

Tapaustiedot

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Kansallinen tunniste	MAO:157/11
Jäsenvaltio	Suomi
Lyhytnimi	link
Päätöksen tyyppi	Tuomioistuimen päätös, 1. oikeusaste
Päätöksen päivämäärä	08/04/2011
Tuomioistuin	Markkinaoikeus (Helsinki)
Aihe	
Kantaja	The Consumer Ombudsman
Vastaaja	Leaf Suomi Oy
Avainsanat	advertisement, misleading advertising, trader's commitments

Direktiivin artiklat

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

Ylähuomautus

Stating that the purchase of a product of the trader will result in an action of the trader which has a positive ecological impact, whilst in fact that trader has already committed to perform such actions (hence the consumers' purchases will not influence such actions), constitute a misleading commercial practice.

Taustatiedot

The defendant advertised the sale of candy bags by stating that for each candy bag sold, the defendant would plant one tree. However, in reality the trader had already, independent from the number of candy bags sold, agreed to plant a certain number of trees. A purchase of the product by the consumer would therefore not have any impact on the trader's commitment to plant the trees.

The plaintiff claimed that the defendant took advantage of consumers' credulity by playing on their concern for the environment, this by falsely claiming that only by buying from the defendant, the consumer could impact the planting of trees.

According to the plaintiff, the consumers were given misleading information with the aim of unlawfully favour the sale of the defendant's products.

Oikeudellinen kysymys

Does stating that the purchase of a product of the trader will result in an action of the trader which has a positive ecological impact, whilst in fact that trader has already committed to perform such actions (hence the consumers' purchases will not influence such actions), constitute a misleading commercial practice?

Ratkaisu

The court considered that regardless of the fact whether the defendant committed in advance to finance the planting of 33.000 trees, the defendant did not provide any information to the consumers as to whether the planting of trees was dependent on the purchase of the defendant's products. For this reason, the court ruled that the commercial practice of the defendant is misleading.

The court further clarified that the misleading character of the information is likely to influence the transactional decision of the consumer, hence the practice was considered unfair.

The court finally considered that imposing a penalty payment upon the defendant was not necessary, as the defendant had beforehand agreed to follow the recommendations of the plaintiff.

URL: <http://www.oikeus.fi/markkinaoikeus/54602.htm>

Koko teksti: [Koko teksti](#)

Asiaan liittyvät tapaukset

Ei tuloksia saatavilla

Oikeuskirjallisuus

Ei tuloksia saatavilla

Hakutulos

The plaintiff's request was partially granted (no penalty was imposed).