Case Report

1. Case Number :	**0322-24**
2. Advertiser :	**Yum Restaurants International**
3. Product :	**Food/Beverages**
4. Type of Advertisement/Media :	**TV - Free to Air**
5. Date of Decision:	**22-Jan-2025**
6. Decision:	**Dismissed**

ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification
AANA Code of Ethics\2.6 Health and Safety

DESCRIPTION OF ADVERTISEMENT

This television advertisement features Australian cricketer, Usman Khawaja being filmed on an oval at a KFC TV shoot, as other team mates sit watching.
Usman says "K...what's the line?"
The director says "someone."
A crew member says "Take one hundred and five."
Usman says "KFC somebody said, someone, KFC someone, ahhh."
A team mate watching shakes his head and says "Did someone say KFC?"

THE COMPLAINT

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

Usman Khawaja is show trying to say Did somebody say KFC, and cannot get it right in front of the camera crew. The Australian team led by Mitchell Starc get it straight away, and then they are all shown eating burgers.
To me it seems racist..it is almost sledging Usman, making him out to be dumb and not handling the English language well. Not funny and insulting to other immigrants.

The ad depicts a cricketer who appears to speak English as a second language, struggling to get a line for the ad correct. His language struggles are depicted as an imposition, something to be suffered through and then ignored because it is taking too long. This could discourage those learning English from participating in conversation within social settings, and the racist undertones are not helped by the fact that it is a white male who, apparently bored by the situation, then suggests everyone gets KFC which is enjoyed by everyone except the ASL speaker. It is exclusionary.

The ad on TV during the cricket with the cricketers Usman Khawaja and Mitchell Starc, portrays Usman as a person of low intelligence and appears to degrade him due to the fact he stumbles the lines, Did someone say KFC. This is reinforced subtle racism comparing Mitchell Starc saying the phrase correctly and gives the implication that Usman being another nationality doesn't understand KFC.

KFC as part of their extensive Cricket Australia coverage on the 7 network, have produced many ads promoting their chicken. One ad makes fun of a person with LOTE issues, this is not ok. Although Usman is shown eating the chicken with the rest, this is clearly racist and also workplace bullying.

THE ADVERTISER'S RESPONSE

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

The Complaints claim that the Advertisement portrays racial insensitivity. We firmly disagree with this interpretation and wish to clarify the following:

1. The Complaints misinterpret the Advertisement's intent and content. The humour stems from the relatable experience of someone struggling to remember their lines during a filming session, highlighting that even our sporting heroes can face challenges in front of a camera. The intention of the Advertisement is to remind the audience of KFC's long-standing and established brand advertising platform 'Did

Someone Say KFC?'. The focus is on promoting KFC as a brand, rather than emphasising any individual's background or ethnicity.

2. Usman Khawaja, the featured cricketer, has maintained a long-standing and positive relationship with KFC, both professionally and personally. Over the last three years, he has appeared in numerous KFC advertisements and is a genuine fan of the brand. His participation is based on mutual respect and appreciation, with no intention to stereotype or denigrate him.

3. One of the complainants' assertion in the complaint raised on 30th November 2024 that the Advertisement depicts "Indian cricketers" is also factually incorrect. Mr. Khawaja is an Australian citizen of Pakistani heritage. Additionally, the cricketers watching him are all Australian citizens with diverse backgrounds.

4. KFC celebrates Australia's multiculturalism and is proud to feature diverse talent in its advertising. Our intent is to create inclusive and enjoyable content that resonates with all Australians.

THE DECISION

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

The Panel noted the complainants' concerns that the advertisement depicts racial discrimination and workplace bullying.

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

Section 2.1: Advertising shall not portray or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual orientation, religion, disability, mental illness or political belief.

The Panel noted the Practice Note to Section 2.1 provides the following definitions:

- *Discrimination – unfair or less favourable treatment.*
- *Vilification – humiliates, intimidates, incites hatred, contempt or ridicule.*
- *Race – viewed broadly this term includes colour, descent or ancestry, ethnicity, nationality, and includes, for example, ideas of ethnicity covering people of Jewish or Muslim origin*

The Panel noted the Practice Note to Section 2.1 states:

"A negative depiction of a group of people in society may be found to breach Section 2.1, even if humour is used. The depiction will be regarded as a breach if a

negative impression is created by the imagery and language used in the advertisement of a person or group of people on the basis of a defined attribute listed above. Advertisements can humorously or satirically suggest stereotypical aspects of a group of people in society provided the overall impression of the advertisement does not convey a negative impression of people of that group on the basis of one or more of the attributes listed above."

The Panel noted the advertiser's response that Usman Khawaja has appeared in multiple KFC ads and the intention of the ad is to show someone struggling to remember lines during filming.

The Panel considered that Usman does not speak with an accent, or give any indication he is struggling to understand or speak English.

The Panel noted that there are existing negative stereotypes of people who speak English as a second language being less intelligent or being open to ridicule or derision, however the Panel considered that there was no indication that Usman Khawaja speaks English as a second language.

The Panel considered that the man's race and skin tone were not referred to in the advertisement and the man's actions were not related to his race. The Panel considered that the most likely interpretation of the advertisement was that the man was not comfortable in front of a camera and had difficulty remembering his line.

Overall, the Panel considered that the man was not seen to receive unfair or less favourable treatment because of his race. The Panel considered that the man was not depicted in a manner which ridiculed or humiliated him on account of his race.

Section 2.1 conclusion

The Panel found that the advertisement did not breach Section 2.1 of the Code.

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

The Panel noted the Practice Note for this section of the Code includes:

"The age of the people depicted in an advertisement, their relationship to each other and the nature of the communication are relevant in determining whether an advertisement constitutes bullying and is contrary to Prevailing Community Standards. More care must be taken when the people depicted in an advertisement are Minors or if there is an unequal relationship between the people in the advertisement, e.g. student and teacher, manager and worker."

The Panel considered the complainant's concern that the advertisement depicted the man being the target of workplace bullying.

The Panel considered that while the other cricketers appear to be bored while waiting for him to finish filming, they are not laughing at him or treating him in a derogatory way. The Panel considered that the first cricketer does not react to the other cricketer saying the line correctly in a way that would indicate he is upset or hurt. The Panel noted that all four cricketers were then shown enjoying food together and considered that there was no indication that the man was being bullied or treated unfairly by his colleagues.

The Panel considered that the advertisement did not contain material contrary to Prevailing Community Standards on health and safety.

Section 2.6 conclusion

The Panel considered that the advertisement did not breach Section 2.6 of the Code.

Conclusion

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaints.