

**Νομολογία****Στοιχεία της υπόθεσης****Εθνικός αναγνωριστικός αριθμός:** Recourse 11/2014**Κράτος μέλος:** Κύπρος**Κοινή ονομασία:** N/A**Είδος απόφασης:** Πρωτοβάθμια διοικητική απόφαση**Ημερομηνία απόφασης:** 18/08/2014**Δικαστήριο:** Υπηρεσία Ανταγωνισμού και Προστασίας Καταναλωτή**Θέμα:****Ενάγων:** Competition and Consumer Protection Service**Εναγόμενος:** C. A. C. Papantoniou Trading Limited**Λέξεις-κλειδιά:** average consumer, confusing marketing, confusion, misleading commercial practices, misleading price, price indication, price information**Άρθρα της οδηγίας**Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 6, 1.](#) Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 6, 1., \(d\)](#)**Περίληψη**

The indication of special offers must be made in such a way that it is easy for the consumer to calculate the final price, otherwise it is a misleading commercial practice.

**Πραγματικά περιστατικά**

The Competition and Consumer Protection Service (the "Service") conducted an investigation on its own initiative in relation to the correct application of Directive 2005/29/EC (implemented into national law by the Unfair Commercial Practices of Businesses to Consumers Law 103(I)/2007) by the supermarket of the defendant. The purpose of the investigation was to determine whether the commercial practice which the defendant followed in order to promote products on sale was in accordance with the above law. The investigation revealed that some products carried a marking that they were being sold at a specific amount below their original price, whilst the price shown on the supermarket's shelf for these products was the final price (and not the original price), which the consumer would have to pay at the till, without that being made clear.

For example, a product carried a marking that it was being sold for €1.00 cheaper than its original price, and the price shown on the shelf was €3.53. The final price at the till was €3.53. This gave or was possible to give to the consumer the impression that he or she would pay €2.53 at the till as the final price of the product, whilst in reality the final price at the till was €3.53. This was the case for a number of products on sale. This gave the consumer the impression that he or she would pay at the till, as the final price of the product, the price shown on the supermarket's shelf minus the marked reduction on the product's packaging.

The Officers of the Service notified the manager of the defendant, who replied that he will rectify these potential violations as soon as possible. The defendant also replied that the markings on products' packaging are not placed or control by them, but by manufacturers, and that they had rectified all the reported violations, by creating a new label which indicates both the original price and the final price of a product on sale.

**Νομικό ζήτημα**

Is the indication of special offers in a way that it is not easy for the consumer to calculate the final price, a misleading commercial practice?

**Απόφαση**

The court found a violation of the Directive 2005/29/EC (implemented into national law by the Unfair Commercial Practices of Businesses to Consumers Law 103(I)/2007) by the defendant: The general appearance of the sales in question was deceiving or was likely to deceive the average consumer as to the price or the way of its calculation or the existence of a special beneficial price and caused or was likely to cause the consumer to make a transactional decision which he or she would not otherwise have taken, in violation of article 6(1) and 6(1)(d) of Directive 2005/29/EC (implemented into national law by article 5§1 and 5§2(d) of the Unfair Commercial Practices of Businesses to Consumers Law 103(I)/2007). This decision was based on the fact that the manner in which the reduction was written in the said offers gave or was likely to give the consumer the impression that the reduction would be calculated based on the price shown on the defendant's shelf, whilst the price shown on the defendant's shelf was the final price which the consumer had to pay at the till.

URL: [http://www.mcit.gov.cy/mcit/cyco/cyconsumer.nsf/All/424570337B9A48C0C2257F530053CADB/\\$file/%CE%91%CF%80%CF%8C%CF%86%CE%B1%CF%83%CE%B7%202014-11%CE%91%CE%A0%20CAC%20Papantoniou%20Trading%20Ltd.pdf?OpenElement](http://www.mcit.gov.cy/mcit/cyco/cyconsumer.nsf/All/424570337B9A48C0C2257F530053CADB/$file/%CE%91%CF%80%CF%8C%CF%86%CE%B1%CF%83%CE%B7%202014-11%CE%91%CE%A0%20CAC%20Papantoniou%20Trading%20Ltd.pdf?OpenElement)

Πλήρες κείμενο: [Πλήρες κείμενο](#)

**Συναφείς υποθέσεις**

Δεν υπάρχουν αποτελέσματα

**Νομική βιβλιογραφία**

Δεν υπάρχουν αποτελέσματα

**Αποτέλεσμα**

An administrative fine of €15.000 (fifteen thousand euros) was imposed on the defendant, which was reduced to €5.000 (five thousand euros) following an appeal to the Minister's office. An important factor in the success of the appeal was that the defendant co-operated with the Service immediately and rectified all current and future violations.