

## Case Report

1. Case Number :	0066-23
2. Advertiser :	Craveable Brands
3. Product :	Food/Beverages
4. Type of Advertisement/Media :	TV - Free to Air
5. Date of Determination	26-Apr-2023
6. DETERMINATION :	Dismissed

### ISSUES RAISED

AANA Code of Ethics\2.6 Health and Safety

### DESCRIPTION OF ADVERTISEMENT

This advertisement depicts a young adult male skateboarder at skate park with a broad group of friends, some of whom have hot food. The lead character's 'inner voice' appears on screen and encourages him to give into his cravings and get some delicious Red Rooster Hot Honey fried chicken. He rolls on his skateboard behind his distracted fellow-skateboarders, dropping down to lie low on the skateboard and takes some chicken away from the bench without anyone noticing. The person goes down to reach for a piece of chicken to find it missing and looks around.



### THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

*I think this would be well inside the area of health and safety. The general public need to be kept safe from those individuals who think they have the right to take from others.*

*Please take a look at the ad and determine if it breaches society's values. It does and could easily incite people to take from others.*

*I find this act appalling and certainly could encourage people to do the same. Furthermore given the current situation of teen crime it gives the message that it's ok to steal, advertisers encourage it.*

*Right now in this lifetime we are seeing SO much youth crime. Almost every time there's a news broadcast, youth offenders are stealing whatever they want, damaging property, attacking innocent people etc etc. This Red Rooster advertisement is promoting the idea that if you want it, just take it. There is a fun element in this ad, that it's ok to steal, but this is totally wrong. I will NEVER buy Red Rooster ever again. This company is contributing to more youth crime.*

*Ad clearly shows premeditated theft of someone else's property is remains illegal. Immoral and unethical by Red Rooster.*

*This advertisement clearly gives the impression that it is OK to steal things if you want them. In this case, it is someone else's food, (specifically Red Rooster). This message is morally, ethically and legally wrong. The advertisement encourages and promotes illegal and antisocial behavior and should not be allowed on Australian TV or any other media. It needs to be removed immediately*

## **THE ADVERTISER'S RESPONSE**

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

- *The Advertisement for Red Rooster's Hot Honey fried chicken was developed and distributed by Red Rooster with the target audience being adults aged 18 years and over. The Advertisement forms part of a campaign for Red Rooster's Hot Honey fried chicken product and features a group of young skaters at a skate park interacting and eating the product. There are 2 versions of the same Advertisement with a 15" edit and 6" edit.*
- *The Advertisement was featured on television and online channels across various Metropolitan and Regional outlets. It features the Red Rooster brand and a call to action to order Hot Honey fried chicken.*
- *The Advertisement uses tongue in cheek humour and cheeky, playful interaction among mates and is designed to resonate with a young 'millennial' target audience in particular.*
- *The brand is making no claims that the behaviour in this advertisement is meant to be copied or serious in nature.*
- *The talent is dressed in all appropriate safety gear and there is no suggestion that the action is unsafe or harmful in anyway.*

### *The Complaint*

- *Red Rooster understands that complaints received to the effect that the Advertisement may have raised a concern under public safety, which falls under the Health and Safety provision of the Code of Ethics.*

### *AANA Advertiser Code of Ethics*

- *Section 2 of the AANA Advertiser Code of Ethics (and in particular Section 2.6 - Health and safety) has been identified as the particular section relevant to the complaint.*
- *Red Rooster submits that the Advertisement does not depict or portray any unhealthy or unsafe practices during the advertisement.*
  - o *The main character is wearing all possible safety / protective equipment including a helmet, knee pads and elbow pads. He is travelling at slow/low speed and has the ability to easily stop by placing both feet on the ground. This skating is taking place as a designated skate park where this behaviour is expected.*
  - o *The act of taking the food is in jest. Its not stealing or encouraging others to steal in real life. It is clearly depicted as advertising and a group of mates having fun and playing a practical joke on each other as is often done with youth and groups of mates.*
- *Red Rooster has built an advertising platform around showing how ‘craveable their chicken is, and that it’s hard to resist’. In bringing this to life we use a platform of creating moments that show people going to extraordinary lengths to get their hands on Red Rooster, these moments are exaggerated and over-dramatised. This is signalled in the advertisement by a clearly imaginary character dressed the same as our ‘hero’, appearing in a fantasy, encouraging our character to lean into his cravings. Combined with the strong presence of Red Rooster branding, throughout the spot and with clear branding it is clear it is an advertisement and should be viewed in that context.*
- *The advertisement is intended to be light in tone, and comic in its approach. Our lead character is at the skate park and his craving his mate’s chicken and cheekily uses his skateboard skills to take some chicken off his friends. While this has been portrayed as stealing by complainants, it is clear in context it is light-hearted moment that our audience understands is not advocating stealing in general and is an over dramatization designed to demonstrate ‘craveability’ and is done in a playful way amongst a regular skateboarding and youthful cohort.*
- *As part of our production process, we stress clear compliance with Occupational and Health Standards and community standards. To ensure this, during production we selected talent that was a confident and capable skateboarder, we ensured he had all the standard safety equipment including a helmet and elbow and knee pads. Furthermore, we had a safety officer on*

*set and the sequence was rehearsed to ensure the small skill could be executed easily. The skill performed is broadly accepted as a standard skateboard skill, often performed by skateboarders at all skill levels and ages and is comparatively low risk in the broader skill set. The skateboard skill demonstrated and the speed at which the rider was going did not promote any reckless skateboard behaviour.*

#### *The balance of Section 2*

*Red Rooster is asked to comment on the application of the balance of section 2 of the AANA Advertiser Code of Ethics to the Advertisement, as to which Red Rooster submits that:*

- a) Section 2.1: The Advertisement does not discriminate or vilify anyone*
- b) Section 2.2: The Advertisement does not employ sexual appeal where images of minors or people who appear to be minors are used nor in a matter that is exploitative and degrading of any individual or group of people*
- c) Section 2.3: The Advertisement does not present or portray violence*
- d) Section 2.4: The Advertisement does not contain any nudity, nor does it contain any sexual content, themes or innuendo.*
- e) Section 2.5: The Advertisement does not use strong or obscene language*
- f) Section 2.6 – The Advertisement does not contravene or depict and health and safety standards (as above responses)*
- g) Section 2.7: The Advertisement is clearly distinguishable as an Advertisement to the relevant audience on account of its medium, location and subject matter*

#### *In reference to the AANA Food & Beverage Code:*

*We are not advertising to children in anyway and our hero talent is a young adult male, surrounded by peers of the same age group. Our core target for this communication is adult males in their 20s to 30s. Additionally, the advertisement does not set out to mislead or deceive. It also portrays a healthy active lifestyle and does not demonstrate excess consumption. Overall, it does not contravene any of the sections outlined in the AANA Food & Beverages Code.*

### **THE DETERMINATION**

The Ad Standards Community Panel (Panel) considered whether the advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement depicts and condones illegal behaviour and depicts material contrary to social values.

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

**Section 2.6: Advertising shall not depict material contrary to Prevailing Community Standards on health and safety.**

The Panel noted that the majority of complaints related to the advertisement depicting the taking of someone else's property in a public setting, which is illegal, and that it encouraged others to do the same.

The Panel considered that the majority of the community would consider that laws relating to stealing reflect prevailing community standards.

The Panel noted that its consideration of the advertisement is limited to the actual content of the advertisement itself.

The Panel noted the advertiser's response that the advertisement depicts a playful interaction between friends where one male cheekily plays a practical joke by taking his friend's chicken.

The Panel noted that in the advertisement there is no interaction between the men prior to the taking of the food, and that the man who takes the chicken is shown at a distance under a tree watching the man with his friends, but that the general scene was of a skateboard park where friends are gathered.

The Panel considered that it was not clear whether the two men were friends or not, and that even if they were not, the advertisement itself did not condone dangerous or unsafe activity.

The Panel considered that the advertisement does depict the taking of food, which may be considered by many viewers to condone inappropriate behaviour, however the content of the advertisement does not of itself raise a health or safety issue as it does not amount to a depiction of unhealthy or unsafe behaviour as required by sSection 2.6 of the Code.

Overall the Panel considered that while the advertisement may contain material that many viewers find inappropriate, it did not of itself depict unhealthy or unsafe behaviour.

### **Section 2.6 conclusion**

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety and determined that it did not breach Section 2.6 of the Code.

### **Conclusion**

Finding that the advertisement did not breach the Code on other grounds, the Panel dismissed the complaints.