

## Case Report

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|----------------------------------|-------------------------------|
| 1. Case Number :                 | 0040-24                       |
| 2. Advertiser :                  | Yum Restaurants International |
| 3. Product :                     | Food/Beverages                |
| 4. Type of Advertisement/Media : | TV - Free to Air              |
| 5. Date of Decision:             | 21-Feb-2024                   |
| 6. Decision:                     | Dismissed                     |

### ISSUES RAISED

AANA Code of Ethics\2.4 Sex/sexuality/nudity

### DESCRIPTION OF ADVERTISEMENT

This television advertisement depicts a woman waking up next to a man and attempting to collect her clothes. A dog is holding her bra and she tries to get it back before falling back to the bed and saying "Did someone say KFC?"



### THE COMPLAINT

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

*Depicts a one night stand, shows 2 people in bed together with little clothing on. The ad is shown during prime time family viewing time during G rated shows*

*It portrayed barely disguised nudity and unacceptable sexual behaviour standards and was shown during prime time tv when my grandsons were watching the cricket test*

*Low moral standards and making them funny or even acceptable. These ads are played during the daytime while my children are watching the cricket.*

## THE ADVERTISER'S RESPONSE

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

*The KFC "Dog got your clothes" TV advertisement is part of a light-hearted series that pokes fun at awkward moments in life and it was created in order to amuse consumers. KFC has strict review and approval processes in place to ensure all creative work adhere to relevant codes and standards before any television commercials are aired.*

*In relation to section 2 of the AANA code points 2.1, 2.2, 2.3 – there is no evidence of portrayal of vilification, discrimination, exploitation, degrading or violence. The characters resolve the situation laughing it off enjoying KFC.*

*Codes –*

*2.4 - Sex, sexuality and nudity – there is no depiction of full nudity or sexual acts. The protagonist is simply in bed playing tug a war with a pet dog, to retrieve their clothing.*

- 2.5 – Language – there is no harmful language used.*
- 2.6 - Health and Safety – there are no unsafe situations portrayed and the advertisement was filmed following all applicable safety guidelines and workplace regulations.*

*2.7 - Distinguishable as advertising – the film is clearly an advertisement as shown with clearly marked brand logo, product supers and appropriate disclaimers.*

*We follow the AANA advertising to children guidelines and restrictions. This means we never advertise within P and C (preschooler and children's) categorised airtime or in programs that are flagged upfront to attract more than a 25% child audience.*

*The CAD approval rating was F.*

*We undertake pre-pod checks on all airtime. Where data exists and a program is deemed to deliver more than 25% child audience (child being determined as under 15 years) we remove this program from our TV buys.*

*Whilst all upfront due diligence is taken, we obviously can't control live audience viewing or have full visibility on value placement. In general, our paid buying approach ensures we also steer clear of risky timeslots (e.g. 1830 weekend movies which often run animated films) to avoid any conflicts. Our network partners are aware of these buying restrictions as well.*

## THE DECISION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Children's Advertising Code (the Children's Code)

or the AANA Code of Ethics (the Code).

The Panel noted the complainants' concerns that the advertisement is sexualised and inappropriate.

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

**Code of Ethics Section 2.4: Advertising shall treat sex, sexuality and nudity with sensitivity to the relevant audience.**

The Panel noted the Practice Note for the Code states:

*"Discreet portrayal of nudity and sexuality in an appropriate context (eg advertisements for toiletries and underwear) is generally permitted but note the application of the relevant audience. More care should be taken in outdoor media than magazines, for example.*

*"Images of models in bikinis or underwear are permitted, however, unacceptable images could include those where a model is in a suggestively sexual pose, where underwear is being pulled up or down (by the model or another person), or where there is clear sexual innuendo from the ad (e.g. depicting women as sexual objects)."*

**Does the advertisement contain sex?**

The Panel considered whether the advertisement contained a depiction of sex. The Panel noted the definition of sex in the Practice Note is "sexual intercourse; person or persons engaged in sexually stimulating behaviour".

The Panel noted that the advertisement depicts a woman in bed next to a man and gathering her clothes. The Panel considered that the implication is that they have been sexually intimate and considered that most members of the community would consider this scene to be depicting sexually suggestive behaviour.

**Does the advertisement contain sexuality?**

The Panel noted the definition of sexuality in the Practice Note is "the capacity to experience and express sexual desire; the recognition or emphasis of sexual matters".

The Panel considered that an inference to sexual intimacy is a depiction of sexuality and that the advertisement did contain a depiction of sexuality.

**Does the advertisement contain nudity?**

The Panel noted that the definition of nudity in the Practice Note is "the depiction of a person without clothing or covering; partial or suggested nudity may also be considered nudity".

The Panel noted that the woman is unclothed but covered by a blanket, while the man is shirtless, and considered that most viewers would consider this a suggestion of nudity.

### **Is the issue of nudity treated with sensitivity to the relevant audience?**

The Panel noted that the definition of sensitivity in the Practice Note is “understanding and awareness to the needs and emotions of others”.

The Panel considered that the requirement to consider whether sexual suggestion is ‘sensitive to the relevant audience’ requires them to consider who the relevant audience is and to have an understanding of how they might react to or feel about the advertisement.

The Panel noted that this advertisement was placed on free-to-air television and considered that the audience would be broad.

The Panel considered that although the advertisement suggested that the couple were sexually intimate, the focus of the advertisement was on the uncomfortable situation of the woman trying to get her clothing on quietly. The Panel noted that some viewers may interpret the scene as depicting the morning after a one-night-stand, however considered that this is not clearly detailed and the ad simply shows a woman waking up and gathering her clothes. The Panel considered that the scene was not sexually provocative or explicit and the adult themes are unlikely to be understood by children, who would see a person trying to get their underwear from a dog.

The Panel considered that the advertisement contained mild sexual themes and that while some members of the community would prefer sexual innuendo not be present in such advertising, most members of the community would not consider this offensive or inappropriate for the broad audience.

The Panel considered that the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code

### **Section 2.4 Conclusion**

The Panel determined the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant broad audience and did not breach Section 2.4 of the Code.

### **Conclusion**

Finding that the advertisement did not breach any other section of the Children’s Code or the Code of Ethics the Panel dismissed the complaints.