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| <b>COMPLAINT NUMBER</b> | 20/609                     |
| <b>ADVERTISER</b>       | Subway New Zealand Limited |
| <b>ADVERTISEMENT</b>    | Subway, Television         |
| <b>DATE OF MEETING</b>  | 17 December 2020           |
| <b>OUTCOME</b>          | No Grounds to Proceed      |

**Advertisement:** The Subway television advertisement promoting its \$1 cookies includes Christmas scenes showing cookies and milk left out for Father Christmas. A character dressed as Father Christmas is shown rejecting cookies by smashing some on a plate, dropping one cookie into a glass of milk and another into a fireplace. When the Father Christmas character sees the Subway cookies they receive a 'thumbs up' gesture. The voiceover says: "Save Santa from disappointment. Get his favourite cookies in the whole wide world, only \$1 at Subway".

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

**Complaint:** On Sky during the weekend I noticed you are showing the latest ad for Subway biscuits, concerning Father Christmas smashing biscuits that aren't Subways, you are wrong to show that as kids will put out any biscuits Mum or Dad can afford, not all parents will be able to afford those biscuits and also that's a waste of food when many families are finding it very hard to provide food let alone biscuits. It might be shown as a fun ad but somebody didn't think hard enough about the timing and the hard year we have all had.

**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 concerns the advertisement showed a waste for food at a time when many cannot afford luxuries.

The Chair carefully reviewed the advertisement and said the likely consumer takeout would be it was an attempt to promote the Subway cookie as Father Christmas' "favourite cookie in the whole wide world." The Chair said the advertisement used hyperbole with scenes including a gingerbread man tied to the toy railway tracks and was not intended to be taken literally.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the use of the image of Father Christmas in this context was likely to cause serious or widespread offence in light of generally prevailing community standards. The Chair said that despite the Complainant's objection to the advertisement, it did not reach the threshold to cause serious or widespread offence for most consumers.

While acknowledging the Complainant's genuine concerns, the Chair said the advertisement had been prepared with the due sense of social responsibility required and was not in breach of Principle 1 or Rule 1(c) 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.