

Photoshopping real estate images – what’s allowed?

Photoshopping real estate marketing images can be a helpful tool that showcases the property and shows off its natural assets, but it can easily go too far and cross the line into misrepresentation and potentially, misleading and deceptive conduct that can attract huge penalties.

So what is allowed and what is prohibited?

Well, for those who are looking for a black and white answer, the disappointing news is that it’s very grey. Some areas are clear, but there is much that has been left open to interpretation. This can be very stressful, because if the real estate agent gets it wrong, it can mean fines of up to \$220,000 for individuals and \$1.1 million for corporations, under Australian consumer law.

In some cases, even where the vendor (seller) has personally prepared the photographs for the agent to use, if the purchaser buys the property relying on the photograph’s representation of the property and finds it to be an untruthful representation of the property (this is particularly relevant when a buyer purchases the property unseen) they may take legal action against the vendor as well as the agent. So it’s important to get it right!

The guiding principle is that the photo must **fairly and accurately represent the property**.

This means your marketing photographs must be true to the current condition of the home, its characteristics and its surroundings. You can’t give the home a paint job to cover peeling and cracked paint, you can’t add a deck at the back, you can’t ‘clean’ the roof tiles or add solar panels.

You can’t take out power lines or edit the exterior significantly – no added landscaping, no pruning of bushes and trees. No new flower beds. You can’t upgrade the cabinetry in the kitchen or the bathroom.

So what can you do?

In typical residential properties (typical block size up to 800m²) you are probably safe to make the grass a little bit greener (this is particularly handy if there has been a dry spell and you haven’t watered the lawn). However, if it’s an acreage you can’t suddenly cover the hectares of dirt with rolling green turf – that’s going too far! But if it’s a typical suburban yard, adding some green is likely to be acceptable.

If the photos are taken on an overcast day, you can also add a blue sky, no problem.

As a general rule, houses are sold without furniture included. So, adding some furniture to an unfurnished home is acceptable as it's simply showing prospective buyers how the house can be styled. You can also de-clutter the benches and edit out appliances left out on the day the photographer visited. You can also remove furniture from photos if it doesn't showcase the room to its best. This is provided the furniture is not built in!

The guiding principle is that you must accurately and fairly represent the home in its current condition. Avoid any photoshopping tricks can that trigger legal risks and you and your agent will be fine.

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