

COMPLAINT NUMBER	22/101
ADVERTISER	Restaurant Brands NZ Ltd
ADVERTISEMENT	KFC, Television
DATE OF MEETING	4 April 2022
OUTCOME	No Grounds to Proceed

Advertisement: The KFC television advertisement shows a group of friends playing cricket. The male batter takes a bite of chicken from the KFC bucket and is told to "hurry up" by the bowler. In slow motion as DMX's "X Gon' Give It to Ya" plays, he puts on his sunglasses and hits the ball. He walks with the bat over his shoulder and takes a piece of chicken from the bucket of the bowler. The advertisement ends by promoting the \$29.99 Classic Feast meal.

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

Complaint:

The complainant was concerned about the use of a song by US rapper DMX in a KFC advertisement. The complainant raised concerns about criminal activity by the artist and objected to the artist being "promoted or glorified on our televisions in New Zealand".

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(c)

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

Rule 1(c) Decency and Offensiveness: Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

The Chair noted the Complainant's concern the advertisement used music from rapper DMX, an artist with criminal convictions.

The Chair reviewed the advertisement and considered the likely consumer takeout. The Chair said the advertisement was a part of the Advertiser's "Save like a boss" campaign, with the cricket player hitting the ball successfully and celebrating his skill and swagger. The Chair said the background music was intended to add emphasis to the 'boss' character the actor played. The Chair said the music was not likely to be seen an endorsement of the artist or a celebration of criminal activity.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the use of music from an artist with a criminal past in the advertisement before her, was likely to cause serious or widespread offence in light of generally prevailing community standards. The Chair said that despite the Complainant's objections to the music in the advertisement, it did not reach the threshold to cause serious or widespread offence for most consumers.

The Chair said the advertisement was not in breach of Principle 1 or Rule 1(c) 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.