



Case Report

1	Case Number	0388/13
2	Advertiser	Yum Restaurants International
3	Product	Food / Beverages
4	Type of Advertisement / media	TV
5	Date of Determination	27/11/2013
6	DETERMINATION	Dismissed

ISSUES RAISED

2.6 - Health and Safety Within prevailing Community Standards

DESCRIPTION OF THE ADVERTISEMENT

The Advertisement features five scenarios of young male and female adults enjoying moments in life such as daughter's first driving lesson, two friend walking along the street laughing at something on their tablet, friends riding skateboards together, friends in a convertible car and friends at a KFC store eating "boneless chicken."

THE COMPLAINT

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

The young topless male is skating without a helmet or any other protective gear. I feel as if this promotes unsafe practices and violates existing safety laws.

The advertisement depicted a young male skateboarding topless - without adequate protective gear, including a helmet or other padding (knee, elbow or wrist guards).

THE ADVERTISER'S RESPONSE

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

The Complainant has asserted that "The advertisement depicted a young male skateboarding

topless – without adequate protective gear, including a helmet or other padding (knee, elbow or wrist guards).”

Relevant Codes & Initiatives

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

There is a suggestion that the Advertisement may breach section 2.6 of the Code which states:

“Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety.”

Australian Association of National Advertisers Food and Beverages Marketing and Communications Code (“F&B Code”)

There is no suggestion that the Advertisement breaches the F&B Code.

Australian Association of National Advertisers Code for Advertising and Marketing Communications to Children (“Children’s Code”)

There is no suggestion that the Advertisement breaches the Children’s Code.

Has the Code been breached?

KFC considers that the Advertisement does not breach the Code.

We note that the third scenario (as detailed in the description of the Advertisement set out above) is the subject of the complaint. This scenario portrays three young male adult friends skateboarding in a quiet and closed laneway. No vehicles or objects of an unsafe nature, such as barricades or obstacles, feature in the laneway setting. In our view, skateboarding is an enjoyable pastime of young male adults in Australia. It is common cultural behaviour for young male adults to skateboard without wearing any helmets or other protective gear.

Notwithstanding the above, KFC in no way advocates reckless or unsafe practices.

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 complainants’ concerns that the advertisement depicts a young man skateboarding and not wearing any protective gear which is contrary to prevailing community standards on health and safety.

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

The Board considered 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 the advertisement features various scenes of young adults in different scenarios including skateboarding with friends.

The Board noted the advertiser’s response that the young males who are skateboarding are in a quiet laneway and that it is common for young men to not wear any protective gear whilst skateboarding.

The Board noted that whilst there is a general consensus in the community that wearing appropriate safety gear including helmets is preferable when using a skateboard, there are no rules regarding the use of helmets except in South Australia (http://www.transport.sa.gov.au/pdfs/safety/skateboarders_brochure.pdf). The Board noted that the scene featuring the young men on their skateboards is fleeting and considered that the depiction of the men using their skateboards is consistent with how youth use their skateboards.

The Board considered that the brief scene in the advertisement showing young males not wearing any safety equipment including helmets is not a depiction which is contrary to prevailing community standards on health and safety and that it is unlikely to encourage people to use skateboards in a manner which is unsafe.

The Board determined that the advertisement did not breach Section 2.6 of the Code.

Further finding that the advertisement did not breach the Code on any other grounds the Board dismissed the complaints.