

Case law**Case Details****National ID:** 2009:17**Member State:** Sweden**Common Name:** link**Decision type:** Court decision in appeal**Decision date:** 26/06/2009**Court:** The Swedish Market Court (Stockholm)**Subject:****Plaintiff:** The Consumer Ombudsman**Defendant:** Casa Nordica Altavista C AB**Keywords:** black list, false information, illegal products, travel**Directive Articles**Unfair Commercial Practices Directive, [Annex I, 9](#).**Headnote**

The failure for a travel agency to lodge a guarantee deposit constitutes an unfair commercial practice.

Facts

The defendant marketed package tours and was required in accordance with the Swedish Travelling Guarantee Act (as an arranger or reseller of the package tour) to lodge a guarantee deposit with the Swedish Legal, Financial and Administrative Services Agency before marketing such package tours. The defendant had, however, omitted to lodge such guarantee deposit.

The plaintiff requested the defendant to be prohibited to market the package tours.

Legal issue

The court argued that the average consumer must be considered to normally perceive that products or services that are displayed in a marketing context, are legal and that all required permits etc. for such marketing and sales have been obtained.

Consequently, the marketing of package tours in breach of applicable legislation, was considered to give the consumer the false impression of such offer's legality. The court therefore found the marketing in breach of the black list, and consequently unfair.

Decision

Does the failure for a travel agency to lodge a guarantee deposit constitute an unfair commercial practice?

URL: <http://www.marknadsdomstolen.se/avgoranden/avgoranden2009/Dom2009-17.pdf>

Full text: [Full text](#)

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Result

The plaintiff's claims were granted.