

<b>COMPLAINT NUMBER</b>	18/238
<b>COMPLAINANT</b>	N Whelan
<b>ADVERTISER</b>	Restaurant Brands NZ Ltd
<b>ADVERTISEMENT</b>	KFC Television
<b>DATE OF MEETING</b>	13 September 2018
<b>OUTCOME</b>	Settled

**Advertisement:** The television advertisement for the KFC Tomayo Cheeseburger features a couple talking about whether they prefer tomato sauce or mayonnaise. The conversation consists of her saying “T sauce” and him replying “Mayo”. They are then shown at the KFC outlet and the voiceover says: “Debate over, KFC’s new cheeseburger with T sauce and mayo”. A photo of the “Tomayo Cheeseburger” is shown. It has two chicken breast fillets.

**The Chair ruled the complaint was Settled.**

**Complainant, N Whelan, said:** KFC is advertising a Tomayo burger it shows you the picture and the name of the burger so I drive to KFC and purchase a burger when I get home and open it it looks nothing like the picture and only has one piece of chicken in it so I drive back thinking that they have messed up my order. when I question KFC they told me that I had only order the single. So KFC is selling a tomayo burger while advertising a tomayo burger stacker, there is no picture of the single fillet burger or nothing explaining that there is even an option and the staff member made no attempt to explain or up sell me to the stacker. so I believe this to be intentionally miss leading I know the burger never look like there pictures but the should be an accurate to include what is in the add and on there menu board at least but showing a burger with to filets of chicken and giving you only one with no information to make a choice is wrong.

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

**The Advertiser, KFC, said:** “The complaint raised was around our Tomayo TV ad and the fact that we did not specifically call out the ‘Stacker’ version on this occasion as we normally would. It was not clear to N Whelan on our instore menu point of sale that there were 2 variants and this was also unfortunately not clarified by the instore server at the time of his order, so we can completely understand his point of view on his purchase of this product. We never intended to mislead him nor anyone else with this campaign and we will take these points into account for future TV comms and make sure this is always clear. We did not receive an official complaint from N Whelan through our own complaints process, but if s/he is interested we are happy to provide a voucher to the value of \$20 for another meal at KFC for the inconvenience s/he has suffered. For reference the Tomayo Burger TV campaign only ran from the 10<sup>th</sup> of July until the 27<sup>th</sup> of August.”

**The Chair** noted the comments made by Advertiser, in particular the commitment to take the points made into account in future advertisements and the offer of a voucher for another meal at KFC.

The Chair, noting the self-regulatory action, said that it would serve no further purpose to place the matter before the Complaints Board. The Chairman ruled that the matter was settled.

**Chair's Ruling:** Complaint **Settled**

**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 days of receipt of this decision.