

Case law

Case Details

National ID: Forbrugerombudsmandens afgørelse i sag 12/17437

Member State: Denmark

Common Name: The Consumer Ombudsman's decision in case 12/17437

Decision type: Administrative decision, first degree

Decision date: 01/01/2012

Court: The Consumer Ombudsman

Subject:

Plaintiff: Unknown

Defendant: Unknown

Keywords: consumer, price information, transport, unfair commercial practices

Directive Articles

Unfair Commercial Practices Directive, [Chapter 2, Article 5, 1](#). Unfair Commercial Practices Directive, [Chapter 2, Article 5, 2., \(a\)](#) Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 7, 4., \(c\)](#)

Headnote

(1) It is required to include the price of an assigned seat in the price information when it is mandatory to purchase one.

(2) It is a violation of good marketing practices to make the purchase of an assigned seat an opt-out option when it is not a mandatory purchase.

Facts

A train operator had made the purchase of an assigned seat an opt-out option on its website.

Legal issue

The Consumer Ombudsman stated that the trader must provide information on the price including the price of an assigned seat when the purchase of one is mandatory.

When the purchase of an assigned seat is not mandatory, the consumer must actively choose to purchase an assigned seat. Thus, it is a violation of good marketing practices to make the purchase of an assigned seat an opt-out option.

Decision

(1) Is it required to include the price of an assigned seat in the price information when it is mandatory to purchase one?

(2) Is it a violation of good marketing practices to make the purchase of an assigned seat an opt-out option when it is not mandatory?

URL: <http://www.forbrugerombudsmanden.dk/Find-sager/Markedsfoeringsloven/Sager-efter-markedsfoeringsloven/negativ-aftalebinding/Pladsbillet-skaltilvaelges-aktivt>

Full text: [Full text](#)

Related Cases

No results available

Legal Literature

No results available

Result

The train operator changed its website to make the purchase of an assigned seat an opt-out option. Moreover, in cases where the purchase of an assigned seat is mandatory, the consumer is informed of this and provided with information on the total price.