

<b>COMPLAINT NUMBER</b>	18/430
<b>COMPLAINANT</b>	D Wharakura & J Kebbell
<b>ADVERTISER</b>	Burger King New Zealand
<b>ADVERTISEMENT</b>	Burger King New Zealand, Television
<b>DATE OF MEETING</b>	15 January 2019
<b>OUTCOME</b>	Settled – advertisement changed

**Advertisement:** The Burger King television advertisement shows three people sitting at a picnic table at the beach. One person has his back to the camera while making a slurping sound. The camera angle changes and shows the man is drinking from a straw while the other eat sundaes and pies. The voiceover says in part: “Temperatures are high, so cool off with Burger King’s summer treats...”

**The Chair ruled the complaints were Settled.**

**Complainant, D Wharakura, said:** The burger king advert has unnecessary links to the drug taking, trying use what looks at first glance to be drug taking, but it’s then position at eating food.

Don’t really think glorifying drug taking or masking it in advert is that appropriate.

**Complainant, J Kebbell, said** The ad mimics the actions of someone using a marijuana bong and takings about getting high and follows on from the first ad in the series where it mimics people smoking pot in a van. The ads are targeting youth and I find it highly irresponsible they are mimicking drug taking activists to appear to their young audience. It’s a complete sell out for a multi national.

**The Advertiser, Burger King New Zealand, said in part:**

“...TV commercial has been removed and a revised edit of the original TVC has been appearing since Thursday 13 December. It is planned to run until 28.01.19.

TVC has been updated to cut straight to face-on view of the young man consuming the frozen drink to avoid any confusion. The v/o has been cut so it commences with ‘Cool off with Burger King’s Summer Treats’ to allow more time for the range shot – to drive a better retail response...

As per narrative above – the drug reference was never the intent. The intent was to create cut-through by showing a universally annoying behaviour – noisy drink slurping.”

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

**The Chair** noted the Complainants’ concerns that the advertisement mimics the action of taking drugs which is irresponsible and inappropriate.

The Chair acknowledged the Advertiser made changes to the advertisement, after receiving the complaints, removing audio and images which were of concern.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in amending the advertisement, the Chair said that it would serve no further purpose to place the matter before the Complaints Board. The Chair ruled that the matter was settled.

**Chair's Ruling:** Complaint **Settled – advertisement changed**

**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.