

Case law

Case Details

National ID: Juzgado de lo mercantil de Madrid Auto de 3 de septiembre de 2015

Member State: Spain

Common Name: link

Decision type: Court decision, first degree

Decision date: 03/09/2015

Court: Mercantile court of first instance of Madrid

Subject:

Plaintiff: ENERGIZER GROUP ESPAÑA, S.A.

Defendant: PROCTER & GAMBLE ESPAÑA, S.A.

Keywords: advertising, legal actions, misleading advertising, unfair commercial practices

Directive Articles

Misleading and Comparative Advertising Directive, [Article 4](#)

Headnote

1) Comparing the different features of the products is necessary so that comparative publicity is lawful.

2) Exaggerations (but not exclusionary messages) are acceptable in publicity and do not qualify as misleading/ unfair publicity.

Facts

The plaintiff and the defendant commercialize razors for men. They claim against each other for different advertisement messages, which they consider misleading publicity.

Legal issue

Some of the plaintiff and the defendant's messages qualify as misleading or unfair comparative publicity, as the case may be. The court orders that they cease using said messages in any publicity and to publish the decision in the media.

Decision

1) Is it licit comparative publicity that where the products are compared in general?

2) Do exaggerations qualify as misleading publicity?

Full text: [Full text](#)

Related Cases

No results available

Legal Literature

No results available

Result

The court declares illicit some of the messages used by each party and order that they cease suing them in publicity. They are also ordered to publish the decision in the media.