

COMPLAINT NUMBER	19/126
COMPLAINANT	J Eells
ADVERTISER	Wendy's NZ
ADVERTISEMENT	Wendy's NZ, Digital Marketing
DATE OF MEETING	25 March 2019
OUTCOME	No Grounds to Proceed

Advertisement: The Facebook advertisement for Wendy's Dirty American burger range shows a picture of a burger with the text "Our new burgers, with a deliciously creamy, tangy dirty sauce are now in store. Crispy long sandwich pickles, New York style mustard relish and melty American chees give this burger a real US of A feel. The Dirty American Range – It's deliciously dirty."

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

Complainant, J Eells, said: Advertising a product called the, "dirty American". I find this very offensive. I'm offended by the adjective dirty being used to describe food from my culture.

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(c).

The Chair noted the Complainant was offended by the word "dirty" to describe food from their culture.

Information from the Advertiser explained that the word "dirty" refers to the dirty sauce, which originates from the United States. The "American" refers to the American style pickles, the New York mustard relish and the American cheese.

The Chair noted that recipes for "dirty sauce" include a range of ingredients like mayonnaise and mustard. The Chair noted the offence the advertising caused the Complainant but said in the context of the food being offered, it was unlikely the term 'Dirty American' would cause serious or widespread offence and the advertisement was not in breach of Principle 1 or Rule 1 (c) of the Advertising Standards Code.

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.