

<b>COMPLAINT NUMBER</b>	18/406
<b>COMPLAINANT</b>	M Broughton
<b>ADVERTISER</b>	Foodstuffs NZ
<b>ADVERTISEMENT</b>	Pak 'n Save, Television
<b>DATE OF MEETING</b>	3 December 2018
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** Pak 'n Save television advertisement shows the brand's ambassador 'Stick Man' barbecuing and says in part: “We’ve got every kind of meat under the sun at low prices - Meat week – on now at Pak 'n Save.”

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

**Complainant, M Broughton, said:** Ok we live in Waiupukaura Hawks Bay and went too Pac N Save Hasting about 35-45min drive mainly for the Meat week special hahaha The ad on TV implied that all meat was on special but all we found was some chicken and mince and corned beef . We expected a lot more choice available than this but was bitterly disappointed . Is this false advertising we ask ourselves as they do say on the add ALL meat.

**The relevant provisions were Advertising Standards Code Principles and Rules - Principle 2, Rule 2(b).**

**The Chair** noted the Complainant’s concern the advertisement was misleading by implying all meat products were on sale when there was only a limited range of meats at sale prices when they went to the supermarket.

The Chair referred to a precedent Ruling 15/287 for a New World wine sale advertisement with a similar theme. That Ruling said in part:

“...The Chairman noted the Complainant’s view the advertisement was misleading because it implied the promotion applied to all wines, which was not the case. The Chairman disagreed with the Complainant’s interpretation of the advertisement. She was of the view the likely consumer takeout of the statement: “one day wine deals” meant there would be special deals on certain wines rather than discounts on all wines sold in the supermarket...”

The Chair said this Ruling applied to the advertisement before her. In her view, the advertisement did not state or imply that all meat was on sale. The wording in the advertisement is “every meat under the sun at low prices”. The Chair noted the Pak 'n Save supermarket policy was to promote low prices. The Chair said the advertisement did not reach the threshold to be likely to deceive or mislead consumers and as such, had been prepared with a due sense of social responsibility to consumers and to society.

The Chair ruled there had not been a breach of Principle 2 or Rule 2(b) of the Advertising Standards Code and 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 days of receipt of this decision.