

COMPLAINT NUMBER	20/179
ADVERTISER	Subway New Zealand Limited
ADVERTISEMENT	Subway Television
DATE OF MEETING	4 May 2020
OUTCOME	No Grounds to Proceed

Advertisement: The Subway television advertisement promotes the opening of their stores at Level 3 of the COVID-19 lockdown. The advertisement shows a family not enjoying a board game at their home. Cutting to a Subway opening its store, the ad shows a staff member making a subway sandwich while the voiceover talks about fresh kiwi grown goodness. The advertisement shows staff working and serving customers and says when you choose subway, you are supporting local farmers, communities and small business owners across New Zealand.

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

Complaint: Subway says that 'if you eat at Subway, you are supporting local'. I find that this is extremely misleading as Subway sends 100% of its profits overseas to its corporate headquarters in the US. Not sure what planet they were on when they thought this was a good idea.

The relevant provisions were Advertising Standards Code - Principle 2, Rule 2(b);

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2 (b) Truthful Presentation: Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

The Chair noted the Complainant's concerns the advertisement was misleading.

The Chair noted that while Subway is a franchise which was founded in the United States, Subway franchisees in New Zealand are likely to be local people and they do purchase items from the local market and employ local people.

The Chair said the advertisement was not likely to mislead or deceive consumers and was not in breach of Principle 2 or Rule 2(b) of the Advertising Standards Code.

The Chair ruled 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. Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.