



**Ad Standards** Community Panel  
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**AdStandards.com.au**

Ad Standards Limited  
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## Case Report

<b>1. Case Number :</b>	<b>0105-21</b>
<b>2. Advertiser :</b>	<b>Eskimo Nell's</b>
<b>3. Product :</b>	<b>Food/Bev Groceries</b>
<b>4. Type of Advertisement/Media :</b>	<b>Outdoor</b>
<b>5. Date of Determination</b>	<b>28-Apr-2021</b>
<b>6. DETERMINATION :</b>	<b>Dismissed</b>

### ISSUES RAISED

AANA Code of Ethics\2.1 Discrimination or Vilification  
AANA Code of Ethics\2.2 Exploitative or Degrading

### DESCRIPTION OF ADVERTISEMENT

This outdoor advertisement depicts a cartoon image of a woman on skis wearing a bikini, red hat and boots. The text states "Eskimo Nell's Ice Supplies".

### THE COMPLAINT

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

*Eskimo Nell's branding is common around Perth. It is both racist (the term "Eskimo" is considered offensive) and misogynistic. This advertising doesn't conform to modern community standards and can create an unwelcoming, demeaning environment for women and Indigenous people.*

### 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 DETERMINATION**

The Ad Standards Community Panel (the Panel) considered whether this advertisement breaches Section 2 of the AANA Code of Ethics (the Code).

The Panel noted the complainant's concern that the advertisement is racist by referring to an Eskimo and is misogynist.

The Panel viewed the advertisement and noted the advertiser did not respond.

The Panel first noted the concern that the business name, Eskimo Nell's, was racist and offensive. The Panel has taken the view that business and product names are not in breach of the Code as a business cannot advertise without stating its business/product name. However the Panel considered that there is increased concern in the community regarding such terms and noted that the advertiser may wish to take these concerns seriously.

**Section 2.1: Advertising or Marketing Communication shall not portray people or depict material in a way which discriminates against or vilifies a person or section of the community on account of race, ethnicity, nationality, gender, age, sexual preference, religion, disability, mental illness or political belief.**

The Panel noted the AANA Practice Note which provides guidance on the meaning of:  
Discrimination - unfair or less favourable treatment  
Vilification - humiliates, intimidates, incites hatred, contempt or ridicule  
Gender - male, female or trans-gender characteristics.

**Does the advertisement portray material in a way which discriminates against or vilifies a person on account of gender?**

The Panel noted that the image of the woman was not directly related to the business of ice, however considered that she is shown engaged in an activity consistent with the cold, i.e. skiing.

The Panel noted that while some members of the community would prefer that images of women not be used to promote services in this way, the advertisement itself did not show the woman to receive unfair or less favourable treatment because of her gender, and did not humiliate, intimidate or incite hatred, contempt or ridicule of the woman because of her gender.

### **Section 2.1 conclusion**

Finding that the advertisement did not portray material in a way which discriminates against or vilifies a person or section of the community on account of gender, the Panel determined that the advertisement did not breach Section 2.1 of the Code.



**Section 2.2: Advertising or marketing communications should not employ sexual appeal in a manner which is exploitative or degrading of any individual or group of people.**

The Panel noted the AANA Practice Note which provides guidance on the meaning of the terms exploitative and degrading:

Exploitative - (a) taking advantage of the sexual appeal of a person, or group of people, by depicting them as objects or commodities; or (b) focussing on their body parts where this bears no direct relevance to the product or service being advertised. Degrading – lowering in character or quality a person or group of people.

**Does the advertisement use sexual appeal?**

The Panel noted that this advertisement contains a cartoon image of a woman skiing while wearing red lingerie/swimwear. The Panel considered that this advertisement did contain sexual appeal.

**Does the advertisement use sexual appeal in a manner that is exploitative?**

The Panel noted that the advertisement was for a business that provides ice. The Panel considered that while the image shows the woman in lingerie or swimwear the advertisement did not focus on the woman's body parts.

The Panel noted that the image of the woman was not related to the ice service, however considered that the use of an image of a woman was not by itself treating her, or women in general, as objects or commodities. The Panel considered that advertisers are allowed to use imagery to promote their business and noted that the woman is shown engaging in an activity which is commonly associated with the cold i.e. skiing.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is exploitative of the women.

**Does the advertisement use sexual appeal in a manner that is degrading?**

The Panel noted that while some members of the community would prefer that images of women not be used to promote such services, the advertisement itself did not lower the woman in the advertisement, or women in general, in character or quality.

The Panel considered that the advertisement did not employ sexual appeal in a manner which is degrading to the women.

**Section 2.2 conclusion**



Finding that the advertisement did not employ sexual appeal in a manner which is exploitative or degrading of an individual or group of people, the Panel determined that the advertisement did not breach Section 2.2 of the Code.

**Conclusion**

Finding that the advertisement did not breach any other section of the Code the Panel dismissed the complaint.