



COMPLIANCE CLIP

UNFAIR COMMERCIAL PRACTICES

Unfair, misleading and aggressive business-to-consumer commercial practices - the rules.

Unfair Commercial Practices (UCP)

The 'Unfair Commercial Practices Directive' [2005/29/EC](#) regulates unfair business-to-consumer commercial practices.

The directive aims to achieve a high level of protection against unfair commercial practices that harm the economic interests of consumers. The directive applies before, during and after a commercial transaction.

Commercial practices are particularly unfair, if they cause the consumer to take a transactional decision that he would not have taken otherwise:

- **Misleading actions** false or untruthful information, deceiving presentations, deception over the origin.
- **Misleading omissions**: deliberately omitting information that the consumer needs to take an informed transactional decision.
- **Aggression**: harassment, coercion, use of physical force, undue influence, threats, abusive language or behaviour - impairing the consumer's freedom of choice.

Unfair in all circumstances

Annex I of the directive provides a long list with no less than thirty-one commercial practices which are 'in all circumstances considered unfair'.

A short excerpt:

- Claiming to be a signatory to a code of conduct when the trader is not.
- Displaying a trust mark, quality mark or equivalent without having obtained the necessary authorisation.
- Claiming that a product has been approved, endorsed or authorised by a public or private body when it is not.
- Stating that a product can legally be sold when it cannot.
- Promoting a product similar to a product made by a particular manufacturer and deliberately mislead the consumer into believing that the product is made by that same manufacturer (counterfeits).
- Falsely claiming that a product is able to cure illnesses, dysfunction or malformations.

The European Commission published a [guidance document](#) on the implementation and application of UCP directive 2005/29/EC.

Related recalls on RAPEX

Misleading claims, lack of performance, lack of protection, misleading markings, omitted warnings or incorrect labelling - all these unfair commercial practices caused recalls of products.

- The markings on a portable fire extinguisher claim that it is suitable for putting out all kind of fires, even electric fires, which is not true. The consumer may be misled or injured by the lack of performance.
- A necklace for children with claims of therapeutic value for one or more illnesses was recalled. The preventive or therapeutic effects were not supported by adequate technical or scientific tests. Even worse, the product also posed a risk of choking and strangulation because the therapeutic part of the necklace could break into small pieces.
- A hairdryer was recalled because the claimed input was misleading: 800W instead of 1250W.
- The claim on a sun lotion is incorrect, the protection factor is actually much lower than indicated. Consumers relying on the indicated protection factor would expose themselves to both an acute risk of sunburn and the consequences of excessive exposure to sunlight.
- A jacket for fencing (hobby / sports) does not provide the required level of penetration resistance, exposing the sporters to the risk of injuries - despite claims on the garment.
- The methanol content of an antifreeze mixture is far higher than as mentioned on the label or the safety data sheet. The antifreeze is even toxic. In addition the product had no childproof cap, no tactile danger symbols and the product lacks the correct labelling.
- The packaging of a 'beautiful parfum' falsely claimed that it contained parfum oils 'made in France'. Instead it posed a chemical risk due to the presence of the carcinogenic substance safrole.

ProductIP provides information that enables the supply chain to market safe, healthy and environmentally friendly products from a sustainable source.

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