

COMPLAINT NUMBER	19/080
COMPLAINANT	J Austin
ADVERTISER	Subway New Zealand Limited
ADVERTISEMENT	Subway New Zealand Limited, Television
DATE OF MEETING	25 February 2019
OUTCOME	No Grounds to Proceed

Advertisement: The Subway television advertisement shows two women swiping through images on a phone. The women make comments such as “definitely, yes, look at the size of that!” The advertisement then reveals the women are looking at Subway sandwiches, with one woman saying “Get in my mouth please!” The advertisement ends with text stating “Fall in love with lunch again.”

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

Complainant, J Austin, said: Two women are swiping their phone screen in the manner of tinder. (Swipe left or right). One woman says "OMG look at the size of that" and then refers to putting it in her mouth, potentially referencing a sexual act. The ad then shows the screen shot of the phone with a picture of subway.

There is no need to refer to overt sexual acts to sell a food product. I felt disgusted at the sexual referencing - especially as I was having dinner at the time the ad was shown. Maybe keep this kind of advertising for an adult time slot.

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

The Chair noted the Complainant’s concern the advertisement was using overt sexual references which were inappropriate.

The Chair confirmed that advertisement had been given a GXC (General Except Children) rating by the Commercial Approvals Bureau, and the Complainant had seen the advertisement during the News, which is categorised as Unclassified Programming.

The Broadcasting Standards Authority refers to Unclassified Programming as “news, current affairs, sports and live content that is not, because of its distinct nature, subject to classification. However, broadcasters must be mindful of children’s interests and other broadcasting standards and include audience advisories (i.e. a warning) where appropriate.”

While the Chair acknowledged the Complainant’s concerns about the timing of the advertisement, she noted the advertisement had been placed with the appropriate care in the 6 pm News where viewer discretion is often advised.

The Chair said the advertisement was a parody referencing a dating application like Tinder in the context of Subway sandwich selection. While the advertisement included sexually suggestive innuendo, the Chair said it did not reach the threshold to be likely to cause serious or widespread offence.

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

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 via email or letter within 14 days of receipt of this decision.