

Case law

Case Details

National ID: link

Member State: Germany

Common Name: link

Decision type: Court decision in appeal

Decision date: 23/12/2015

Court: Karlsruhe Regional Court

Subject:

Plaintiff: Unknown

Defendant: Unknown

Keywords: misleading actions, transparency

Directive Articles

Price Indication Directive, [Article 2, \(b\)](#) Price Indication Directive, [Article 3, 1.](#) Price Indication Directive, [Article 3, 4.](#) Price Indication Directive, [Article 4, 1.](#) Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 6, 1.](#) Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 7, 1.](#)

Headnote

A price indication is unclear or misleading if on a website, the pick-up price for products is higher than the price if the products are shipped, and customers are only offered the pick-up option if they place a telephone order, which is possible only during restricted hours and the price is visible only via a two-stage reference which includes a tiny asterisk footnote below the customer reviews, so that it may not even be visible without continued scrolling and which contains no link to the explanation webpage.

Facts

The plaintiff produces and sells cosmetics. The defendant is a commercial reseller of cosmetic products from different manufacturers, including the plaintiff. On the defendant's website, the pick-up price for its products is higher than the price if the products are shipped, and customers are only offered the pick-up option if they place a telephone order, which is possible only during restricted hours.

Legal issue

In the court's opinion, the price indication is unclear or misleading if on a website, the pick-up price for products is higher than the price if the products are shipped, and customers are only offered the pick-up option if they place a telephone order, which is possible only during restricted hours and the price is visible only via two-stage reference which includes a tiny asterisk footnote below the customer reviews, so that it may not even be visible without continued scrolling and which contains no link to the explanation webpage.

Decision

Is a price indication unclear or misleading if on a website, the pick-up price for products is higher than the price if the products are shipped, and customers are only offered the pick-up option if they place a telephone order, which is possible only during restricted hours and the price is visible only via two-stage reference which includes a tiny asterisk footnote below the customer reviews, so that it may not even be visible without continued scrolling and which contains no link to the explanation webpage?

URL: <http://openjur.de/u/875539.html>

Full text: [Full text](#)

Related Cases

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Legal Literature

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Result

The appeal was rejected. The fine and injunction were upheld.