

Case law**Case Details**

National ID: #09/00010

Member State: France

Common Name:link

Decision type: Court decision in appeal

Decision date: 20/10/2009

Court: Court of appeals (Montpellier) Correctional Chamber # 3

Subject:

Plaintiff: French State

Defendant: SARL GRAND SUD AVICOLE, SARL GRAND SUD AVICOLE and SARL NATURE"UF

Keywords: advertisement, false information, labelling, misleading advertising, misleading statements

Directive Articles

Unfair Commercial Practices Directive, [Chapter 2, Article 5, 4](#). Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 6, 1](#).

Headnote

The offense of false or misleading advertisements (as referred to in articles L. 121-1-1, L. 121-1 and L. 121-5 of the French Consumer Code) is present when there has been a repeated number of false allegations that could not be considered as mere errors or negligence, but instead as a deliberate intent to mislead the consumer.

Facts

A company producing eggs from hens raised in battery was inspected by the French consumer protection authority, which found several violations, including allegations of misleading advertising, particularly in respect of product traceability and quality (claiming the "Label Rouge" quality label).

Legal issue

The court recalled that the repetition of fraudulent practices may in no event be considered as mere error or negligence, but instead amounts to deliberate intent to fraudulently deceive consumers by claiming the "Label Rouge" quality label whereas the eggs in question did not qualify for this label.

Articles L. 115-24, L. 121-1 and L. 121-1-1 of the French Consumer Code were therefore found to be violated. These articles are intended to allow a potential consumer to decide on the quality of a product offered for sale.

Decision

Do repeated false product claims amount to the offense of false or misleading advertisements?

Full text: [Full text](#)

Related Cases

No results available

Legal Literature

No results available

Result

The claim was denied.