

Case Report

1. Case Number :	0114-24
2. Advertiser :	Delhi Rocks
3. Product :	Food/Beverages
4. Type of Advertisement/Media :	Poster
5. Date of Decision:	1-May-2024
6. Decision:	Upheld – Not Modified or Discontinued

ISSUES RAISED

AANA Food and Beverages Code\2.1 Not misleading or deceptive

DESCRIPTION OF ADVERTISEMENT

This poster menu features a deal with unlimited Roti.



THE COMPLAINT

Comments which the complainant/s made regarding this advertisement included the following:

On April 6th, 2024 I went to Delhi Rocks on King St in the Melbourne CBD. I saw a takeaway deal that looked great and decided to purchase it. After picking curries for the deal, I asked for 6 rotis to go along with it, as their sign clearly says unlimited rotis but you can't walk out with unlimited rotis you have to give them a fixed number so they can package it. When at the cashier, they said I could have 3 and any additional were \$2 each. I said I thought they were unlimited? They said no, it's 3. If you would like more you can buy them for \$2 each. I pointed to the sign and said it says unlimited right there. They said the sign was a misprint. It is intentionally fraudulent advertising

that got me into the store and to buy a meal and then once dishes are already on your plate and you are at the cashier they renege on the printed offer.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Advertiser did not provide a response.

THE DECISION

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches the AANA Food and Beverages Advertising Code (the Food Code).

The Panel noted the complainant's concerns that the advertisement is misleading.

The Panel viewed the advertisement and noted the advertiser had not provided a response.

Section 2.1 Advertising for Food or Beverage Products must not be misleading or deceptive or likely to mislead or deceive.

The Panel noted the advertiser had not provided a response and that it would make a determination based on the complaint and the wording of the advertisement.

The Panel considered that the wording of the advertisement was unclear as to whether the unlimited roti offer was only available if the deal ordered was three curries, or if it was intended to be available if two curries and one Gulab Jamun was ordered. However, the Panel considered that as the complainant was offered three roti with their meal it would appear that they were ordering the meal that included roti.

The Panel considered that while "unlimited" was not a specific amount, most members of the community would interpret this as being as many as can reasonably be consumed, and would not expect this to be limited to three. The Panel considered the advertisement was misleading.

Section 2.1 Conclusion

The Panel concluded that the advertisement did breach Section 2.1 of the Food Code.

Conclusion

Finding that the advertisement breached Section 2.1 the Food Code the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DECISION

As we discussed over the phone attached clear displayed menu in our restaurant which clearly shows dine in meals and takeaway meals which I highlighted for you. We have explained to this customer as well.