



Case Report

1	Case Number	0547/16
2	Advertiser	Bees Nees City Realty
3	Product	Real Estate
4	Type of Advertisement / media	Internet
5	Date of Determination	18/01/2017
6	DETERMINATION	Upheld - Modified or Discontinued

ISSUES RAISED

2.1 - Discrimination or Vilification Age

DESCRIPTION OF THE ADVERTISEMENT

This internet advertisement appears as a paid result from a Google search and features the following text: "Property Manager Brisbane - Beesnees.com.au...Don't Have Your Property Managed by a Teenager. Choose Experience!"

THE COMPLAINT

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

The advertisement states: 'Don't have your property managed by a teenager'. This is offensive as it discriminates professionals who manage property who are under 20yrs and suggests they are incompetent because of their age. This is age discrimination and I find it offensive and unfair.

THE ADVERTISER'S RESPONSE

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

The advertiser did not provide a response.

THE DETERMINATION

The Advertising Standards Board (“Board”) considered whether this advertisement breaches Section 2 of the Advertiser Code of Ethics (the “Code”).

The Board noted the complainants’ concerns that the advertisement discriminates against professional workers based on their age.

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

The Board 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 Board noted that this internet advertisement features the text, “Don’t have your property managed by a Teenager. Choose experience!”

The Board noted the definitions provided in the Practice Note for Section 2.1 of the Code:

- Discrimination – unfair or less favourable treatment
- Vilification – humiliates, intimidates, incites hatred, contempt or ridicule

The Board noted that the advertisement is promoting property management services and a minority of the Board considered that the advertisement is tapping in to an existing preference of property owners for their property to be managed by a person with experience and in their view the advertisement is not saying that teenagers are not to be employed but rather that for this particular job a person with experience is preferable.

Following considerable discussion however, the majority of the Board noted that the wording of the advertisement is very specific with regards to hiring a teenager: “Don’t [emphasis added] have your property managed by a Teenager” and considered that this statement along with the reference to experience, which teenagers will, by the very fact of their age, be lacking in, is treating teenagers in a less favourable manner. The majority of the Board noted that ‘Age’ is a category listed under Section 2.1 of the Code, and is defined in the associated Practice Note as “a person’s chronological age (i.e. the date they were born)” and considered that the advertisement is clearly suggesting that a person not be considered for a particular job on account of their chronological age and that this amounts to discrimination.

The Board determined that the advertisement did breach Section 2.1 of the Code.

Finding that the advertisement did breach Section 2.1 of the Code, the Board upheld the complaint.

THE ADVERTISER'S RESPONSE TO DETERMINATION

The advertiser did not provide a response. Upon further investigation, the ASB has determined that the advertiser is no longer advertising on Google Search using this creative.

INDEPENDENT REVIEWER'S RECOMMENDATION

THE DETERMINATION ON REVIEW

ADVERTISER'S RESPONSE TO IR DETERMINATION