

<b>COMPLAINT NUMBER</b>	22/232
<b>ADVERTISER</b>	Dominos Pizza
<b>ADVERTISEMENT</b>	Dominos Pizza Unaddressed Mail
<b>DATE OF MEETING</b>	8 August 2022
<b>OUTCOME</b>	No Grounds to Proceed

**Advertisement:** The Dominos Pizza flyer advertisement has information about different menu items, with prices. To the right of the prices is an asterisk (\*). The text includes the following: “Pick up From \$24.99\*” and “Delivered From \$30.99\*”. In small print across the middle of the advertisement, next to the asterisk is the text “Conditions apply. Customisation may incur further charges as displayed in order basket... Minimum delivery order \$20... to see full terms and conditions visit dominos.nz”.

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

**Complaint:** I feel this advert for 2 large pizzas and 2 selected sides is misleading as it states a pick up price and a delivery price. When order was placed for delivery I was charged an additional fee of \$1.86 to the promoted delivery charge. It stated the extra amount was a Delivery Service Fee - which is what the discount flyer lead me to believe was covered in the promoted discount already.

**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 concern the advertisement was misleading because they were charged an additional \$1.86 on top of the stated delivery fee.

The Chair noted the advertisement states that the delivery fee is “From \$30.99” and conditions apply. The Chair said further information about these conditions is available on the flyer, in small print. It is also available on the Advertiser’s website.

The Chair said the advertisement was not likely to mislead or confuse consumers and did not meet the threshold to breach 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](http://www.asa.co.nz). Appeals must be made in writing with notification of the intent to appeal lodged within 14 calendar days of receipt of the written decision. The substantive appeal application must be lodged with the ASA within 21 calendar days of receipt of the written decision.