

COMPLAINT NUMBER	20/251
ADVERTISER	Unilever Australasia & Netflix
ADVERTISEMENT	Ben & Jerry's & Netflix Television
DATE OF MEETING	29 June 2020
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for Ben & Jerry's Netflix and Chill'd ice cream includes the voiceover "...Introducing Ben & Jerry's Netflix & Chill'd, the first Netflix original flavour from Ben & Jerry's. The perfect pint to go with all your favorites".

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

Complaint: This ad categorically states a Pint of ice cream. As we are a decimal country, I believe this is inappropriate for many consumers not understanding or unable to convert to grams or kilograms. As it is an American company wanting to sell their product here, surely they should comply with our national standards regarding measurements.

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

Principle 2: Truthful Presentation: Advertisements must be truthful, balanced and not misleading.

Rule 2(b) Truthful Presentation: Advertisements must not mislead or be likely to mislead, deceive or confuse consumers, abuse their trust or exploit their lack of knowledge. This includes by implication, inaccuracy, ambiguity, exaggeration, unrealistic claim, omission, false representation or otherwise. Obvious hyperbole identifiable as such is not considered to be misleading.

The Chair noted the Complainant's concerns about the use of the word "pint" in the advertisement.

The Chair said Ben & Jerry's ice cream is an American brand sold world-wide. While most of the world uses the metric system of measurement, the United States is one of the few countries globally which still uses the imperial system and ice cream is sold in "pints".

The Chair noted that while New Zealand switched from the imperial measurement system to decimal currency in 1967 the word "pint" is still recognized in New Zealand and used in certain contexts. An example of this is in a pub, to describe a large glass of beer.

The Chair said while the word "pint" was used in the advertisement there is no reference to the word "pint" on the physical product and the statement of quantity marked on the product is stated in millilitres.

The Chair said the advertisement does not reach the threshold to be considered misleading.

The Chair said the advertisement was not likely to mislead or deceive consumers and was not in breach of Principle 2 or Rule 2(b) 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 calendar days of receipt of this decision.