

Case Report

1. Case Number :	0041-24
2. Advertiser :	Yum Restaurants International
3. Product :	Food/Beverages
4. Type of Advertisement/Media :	Internet - Social - YouTube
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 YouTube advertisement begins with a shirtless man exiting a bedroom, coming to face two women. They giggle and say good morning. A third woman exits the bedroom and the first says "Mum?". The group look awkward until the second woman says "Did someone say KFC?" The advertisement ends with the group sharing food.



THE COMPLAINT

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

This ad was sexualising a mother as being promiscuous at a party, attended by her teenaged looking daughter and similar aged friends , this not only offends me but revolts me that these people can send that type of message out as being a normal and healthy thing between teenagers and adults...

THE ADVERTISER'S RESPONSE

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

The KFC "Mum" 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.

'Mum' boards were pre-checked with CAD prior to shooting and nothing was flagged in breach of AANA codes. The rating given was – D.

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.

- 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 (pre-schooler and children's) categorised airtime or in programs that are flagged upfront to attract more than a 25% child audience.

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 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 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 couple are depicted exiting a bedroom with one still in underwear and considered that the implication is that they have been sexually intimate. The Panel 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 a reference 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 clothed while the man is in underwear, and considered that some viewers may consider him to be partially nude.

Is the issue of sexuality and 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 YouTube and considered that the audience would be broad, and include children.

The Panel considered that although the advertisement suggested that the couple were sexually intimate, the focus of the advertisement was on the uncomfortable situation. The Panel considered that the scene was not sexually provocative or explicit, and noted that all people in the advertisement appeared to be consenting adults.

The Panel considered that the advertisement contained mild sexual themes and that while some members of the community would prefer that 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.