[BG] Misleading Advertisement Banned in Broadcasting

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On 7 November 2007, the Commission for Protection of Consumers banned the broadcasting of an advertisement from the company HILD Bulgaria. The Commission took its decision on the grounds that the advertisement was misleading in the sense of Article 38, para. 1 of the Consumer Protection Act.

The advertisement is based on a dialogue between four famous Bulgarian actors, who are over 65 years, and the executive director of HILD Bulgaria. The following message is delivered in the advertisement: “HILD offers to all people older than 65 years a way to use their home in order to ensure their comfort and the comfort of their family. After you have worked to buy a property for so many years, now the time has come that this property will work for you. HILD will buy your property and you will receive part of your money immediately. You will continue living in your home and you will receive guaranteed monthly payments. Thus, we ensure financial independence to you and your family. You decide how to use this independence”.

In its decision the Commission held that “comfort means a status of prosperity, as well as real family and interpersonal relations, which are very important for people over 65 years. For such people the isolation from their family and beloved ones will not ensure such comfort.”

The contracts offered by HILD contain the following obligations for the consumers:

- The only person who can live in the property during the contract term is the consumer;

- The consumer shall not let anybody else live in the property;

- No other person except the consumer may have temporary or permanent registration at the address of the property.

HILD, as the owner of the property, has the right to undertake all legal actions to remove any person who lives in the property in breach of the above-mentioned obligations. Therefore, the consumer will have to live in his/her property without the right to share it with his/her children, other family members or friends. In addition, the consumer will not be able to use the services of a medical or other person who permanently takes care of him, even if such medical care is

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absolutely necessary.

According to the Commission those obligations are in direct contradiction to the statement that HILD offers comfort to its consumers. The Commission also held that the participation in the advertisement of famous actors, who are older than 65 years (which is the target audience of the advertisement), strengthens the message that HILD is a loyal and trusted partner.

There is also an obligation in the contract offered by HILD, which enables HILD to transfer the property to a third person without notifying the consumer. According to the Commission this obligation is in contradiction with the statement that “HILD is a trusted partner for life” because the consumer may have serious problems to exercise his/her rights against a third person, who may even live abroad. The Commission took the view that a third person, living permanently abroad, cannot effectively perform his/her obligations under the contract.

Закон за защита на потребителите

http://www.kzp.bg/modules.php?name=Content&pa=showpage&pid=250

Consumer Protection Act, published in the State Gazette, issue No. 99 of 9 December 2005

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Decision of the Commission for Protection of Consumers of 7 November 2007

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