

Legal Literature

Legal Literature Details

Member State: Austria

Title: Now, children! – the term "child" in advertisements in the context of the Austrian Unfair Competition Act 2007

Subtitle:

Type:

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Directive Articles

Unfair Commercial Practices Directive, [Whereas, \(18\)](#) Unfair Commercial Practices Directive, [Chapter 2, Article 5, 3.](#) Unfair Commercial Practices Directive, [Annex I, 28.](#)

Headnote

The amendments to the Austrian Unfair Competition Act (UWG) which led to the detailed implementation of the UCP Directive into Austrian law, did not only fundamentally change, but also introduced new terms into Austrian law.

This article deals with the "new" child in terms of fair commercial practices law. The term "children" got inserted in the UWG twice: in the per se rule in item 28 of the "black list" amendment, as well as in the context of children being members of a consumer group worthy of special protection in terms of section 1 para 2 UWG.

The author takes the position that, due to the lack of a legal definition and harmonisation of the term "children", the fair commercial practices law assessment has to follow the respective understanding of the national legal systems, having regard to the European Court's case law that takes into account social, cultural and linguistic criteria.

General Note

Related Cases

No results available