

**Case law****Case Details****National ID:** I-1621-189/2009**Member State:** Lithuania**Common Name:** link**Decision type:** Court decision, first degree**Decision date:** 10/07/2009**Court:** Vilnius Regional Administrative Court (Vilnius)**Subject:****Plaintiff:** UAB "Mikrovisatos TV"**Defendant:** Competition Council**Keywords:** black list, free, misleading advertising, misleading commercial practices**Directive Articles**Unfair Commercial Practices Directive, [Annex I, 20](#).**Headnote**

Annex I-20 of the UCP Directive is breached when "free digital TV" is advertised, while a customer still has to pay for either a digital TV setup box or the activation of an additional TV card.

**Facts**

Through flyers and regional newspapers, the plaintiff publicised an advertisement that stated that "you will enjoy free digital TV through additional TVs". However, consumers willing to accept this proposal had to order one of the TV channel packages and respectively pay for digital TV set-up box or activation of an additional TV card.

The defendant concluded that the advertisement was misleading, because it fell within the scope of Annex I-20 of the UCP Directive, as it describes digital TV services as "free" while the consumer had to pay a cost other than the unavoidable cost of responding to the commercial practice. A fine of LTL 10.000 (approximately 2.587 EUR) was imposed.

The plaintiff appealed the defendant's decision before the Vilnius Regional Administrative Court, arguing that the cost of purchasing a digital TV set-up box and the fee for the activation of an additional TV card were unavoidable.

**Legal issue**

The court briefly concluded that in any case consumers willing to watch free digital TV through additional TVs, would incur certain costs. Thus, the plaintiff's advertising amounted to a misleading commercial practice.

**Decision**

Is Annex I-20 of the UCP Directive breached when "free digital TV" is advertised, while the customer would still have to pay for either a digital TV setup box or the activation of an additional TV card?

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**Result**

The plaintiff's appeal was dismissed. The decision of the defendant remained unchanged.