

COMPLAINT NUMBER	21/302
ADVERTISER	Restaurant Brands NZ Ltd
ADVERTISEMENT	KFC Television
DATE OF MEETING	8 June 2021
OUTCOME	No Grounds to Proceed

Advertisement: The KFC advertisement for 'Double Downs' showed workers finding out that the KFC Double Down special is back via reading the newspaper. They are then told by their manager to go back to work. The manager goes into his office and the workers collectively block his office door using a forklift and some pallets. They are then shown eating KFC lunches whilst their manager is stuck in the office behind them.

The Chair ruled there were no grounds for the complaint to proceed.

Complaint: The KFC ad depicts workers being told to go back to work by the boss. They then see that a chicken deal is on at KFC. They then block the bosses office with pallets and a forklift and then carry on eating.

This is a terrible way in showing that it's ok to block someone's office so they can't get out. This is a gross way of having no concern for the safety of the person being blocked in the office. It's a form of bullying as well. Let alone the fact they are going against what they have been asked to do. The ad goes against our messaging of anti bullying! Come on KFC be nice will you.

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(e), Rule 1(f);

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1 (e) Safety: Advertisements must not, unless justifiable on educational or social grounds, encourage or condone dangerous, illegal or unsafe practices, or portray situations which encourage or condone a disregard for safety.

Rule 1 (f) Violence and anti-social behaviour: Advertisements must not, unless justifiable on educational or social grounds, contain anything that condones, or is likely to show, violent or anti-social behaviour or damage to property.

The Chair noted the Complainant's concerns the advertisement showed a lack of concern for the safety of the person being blocked into their office and was a form of bullying.

The Chair referred to a precedent decision, Decision 19/458, which was also ruled No Grounds to Proceed. In this Hirepool television advertisement, a worker is seen checking his mobile phone while mixing concrete. He steps into a portable toilet, in order to continue to use his phone. He is noticed by the foreperson who says to the other workers "Smoko, guys". The worker is then seen trying to exit the portable toilet, but he has been blocked in by a digger that his colleagues have moved in front of the toilet door.

The Chair said the advertisement was for an equipment hire company and showed a one-off prank on a building site. She noted the worker using his phone and taking a toilet break to continue using it, did so during work time, in front of the foreperson. This provoked a reaction from his colleagues.

The Chair said there was no suggestion that the worker was unsafe, or the event caused him any distress. There was also no suggestion that the event shown was part of a wider pattern of bullying behavior in the workplace.

The Chair said the precedent decision applied to the present complaint. The Chair said while she agreed it is important for all work sites to comply with health and safety legislation, the hyperbolic scenario in this advertisement for KFC did not meet the threshold to breach Rule 1(e) regarding safety, or Rule 1(f) of the Advertising Standards Code regarding violent or anti-social behaviour. This advertisement also showed a one-off prank and there was no suggestion of harm or distress caused to the manager in the hyperbolic scenario.

The Chair said the advertisement had been prepared with a due sense of social responsibility.

The Chair ruled there were no grounds for the complaint to proceed.

Chair's Ruling: Complaint **No Grounds to Proceed**

APPEAL INFORMATION

According to the procedures of the Advertising Standards Complaints Board, all decisions are able to be appealed by any party to the complaint. Information on our Appeal process is on our website www.asa.co.nz. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.