

- misleading information given over the telephone or in the course of discussions, for example with prospective clients before taking instructions from them or with potential buyers when they are arranging to view a property
- misleading details in property particulars or other marketing material, for example newspaper advertisements, web pages and brochures
- misleading photographs, video clips, floor plans, artist impressions, models or show homes.

4.6 Here are some illustrative **examples of misleading actions**. It is not an exhaustive list. In each case, the test is whether the average consumer would be misled and, as a result, would take a different transactional decision.

General

- Advertising that you are bound by a code of conduct, but failing to comply with the requirements that such a code lays down.²³

When you advertise for new business

- Making statements in your advertisements that exaggerate your sales record, or imply that your business has a presence in a particular area when it does not, or has more offices than it actually has.
- Putting up 'For Sale' or 'Sold' signs (on boards, on websites or in marketing material), when you are not in fact responsible for marketing the property in question.
- Distributing leaflets to homes claiming that you have buyers lined up for these sorts of properties or that you have just sold a similar property when this is not true.

²³ At CPRs 5(3)(b), it says such requirements must be 'firm, capable of being verified and not aspirational'.