

## Case law

### Case Details

**National ID:** Slovak Trade Inspection, 16/12/2010, ref. code: P/0519/01/2010

**Member State:** Slovakia

**Common Name:** link

**Decision type:** Administrative decision, first degree

**Decision date:** 16/12/2009

**Court:** Slovak Trade Inspection, (Bratislava) Slovak Trade Inspection, Inspectorate with its registered seat in Bratislava, Bratislava district

**Subject:**

**Plaintiff:**

**Defendant:** Lidl Slovenská republika, v.o.s.

**Keywords:** advertisement, inaccurate information, informed decision, misleading commercial practices, packaging

### Directive Articles

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

### Headnote

It is a misleading commercial practice to provide false information about a product's composition and its accessories.

### Facts

The defendant used a leaflet to promote a Video Grabber product for digitalization of analogue video recordings (VHS, VIDEO8 and Hi8).

Right next to the product, the content of the package was displayed. One part of the content depicted, was a CD-ROM with a power unit.

However, in reality, the package did not include such an accessory item. It only included a CD with an installation and application software.

### Legal issue

The administrative body decided that the defendant's conduct constituted a breach of the Slovak Consumer Protection Act and violated the prohibition on unfair misleading commercial practices.

The defendant's conduct caused, or was likely to cause, an average consumer to take a transactional decision that he would not have taken otherwise. The defendant distorted the economic behaviour of an average consumer. The court held that the consumer was under the false impression that he would receive a product which was not provided by the trader. The content of the package as depicted, did not correspond to the actual content offered.

The administrative body thus established that by making use of such an unfair commercial practice, the defendant has breached its duties prescribed by law.

### Decision

Is it a misleading commercial practice to provide false information about a product's composition and its accessories?

URL: <http://www.soi.sk/files/documents/pravoplatne-rozhodnutie/prvostupnove/bratislavsky-kraj/ba012011.rtf>

Full text: [Full text](#)

### Related Cases

No results available

### Legal Literature

No results available

### Result

The administrative body imposed a fine of € 1.000.