



CASE REPORT

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| 1. Complaint reference number | 377/07 |
| 2. Advertiser | Harcourts Queensland |
| 3. Product | Real Estate |
| 4. Type of advertisement | Internet |
| 5. Nature of complaint | Violence Other – section 2.2
Health and safety – section 2.6 |
| 6. Date of determination | Monday, 19 November 2007 |
| 7. DETERMINATION | Dismissed |

DESCRIPTION OF THE ADVERTISEMENT

This image from a listing on a real estate internet site features a decaying property and the words "Renovate or Detonate".

THE COMPLAINT

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

...suggests violence, and taken in context...suggests the council is in no way adverse to demolition of the house by detonating, a process that would create fallout on nearby houses...The advertisement has been shown to affect mental health. My husband is a former soldier from the SAS Regiment and a retired war correspondent, who is known to the Council to suffer from schizophrenia following experiences during the Vietnam era. The wording on the sign was the trigger that caused my husband to fear that people would try to murder him and caused him to make plans to migrate to another country in the hope of finding safety. There have indeed been previous documented attempts to murder him, and people around him have been murdered, so it should not be entirely unexpected that such a sign would have an emotional impact.

THE ADVERTISER'S RESPONSE

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

We believe the advertising slogan used to be harmless, inoffensive and in common use. Having 'Googled' the phrase myself, I found about 10,000 hits from mostly real estate advertisements, and none of the hits that I saw pertained to 'inflammatory language' nor 'inciting terrorism'.

Nevertheless, and in the interests of good business, our Logan Business Owner was happy to discuss the matter with his vendor (the Logan City Council) who were in turn, prepared to alter the property signage to remove the language (the complainant) was referring to. To my knowledge, the property signage was changed shortly thereafter.

Let me say that I do not agree with (the complainant's) standpoint, nor do I concur that Harcourts has in any way acted improperly.

I believe this person to have a far greater range of grievances which extend beyond this matter, and we were simply willing to assist in defusing the obvious angst she is going through at this time. Judging by her correspondence, however, the majority of her issues appear to be with the Logan City Council.

If (the complainant) and her husband's health are affected to such an extent by the choice of

language used on this occasion, I am happy to comply with the direction of your agency should you see fit to direct us to remove this advertisement from the Internet (if it hasn't already been removed as the property sold at auction on Saturday 20th October 2007).

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 complainant's concern about the use of the word 'detonate' in relation to the advertisement for a property and that the use of the word contravenes section 2.2, 2.5 and 2.6 of the Code. The Board recognised that the complainant's reaction to this word was a genuine problem for that person.

The Board considered whether the advertisement depicts or suggests violence in the suggestion that the house can be 'detonated'. The Board considered that the term 'detonate or renovate' is in common usage in the real estate sector and is used to mean that the property is in poor condition and that potential purchasers may consider knocking down the structure and rebuilding. The Board considered the term to be an exaggerated term that would not realistically suggest violence to most consumers. The Board determined that the advertisement did not breach section 2.2 of the Code.

The Board considered whether the use of the term 'detonate' was appropriate in the circumstances. Again the Board considered that the term was in common usage in the real estate sector, that in the advertisement the term was used in a manner consistent with real estate usage and that most people would not find this language inappropriate, strong or obscene.

The Board also considered whether this advertisement depicted material contrary to prevailing community standards on health and safety by affecting the mental health of people with a condition such as the complainant's husband. The Board noted with concern the complainant's description of the effect of this term on someone with schizophrenia but considered that the effect of this word in this advertisement or similar advertisements was not likely to be shared by many members of the community. The Board considered that the advertisement did not depict material that is contrary to health and safety standards.

Finding that the advertisement did not breach the Code on other grounds, the Board dismissed the complaint.