

Jurisprudencia

Detalles del asunto

ID nacional: Supreme Court, Judgment 1097/2009

Estado miembro: España

Denominación común: STS 1097/2009

Tipo de resolución: Resolución del Tribunal Supremo

Fecha de la resolución: 17/11/2009

Órgano jurisdiccional: Supreme Court

Asunto:

Demandante:

Demandado:

Palabras clave: Misleading advertising, factual error, omission incongruity, fraud offense.

Artículos de la Directiva

Misleading and Comparative Advertising Directive, [Article 2](#) Misleading and Comparative Advertising Directive, [Article 2, \(b\)](#)

Nota preliminar

Misleading advertising. Justification of its legal classification. Community legislation. Evaluation of the terms of the offer. The omission of relevant elements can also be misleading. The offer, although not very clear, is not deceiving.

Hechos

Private Higher Studies Center offering a course on osteopathy, informing in the brochures that it will be validated by the official British Agency and that the course would be held for, that purpose, in Madrid. However, the course location was changed and to be held in London, resulting in an extra cost that amounted to 5,000 euros.

Cuestión jurídica

Possibility of facing being convicted of a crime related to the market and consumers for false advertising and, consequently, before a civil liability.

Decisión

The decision is based on the opinion that the offer was not intentionally misleading because the defendant initially had the reasonable expectation that the course would take place in Madrid. The judges affirmed that it was the British agency who, after 2003 and not before, decided to transfer the place of study to London, at that moment the information provided was not initially incorrect, which eliminates misleading advertising.

URL: <https://supremo.vlex.es/vid/-211687231>

Texto completo: [Texto completo](#)

Asuntos relacionados

No hay resultados disponibles

Literatura jurídica

No hay resultados disponibles

Resultado

The Supreme Court upheld the appeal, condemning the defendant for an offence relating to the market and consumers for false advertising.