

COMPLAINT NUMBER	18/069
COMPLAINANT	K Manalo
ADVERTISER	McDonald's Restaurants (NZ) Ltd
ADVERTISEMENT	McDonald's Restaurants (NZ) Ltd, Print
DATE OF MEETING	13 March 2018
OUTCOME	No Grounds to Proceed

Advertisement: The in-store McDonalds advertisement showed a picture of a small coffee and two halves of a ham and cheese pocket product on offer for \$5.

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

Complainant, K Manalo, said: Product/food advertised was not the product given to me/customer. I had raised the issue with the manager at McDonalds 1159-1161 Great North Road. They mentioned that they have done everything to procedure. They did not want to give another or return my payment.

The relevant provisions were Code of Ethics - Basic Principle 4, Rule 2.

The Chair noted the Complainant's concerns the image of the Ham and Cheese Pocket on the McDonalds in-store display was misleading because the actual product differed from the product advertised.

The Chair said that often food advertisements for employed a level of hyperbole in order to demonstrate the range of ingredients available to consumers and show the food product in the best light. The Chair noted a precedent Complaints Board Decision 13/282 which concerned a similar product and issue. The Decision stated in part:

"The Complaints Board noted that the ingredients advertised in the pictures on the website appeared to be included in the actual burger purchased, albeit presented in a much less attractive style. The Complaints Board was of the view that the advertisement before them intended to inform the consumer about the range of ingredients in the Bourbon Snack Burger and presented the burger in its best light in a manner that did not meet the threshold to be said to be misleading."

The Chair said the complaint before her was directly comparable to that considered in Decision 13/282. The issue was how the product was made at the particular McDonalds outlet and not with the advertisement. The Chair ruled it was therefore a service issue. While she acknowledged the Complainant's concerns and disappointment, the Chair said that nothing in the advertisement reached the threshold to be considered to be misleading and the advertisement had been prepared with a due sense of social responsibility.

The Chair said the advertisement was not in breach of Rule 2 or Basic Principle 4 of the Code of Ethics. Therefore, the Chair said there was no apparent breach of the Advertising Codes and 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 days of receipt of this decision.