EN

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

No results available

Legal Literature

No results available

Result

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