

Case law**Case Details**

National ID: eA-2022-502/2015

Member State: Lithuania

Common Name: link

Decision type: Administrative decision in appeal

Decision date: 22/09/2015

Court: Supreme Administrative Court of Lithuania

Subject:

Plaintiff: UAB "Cherry Media LT"

Defendant: Competition Council of the Republic of Lithuania

Keywords: black list, time-limited promotions, transaction decision, unfair commercial practices

Directive Articles

Unfair Commercial Practices Directive, [Annex I, 7](#).

Headnote

The extension of a discount period for one additional day can be deemed as an unfair commercial practice, if the trader stated that the discount will only be available for a very limited time.

Facts

The plaintiff in its website www.grupinis.lt advertised a discounted juicer MPM SLOW JUICER. The advertising showed that the discount was only valid for one day. However, at the end of that day, the discount period was extended by the plaintiff for one more day (two in total).

The defendant adopted a decision, in which it found that the plaintiff's actions are considered to be unfair commercial practices and imposed a fine on the plaintiff. The plaintiff applied to the court and requested annulment of the defendant's decision.

Legal issue

The court elaborated that it was stated in the plaintiff's advertisement that the discounted juicer will only be available for a very limited time – one day. This statement was false, since the discount was extended for one additional day.

The court found that by disseminating such a false statement, the plaintiff elicited an immediate decision of the consumers and deprived them of sufficient opportunity or time to make an informed choice.

The court concluded that such actions of the plaintiff can be considered as an unfair commercial practice, established in Article 7 of Annex I of Directive 2005/29/EC (implemented into Lithuanian law by Article 7(7) of the Law on Prohibition of Unfair Business-to-Consumer Commercial Practices).

Decision

Can the extension of a discount period for one additional day be deemed as an unfair commercial practice?

URL: <http://eteismai.lt/byla/78922936763023/eA-2022-502/2015>

Full text: [Full text](#)

Related Cases

No results available

Legal Literature

No results available

Result

The court rejected the plaintiff's claim.