

## Case Details

### Case Details

National ID	MD 2012:14
Member State	Sweden
Common Name	link
Decision type	Court decision in appeal
Decision date	06/12/2012
Court	The Swedish Market Court
Subject	
Plaintiff	The Consumer Ombudsman (sw. Konsumentombudsmannen)
Defendant	Stardoll AB
Keywords	aggressive commercial practices, children, email, parents

### Directive Articles

Unfair Commercial Practices Directive, [Annex I, 28](#).

### Headnote

(1) Information on a gaming community on the internet, aimed at children, and which information contains statements as "Buy", "Buy more", "buy here", "upgrade", "upgrade now", is considered a direct exhortation to children to buy the advertised products and therefore constitute a blacklisted commercial practice.

(2) Information by e-mail to minors on a gaming community containing a statement saying "buy before it's too late", is considered an aggressive marketing practice.

### Facts

The defendant runs a gaming community on the internet. The participant gets a virtual doll which they can dress and buy furniture for. The participants can communicate with each other and participate in different games and activities. The community is aimed at girls of the age of 7-17 years.

The website contains the information "buy", "Buy more", "buy here", "upgrade" and "upgrade now" with direct links to buy products.

The defendant also sent direct marketing e-mails to the minors' mailboxes without consent from their parents. In these emails, the addressees were amongst others exhorted to "Buy before it's too late".

### Legal issue

In a short reasoning, the court first found that the statements on the website, which included "buy", "Buy more", "buy here", "upgrade" and "upgrade now" with direct links to buy products, constituted a direct exhortation to children to buy the advertised products and hence a blacklisted commercial practice.

The court further found that the information "it will not stay long" and "buy before it's too late" in an e-mail to a minor constitutes an aggressive marketing practice.

#### Decision

(1) Does the information "buy", "Buy more", "buy here", "upgrade" and "upgrade now" on an internet gaming community platform (aimed at minors) constitute a blacklisted commercial practice?

(2) Does the information "it will not stay long" and "buy before it's too late" by e-mail to minors on an internet gaming community platform constitute an aggressive marketing practice?

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#### Related Cases

No results available

#### Legal Literature

No results available

#### Result

The marketing statements were found to constitute unfair marketing practices and the plaintiff was granted its request.