

COMPLAINT NUMBER	18/385
COMPLAINANT	N Edlin
ADVERTISER	Subway New Zealand Limited
ADVERTISEMENT	Subway New Zealand Limited, Digital Marketing
DATE OF MEETING	12 November 2018
OUTCOME	No Grounds to Proceed

Advertisement: The digital marketing advertisement for Subway's spicy buffalo chicken product shows a man with ginger hair buying multiple bottles of milk at the supermarket. The voiceover says "Are you ready for spicy buffalo chicken at Subway?" The man is then shown eating a subway product and says with a lisp "That's my kind of spicy". The graphics on-screen say "Thpicy Buffalo Chicken."

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

Complainant, N Edlin, said: <https://youtu.be/52LGqHgHqg4> This ad encourages negative stereotypes of people with ginger hair. It encourages bullying and is lazy advertising. I would consider this ad to be ginger-phobic. It's a cheap shot, gingers deal with enough pain and anguish from an early age, during schooling, etc. This kind of advertising only further encourages the stereotype that all gingers are one-dimensional dweebs who have no sense of aesthetic, or ability to present themselves in a way in which they can't be stereotyped.

The relevant provisions were Code of Ethics - Basic Principle 4, Rule 5; Code for People in Advertising - Basic Principles 3 and 4;

The Chair noted the Complainant's concern the advertisement was promoting negative stereotypes of people with ginger hair.

The Chair said the ginger-haired character appeared to support the colour theme of the advertisement as the Advertiser promotes its fiery spiced chicken product. Having carefully reviewed the advertisement, the Chair said that neither character in the advertisement is portrayed particularly favourably and she did not consider the ginger-haired character had been singled out for ridicule.

The Chair said the threshold for a breach of Rule 5 of the Code of Ethics and Basic Principle 3 of the Code for People in Advertising was serious or widespread offence, taking into account generally prevailing community standards and context, medium, audience and product.

While acknowledging the offence the advertisement caused to the Complainant, the Chair ruled the portrayal of the red headed character in the advertisement in this instance did not reach the threshold cause serious or widespread offence.

Basic Principle 4 of the of the Code for People in Advertising allows for stereotypes to be used to simplify the process of communication in relation to both the product offered and the intended consumer. However, advertisements should not use stereotypes in the portrayal of

the role, character and behaviour of groups of people in society which, taking into account generally prevailing community standards, is reasonably likely to cause serious or widespread offence, hostility, contempt, abuse or ridicule.

While acknowledging the advertisement was offensive to the Complainant, the Chair confirmed that humour and satire were permissible under the Advertising Codes and the advertisement did not reach the threshold to cause serious or widespread hostility, contempt, abuse or ridicule.

The Chair said the advertisement had been prepared with a due sense of responsibility to consumers and society and was not in breach of Basic Principle 4 of the Code of Ethics.

Therefore, 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 days of receipt of this decision.