Jurisprudence

Informations concernant l'affaire

ID national: #09/00010

État membre: France

Nom commun: N/A

Type de décision: Décision de justice faisant l'objet d'un recours

Date de la décision: 20/10/2009

Juridiction: Cour d'appel de Montpellier, Chambre correctionnelle 03

Objet:

Demandeur: French State

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

Mots clés: advertisement, false information, labelling, misleading advertising, misleading statements

Articles de la directive

Unfair Commercial Practices Directive, Chapter 2, Article 5, 4. Unfair Commercial Practices Directive, Chapter 2, Section 1, Article 6, 1.

Note introductive

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.

Faits

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).

Question juridique

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

Décision

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.

Texte intégral: Texte intégral

Affaires liées

Aucun résultat disponible

Doctrine

Aucun résultat disponible

Résultat

The claim was denied.