

Doctrine

Informations concernant la doctrine

État membre: France

Titre: Précisions utiles sur l'élément matériel du délit de pratiques commerciales trompeuses

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Articles de la directive

Unfair Commercial Practices Directive, [Chapter 1, Article 2, \(e\)](#) Unfair Commercial Practices Directive, [Chapter 2, Article 5, 2.](#)

Note introductive

The author comments on the decision of the Supreme Court dated 29 November 2011 on the notion of misleading commercial practices.

The author observes that (1) article L. 121-1 of the French Consumer Code shall be interpreted in accordance with the UCP Directive, (2) the offense of misleading commercial practices is linked to the notion of unfair commercial practice of article L. 120-1 of the French Consumer Code, and (3) the decision confirmed the rule according to which allegations and indications are misleading commercial practices on the condition that they are false or misleading.

Finally, the author mentions that the court requires an omission which is likely to alter consent. It is therefore not necessary that consumers be in fact misled by the omission.

Note générale

Affaires liées

Aucun résultat disponible