



Case Report

1	Case Number	0560/17
2	Advertiser	Yum Restaurants International
3	Product	Food / Beverages
4	Type of Advertisement / media	Email
5	Date of Determination	19/12/2017
6	DETERMINATION	Dismissed

ISSUES RAISED

2.1 - Discrimination or Vilification Ethnicity

DESCRIPTION OF THE ADVERTISEMENT

KFC EDM "The wogs are coming"

THE COMPLAINT

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

Because the term 'wog' is racist and not politically correct or acceptable anywhere.

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 of 30 November 2017 and in particular to the complaints referenced therein by various Complainants ("Complainants"). As the marketing director responsible for the relevant advertisement in this instance, I respond to the complaint as follows:

Description of Advertisement

The advertisement to which the Complainants refers to is a direct marketing email for KFC's campaign for the 2017 Cricket season ("Advertisement"). It calls for people to show their

support of the Australian Cricket team in the Ashes competition against the English by signing up to the HCG Buckethead Army by heading to the website www.theHCG.com.

The Advertisement is targeted at KFC's email database and was sent on Monday 20th November 2017.

The Complaint

The Complainant has expressed concern that the Advertisement:

- *Discrimination or Vilification Ethnicity*

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 2.1 of the F&B Code.

Has the F&B Code been breached?

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

The email accurately depicts KFC's product range and is in no way misleading or deceptive.

Discrimination or Vilification Ethnicity

The intention of this email was a tongue in cheek portrayal of the relationship between Australia and Britain. We were depicting the playful rivalry between the two countries and the reference was to 'Poms' not 'Wogs'. One being a good natured nickname for our British counterparts in the main cricket season each year and the other being a derogatory and racist term for Europeans. The term 'Poms' is a common and relatable reference in Australian society today.

There is no suggestion that KFC is being racist or discriminatory in its practices. The email is simply referencing the good natured sporting rivalry between the two national teams. There is no suggestion of violence or vilification in this email at all. There is no suggestion of unsafe behaviour.

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

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 complainant's interpretation that the advertisement shows a negative and politically incorrect and unacceptable terminology ('the wogs are coming').

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

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, gender, age, sexual preference, religion, disability, mental illness or political belief.'

The Board noted the Practice Note to Section 2.1 of the Code which provides the following definitions:

“Discrimination – unfair or less favourable treatment

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

The Board noted the Electronic Direct Mail (EDM) advertisement features a screen shot of a man’s head wearing a green and gold coloured bucket. To the left of the image is the text “Aussies around the country are Donning Their BUCKETS” following by the following text under the main image “Hello there, the Poms are coming...let’s bowl ‘em over with a show of support for Australia. Join the HCG Buckethead Army and Bang your Buckets when they take to the field”. The second screen shot gives a step by step instructions on how people can upload a picture, “whack a Bucket on your head” and “register to make your support count” with an “enlist now” tab at the bottom of the EDM.

The Board noted the complainant’s concerns that the perceived reference to the English Cricket Team used is offensive, racist terminology.

The Board considered the overall impression of the EDM advertisement encourages people to show their support for the Australian Cricket Team in the Ashes competition against the English Cricket Team. The Board noted that the word “Pom” and not “Wog” was used in this Advertisement.

The Board noted that from the start of the EDM advertisement the text clearly shows the words “Hello there, the Poms are coming.....” The Board considered that most members of the community would recognise the reference to “Poms” is a tongue in cheek portrayal of the relationship between Australia and Britain and is relatable in Australian society.

The Board also found that ‘Pom’ is not used in a way to vilify, or incite racial hostility towards, people of British extraction, particularly when considered in the context of the cricketing tradition and affectionate rivalry between the two countries.

The Board considered that the advertisement did not portray or depict material particularly in the context of cricket in a way which discriminates against or vilifies a person or section of the community on account of race or nationality and determined that the advertisement did not breach Section 2.1 of the Code.

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

