

## Case law

### Case Details

**National ID:** 2S-12

**Member State:** Lithuania

**Common Name:** link

**Decision type:** Administrative decision, first degree

**Decision date:** 07/05/2009

**Court:** Competition Council of the Republic of Lithuania (Vilnius)

**Subject:**

**Plaintiff:**

**Defendant:** UAB "Investment house"

**Keywords:** advertisement, black list, false impression, investments, legal rights, misleading advertising, misleading commercial practices

### Directive Articles

Unfair Commercial Practices Directive, [Chapter 1, Article 2, \(d\)](#) Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 6, 1.](#) Unfair Commercial Practices Directive, [Annex I, 1.](#) Unfair Commercial Practices Directive, [Annex I, 9.](#)

### Headnote

Advertising services which are subject to an official approval and where the trader does not possess such approval, constitutes an unfair commercial practice by falsely stating or otherwise creating an impression that a product can legally be sold (item 9 of Annex 1, UCP Directive).

### Facts

The defendant promoted its services by advertising investment opportunities.

However, the defendant did not possess a license to provide investment services.

### Legal issue

The Council referred to the conclusions of the investigation by the Lithuanian Securities Commission suggesting that the services advertised by the defendant were subject to an official approval.

The Competition Council stated that by offering to invest into a stable merger and development of businesses and, thus, obtain significant income, the defendant created an impression for consumers that the services advertised and offered were legal, i.e. that the defendant was officially authorised to provide such services.

It was established that the defendant did not possess the approval to provide investment services. Therefore, the Council held, defendant's advertisements falsely stated that the service could legally be sold, contrary to what is set forth in item 9 of Annex 1 UCP Directive.

### Decision

Does advertising services which are subject to an official approval and where the trader does not possess such approval, constitute an unfair commercial practice by falsely stating or otherwise creating an impression that a product can legally be sold (item 9 of Annex 1, UCP Directive)?

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### Related Cases

No results available

### Legal Literature

No results available

### Result

A number of the defendant's advertising statements were concluded to be an unfair commercial practice and a misleading advertising. A fine of LTL 26,400 (approx. EUR 7,543) was imposed on the defendant.