



Case Report

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| 1 | Case Number | 0561/17 |
| 2 | Advertiser | Yum Restaurants International |
| 3 | Product | Food / Beverages |
| 4 | Type of Advertisement / media | TV - Free to air |
| 5 | Date of Determination | 19/12/2017 |
| 6 | DETERMINATION | Dismissed |

ISSUES RAISED

Food and Beverage Code 2.2 - healthy lifestyle / excess consumption
Advertising to Children Code 2.14 Food and beverages

DESCRIPTION OF THE ADVERTISEMENT

KFC's television advertisement supporting the Australian Cricket Team by wearing green & gold buckets on their heads

THE COMPLAINT

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

This ad is clearly targeting children with the call to action to 'join the HCG Buckethead Army'. The majority of people in this ad are young children whom also seem to receive most of screentime. If not aimed at children, why not have an ad comprising of adults only and why have children as the focal point?

The text 'Join the HCG Buckhead Army' which appears when the young boy is eating a deep-fried chicken drumstick would appeal to children and it is asking them directly to join up and support their sporting idols (Australian Cricket team). The theme of playing with your friends (backyard cricket, hanging out on a farm etc) and joining together as a team to help your idols is relevant to children and would greatly appeal to children.

The deep fried chicken and chips accompanied with sugary coke drink featured in the ad is not regarded as healthy options and should not be promoted to kids.

THE ADVERTISER'S RESPONSE

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

The advertisement to which the Complainants refers to is a television commercial for KFC's television campaign for the 2017 Cricket season ("Advertisement"). It features people of all ages all over Australia, supporting the Australian cricket team by wearing a green & gold bucket on their heads. You then hear an adult female voice calling dinner, at which point the people from all over Australia runs to their dinner tables. The final scene features families enjoying KFC and it ends on a super inviting people to join the Buckethead army.

The Advertisement is targeted at young adults and families and will be advertised until Sunday 10th January.

Information Requested

The CAD number, reference and rating for the Advertisement is:

- *CAD Number; KFCCR006345HE*
- *CAD Reference; WSOC7ERA*
- *Rating; W*

The Complaint

The Complainants has expressed concern that the Advertisement:

- *Advertising to Children; 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 2.2 of the F&B Code.

Australian Association of National Advertisers Advertising to Children Code ("Advertising to Children Code")

Section 2.14 of the Code has been cited as relevant.

Has the F&B Code or the Advertising to Children 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 product range and is in no way misleading or deceptive. The vision accurately and clearly shows the products.

Advertising to children

KFC is a signatory to the QSRI, and as such, is committed to setting a high standard for responsible marketing to children. A key principle of this commitment is KFC's policy not to advertise directly to children. The Advertisement is not, having regard to the theme, visuals and language used, directed primarily to children being persons under 14 years of age.

Firstly, the Advertisement is targeted at families. Adult males and female actors share approximately 50% of the screen time specifically for this purpose. The central focus throughout the Advertisement is therefore on family and those in the young adult age bracket. In particular, the return of the family to the dinner table having been out enjoying their days separately is demonstrative of young adults daily activities without parental supervision.

We note that the Advertisement has a W rating and has been accordingly screened on television during appropriate hours to target an adult audience. We are advised by MediaCom that the Advertisement was not aired in any CorP rated programs or Grated programs where children represent 35% or more of the audience. In this regard, please refer to the attached programming schedule of the Advertisement spots that have been broadcast.

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. This advertisement is no exception. In no way within the TVC do the actors excessively consume the product. The TV depicts a family enjoying and sharing KFC between them after a day at the beach.

Moreover the advertisement is not disparaging of healthy foods or food choices or disparaging of physical exercise with the family returning home from a busy day of recreation.

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 Code for Advertising and Marketing Communications to Children (the "Children's Code"), and the AANA Food and Beverages Advertising and Marketing Communications Code (the Food Code).

The Board noted the complainant's concern that the advertisement is directed to children and is promoting unhealthy food.

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

The Board noted the advertisement featured children, adults and cricket players singing the words to the song "there's a hole in my bucket." The groups of people are seen in various settings including, in the countryside, by a creek, fishing, in the stands at the cricket, and playing cricket in the backyard. A woman's voice is heard calling out "dinner" and the various people turn and run toward their respective tables that have KFC food on them. The

tagline reads “join the HCC buckethead army.”

The Board considered whether the Children’s Code applied.

The Board considered the definition of advertising or marketing communication to children. Under the Children’s 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.” The Board noted that Children are defined as “...persons 14 years old or younger” and Product is defined as “...goods, services and/or facilities which are targeted toward and have principal appeal to Children.”

The Board considered whether the advertisement is directed primarily to children (14 years or younger). The Board noted the practice note for the Food and Beverages Code which states that whether an advertisement or marketing communication is “directed primarily to children” is an objective test based on several factors including, but not limited to the combination of visual techniques, product and age of characters and actors. The use of any one factor or technique in the absence of others may not necessarily render the marketing communication “directed primarily to children.”

The Board noted that the dictionary definition of “primarily” is “in the first place” and that to be within the Children’s Code the Board must find that the advertisement is aimed in the first instance at children.

The Board note the complainant’s concern that the advertisement is targeting children by showing children and including images that would appeal to children.

The Board noted the theme of the advertisement, people in various locations singing a well-known song “there’s a hole in my bucket” and standing with KFC coloured buckets on their heads. The Board noted the call to dinner and the activity this initiates with all participants rushing back to the table to eat. In the Board’s view the theme of the advertisement showing outdoor activity and play with a link to returning home for dinner is a theme that is of strong appeal to adults and not primarily to children.

The Board noted the visuals of the advertisement and considered that the opening scenes of children singing in various locations around the country is similar to similar visuals used by companies such as QANTAS. The Board considered the depiction of children in the advertisement would attract the attention of child viewers but noted that there are adults included in the advertisement also and that the screen time given to children and adults is fairly balanced, making the focus not solely on the child presence in the advertisement. The Board considered the depictions of showing people eating and noted that at every table there were multiple family and friends gathered to eat and that, overall, the depiction is likely to be attractive to adults equally or more so than to children.

The Board then considered the language used in the advertisement. The Board noted that the song used is one that is familiar to many members of the community and has been commonly sung at international cricket matches by English fans recently. The age of the song would suggest equally as much familiarity for adults as it would for children.

The Board then considered whether the product itself was directed to children. The definition

in the Children's Code states that "product means goods, services and/or facilities which are targeted toward and have principal appeal to Children."

The Board noted that KFC is a fast food restaurant chain and considered that while it does have a child menu, the majority of its products are aimed at adults and food depicted in the advertisement is a share bucket and other sides and not specifically items from the kids menu.

Overall the Board considered that the advertisement is not directed primarily to children and the product is not a product directed primarily to children therefore the provisions of the Children's Code do not apply.

The Board noted that the product advertised is food and that 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 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 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 healthy, balanced diets or contrary to prevailing community standards.

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

"The Board will not apply a legal test, but consider material subject to complaint as follows:

(1) 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 and considered that we do see the participants outside, running, singing and playing backyard cricket which is suggestive of exercise, and overall the advertisement is not disparaging of healthy or active lifestyles.

The practice note further states that:

"(2) 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 noted that the advertisement depicts groups or families sharing various KFC items

including buckets of chicken, chips, salad, dipping sauces and drinks.

The Board noted the complainant's concern that the deep fried chicken and chips accompanied with sugary coke drink featured in the ad is not regarded as healthy options and should not be promoted to kids.

The Board noted that the advertisement depicts families and friends sharing the food and considered that we do not see the portions that each individual eats. Overall the Board considered that as the people are shown sharing the food amongst themselves, there is no suggestion of excess consumption and in the Board's view the advertisement does not encourage or condone excess consumption.

The Board determined that the advertisement did not breach the Children's Code or the Food Code, the Board dismissed the complaint.