

COMPLAINT NUMBER	21/383
ADVERTISER	Kathmandu
ADVERTISEMENT	Kathmandu Television
DATE OF MEETING	2 November 2021
OUTCOME	No Grounds to Proceed

Advertisement: The television advertisement for Kathmandu begins by showing a woman skinny dipping from above, then shows the events leading to this in reverse: a group of friends running naked into the water with cartoon icons over their bottoms; the group undressing as they run through the forest; a cross cartoon bug reacting to the vibrations of the people running; and the group standing together fully clothed. Text on screen states, "Summer. Finally." and the Kathmandu logo is shown.

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

Complaint: My complaint relates to a Kathmandu advertisement screened on The AM Show (TV3) at approximately 8.23am today (21/10/21) which I believe falls under the current breaches of Lock down regulations and highlights Accident Corporation Concerns. Firstly, it featured a young woman swimming naked in the sea along with her companions in various stages of dress and undress running through a forest. It also featured a young man running in the group with his underpants around his ankles which is not a safe or recommended practice on a forest floor. I consider this advertisement to be socially irresponsible especially in a Delta Variant Covid 19 pandemic especially in regard to social distancing regulations and safety practices in a group setting. I also believe that Kathmandu advertisement could encourage reckless, unintelligent, thoughtless and immodest conduct reflective of the same conduct at a North Shore party (Auckland) last weekend where breaches of Lock down regulations occurred.

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

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

Rule 1(c) Decency and Offensiveness: Advertisements must not contain anything that is indecent, or exploitative, or degrading, or likely to cause harm, or serious or widespread offence, or give rise to hostility, contempt, abuse or ridicule

Rule 1(h) Health and well-being: Advertisements must not undermine the health and well-being of individuals.

The Chair noted the Complainant was concerned the advertisement was showing an unsafe practice of people socialising in breach of the COVID 19 Alert Level Rules.

The Chair said the likely consumer takeout of the advertisement for an outdoor clothing and equipment retailer was it is a brand you could celebrate the arrival of Summer with.

Rule 1(c) of the Advertising Standards Code required the Chair to consider whether the advertisement was likely to cause harm, or serious or widespread offence, in light of generally prevailing community standards. The Chair noted that like all workplaces, the crew and talent working on the advertisement would have had to comply with the relevant COVID-19 restrictions at the time it was made, if relevant.

She considered the advertisement was illustrative of people having a good time while promoting the Kathmandu brand. It did not invite or encourage people to breach COVID-19 restrictions that were in place where they live.

The Chair said the advertisement was not likely to undermine the health and well-being of consumers or cause harm or serious or widespread offence.

The Chair ruled the advertisement had been prepared and placed with a due sense of social responsibility and was not in breach of Principle 1 or Rules 1(c) and 1(h) 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 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.