

<b>COMPLAINT NUMBER</b>	20/421
<b>ADVERTISER</b>	Big J's Takeaways
<b>ADVERTISEMENT</b>	Big J's Takeaways, Facebook
<b>DATE OF MEETING</b>	14 September 2020
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Facebook advertisement for Big J's Takeaways is posted Facebook Group and promotes their Spring of Whaia COVID Killer burger. The advertisement shows the burger and says: "Big J's presents 2020 Spring of Whaia burger in conjunction with Fire Dragon Chillies "COVID KILLER". It lists the burger ingredients and later in the post says: "Spring is upon us and as we have done for the last 6 years we are going to set Auckland on Whaia!!"

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

**Complaint:** I find this advertisement in very poor taste and it is also false advertising during this time to use Covid 19 to their advantage when so many are suffering at this time.

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

**Principle 1: Social Responsibility:** Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

**Rule 1(c) Decency and Offensiveness:** Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule.

**The Chair** noted the Complainant's sincere concern it was in poor taste to use COVID-19 to the Advertiser's advantage to promote a burger when people are suffering.

The Chair considered the context for the advertisement. She noted it was a post to the Facebook Group run by the Advertiser and was organic content, not boosted or sponsored to a wider audience. The Chair also took into account the style and format of other posts from the Advertiser.

The Chair agreed references to the COVID-19 pandemic in advertising were likely to offend some people.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the advertisement was likely to cause serious or widespread offence, in light of generally prevailing community standards.

The Chair said promoting the Spring of Whaia burger using the term COVID Killer, via the Facebook Group run by the Advertiser did not reach the threshold to be likely to cause serious or widespread offence. This is because it was targeted to an audience that had chosen to engage with the Advertiser by joining its Facebook Group.

The Chair also noted that many businesses and livelihoods had been affected by the lockdown requirements to manage the pandemic in New Zealand and this post used a level of hyperbole to promote a regular menu addition. The advertisement was not in breach of Rule 1(c) or Principle 1 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](http://www.asa.co.nz). Appeals must be made in writing via email or letter within 14 calendar days of receipt of this decision.