement does not breach the Code. In response to the third complainant’s concern regarding the depiction of a burger in the Advertisement, we note that the Advertisement was initially created to promote KFC’s range of boxed meals, including the “Five Stars Box”, “3 Piece Box”, “Zinger Box”, “Twister Box” and “Ultimate Box”, some of which include burgers. KFC’s Five Stars Box is the latest boxed meal added to the range. Prior to receiving the complaints notified to us, we made the following amendments to the 30 second and 15 second versions of the Advertisement: • 30 second Advertisement – The food sequence for the Five Stars Box was removed from the Advertisement and replaced with images of the entire range of boxed meals, including images of those meals which include burgers. • 15 second Advertisement – All images of the various men holding burgers were removed and replaced with either an image of a man holding a KFC chicken piece or wrap, as included in the Five Stars Box meal. As a result, no burger images are contained in the revised version of the Advertisement. The revised 30 second and 15 second versions of the Advertisement were first broadcast on 20 August 2012. KFC considers that the Advertisement does not breach the F&B Code. We trust we have addressed the complainants’ concerns.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code or section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainants’ concerns that the advertisement depicts a product which is not available as part of the promoted boxed meal, is sexist towards women and features a

man undoing a woman's bra with his feet.

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

The Board noted that the product advertised is food and therefore the provisions of the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code) apply. In particular the Board considered Section 2.1 of the Food Code which provides:

'Advertising or marketing communications for food ...shall be truthful and honest, shall not be or be designed to be misleading or deceptive or otherwise contravene prevailing community standards, and shall be communicated in a manner appropriate to the level of understanding of the target audience of the Advertising or Marketing Communication with an accurate presentation of all information including any references to nutritional values or health benefits.'

The Board noted the complainant's concerns that the advertisement shows men holding the KFC Five Stars Box and a burger and that a burger is not part of the Five Stars Box meal.

The Board noted that the actors in the advertisement are depicted holding the burger separately to the Five Stars Box and considered that as you do not see them purchasing the product or removing the burger from the Box it is possible that they bought the burger in addition to the Five Stars Box.

The Board noted the advertiser's response that following receipt of the complaint they have revised the advertisement to remove all images of the burger.

The Board considered that as the advertisement did not explicitly state that the burger is or is not part of the Five Stars Box the advertisement was not misleading or deceptive and did not breach Section 2.1 of the Food Code.

The Board then considered the Code of Ethics.

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, sex, age, sexual preference, religion, disability or political belief.'

The Board noted the advertisement features men using their feet to perform various tasks because their hands are full holding food from KFC. The Board noted the complainants' concerns that the advertisement is sexist towards women in its depiction of a statue of a

woman at a man's feet whilst a voiceover says, "Man one, world zero".

The Board noted that the statue, showing the man holding a KFC box in his left hand and a burger in his outstretched right hand, is depicted as having been carved from timber by the man using a chainsaw held with his feet. The Board noted the complainant's concerns that the depiction of the woman in the statue is sexist and considered that whilst the portrayal of the woman at the man's feet can be interpreted as the woman worshipping the man, in the Board's view it can also be interpreted as a humorous representation of paying homage to not only the skills used in carving the statue but to the KFC products held in his hands. The Board noted that the voiceover refers to man versus the world and not man versus woman and considered that the overall theme and tone of the advertisement is humorous and fanciful and does not present material which discriminates or vilifies sections of the community on account of their sex.

Based on the above the Board determined that, in this instance, that the advertisement did not depict any material that discriminated against or vilified any person or section of society.

The Board determined that the advertisement did not breach Section 2.1 of the Code.

The Board then 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 in one scene we see a man use his feet to try and undo a woman's bra strap. The Board noted that we see the woman from behind and that there is no nudity or sexualised poses.

The Board noted the advertisement had been rated M by CAD and considered that the content of the advertisement was not inappropriate for the relevant M audience.

Based on the above the Board considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience and did not breach Section 2.4 of the Code.

The Board considered whether the advertisement was in breach of Section 2.6 of the Code. Section 2.6 of the Code states: "Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety".

The Board noted that in one scene we see a man using a chainsaw with his feet to carve a statue and considered that this depiction is clearly fanciful and that it would be unlikely to be copied by the relevant mature audience the advertisement is targeted toward.

The Board considered that the advertisement did not encourage dangerous behaviour.

Based on the above, the Board determined that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach Section 2.6 of the Code.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.