

Case law**Case Details**

National ID: CA/NB/35/123

Member State: Netherlands

Common Name: link

Decision type: Administrative decision in appeal

Decision date: 05/11/2007

Court: Consumer Authority

Subject:

Plaintiff: Sana Direct B.V.

Defendant: Consumentenautoriteit

Keywords: invitation to purchase, material information

Directive Articles

Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 7, 1.](#)

Headnote

In this case, the Dutch Consumer Authority gives some examples of material information while making invitations to purchase on a website, the omission of such information constituting a prohibited misleading omission.

Facts

The defendant concluded in its first decision dated 5 November 2007, that plaintiff acted unlawfully by omitting material information on its website. The website concerned did not provide in a clear, intelligible and unambiguous manner the following information: place of domicile, VAT-identification number, the VAT included in the prices, details on the formation of the contract, how to become aware of and correct unwanted actions by the consumer, the applicable cooling-off period, and the term during which the offer can be accepted.

In its first decision, the defendant ordered the plaintiff to pay 88.000 EUR.

Legal issue

Constitutes material information: place of domicile, VAT-identification number, the VAT included in the prices, details on the formation of the contract, the applicable cooling-off period, and the term during which the offer can be accepted. In its first decision, the defendant ordered the plaintiff to pay 88.000 EUR.

In this decision on appeal, the defendant overruled the judgment in first instance insofar as directed against the decision that the plaintiff did not provide any information concerning how to become aware of and correct unwanted actions by the consumer.

Decision

Does the information as stated above constitute material information, the omission of such information consequently constituting a prohibited misleading omission?

Full text: [Full text](#)

Related Cases

No results available

Legal Literature

No results available

Result

As a result, the defendant lowered the sanction of 88.000 EUR with 16.000 EUR.