



CASE REPORT

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| 1. Complaint reference number | 206/07 |
| 2. Advertiser | realestate.com.au |
| 3. Product | Real Estate |
| 4. Type of advertisement | Internet |
| 5. Nature of complaint | Portrayal of sex/sexuality/nudity – section 2.3 |
| 6. Date of determination | Tuesday, 10 July 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This television advertisement depicts the problems incurred when you share a house with a previously unknown housemate. We see an unkempt man enter a house and tentatively call out if anyone is home. When he receives no reply and realises he is alone in the house, he proceeds to explore a woman's bedroom, rifling through her dressing table, examining her CD collection, wearing her pink bathrobe and towel, and dancing in front of her mirror in sexy black panties. He turns on her hairdryer and puts it down the front of the panties, then smells her high-heels and puts them on. Wearing her brief pink cocktail dress, which was lying ready on the bed, he places an ice cube from the freezer on his nipple, and sips a cocktail in the kitchen. He then proceeds to spray himself with her perfume and writhes on her bed, until he hears her footsteps approaching the flat. As the woman, dressed immaculately in a business suit, enters, we see the man lounging on the sofa, looking innocent and disinterested, with a newspaper and bag of potato chips on his lap. The camera then pans away to show the area around the man looking like a pigsty, as advice appears on screen "Find a place of your own".

THE COMPLAINT

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

This ad is disgusting and totally unnecessary and it puts me off using the realestate site altogether.

THE ADVERTISER'S RESPONSE

Comments which the advertiser made in response to the complaint/s regarding this advertisement included the following:

The commercial in question, "Weird flatmate" was created as a viral ad for realestate.com.au, and targeted to young people (eg. 18-25 years) living in share accommodation. Being a viral/internet campaign for this audience, the creative was necessarily edgier than our typical advertising, in order to ensure its viral success. The campaign was originally targeted to youth oriented sites, including mspace.com, and achieved more than 780,000 views, with no consumer complaints received at all during or subsequent to the campaign.

As a result of a partnership with ninemsn, we run all our video ads on their video channel. Unfortunately until the current complaint we were not aware that the ad was being targeted to a general news audience, which was clearly not our intent, and nor had we received any consumer complaints via ninemsn. Notwithstanding this, as a result of the consumer complaint in question, we had the advertisement removed immediately from ninemsn. I can confirm it was removed from the ninemsn site on 21 June, 07.

As you know we take very seriously any complaints regarding our advertising to the ASB, and regret this unfortunate incident. We sincerely apologise for any offence caused to the complainant, and hope that she will forgive our indiscretion in this instance.

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 that the advertiser has withdrawn the advertisement from mainstream media and has stated that the intention was that the advertisement appear on youth oriented websites.

The Board viewed the advertisement and considered that the advertisement was clearly targeted to the young adult market of people who share houses and are likely to be looking for new accommodation. The Board considered that the actions of the man in the advertisement were meant to be slightly shocking - depicting an invasion of the flatmate's privacy - but was also likely to be considered humorous by most members of the community.

The Board determined that the images in the advertisement were not inappropriate for the intended audience and were not inappropriately sexual or suggestive. On this basis the Board determined that the advertisement did not breach section 2.3 of the Code. Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.