

Case law**Case Details**

National ID: 2166/2010, VII d.

Member State: Bulgaria

Common Name: link

Decision type: Supreme court decision

Decision date: 16/11/2010

Court: Supreme Administrative Court (Sofia)

Subject:

Plaintiff: Consumer Protection Commission

Defendant: BILLA Bulgaria EOOD

Keywords: advertisement, false information, misleading commercial practices, product characteristics

Directive Articles

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

Headnote

A trader only marketing a product, the label of which contains misleading information, may not be held liable for deceiving commercial practices based on the labeling of the product.

Facts

The defendant marketed a given brand of butter. The product was manufactured and labelled by a dairy producer (and not by the defendant).

The label described the content and the quality characteristics of the product. The Bulgarian health and safety authorities investigated the product and established that its actual content did correspond to the information provided on the label.

The plaintiff, a consumer protection authority, held the defendant liable for providing misleading information under the aforementioned circumstances.

Legal issue

In a short reasoning, the court concluded that the defendant was not liable for providing misleading information.

The dairy producer was the one responsible for the proper labeling of the product and for any possible mismatches between the actual characteristics of the product and those advertised.

Decision

Can a trader be held liable for a misleading commercial practice regarding the labeling of a product, when that trader only markets the product and was not involved with its manufacturing, labeling or advertising?

URL: <http://www.sac.government.bg/court22.nsf/d6397429a99ee2afc225661e00383a86/e92ea192b63806d7c22577dc002c3684?OpenDocument>

Full text: [Full text](#)

Related Cases

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Result

The plaintiff's ruling was overruled and the defendant's liability dismissed.