

Legal Literature

Legal Literature Details

Member State: France

Title: Conditional offers, premium offers and sweepstakes are now officially lawful: legal evolution or new complex issues to come?

Subtitle:

Type:

URL:

Author: A.L. FALKMAN

Reference: Contrats Concurrence Consommation No. 8, August 2011, Alerte 64.

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Directive Articles

Unfair Commercial Practices Directive, [Chapter 2, Article 5](#) Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 6](#) Unfair Commercial Practices Directive, [Chapter 2, Section 1, Article 7](#) Unfair Commercial Practices Directive, [Chapter 2, Section 2, Article 8](#) Unfair Commercial Practices Directive, [Chapter 2, Section 2, Article 9](#)

Headnote

Conditional offers, premium offers and sweepstakes are no longer forbidden per se but in order to consider them as unlawful, it must be shown that they qualify as unfair commercial practices within the meaning of article L. 120-1 of the French Consumer Code. According to the author, adding this reference to the notion of unfair commercial practice has made it difficult for company involved in these commercial techniques to interpret the law as they must assess on a case by case basis the unfair nature of their commercial practices. This type of assessment is therefore necessarily subjective. The author notes that there is a two-step approach to follow: (i) determining whether the commercial practice is misleading or aggressive and if it is not the case (ii) assessing the potential unfair nature of the commercial practice.

General Note

Related Cases

No results available