

Tapaustiedot

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Kansallinen tunniste	MAO:655/09
Jäsenvaltio	Suomi
Lyhytnimi	link
Päätöksen tyyppi	Tuomioistuimen päätös, 1. oikeusaste
Päätöksen päivämäärä	22/12/2009
Tuomioistuin	Markkinaoikeus (Helsinki)
Aihe	
Kantaja	The Consumer Ombudsman
Vastaaja	Maskun Kalustetalo Oy
Avainsanat	misleading advertising, price comparison, price reductions, recommended retail pricing

Direktiivin artiklat

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

Ylähuomautus

(1) It is unfair to advertise bargain sales throughout a period of several months.

(2) It is unfair to advertise discounts by comparing with a "recommended retail price" that has never been actually charged to customers.

Taustatiedot

The defendant had continuously advertised its products (including couches and other furniture) at reduced prices, either by displaying a percentage discount, or by using some other comparison to the original price.

The plaintiff claimed that:

(1) it is prohibited to use advertise bargain sales repeatedly and/or during a period of more than two months; and

(2) it is prohibited to advertise price reductions that are either expressed in percentage discounts, or are otherwise compared to a "recommended retail price" that has never been actually charged in the shop.

Oikeudellinen kysymys

(1) Is it lawful to advertise bargain sales for a period of several months?

(2) Is it lawful to advertise discounts by comparing with a "recommended retail price" that has never been actually charged to customers?

Ratkaisu

The court considered that specific expressions in the advertisements of the defendant were misleading, and dominating in a manner which was considered to have affected the transactional decision making process of the average consumer. The court prohibited to use the aforementioned expressions for more than two months continuously or repeatedly (so that the period for the aforementioned advertising would exceed three months annually).

Furthermore, the court prohibited to notify the price of the products reduced in percentage or by using some other comparison to the original price, if the discount is calculated on the basis of the recommended retail price (or some other price, which had not in fact been previously charged to the consumers of the same outlet).

URL: <http://www.oikeus.fi/markkinaoikeus/49521.htm>

Koko teksti: [Koko teksti](#)

Asiaan liittyvät tapaukset

Ei tuloksia saatavilla

Oikeuskirjallisuus

Ei tuloksia saatavilla

Hakutulos

The plaintiff's request was partially granted.