

DECISION OF THE ADVERTISING REGULATORY BOARD

First Complainant	Rhoda Heyns
Second Complainant	Marlene Krynauw
Advertiser	KFC (Pty) Ltd
Consumer/Competitor	Consumer
File references	KFC - Rhoda Heyns - 20-11-18 KFC - Marlene Krynauw - 21-11-18
Outcome	Dismissed
Date	7 December 2018

The Directorate of the Advertising Regulatory Board has been called upon to consider a complaint lodged by consumers against a television commercial for KFC's Crunchmaster product.

Description of the advertising

The commercial is set in what appears to be a public service walk-in centre. The public servants are behind closed windows, eating the advertised product.

After taking a bite of the advertised product, the workers have the following very loud conversation, that the waiting people can hear:

The first character: "Tammy, Let's. . ."

The second character: "Huh?"

The first character: “Let’s tell them there’s is no power. They must come back tomorrow”. (The character gesticulates to explain herself)

The members of the public, who have heard this, look at the ceiling and see that the lights are on.

The second character: “But tomorrow is a public holiday”

The first character: “I know”.

At this point, both characters burst out with laughter.

The third character joins in and states: “Just tell them the system is off-line”. They all burst out laughing, all of which the waiting people hear.

The commercial closes with the image of the advertised product with the wording “CRUNCHMASTER. IT’S FINGER LICKIN’ LOUD”

Complaint

The First Complainant submitted that the behaviour of having computer systems down and sending the public home without being served is a reality in the country, and should not be encouraged by advertisements like the current one, as advertisements should convey positive messages.

The Second Complainant submitted that the commercial is a serious violation of the SA public and that the Respondent is taking the "mickey" out of the waiting crowd. She found it a really offensive advert.

Response

The Advertiser submitted that the concept for the KFC Crunch Master is based on a human truth involving loud noise and how it can throw out the equilibrium in people eardrums, causing them to speak louder than they normally would. With the new KFC Crunch Master, its goal was to expound on just how crunchy it is and to that end its advertising agency decided to hyperbolize the sound factor to depict “the level of crunchiness”. The advertising campaign shows how each bite of the Crunch Master can affect an individual’s

hearing, causing one to raise one's voice in everyday situations, with humorous consequences.

The Advertiser argued that it is a brand that strives to be relevant as well as being able to relate to all South Africans. The backdrop for the commercial is one which is relatable to everyone. It is common cause in South Africa that waiting in long queues for any form of service delivery is an accepted norm, consequently, the boredom and frustration that results from that is something that has been experienced by the majority if not all South Africans at one time or another. The environment in this television commercial is specifically generic with no reference to any governmental (public service) organisation or specific section of the private sector. The setting of the advertisement was not intended to allude to any type of service delivery issues the South African public is facing or make light of such issues.

The intent of this advertisement as well as other advertisements being flighted on both television and radio was simply a humorous way of bringing to life how crunchy and delicious the new KFC Crunch Master is, done in a way that is relevant to the Advertiser's consumers and most South Africans by portraying it against a backdrop of everyday normal life situations.

Application of the Code of Advertising Practice

The following clauses were 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 essence of the complaints lies in the Complainants discomfort with a situation that is real and upsetting – waiting in long queues, often to be turned away for one of the named reasons – is satirised in the commercial.

The Advertiser recognises this in their response, saying that “It is common cause in South Africa that waiting in long queues for any form of service delivery is an accepted norm, *consequently, the boredom and frustration that results from that is something that has been experienced by the majority if not all South Africans at one time or another*” (our emphasis).

The question before the Directorate is whether the Respondent’s commercial is offensive as suggested by the Complainants. The Code provides in Clause 1.2 that “Advertisements should not contain nothing that is likely to cause serious or wide-spread or sectoral offence. The fact that a particular product, service or advertisement may be offensive to some is not in itself sufficient grounds for upholding an objection to an advertisement for that product or service ”.

It is common cause that long queues at public service centres e.g government departments like Home Affairs, Labour Department UIF Claims, Public Hospitals and private centres like Banks is an unpleasant reality. The question is whether making light of this is offensive. 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. However, there are other situations that are fodder for much humour. Many South Africans consider our ability to laugh at ourselves one of our defining positive characteristics as a nation. The Directorate is of the opinion that the challenge of waiting in a queue, only to be told that the system is down, falls squarely into the category of challenges that can be satirised and joked about.

From the material at hand, it is the Directorate’s view that the commercial is clearly meant to be over the top and humorous. Public servants, in general, do not communicate in the manner the “public servants” in the commercial do. The mannerisms and expressions on the characters’ faces are also hyperbolic. The computers shown in the background are completely old fashioned, adding to the over-the-top communication of the commercial. It is clear that the characters themselves are making fun of the

challenges that they face as workers – systems going down and electricity going off. Further, in the version of the commercial available on YouTube, the first character in fact continues to serve the public after consuming the advertised product, making it clear that the entire conversation is a joke.

In the circumstances, the Directorate finds that the commercial is not offensive in terms of Clause 1 of Section II of the Code of Advertising Practice.