



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0541/18
2	Advertiser	Yum Restaurants International
3	Product	Food / Beverages
4	Type of Advertisement / media	App
5	Date of Determination	23/01/2019
6	DETERMINATION	Dismissed

ISSUES RAISED

2.5 - Language Inappropriate language

DESCRIPTION OF THE ADVERTISEMENT

This Spotify advertisement features a young boy and an older female relative eating dinner in a formal dining room. An older male comes in and gives the young boy a bucket of chicken. The young boy takes it then goes outside to share it with his friends.

THE COMPLAINT

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

This advertisement is inappropriate because of what it is intimating - I find it offensive because I don't like the kind of language that they are trying to hide here or the fact that the child is involved. Also the fact that I can't listen to Spotify without myself or my children hearing this ad. Please remove it. Thank you.

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 to is a Spotify commercial for the KFC brand and the iconic 'bucket' of chicken food item (Advertisement). The Advertisement is targeted towards adults and will be advertised until 19 February 2018.

The Advertisement depicts [a formal dining room with a boy and his stern aunt at the head of the table. There are heavy curtains, dark wood and family portraits on the wall. The boy is dressed formally and looks uncomfortable while a grandfather clock ticks in the background. The boy's older brother enters. The older brother is in his early twenties, depicted as a university student from the 1960s, carrying a KFC bucket of chicken under his arm. The older brother walks through the door towards the dining table and places the KFC bucket of chicken in front of his younger brother.

The younger boy looks over to his aunt, unsure of how to behave, then looks back to the bucket. Then without taking his eyes off the bucket, he drops his knife and fork and decisively says outloud "Bucket!" and reaches for a drumstick. A look of unbridled joy comes over his face as he tastes KFC chicken for the first time.

The younger boy picks up the bucket and strides boldly out the front door, toward the front gate, leaving the gloom behind. When he comes out of the door, confidently holding the KFC bucket in his hands, we see bright Kodachrome 1968 sunshine. It is summer, a warm Sunday evening at 5:30pm and the street is busy with neighbours socialising. He strides down the stairs to greet his neighbours who flock towards and around him and start reacting to the aroma of the chicken.]

The complaints and relevant codes

The Complainant has expressed concern regarding the use of inappropriate language.

The following is cited in the complaint:

- Section 2.5 of Australian Association of National Advertisers Code of Ethics (Code of Ethics).

KFC's Marketing Strategy

KFC has strived to create a unique campaign to celebrate our 50th birthday, focusing on the nostalgia of the moment of joy and release that came with eating KFC for the first time. The Advertisement is purposely designed to fit within the campaign's objectives.

No use of inappropriate language

The Advertisement does not use inappropriate language and complies with section 2.5 of the Code of Ethics.

It is quite clear that the younger brother says "Bucket" with reference to the bucket of



chicken his older brother has placed in front of him.

KFC is a brand that has been bringing happiness to tables around Australia for 50 years. We believe that a bucket of KFC chicken creates a moment of joy and release for many people. This TV ad highlights our iconic bucket as the symbol of this sentiment.

With respect to other sections of the Code of Ethics, I note that the Advertisement:

- does not discriminate or vilify any person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, disability, mental illness or political belief (section 2.1)*
- 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 depict or treat sex, sexuality and nudity in any way nor without sensitivity to the relevant audience (section 2.4)*
- does not depict any material contrary to Prevailing Community Standards on health and safety (section 2.6); and*
- the Advertisement is clearly distinguishable as an advert and uses KFC branding to that effect (section 2.7). Therefore, for the reasons outlined above, KFC believes that the Advertisement complies with section 2 of the Code in its entirety.*

THE DETERMINATION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Code for Advertising and Marketing Communications to Children (the Children's Code), the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code), the Australian Quick Service Restaurant Industry Initiative for Responsible Advertising and Marketing to Children (the QSRI) and the AANA Code of Ethics (the Code).

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

The Panel noted that KFC is a signatory to the QSRI and determined that the provisions of the QSRI apply to this marketing communication.

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

The Panel considered the definition of advertising or marketing communications to children within the QSRI. 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 Panel noted that the QSRI captures Advertising and Marketing Communications to Children where:



1. ...the theme, visuals and language used, are directed primarily to Children and are for food and/or beverage products;
2. Advertising or Marketing Communications that are placed in Medium that is directed primarily to Children (in relation to television this includes all C and P rated programs and other rated programs that are directed primarily to Children through their themes, visuals and language); and/or
3. Where Children represent 35 per cent or more of the audience of the Medium.

The Panel considered the definition of Medium in advertising or marketing communications to children within the QSRI which includes “television, radio, newspaper, magazines, outdoor billboards and posters, emails, interactive games, cinema and internet sites.” The Panel considered that Spotify falls within the category of internet sites and is covered by this definition.

The Panel noted that Spotify terms and conditions require users to be 18 or older, or be 13 or older and have a parent or guardian’s consent. The Panel considered that used data shows that less than 35% of Spotify users are aged under 18 (https://downloads.ctfassets.net/ziwa9xqm84y1/3HpiW27k9iO62maM468YIM/53c79d717e6648c52f4da8da2f69e06a/Spotify_for_Brands_Media_Kit_8.4.17__UK__FINAL.pdf). As such, the Panel determined that the advertisement did not meet points 2 or 3 of the QSRI in that it was not broadcast in a Medium that is directed primarily to Children or where Children represent 35 per cent or more of the audience of the Medium.

The Panel noted that with regards to point 1 the Panel must consider whether the communication activity is directed primarily to Children – regardless of its placement.

The Panel noted that the dictionary definition of “primarily” is “in the first place” and that to be within the QSRI the Panel must find that the advertisement is clearly aimed in the first instance at Children under 14 and that it must have regard to the ‘theme, visuals and language’ used in determining this issue.

The Panel noted the advertiser’s response that the advertisement was not directed to children and was intended to appeal to adults through the use of nostalgic imagery and music.

The Panel noted the advertisement begins with a super that states ‘April, 1968’ and a young boy is depicted sitting in a formal dining room eating dinner with an older female relative. An adult male enters carrying a KFC bucket which he puts in front of the boy. The boy says ‘bucket’ and picks it up and walks outside where he holds it up



and other children come running towards him. The words “Life’s better when you say bucket” appears on screen.

The Panel noted that the main character in the advertisement was a child and considered that this may be attractive to children. However, the Panel considered that the advertisement was set 50 years ago and the main child character would be likely to create a sense of nostalgia for adults and remind them of when they were children, rather than be particularly attractive to children given the dated setting.

The Panel considered the visuals in the advertisement were all consistent with a 60s setting, a formal dining room and a streetscape with vintage cars and costumes. The Panel considered that this nostalgic setting would appeal more to an adult audience than it would to children. The Panel noted the brief section of the advertisement where a portrait on the wall was seen to raise an eyebrow in reaction to the KFC, and considered that this animation was humorous and would be of appeal to both children and adults alike.

The Panel noted the language in the advertisement, the young boy saying ‘bucket’ and the super which says “Life’s better when you say bucket” and considered that the language was not child-like or targeted specifically to children.

The Panel considered the theme of the advertisement, a young boy in the 60s seeing KFC in a bucket for the first time and abandoning his dinner to run outside and share it with friends. The Panel considered that some aspects of the theme would be appealing to children, such as escaping formal dining and sharing KFC with friends. However the Panel considered that the advertisement’s overall nostalgic and humorous theme would be of appeal to adults as well as children.

In this instance the Panel considered that the theme, visuals and language of the advertisement was highlighting that KFC had been available for 50 years, and considered that this message was directed equally to adults and children and was not directed primarily to children under 14.

Based on the requirements outlined in the QSRI the Panel 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 more than 35% of Children, the QSRI does not apply in this instance.

The Panel 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 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 outlined above, the Panel considered that the advertisement is not directed primarily to Children.

The Panel determined that as this advertisement is not directed primarily to Children, the Children’s Code and Part 3 of the Food Code do not apply.

The Panel then considered whether the advertisement complied with all relevant provisions of the Food Code.

The Panel considered section 2.2 which states: “the advertising or marketing communication...shall not undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets, or 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 Panel noted that the advertised product is KFC Chicken. The Panel considered that, consistent with previous decisions (Hungry Jacks 282/11, 0132/17), promotion of a product which may have a particular nutritional composition is not, per se, undermining the importance of a healthy or active lifestyle.

The Panel considered that the tone and messaging in the advertisement was about giving up formality for fun, and was not about rejecting healthy food for unhealthy food.

The Panel considered the advertisement featured a young boy who would rather be outside with his friends than inside eating a meal with a strict relative. The Panel considered this messaging was humorous and realistic and the overall impression of the advertisement was not one that would undermine the importance of healthy or active lifestyles nor the promotion of healthy balanced diets.

The Panel noted the boy takes the bucket of chicken outside to share with his friends and considered that the amount of chicken was suitable for the group of children and was not a depiction which would be considered to encourage excess consumption.

The Panel determined that the advertisement did not breach Section 2.2 of the Food Code.

The Panel then considered whether the advertisement complied with the



requirements of the AANA Code of Ethics (the Code).

The Panel considered whether the advertisement was in breach of Section 2.5 of the Code. Section 2.5 of the Code states: “Advertising or Marketing Communications shall only use language which is appropriate in the circumstances (including appropriate for the relevant audience and medium). Strong or obscene language shall be avoided”.

The Panel noted the complainant’s concern that that when the boy says ‘bucket’ it is implying that he is saying ‘fuck it’, which is inappropriate.

The Panel considered that the boy’s enunciation is clear when he says ‘bucket’ and that his words are clearly in the context of a bucket being place in front of him.

The Panel considered that ‘bucket’ is not a word which would be considered inappropriate by most members of the community. The Panel considered there is no indication in the advertisement that the boy is alluding to saying ‘fuck it’ rather than the word ‘bucket’ is used in the context of being given a bucket of chicken and this wording is appropriate in the circumstances.

The Panel considered that even if there is an allusion to a stronger term, it is clearly overridden by the clear word “bucket”. The Panel noted that they had previously considered a similar instance in case 0291/15 for a paper towel advertisement in which:

“The Board noted that whilst there a suggestion of “shit” the actual word used is “sheet” and is clearly heard as such throughout the advertisement. The Board noted that after the exclamation is used, the word is contextualised immediately by onscreen imagery of the product being used to wipe up the particular mess... ... The Board also considered that the exclamation in this advertisement is used in a way that most people would use the word and it is not directed at any particular person and is not aggressive.”

The Panel determined that the advertisement did not use language which was inappropriate in the circumstances and did not breach Section 2.5 of the Code.

Finding that the advertisement did not breach the Code on any other grounds and did not breach the QSRI, the AANA Food Code or the AANA Children’s Code, the Panel dismissed the complaints.

