

# Real estate agent advertisements

## Guidelines for media advertising staff

Publishers of advertisements from real estate agents have certain obligations under the law. *The Property, Stock and Business Agents Act 2002* and *Australian Consumer Law* apply to both print and online advertising.

### Advertising checklist

Check that advertisements include:

- name of licence holder (individual, corporation, registered business name or name of partnership)
- disclosure of a licensed agent's ownership (or vested interest) of an advertised property (where known).

### Confidentiality

A real estate agent must not use or disclose any confidential information obtained while acting on behalf of a client or dealing with a customer, unless:

- the client or customer has authorised disclosure or
- the agent is permitted or compelled by law to disclose.

### The advertised selling price

The advertised selling price is an important factor in advertising and should not be misleading.

It is an offence for a real estate agent to make a statement whilst marketing a residential property about an estimated selling price that is less than the real estate agent's true estimate.

It is considered to be a false representation for real estate agents to advertise properties at prices lower than their true estimate.

### False or misleading representations

Advertisements should not make statements or representations that are untrue or likely to mislead

or deceive. Advertisements should not have false implications or hidden meanings and must give an accurate overall impression.

An agent must not solicit clients or customers through advertisements or other communications that are false or misleading. Agents should label photographs used in advertisements to ensure truth and accuracy in advertising. Agents should not seek to persuade clients using any statement, representation or promise that is false, misleading or deceptive; or by the concealment of a material fact. A property must not be advertised as being in a particular suburb unless it is actually located in that suburb. A property may not be advertised as being in two different suburbs.

### Filler advertisement

Below is a filler advertisement to be used if and when the space is available. It alerts consumers to check advertisement details.

NSW Fair Trading requires real estate agent advertisements to include:

- name of the licence holder and
- disclosure of a licensed agent's ownership of an advertised property (or vested interest).

These guidelines have been produced in co-operation with the Australian Publishers' Bureau. Publishers can help put a stop to misleading advertising before it reaches consumers. This benefits the community and helps to improve the general quality and credibility of advertising.