

**Съдебна практика****Данни за случая**

**Национален идентификатор:** 3907/2011, VII d.

**Държава-членка:** България

**Общоприето наименование:** N/A

**Вид решение:** Решение на върховния съд

**Дата на решението:** 08/06/2011

**Съд:** Върховен административен съд (София)

**Заглавие:**

**Ищец:** Consumer Protection Commission

**Ответник:** Keramik Group EOOD, Plovdiv

**Ключови думи:** advertisement, black list, discounts, price reductions

**Членове от директивата**

Unfair Commercial Practices Directive, [Annex I, 5.](#)

**Уводна бележка**

Stock shortage of advertised discounted products does not constitute an unfair commercial practice in circumstances where a trader is able to supply the products from alternative sources and deliver them to customers within a reasonable time.

**Факти**

The defendant sold boilers at a discounted price. During its inspection of the defendant's shop, the plaintiff found that no boilers were currently available in the store. However, additional quantities of boilers were in stock in the defendant's warehouse in another city and could be delivered to the store within one day.

The plaintiff considered that the stock shortage of products sold at the discounted prices at the defendant's store during the promotion, constituted an unfair trade practice. The reason for this was – in the plaintiff's view – that the defendant marketed the product as part of a promotion without disclosing that the defendant might not be able to meet the demand.

**Правен въпрос**

Does stock shortage of advertised discounted products, constitute an unfair commercial practice in circumstances where a trader is able to procure these products from alternative sources and deliver them to customers within a reasonable period of time?

**Решение**

The court found that, although the promotional product was not available in the store, the defendant did not engage in an unfair commercial practice because it could transport additional quantities from its warehouse in another city to its shop and deliver them to consumers within a reasonable time.

URL: <http://www.sac.government.bg/court22.nsf/d6397429a99ee2afc225661e00383a86/12bb190aee366cefc22578a4004c5a04?OpenDocument>

Пълен текст: [Пълен текст](#)

**Свързани случаи**

Няма налични резултати

**Правна литература**

Няма налични резултати

**Резултат**

The court upheld the first instance court's judgment that overturned the plaintiff's ban.