

Kohtupraktika**Juhtumi üksikasjad**

Isikutunnistus: Consumer Protection Board

Liikmesriik: Eesti

Lühinimetus: N/A

Otsuse liik: Esimese astme haldusotsus

Otsuse kuupäev: 18/05/2011

Kohus: Tarbijakaitseamet (Tallinn)

Teema:

Hageja: Estonian Consumer Protection Board

Kostja: OÜ Kommik Invest

Võttesõnad: black list, illegal products, legal rights

Direktiivi artiklid

Unfair Commercial Practices Directive, [Annex I, 9](#).

Põhimärkus

A trader commits a misleading commercial practice when it offers products of other traders at a reduced price, while in fact the former does not have the right to offer such reduced prices.

Faktid

Defendant offered bonus coupons on its websites, which, when purchased, should have enabled the consumers to acquire certain products and services of other companies at a reduced price (i.e. the price of the coupon, which was less than the ordinary price of the product or service itself).

The Consumer Protection Board ascertained that the defendant had not entered into according agreements with the other traders for provision of their products or services at the reduced price corresponding to the bonus coupons. Therefore, the defendant had no legal ground to make such offerings to the consumers.

Õigusküsimus

Does a trader commit a misleading commercial practice when it offers products of other traders at a reduced price, while in fact the former does not have the right to offer such reduced prices?

Otsus

The Consumer Protection Board noted that the commercial practice of the defendant must be considered misleading, as it contains false information concerning the existence of the product (the product the consumer would be entitled to receive following the purchase of the bonus coupon).

The Consumer Protection Board referred to Art. 12.3 Sect. 8 Clause 9 of the Estonian Consumer Protection Act, which sets forth that stating or otherwise creating the impression that a product or service can legally be sold when it cannot constitutes unfair practice and is prohibited.

URL: <http://www.tka.riik.ee/doc.php?14988>

Täistekst: [Täistekst](#)

Seotud juhtumid

Tulemused puuduvad

Õiguskirjandus

Tulemused puuduvad

Tulemus

The defendant was required to either submit the agreements which enable it to offer the products of the other traders via the bonus coupons, or cease offering the coupons for the relevant products and services.