



CASE REPORT

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| 1. Complaint reference number | 342/09 |
| 2. Advertiser | YUM Restaurants (KFC) |
| 3. Product | Food & Beverages |
| 4. Type of advertisement | TV |
| 5. Nature of complaint | Health and safety – section 2.6 |
| 6. Date of determination | Wednesday, 26 August 2009 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

The TVC shows a boy wearing a helmet with a KFC roller in his hand, sitting on a bike. He starts to ride away and is shown riding his bike and holding a KFC roller in one of his hands.

THE COMPLAINT

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

As I believe riding a pushbike with one hand is against the law and as well as dangerous. Showing a young boy riding a pushbike in the traffic holding with one hand giving wrong examples to young children.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

The brief 10 second advertisement features a young man riding a bike in the car park outside a KFC restaurant (the Advertisement). He has one hand on the handlebar and in the other 'hand he is holding a KFC Roller, which is a small chicken wrap product that is part of KFC's snack range of products. The smaller size of this product makes it ideal to eat "on the go".

THE COMPLAINT

In short, the complaint states that riding a pushbike with one hand is against the law, dangerous and gives a wrong example to young children .

THE CODE

Australian Association of National Advertisers Code of Ethics (the Code) Section 2.6 of the Code has been cited as relevant. This provides that communications shall not depict material contrary to Prevailing Community Standards on health and safety.

HAS THE CODE BEEN BREACHED?

The Prevailing Community Standards with respect to cycling practices are reflected in the New South Wales Road Rules. In particular, rule 245(b) states that the rider of a bicycle must ride with at least 1 hand on the handlebars. There are similar provisions in other jurisdictions. Further, rule 245-1 (1) of the NSW Road Rules states that the rider of a bicycle must not ride the bicycle: (a) negligently, or (b) furiously, or (c) recklessly.

The behaviour depicted in the Advertisement does not illustrate a breach of any laws or road rules and would not encourage dangerous cycling practices. The rider of the bike is a young adult, wearing a helmet, riding slowly through a carpark in a careful and controlled manner. The slow

and controlled manner in which the bike is being ridden ensures that the rider would not be breaching the above provisions or any Prevailing Community Standard.

The small snack characteristic of the product that is being promoted by the Advertisement means that the product is of a size that would enable the rider to use 2 hands on the handlebars if necessary.

For the reasons outlined in this response, the Advertisement does not breach Section 2.6 of the Code. Yum! Restaurants International is committed to complying with all codes and applicable laws related to advertising. Yum! will continue to ensure that its advertisements do not offend Prevailing Community Standards.

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 concerns that the cyclist is shown riding in an unsafe manner contrary to the law.

The Board also noted the advertiser's response that the advertisement does not illustrate any breach of any Australian laws and that the purpose of depicting the cyclist with only one hand on the handlebar was to demonstrate that the product is ideal to eat on the go.

The Board reviewed the Australian Road Rules and noted that the rules do state that a person must ride a bicycle with at least one hand. The Board considered that the advertisement did not breach the Australian Road Rules by depicting the boy riding with only one hand on the handlebars. The Board also agreed that the cyclist was not depicted in a reckless or negligent manner and is shown cycling in a controlled and slow manner, as he eats his KFC roller. The Board considered that the advertisement did not depict material contrary to prevailing community standards on health and safety and did not breach section 2.6 of the Code.

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