

COMPLAINT NUMBER	22/034
ADVERTISER	Restaurant Brands NZ Ltd
ADVERTISEMENT	KFC, Radio
DATE OF MEETING	8 February 2022
OUTCOME	No Grounds to Proceed

Advertisement: The KFC radio advertisement promotes the return of the KFC Zinger Works burger. The advertisement begins with the speaker taking a formal tone saying, "The government is set to make another announcement in relation of loosening of restrictions". He reveals that the announcement will be "pineapple related" and the tone of the advertisement relaxes. He announces that the Zinger Works burger "is back" and the advertisement ends with the slogan, "Now's good".

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

Complaint: Ad starts out saying that the government is going to release covid restrictions. Completely misleading and inappropriate.

The relevant provisions were Advertising Standards Code – Principle 1, Principle 2, Rule 1(h), Rule 2(b).

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

Rule 1(h) Health and well-being: Advertisements must not undermine the health and well-being of individuals.

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2(b) Truthful Presentation: Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

The Chair acknowledged the Complainant's concern that the advertisement is misleading and inappropriate as it suggests the Government will lift COVID-19 restrictions.

The Chair considered the advertisement and noted its length. At 15 seconds long, she said the advertisement was unlikely to mislead listeners about the Government COVID-19 response. She said that within the first half of the advertisement it revealed that the alleged announcement was "pineapple related" and it would quickly become clear to listeners that the advertisement was in jest. She added that the use of the KFC jingle in the background helped to signal that the advertisement was unrelated to any Government announcement or information.

The Chair confirmed that the advertisement had been prepared with a due sense of social responsibility and was not likely to mislead listeners. She ruled that it was not in breach of Principle 1, Principle 2, or Rules 1(h) or 2(b) of the Advertising Standards Code.

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 with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.