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| COMPLAINT NUMBER | 22/027 |
| ADVERTISER | Powers Realty Group Ltd |
| ADVERTISEMENT | Powers Realty, Digital Marketing |
| DATE OF MEETING | 21 March 2022 |
| OUTCOME | Settled in part, No Grounds to Proceed in part |

Advertisement: The Powers Realty website page advertising 5b Lachlan Avenue contains several images and a video of the house. The two-minute video shows shots of the staged house and a father teaching his daughter to surf. The video soundtrack is an upbeat song with lyrics such as, “take me, baby, you’ll know I’m going after you”.

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

Complaint: <https://www.powersrealty.co.nz/properties/5b-lachlan-avenue/>
Hi this is the link to this advertisement for a house in Mt Maunganui. the song choice, thought was kind of strange but when the young, probably pre teen comes down to go surfing with Dad, there is a caption of just he waist to thigh region. Not needed and totally wrong. What does this area of her body have anything to do with selling a house and the song that goes with it!

The relevant provisions were Principle 1, Rule 1(c) and Rule 1(d) of the Advertising Standards Code.

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(d) Exploitation of Children and Young People: Advertisements must not portray or represent anyone who is, or appears to be, under 18 years old in any way that is exploitative or degrading or inappropriate for their age.

The Chair acknowledged the Complainant’s concern that the song used in the advertisement was ill-fitting and the advertisement focused inappropriately on the girl’s body.

The Chair noted the close-up of the girl’s torso and upper thighs, referred to in the advertisement, was not shown in the video in the link provided to the ASA. The Secretariat confirmed with the Advertiser that the image was removed from the video on 28th January 2022. The Advertiser said they took immediate action after receiving a complaint on social media, amending the video and removing the shot from all other marketing material.

The Chair said given the self-regulatory action taken in amending the advertisement, it would serve no further purpose to place the matter before the Complaints Board. She confirmed the amended video did not portray the girl in a way that was inappropriate for her age.

The Chair then turned to consider the song played throughout the video. Rule 1(c) requires that sexual imagery or language must be appropriate to the audience and medium, and that sexual depictions may only be used to advertise relevant products. The Chair said the song was about a man pursuing a romantic partner and agreed this was incongruous with the situation portrayed in the video advertisement. However, she said the lyrics were not sexually explicit and they were incidental to the message of the advertisement, which highlights the house and possible lifestyle for its owners. The Chair said it was unlikely the audience would consider that the song amounted to a “sexual depiction”.

The Chair confirmed that the advertisement had been prepared with a due sense of social responsibility and did not meet the threshold for a breach of Principle 1, Rule 1(c) or Rule 1(d).

The Chair ruled part of the complaint had been settled, and there were no grounds to proceed on the other part of the complaint.

Chair’s Ruling: Complaint **Settled in part, No Grounds to Proceed in part**

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.