

Case law**Case Details**

National ID: Vj/149-041/2009

Member State: Hungary

Common Name:link

Decision type: Administrative decision, first degree

Decision date: 03/08/2010

Court: Competition Authority (Budapest)

Subject:

Plaintiff: Procedure initiated by the Competition Authority

Defendant: Vodafone Magyarország Mobil Távközlési Zrt. ("Vodafone")

Keywords: material information, misleading advertising, misleading omissions, price reductions, promotional sales

Directive Articles

Unfair Commercial Practices Directive, [Chapter 2, Article 5, 1.](#) Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 6, 1., \(d\)](#) Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 7, 1.](#)

Headnote

Omitting the limited time period for a price promotion in an advertisement is misleading, even if this limited time period is announced to online consumers and at sales points.

Facts

The defendant carried out a very intensive advertisement campaign in the period from 2 May 2009 until 31 July 2009. It announced in various advertisements to offer mobile Internet packages for a subscription fee of HUF 2.000.

However, it did not disclose that this possibility was only available for a limited period of time (from 2 May 2009 until 31 July 2009). The fact that the subscription fee would be doubled to HUF 4.000 after this period, was only communicated to consumers on the internet and at the sales points where consumers could enter into individual subscriber contracts.

Legal issue

The Competition Authority decided that the above practices were misleading because, among others:

- (1) the price of a product is the most important element that consumers consider before buying a product;
- (2) the first impression of the advertisement is the most relevant. The information provided in these advertisements as a first impression were untrue. This was not even rectified in many cases by the additional information provided by Vodafone to the consumers;
- (3) the TV advertisements did not expose material information in respect of the product.

Decision

Is it misleading to omit the limited time period for a price promotion?

URL: <http://www.gvh.hu/domain2/files/modules/module25/14188C195EACF23EF.pdf>

Full text: [Full text](#)

Related Cases

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Legal Literature

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Result

Vodafone was held to mislead the public. The Competition Authority imposed HUF 60 million (approximately 220.000 EUR) fine on Vodafone.