

**Case law****Case Details**

**National ID:** AP de Madrid (Sección 28ª) Sentencia núm. 149/2011 de 6 mayo

**Member State:** Spain

**Common Name:** link

**Decision type:** Court decision in appeal

**Decision date:** 06/05/2011

**Court:** Provincial Court of Madrid

**Subject:**

**Plaintiff:** ASOCIACIÓN DE USUARIOS DE SERVICIOS BANCARIOS (AUSBANC CONSUMO)

**Defendant:** CREDITSERVICES S.A.

**Keywords:** advertisement, consumer rights organisation, legal rights, misleading advertising

**Directive Articles**

Misleading and Comparative Advertising Directive, [Article 2, \(b\)](#) Injunctions Directive, [Article 3, \(b\)](#)

**Headnote**

(1) Consumers associations are legally entitled to file a claim on behalf of their members.

(2) The concept of misleading advertising covers advertising that fails to provide any details as necessary to understand the actual conditions of the products or services advertised.

**Facts**

The defendant inserted a misleading advertising in a local publication.

**Legal issue**

The court ruled to endorse the legal title of the consumer association for representing its members in court as the consumer associations are entitled to exercise actions on behalf of the defense of collective interests. The court declared misleading the advertisement inserted by the defendant and orders the defendant to cease in the publication of the same. In addition, it ordered the defendant to publish the decision.

**Decision**

(1) Are consumers' associations legally entitled to file a claim on behalf of their members?

(2) Does the concept of misleading advertising cover advertising that fails to provide any details on the actual conditions of the products or services advertised?

Full text: [Full text](#)

**Related Cases**

No results available

**Legal Literature**

No results available

**Result**

The defendant was ordered to cease in the publication of the misleading ad and to publish the judicial decision.