

DECISION OF THE ADVERTISING REGULATORY BOARD

Complainant	Sandile Cele
Advertiser	Golden Fried Chicken (Pty) Ltd t/a Chicken Licken
Consumer/Competitor	Consumer
File reference	26 – Chicken Licken – Sandile Cele - 30-11-18
Outcome	Upheld
Date	14 December 2018

The Directorate of the Advertising Regulatory Board has been called upon to consider a complaint lodged by Sandile Cele against Chicken Licken’s television commercial for its Big John burger.

Description of the advertising

The commercial shows a young man, called John Mjohnana, leaving his village in a boat in 1650 aiming to satisfy his hunger for adventure. He encounters obstacles like being confronted by a jaguar (he instructs the jaguar to fetch and the jaguar obliges); a whale splashes his boat with water in an attempt to topple it over (he rebukes the whale by indicating “Haai maan Hey”); a shark approaches his boat and he threatens it with his knife and it turns away; a giant squid appears behind him (he seems not worried about it); thunder and lightning obstructs his boat. He arrives in Holland in 1651 and finds two white gentlemen looking at a map as they seem to be preparing for a voyage. He greets them in what is well known as “Tsotsi taal” in South Africa, saying “Hola MaNgamla” (Hello white people), and tells them that he likes the place, and it should be called Europe.

The voice-over narrates the story as follows:

“A long time ago Big Mjohnana left home to satisfy his hunger for adventure. His spirit was unstoppable, and his hunger was too big. Ja, Big Mjohnana did many things, but he will always be remembered for discovering a foreign land”.

The commercial ends with an elderly man in a Chicken Licken outlet indicating to few customers that “that is the legend of Big John”, and he leaves the outlet laughing. The next customer in the queue orders the advertised product.

Complaint

The Complainant submitted that the commercial makes a mockery of the struggles of the African people against the colonisation by the Europeans in general, and the persecutions suffered at the hands of the Dutch in particular.

Response

Chicken Licken submitted that it is regrettable that an interpretation of the commercial by the consumer is negative. However, in its view the content in no way, shape or form seeks to make a mockery of the struggles of colonisation and its effects on Africa and her people. As a South African brand, Chicken Licken, is acutely aware of the need to uplift the South African spirit. And that is the place from which the commercial stems, to show South Africans that Chicken Licken believes this country has all the potential to conquer the world and rewrite history from an African perspective. Its tongue-in-cheek sense of humour is a tone that consumers have come to expect, but its communication’s underlying purpose is to create a sense of pride and patriotism amongst South Africans.

Application of the Code of Advertising Practice

The following clause was considered in this matter:

- Offensive advertising – Clause 1 of Section II

Decision

Having considered all the material before it, the Directorate of the ARB issues the following finding.

The Complainant submitted that the commercial makes a mockery of the struggles of African people against colonisation by the Europeans and the persecutions suffered in the hands of

the Dutch in particular. The Respondent argued that the commercial is premised on South African pride and patriotism and no way was it intended to make mockery of colonisation of Africa and her people. The commercial was meant to show that South African can conquer the world and rewrite history and did this in a humorous manner.

The Directorate acknowledges that there are scenes that are not real, e.g. the character not being scared of the jaguar, the two of them facing each other up close, or him instructing the jaguar to “fetch” like somebody playing with a dog. It is noted that the character is shown leaving his village happily and merrily, arriving in Europe in a jovial mood, and indicating that he likes the place. The Directorate also recognises that turning the usual colonisation story around might be perceived as having a certain element of humour, and that the commercial has certainly been crafted with the *intention* of being humorous.

The reality though is that colonisation of Africa and her people was traumatic. While the commercial seeks to turn the colonisation story on its head with “Big John” travelling to Europe, it is well-known that many Africans were in fact forced to travel to Europe in the course of the colonisation of Africa. They did not leave their countries and villages wilfully; they starved to death during those trips to Europe; and arrived there under harsh and inhumane conditions. Atrocities suffered by Africans under colonisation are well documented and the legacy thereof continues to exist to date. This experience can never be rewritten differently and cannot be trivialised in any manner.

In the recent matter of *KFC Crunch Master – Rhoda Heyns et al (7 December 2018)* the Directorate of the ARB said, “The Directorate accepts that there are certain everyday life challenges that affect South Africans that cannot be glamourised or satirised under any circumstance, such as sexual violations, human trafficking and murders.” The Directorate considers that there are similarly historical situations that are open for humour, and those that are not. The legacy of colonisation, which is a sensitive and divisive topic, is one that is not open for humorous exploitation – no matter how amusing some people may find the end result.

The Directorate recognises that advertising is a powerful tool that influences perceptions. The Respondent has commented that it believes that “this country has all the potential to conquer the world and rewrite history from an African perspective”. The reality is that the history of colonisation cannot simply be rewritten, and that the potential to conquer the world should

be portrayed in a positive manner – and not likened to colonisation. The fact that the commercial is far-fetched and over the top does not nullify the potential offence.

Based on the above, the Directorate is of the view that the Respondent’s commercial trivialises an issue that is triggering and upsetting for many South African people. The commercial therefore contravenes the provisions of Section 1 of Section II of the Code.

Sanction

The Respondent is required to:

- Withdraw the television commercial in its current format;
- The process of withdrawing the commercial must be actioned with immediate effect;
and
- The commercial may not be used again in the future.