

Case law**Case Details**

National ID: SH2011-40-09

Member State: Denmark

Common Name: Synoptik A/S mod Louis Nielsen A/S

Decision type: Court decision, first degree

Decision date: 22/03/2011

Court: The Maritime and Commercial Court (Copenhagen)

Subject:

Plaintiff: Synoptik A/S

Defendant: Louis Nielsen A/S

Keywords: endorsement

Directive Articles

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

Headnote

The advertisement of a product by referring to an official approval of a public body to offer such product, constitutes a misleading commercial practice, when in reality such an official approval does not exist.

Facts

The plaintiff and the defendant, competing optician chain stores, conducted publicity campaigns during June 2009 and September 2010. The plaintiff initiated legal proceedings against the defendant for its publicity campaigns while the defendant was of the opinion that the plaintiff had breached the prohibition on unfair commercial practices.

Most importantly in this respect, the plaintiff claimed that one of the defendant's promotional campaigns was in violation of the prohibition on unfair commercial practices, in so far as the campaign gave the consumer the impression that the eye tests offered were approved by a public authority, whereas in reality such approval did not exist in Denmark.

Legal issue

The court considered the commercial campaign to be contrary to the prohibition on unfair commercial practices where the advertisement stated that an eye test control system was approved by a public authority, whereas in reality, it was established that such an official approval did not exist.

Decision

Does the advertisement of a product by referring to an official approval of a public body to offer such product, constitute a misleading commercial practice, when in reality such an official approval does not exist?

Full text: [Full text](#)

Related Cases

No results available

Legal Literature

No results available

Result

The plaintiff's and the defendant's claims were partly denied, partly granted.

Nevertheless, the court decided that neither the defendant nor the plaintiff was to pay compensation. This was mainly because the court did not receive sufficient information to set a price for the optician stores' economic losses.