

<b>COMPLAINT NUMBER</b>	18/006
<b>COMPLAINANT</b>	J. Hughes
<b>ADVERTISER</b>	Dominoes
<b>ADVERTISEMENT</b>	Website
<b>DATE OF MEETING</b>	10 January 2018
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The advertisement for Cheesy Chips and Gravy on the Dominoes website ([www.dominoes.co.nz](http://www.dominoes.co.nz)) promoted the meal as “Chunky cut chips topped with a rich, traditional gravy, melted mozzarella cheese & topped with fresh spring onion.” The website included an image of the product

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

**Complainant, J. Hughes, said:** “My wife and family were going to Christmas in the park Sunday 9th December, I did an online order for 3 pizzas and a Cheesy Chips & Gravy. Generally Domino's pizzas are a good standard and very seldom is there a need to complain, so when I saw the New item Cheesy Chips & Gravy this looked like something I would like. We collected our order and on the way to the park I decided to check the Chips to see what it was like. Well a feather could have knocked me over. It was disgusting. Bearing no resemblance at all to their advertised picture. Not that I expected it to be exact as their picture but some resemblance would have been good. I contacted the store only to be told I would have to go all the way back for them to refund me. Well no way I was going to turn around and waste my time, petrol and money on something that should have been up to their advertised standard in the first place.

I do not generally complain, but the problem is that food retailers put out these adverts to entice customers and when it is not up to expected standards they think that they can just do a refund or double up the order as a silencer. They carry on their way without an accountability for the inferior product they are serving and noone is the wiser. Please have a look at the photos that I have also sent on to Domino's and they have acknowledged that this is supposedly not their standard, so I would really like to see what their true standard actually is now.

After going through the process of complaining to Domino's through their Facebook page they have offered me several things as a way of apology but for me the remedy is really that they show the meal as it is. The Food Takeaway industry have a tendency to glamourise their products through false advertising and we accept this all too easily when in fact we should be making them more responsible with their advertising whether it be in-store or through the media.

**The relevant provisions were Code of Ethics - Basic Principle 4, Rule 2;**

**The Chair** noted the Complainant's concerns the image on the Dominoes website of the Cheesy Chips and Gravy meal was misleading because the actual product differed from the product advertised.

The Chair noted that often advertisements for fast food employed hyperbole in order to demonstrate the range of ingredients available to consumers and showed them or the food product in their best light. The Chairman noted a precedent Complaints Board Decision 13/282 which concerned a similar product and issue. The Decision stated in part:

“The Complaints Board noted that the ingredients advertised in the pictures on the website appeared to be included in the actual burger purchased, albeit presented in a much less attractive style. The Complaints Board was of the view that the advertisement before them intended to inform the consumer about the range of ingredients in the Bourbon Snack Burger and presented the burger in its best light in a manner that did not meet the threshold to be said to be misleading.”

The Chair said that Complainant's issue was comparable to that considered in Decision 13/282. The issue was how the product was made at the particular Dominoes outlet and not with the advertisement. It was therefore a service issue. While she appreciated the Complainant's concerns and disappointment, the Chair said that nothing in the advertisement reached the threshold to be considered to be misleading and the advertisement had been prepared with a due sense of social responsibility.

The Chair said the advertisement was not in breach of Rule 2 and Basic Principle 4 of the Code of Ethics. Therefore, the Chair said there was no apparent breach of the Advertising Codes and ruled there were no grounds for the complaint to proceed.

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