

COMPLAINT NUMBER	21/273
ADVERTISER	Kathmandu
ADVERTISEMENT	Kathmandu Television
DATE OF MEETING	24 May 2021
OUTCOME	No Grounds to Proceed

Advertisement: The 60 second television advertisement for Kathmandu includes scenarios of people engaging with nature, wearing Kathmandu clothing and using other products the company sells. The scenes include fantastical elements with cartoon-like outlines on the people and objects in the advertisement. The advertisement begins with a person entranced by autumn leaves and appearing to levitate. There is also a five second scene of a man jumping off a cliff into a body of water. Part way down a cartoon drawing is overlaid on the image before he hits the water. The character then morphs into a female with snow covered hair who appears to breath under water. The voiceover says "...when you're not stressed you do things like jump into cold water, and cold water's good, 'cause it releases endorphins...", and images of dolphins appear.

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

Complaint: Kathmandu advert on TV1 at 10.15pm ish on 12 May 2021 shows a young person jumping from a cliff top so high that ,in NZ, they would be killed or seriously damaged because the river would not be deep enough. This advert, for a product which is for outdoor clothing, could lead to people mimicking the act and damaging themselves or killing themselves.

The relevant provisions were Advertising Standards Code - Principle 1, Rule 1(e);

The Chair

Principle 1: Social Responsibility: Advertisements must be prepared and placed with a due sense of social responsibility to consumers and to society.

Rule 1(e) Safety: Advertisements must not, unless justifiable on educational or social grounds, encourage or condone dangerous, illegal or unsafe practices, or portray situations which encourage or condone a disregard for safety.

The Chair noted the Complainant's concerns the advertisement portrays an unsafe activity, jumping from a cliff into a body of water below.

The Chair referred to a precedent decision, 21/013, which was also ruled No Grounds to Proceed. In that decision the Chair said the likely consumer takeout of the advertisement was that waterfall jumping was one of the many activities offered by the adventure tourism industry within New Zealand. The Chair said the tourism business will have undertaken the necessary business health and safety assessments before offering the organised activity to consumers.

The Chair said the Kathmandu advertisement was promoting a clothing brand, not the activity of cliff jumping. The image used was only fleeting and was one of a number of activities shown to portray the idea of the fun that can be had in the great outdoors. The Chair confirmed the cartoon-like drawings and morphing of characters added a fantastical element to the advertisement to reduce the risk of consumers seeing the advertisement as promoting behaviour to copy.

While the Chair acknowledged the Complainant's genuine concerns about accidents relating to cliff jumping, she said the advertisement before her did not encourage or condone a disregard for safety and had been prepared with a due sense of social responsibility.

The Chair said the advertisement did not reach the threshold to breach Principle 1 or Rule 1(e) of the Advertising Standards Code.

The Chair ruled there were no grounds for the complaints 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.