

Case law**Case Details**

National ID: Slovak Trade Inspection, 05.08.2010 -- P/0241/06/10

Member State: Slovakia

Common Name:link

Decision type: Administrative decision, first degree

Decision date: 05/08/2010

Court: Slovak Trade Inspection, Banská Bystrica Slovak Trade Inspection, Inspectorate with its registered seat in Banská Bystrica, region Banská Bystrica

Subject:

Plaintiff:

Defendant: Mr. Jozef Ebergémyi, M.R.Štefánika 1377/7, 054 01 Levoča

Keywords: evidence, health and safety, misleading commercial practices, misleading statements, product characteristics

Directive Articles

Unfair Commercial Practices Directive, [Chapter 2, Article 5, 2., \(b\)](#)

Headnote

Promoting a medical tool by claiming that it can cure specific diseases, constitutes an unfair commercial practice when no relevant scientific proof can be provided to support this claim.

Facts

The defendant was promoting and offering a massage armchair, and claimed its healing effects on human health (it was announced to help curing spine and blood circulation diseases). The alleged healing effects were not supported by an expert opinion.

Upon request of the employees of the Slovak Trade Inspection conducting the inspection on the spot, the defendant failed to produce an expert opinion which would confirm the alleged healing effects.

The defendant argued that such expert opinion was not necessary, as the massage armchair was not to be considered as a medical product, but only as a medical tool.

Legal issue

A trader who claims that a product has healing effects, and even specifies the individual diseases which can be healed, must be able to prove his allegations by relevant confirmations or research. As the defendant could not evidence the alleged healing effects, his conduct at the sales promotion constitutes an unfair commercial practice.

Decision

Does the claim of specific health effects for a medical tool need to be supported by relevant scientific proof in order to not qualify as a misleading commercial practice?

Full text: [Full text](#)

Related Cases

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Legal Literature

No results available

Result

The Inspectorate of the Slovak Trade Inspection in Banská Bystrica (the body conducting the administrative proceedings) imposed a fine of 300 EUR. Note: this amount also comprised the fine for another violation of the Slovak Consumer Protection Act by the defendant (information obligation of the trader to label its products with price-sheets).