



Ad Standards Community Panel
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AdStandards.com.au

Advertising Standards Bureau Limited
ACN 084 452 666

Case Report

1	Case Number	0184/18
2	Advertiser	NGU Real Estate
3	Product	Real Estate
4	Type of Advertisement / media	Internet
5	Date of Determination	24/04/2018
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

- 2.1 - Discrimination or Vilification Gender
- 2.2 - Objectification Degrading - women
- 2.2 - Objectification Exploitative - women
- 2.4 - Sex/sexuality/nudity S/S/N - general

DESCRIPTION OF THE ADVERTISEMENT

The internet advertisement is a video that shows a waterfront property for sale on realestate.com.au. The advertisement features scenes of the property, the waterfront, women partying on a boat, men standing next to a red Ferrari, a woman sitting in the dining room of the home watching women model outfits in front of her, the woman smoking a cigar, women swimming in the swimming pool and a man performing with fire on the balcony.

THE COMPLAINT

A sample of comments which the complainant/s made regarding this advertisement included the following:





I am writing to you today to put in motion a complaint about the advert on Realestate.com for 53 Wendell Street Norman Park. I would also like to express my extreme disappointment in the video clip advert Mr. Emil Jerusic from NGU has used to boost the sale of the multimillion dollar house for profit and sexual entertainment. As a woman it discusses me to see the use of near naked women and girls in his video. I know that Emil or Ngu marketing are not the first people to do so but what struck me about the videoclip was the use of sexual innuendos such as licking/sucking fingers and the zooming in on the breasts and bottoms of the women/girls. The scene is set with a Harem in the spa/swimming pool and with multiple sexual referencing bordering on pornographic. I would have thought we are an educated society when it comes to the consequences of such images and are moving away from the objectifying of women and simply to use their bodies as objects of desire and for sexual gratification of men. With these sexist images and stereotypical models of femininity constantly being perpetuated in the advertising, the negative implications affecting the mental, emotional and physical wellness of girls are many. I will not go into them but all one has to do is search the net for the multitude of negative impacts such images have on women and young girls.

This video needs to be removed as it is offence, degrading and dehumanizing to all women.

The other imprudent mistake Emil/NGU made by using these scantily clothed women/girls in his marketing campaign is the assumption that it is the men who will be looking at these images as they may be the only ones who can afford them as the whole videoclip is aimed as the gratification of men's sexual desire with hints of sexual tension between two women.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complainant/s regarding this advertisement include the following:

Advertisement The advertisement is a video that shows a waterfront property for sale on realestate.com.au. The key concept was to show all the amenities of the property and for this reason the videos also includes models.

NGU Real Estate East Brisbane cares deeply about marketing campaigns implemented to assist a homeowner to sell their property. We invest innovation, creative concepts



and ample resources when we presented this home for sale and it showcases this amenities of this beautiful home for sale.

RESPONSE TO COMPLAINT

While we respect the complainants views and thoughts we submit that the video does not contravene the Code of Ethics as set out below. We must note that NGU Real Estate Brisbane is passionate about all marketing campaigns and we work incredibly hard and invest time, innovation and resources into the marketing campaign for the sale of our home owner's properties.

*We should also note that the complainant may have viewed an older version of the video at the time the complaint was made. However the items below are relevant to all versions of the video on realestate.co.au at any point in time.
Please the response below.*

2.1 Advertising or Marketing Communications 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 video does not discriminate against women there are no acts of inequity, bigotry or intolerance against women. Nor does it show women in an unfair, unfavourable or less favourable way because of their gender.

The video does not vilify women as it does not humiliate, intimidate or incite hatred, contempt or ridicule women because of their gender.

The models are portrayed in a confident manner and the key female is fully clothed and in portrayed in a position of power and confidence. The content was created by women and intended to portray women in a confident and positive light.

*2.2 Advertising or Marketing Communications shall not employ sexual appeal:
(a) where images of Minors, or people who appear to be Minors, are used; or
(b) in a manner which is exploitative or degrading of any individual or group of people.*

*Audience – adults looking to purchase property
Realestate.com.au the advertiser is a platform on which home owners sell their properties to adults wishing to purchase to property. Accordingly the audience on realestate.com.au are adults looking to purchase property.*

Relevance of the imagery

Models in the video are enjoying the amenities of the home being advertised for sale.



Cannot be viewed by children in public domain

This video cannot be viewed by children in the public domain as it is on the internet. To view this video you would need to search the property address on realestate.com.au, select the property and click on the video.

Attractive models in video

The video cannot be readily viewed by children. The child would need to be on the internet and type the address of the property advertised into a search platform and click on realestate.com.au search results and then click on the property address and click on the video link

There are no sexual acts

The video is not aimed at young people, it is aimed at adults buying property on realestate.com.au

Depiction of Models

The content does not reduce women to a single part of her body or suggest that she is property or suggest that she exists for the enjoyment of others.

Models in bikinis are in a pool in the home advertised and on a boat because the home advertised is waterfront property and relevant to the home advertised.

Models are not in sexualised poses that are exploitative or degrading.

Models are shown in a strong confident manner.

Models are portrayed in a positive light.

Attractive models show the amenities of the home advertised.

There is no nudity.

There is no sex.

There are no sexual acts in the video.

2.3 There is no violence in the video and the complaint does not allege that the material is violent.

2.4 Sex, Sexuality and Nudity treated with sensitivity to relevant audience

Audience – adults looking to purchase property

Realestate.com.au is a platform on which home owners sell their properties to adults wishing to purchase property. Accordingly the audience on realestate.com.au are adults looking to purchase property. Any mild sexual themes outlined in the account were intended to take into account the sensitivity of the relevant audience. If the



audience does not wish to view the video on realestate.com.au it can be paused and the user can view photos or inspect the property.

Models are using the amenities of the home being advertised for sale. Models in bikinis are around a pool in the home advertised and on a boat nearby the waterfront property advertised.

Mild sexuality or suggestive acts outlined in the complaint (eg licking of finger) are unlikely to be easily understood to be sexual in the unlikely event that a child searched for and viewed the property on realestate.com.au.

Models in bikinis are not in sexualised poses but portrayed in a confident positive manner in swimming in a pool or around the pool area in the property advertised.

2.5 Language which is appropriate not obscene

There is no speech in the video except for music and the complaint does not allege that the material is obscene. The music lyrics does not articulate obscene words.

2.6 Not contradictory to Health & Safety

There are no health and safety contradictions in the video.

2.7 Distinguishable to relevant audience

The video is on realestate.com.au a medium that has a specific audience, persons looking to buy and property. The video is clearly labelled with the property address and the user on the medium must click the video to view the video and can stop watching it any point by pressing pause.

Section 3 of the code is not relevant as the video does not target children and the audience of the medium does not include children. The material concerned markets a home not a motor vehicle or food and beverage. In addition the complaint does not allege contraventions of Section 3 of the Code.

THE DETERMINATION

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

The Panel noted the complainant’s concerns that the advertisement features sexual innuendoes and inappropriate sexual referencing, objectification of women and sexism.

The Panel viewed the advertisement and noted the advertiser’s response.



The Panel noted that the advertisement is featured on the realestate.com listing for a house for sale. The advertisement features scenes of the property, the waterfront, women partying on a boat, men standing next to a red Ferrari, a woman (referred to as the 'key female') sitting in the dining room of the home watching women model in front of her, the woman smoking a cigar, women swimming in the swimming pool and a man performing with fire on the balcony.

The Panel considered whether the advertisement complied with Section 2.1 of the Code which requires that 'advertisements shall not portray 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 Practice Note to Section 2.1 of the Code which provides the following definitions:

"Discrimination – unfair or less favourable treatment

Vilification – humiliates, intimidates, incites hatred, contempt or ridicule".

The Panel noted that the main character is a woman and appears to be the owner of the home. The Panel noted that this 'key female' holds a position of power in the advertisement.

The Panel considered that the women in the advertisement were depicted as comfortable and confident, and did not appear to be in distress or at the property against their will.

The Panel noted the advertiser's response that the advertisement shows no acts of inequity, bigotry or intolerance towards women.

The Panel considered that the women are not depicted in a manner that is unfair nor in a manner that would be likely to humiliate or incite ridicule of women. The Panel determined that the advertisement does not discriminate against or vilify a person or section of the community on account of gender.

The Panel considered whether the advertisement was in breach of Section 2.2 of the Code. Section 2.2 of the Code states: "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.

The Panel noted the complainant's concerns that the image featured scenes that were degrading to women.

The Panel considered the scenes in which women appeared in the advertisement. The Panel noted several scenes with women and considered that while these scenes contained sexual appeal the women in the advertisement were shown to be confident, enjoying themselves and were not depicted in a way which could be considered exploitative or degrading.

The Panel noted that there are some scenes where there is a focus on body parts, including in the third scene of the advertisement which focuses on the backs and buttocks of women and the Panel considered that this imagery is not relevant to an advertisement for a house.

The Panel noted a specific scene in which the 'key female' sits at the head of the table and waves her hand to accept or dismiss women modelling in front of her. The Panel considered that this scene showed the women as being similar to cattle. The Panel noted that the women may have been modelling clothes, but the selected woman goes to stand next to the 'key female' after being selected, and the implication is that she has been chosen rather than the clothes.

The Panel considered that this particular scene in the advertisement did employ sexual appeal in a manner which is exploitative of women in regards to the portrayal of women as commodities or objects to possess.

The Panel determined that the advertisement did breach Section 2.2 of the Code.

The Panel considered whether the advertisement was in breach of Section 2.4 of the Code. Section 2.4 of the Code states: "Advertising or Marketing Communications shall treat sex, sexuality and nudity with sensitivity to the relevant audience".

The Board noted the complainant's concern that the advertisement contained sexual innuendos and near naked women.

The Panel noted that this advertisement is on a real estate website and therefore the audience is almost exclusively adult. The Panel noted the advertiser's response that the video can be paused or exited at any time.

The Panel considered that there is sexual innuendo in the advertisement in the form of licking/sucking fingers and trailing fingers along shoulders but that this is only innuendo.



The Panel noted that there is no actual nudity depicted in this advertisement. The Panel considered that the women in the advertisement are scantily clad, but that there were no nipples or genitals visible.

The Panel considered that overall while the advertisement contains scenes which contain sexual themes, the advertisement did treat sex, sexuality and nudity with sensitivity to the relevant audience of adults viewing a real estate website.

The Panel determined that the advertisement did not breach Section 2.4 of the Code.

The Panel considered Section 2.6 of the Code. Section 2.6 of the Code states: “Advertising or Marketing Communications shall not depict material contrary to Prevailing Community Standards on health and safety”.

The Panel noted that there is a brief scene in the advertisement showing a woman smoking a cigar.

The Panel considered that the scene is fleeting in the context of the advertisement, and is a part of the narrative of the advertisement but not the focus.

The Panel noted there is a high level of community concern with regards to smoking and considered that as the image is fleeting the image does not encourage or condone smoking or the purchase of cigars.

The Panel considered that the advertisement did not depict material contrary to Prevailing Community Standards on health and safety. The Panel determined that the advertisement did not breach Section 2.6 of the Code.

Finding that the advertisement breached Section 2.2 of the Code the Panel upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The Advertising Standards Community Panel determination found:

- No breach of 2.1 of the Code - DOES NOT vilify, humiliate, intimidate or incite hatred or contempt for women & does not ridicule women.
- No breach of 2.4 of the Code – DOES NOT include nudity or sex.
- No breach of 2.6 of the Code – DOES NOT depict material contrary to the Prevailing Community Standards on health and safety.

MARKETING INTENDED TO PROMOTE PROPERTY FOR SALE & EMPOWER WOMEN



- The marketing material was created by women in order to market an incredible waterfront property.
- The creative concept behind the video was intended to empower women.
- The key figure in the video is a female who is in a position of power and influence.

MEASURES TAKEN TO ASSIST

The panel's determination identified 2 instances of concern with respect to 2.2 of the Code one of which was not identified as a concern in the complaint.

These instances have been removed.

LEGAL COUNSEL CONFIRMS

Legal counsel advice confirms the following:

- NGU is not required by law to remove the ad or any part of the ad.
- NGU voluntarily elected to remove the instances of concern identified by the panel and the complainant.
- The advertising standards and code are guidelines.
- Advertising is self-regulated.
- NGU did not act unlawfully.

SUMMARY

NGU Real Estate Brisbane is passionate about all marketing campaigns and material. We work very hard and invest substantial time, innovation and resources into all marketing campaigns for the sale of our home owner's properties.