



Case Report

1	Case Number	0484/17
2	Advertiser	Yum Restaurants International
3	Product	Food / Beverages
4	Type of Advertisement / media	TV - Free to air
5	Date of Determination	08/11/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

Food and Beverage Code 2.1 (b) - Contravenes community standards
Food and Beverage Code 2.2 - healthy lifestyle / excess consumption
2.3 - Violence Bullying
2.6 - Health and Safety Bullying (non violent)

DESCRIPTION OF THE ADVERTISEMENT

The advertisement features two cars both with a Mother and daughter. One girl holds up her trophy that she has won and the other girl hold up her box of KFC mashies.

THE COMPLAINT

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

In an age of growing obesity among children to suggest eating fast food is better than winning a trophy in a physical exercise such as dancing sends completely the wrong message

The ad is offensive in two ways.

- 1. Family flaunting fast food is obviously obese as opposed to other family. Not a good example.*
- 2. Premise of the ad also shows contempt from both families which I believe is inappropriate when society is attempting to stop bullying.*

The portrayal of fast food being better than healthy activity.

The manner in which the mother and daughter look cynically and derogatorily at other child.

Tacit approval of manner in which girls is disapproving of girl with trophy.

*Promoting fast food over healthy activity.
Poor portrayal of young girl being critical of other*

In a world where there is so much nastiness and bullying we don't need examples displayed like this. KFC should be a more responsible corporate citizen.

I just feel the advertisement promotes bullying. The ad has two cars with a daughter and mother in each car pulling faces at each other. I feel both mothers in the ad encouraged bad behaviour not something that should be encouraged. I do have a good sense of humour but I'm concerned it is not sending the correct message.

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 and in particular to the complaints referenced therein by various Complainants ("Complainants"). As the marketing manager responsible for the relevant advertisement in this instance, I respond to the complaint as follows:

The Complaint

The Complainants has expressed concern that the Advertisement:

- *Contravenes community standards;*
- *Promotes violence and bullying; and*
- *Encourages excessive food consumption of unhealthy choices.*

Relevant Codes & Initiatives

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

There is a suggestion that the Advertisement breaches clause 2.1 (b) and 2.2 of the F&B Code.

Australian Association of National Advertisers Code of Ethics ("Code of Ethics")

Section 2 of the Code has been cited as relevant, and in particular sections 2.6 and 2.3.

Has the Code of Ethics or F&B Code been breached?

KFC considers that the Advertisement does not breach the Code of Ethics or the F&B Code.

The TVC accurately depicts KFC's new Gravy Mashies and is in no way misleading or deceptive. The vision accurately and clearly shows the product, which is ball of mash with a warm gravy center.

Healthy Lifestyle/ Excessive Consumption

KFC supports our consumers to lead a healthy, balanced lifestyle. Our products are designed to be a treat and we do not encourage excessive consumption. Gravy Mashies are no exception. In no way within the Gravy Mashies TVC do the actors excessively consume the product. The TV depicts a mother and daughter enjoying and sharing one box of Gravy Mashies between them after competing in a dance competition. You can also clearly see from

the vision that our actors who are consuming Gravy Mashies are not overweight or obese.

Moreover the advertisement is not disparaging of healthy foods or food choices or disparaging of physical exercise with both girls returning home from attending a ballet/dance competition. One has one a trophy and the other has been rewarded with a treat from KFC.

Violence

The intention of this ad was a tongue in cheek portrayal of the relationship between the mothers and daughters who have just competed in a dance competition. We were depicting the playful rivalry between the two dance competitors, which is a common and relatable moment in Australian society today.

There is no suggestion that one family is bullying the other. The two are simply comparing the rewards they have received for participating in the dance competition. Both younger girls are in an equal relationship.

There is no suggestion of violence or menace in this TVC at all. There is no suggestion of unsafe behavior.

Contrary to the Complainant's views, KFC have not breached the above-mentioned Codes. We trust this addresses the Complainant's concerns.

THE DETERMINATION

The Advertising Standards Board ('the Board') considered whether this advertisement breaches the AANA Food and Beverages Advertising and Marketing Communications Code (the 'Food Code'), or the AANA Code of Ethics ("the Code").

The Board noted the complainant's concern that the advertisement is promoting unhealthy food and encourages bullying.

The Board reviewed 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.

The Board noted in particular Section 2.2 which states: 'the advertising or marketing communication...shall not (a) undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets, or (b) encourage what would reasonably be considered excess consumption through the representation of product/s or portion sizes disproportionate to the setting/s portrayed or by means otherwise regarded as contrary to prevailing community standards.'

The Board noted the advertisement depicts a mother and daughter in a convertible showing the girl with a trophy after winning a dance competition. The second vehicle has a mother and daughter in it after the same dance competition and they have a box of KFC mashies as their post competition trophy. The two pairs playfully tease each other about their victories. The logo for KFC appears on screen as one vehicle drives away. The text Gravy Mashies and "finger looking good" appear on screen.

The Board considered that, consistent with previous decisions (0101/14, 0262/15, 0593/16, 0057/17), the promotion of a product which may have a particular nutritional composition is not, per se, undermining the importance of a healthy or active lifestyle or contrary to prevailing community standards.

The Board then noted the Practice Note to section 2.2 which states:

Part (a) –“The Board will not apply a legal test, but consider material subject to complaint as follows:

In testing whether an advertising or marketing communication undermines the importance of a healthy lifestyle, the Board will consider whether the communication is disparaging of healthy foods or food choices or disparaging of physical exercise. Such disparagement need not be explicit, and the Board will consider the message that is likely to be taken by the average consumer within the target market of the communication.”

The Board noted that the advertisement makes no reference to exercise though there is an inference that the girls have just competed in the same dance competition. The advertisement includes only images of the mashies not other food, and considered that the advertisement is not disparaging of healthy food choices or of physical exercise.

The Board considered that the promotion of a product from KFC is not in breach of community standards generally and that the promotion of this product as a treat post competition is not inconsistent with or undermining of a balanced diet or healthy lifestyles.

The Board then considered Part (b) which states that – “ In testing whether an advertising or marketing communication encourages excess consumption through representation of products or portion sizes disproportionate to the setting portrayed, or by any other means contrary to prevailing community standards, the Board will consider whether members of the community in the target audience would most likely take a message condoning excess consumption.”

The Board considered that the tone of the advertisement is the depiction of the continued competitiveness between girls after a dance competition. The Board noted the complainant’s concern that the depiction of the mother and daughter eating the mashies are “obese as opposed to the other family.”

The Board noted that the mother and daughter do not appear obese and in the context of a post competition treat the advertisement is not promoting the excess consumption of these types of foods. The Board noted that is it impossible to tell how often the mother and daughter consume fast food and as there is only one box of the mashies this did not amount to a depiction that encourages excessive consumption.

Overall the Board considered that the advertisement did not depict, encourage or condone excess consumption and determined that the advertisement did not breach Section 2.2 of the Food Code.

The Board then considered the AANA Code of Ethics.

The Board considered whether the advertisement was in breach of Section 2.3 of the Code. Section 2.3 states: "Advertising or Marketing Communications shall not present or portray

violence unless it is justifiable in the context of the product or service advertised".

The Board noted that section 2.3 best covers the issue of non-violent bullying and this issue was considered under this section of the Code.

The Board noted the complainants concerns that the advertisement encourages bullying as it depicts the two families pulling faces at each other.

The Board noted that the advertisement depicts the winners of the dance competition firstly smirking and pulling faces at the other vehicle, flaunting the winning trophy. The Board noted that the response from the women in the second vehicle was to produce the box of mashies as a representation of their own trophy.

The Board noted the advertiser's response that the depiction is of 'playful rivalry' between the girls.

The Board noted that the mother and daughter do not appear phased by the taunting of the ladies in the first car and the girl is seen dropping her trophy to her lap seemingly in defeat of the comeback. The Board noted that the depiction was a light hearted portrayal of young rivalry in the dance world and in the Board's view the advertisement did not portray bullying and did not breach section 2.3 of the Code.

Finding that the advertisement did not breach the Food Code, or the Code of Ethics, the Board dismissed the complaints.