

COMPLAINT NUMBER	19/101
COMPLAINANT	T Ratcliffe
ADVERTISER	Subway New Zealand Limited
ADVERTISEMENT	Subway, Television
DATE OF MEETING	11 March 2019
OUTCOME	No Grounds to Proceed

Advertisement: The Subway television advertisement shows a couple having a romantic dinner. The man says “Wait, there’s more” and produces a large subway sandwich for the couple to share. The advertisement shows close up images of the various ingredients which make up the sandwich.

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

Complainant, T Ratcliffe, said: The images shown on TV of a FILLED ROLL by this "company" do not reflect in any way the product that you receive They show the roll as being crammed with layers food, but in reality you probably only get less than half of what is shown.

To reiterate the "roll" shown was packed with ingredients, totally unlike what you are actually served with in the "shop"

The relevant provisions were Advertising Standards Code - Principle 2, Rule 2(b).

The Chair noted the Complainant’s concern the advertisement did not reflect the actual product received in-store.

The Chair noted that food advertisements often employed a level of hyperbole to demonstrate the range of ingredients in a product or meal and showed them in their best light. The Chair noted a precedent Decision (13/282) which concerned a similar issue and was Not Upheld by the Complaints Board. That 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 Complainant’s issue was directly related to this decision. The Chair considered this was a service issue relating to the sandwiches produced in-store and this was best addressed directly by Subway.

The Chair confirmed the role of the Complaints Board was to consider the content and placement of advertisements and compliance with the Advertising Codes of Practice.

While the Chair acknowledged a level of hyperbole, she said that nothing in the advertisement itself reached the threshold to be considered misleading and it had been prepared with the due sense of social responsibility.

The Chair said the advertisement was not in breach of Principle 2 or Rule 2(b) of the Advertising Standard Code and she 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.