

Judikatura

Podrobnosti případu

Národní identifikační číslo: 9 As 38/2010 - 71

členský stát: Česká republika

Obecný název: N/A

Typ rozhodnutí: Rozhodnutí Nejvyššího soudu

Datum vydání rozhodnutí: 21/10/2010

Soud: Nejvyšší správní soud ČR (Brno)

Předmět:

Žalobce: YOUNG& RUBICAM Praha s.r.o.

Žalovaný: Rada pro rozhlasové a televizní vysílání (Council for Radio and Television Broadcast of the Czech Republic)

Klíčová slova: advertisement, false information, price information

Články směrnice

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

Úvodní poznámka

Advertising a product indicating both the price including and excluding VAT, where the announcement of the price including VAT is clearly subordinate and where the advertisement audio does not mention the price including VAT, constitutes a misleading commercial practice.

Skutkový stav

The defendant imposed a fine amounting to CZK 300,000 upon the plaintiff due to a violation of the Act on Regulation of Advertising and the Act on Radio and Television Broadcasting Operation based on the following facts.

The plaintiff had created a television advertisement for a major telecommunications provider. The advertisement displayed two prices for the advertised product, i.e. CZK 799, being the price excluding VAT, and CZK 950.81, being the price including VAT. The price including VAT was displayed in minor characters under the price excluding VAT.

Next, the voice of the advertisement did not mention the difference in prices whatsoever.

The defendant reached an opinion that such advertisement could mislead customers and therefore considered it to be an unfair commercial practice under the Consumer Protection Act.

Právní otázky

Does advertising a product indicating both the price including and excluding VAT, where the announcement of the price including VAT is obviously subordinate and where the advertisement audio does not even mention the price including VAT, constitute a misleading commercial practice?

Rozhodnutí

The court took into consideration all factual evidence and the relevant Czech law including the UCP Directive of which it explicitly cited articles 1, 5 and 6 in full in the decision.

The court ruled that the overall impression of the advertisement led to the conclusion that the advertisement is misleading.

The court based its opinion on the fact that the audio and visual part of the advertisement did not contain the same amount of information (the audio part did not mention whether the advertised price was VAT including or excluding). In the court's opinion, the customer could therefore be easily misled.

Úplné znění: [Úplné znění](#)

Související případy

Výsledky nejsou k dispozici.

Právní nauka

Výsledky nejsou k dispozici.

Výsledek

The court has denied the plaintiff's request.