

COMPLAINT NUMBER	20/552
ADVERTISER	Bayleys Real Estate
ADVERTISEMENT	Bayleys Real Estate, Brochure
DATE OF MEETING	11 November 2020
OUTCOME	Settled – advertisement removed

Advertisement: The Bayleys' real estate brochure states; "If you're selling in Paremoremo, Lucas Heights, Coatesville, Dairy Flat, I have 3 hot buyers" The advertisement shows three sets of buyers, including a photo and profile of what type of home they are looking for, alongside their price points.

The Chair ruled the complaint was Settled.

Complaint:

Unsolicited A4 printed marketing material distributed to local area letterboxes sometime between 25/10/20 and 8am 27/10/20. Marketing material depicts three individual images with associated buyer profiles for couples wanting to purchase homes in local area. An internet Google image search of the images reveal that they are stock web images and are not images of factual buyers. It is unknown whether the buyer profiles (names/relationship status/home preferences/ budget are factual. The image and buyer profile create a misleading reasonable belief that factual people match this information.

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 used stock web images to represent potential buyers which could be misleading to consumers.

The Chair accepted the complaint to go before the Complaints Board for adjudication as to whether the Advertising Standards Code had been breached. As part of the self-regulatory process, Advertisers have the option of amending or removing their advertising to comply with the Advertising Codes.

Upon receipt of the complaint, the Advertiser removed the advertisement from circulation and agreed to not use it again in its current form.

Given the Advertiser's co-operative engagement with the process and the self-regulatory action taken in removing the advertisement, the Chair said that it would serve no further purpose to place the matter before the Complaints Board.

The Chair ruled that the matter was Settled.

Chair's Ruling: Complaint **Settled – advertisement removed**

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.