

[CZ] Fine for unfair commercial practice concerning advertisement on TV

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The Council for Radio and TV Broadcasting imposed a fine of CZK 500 000 (EUR 20 000) on the advertiser of a commercial message — Central European Stone Trade Enterprises Kft. — due to unfair commercial practices. The Council stated that in the TV programme "Barrandov" on 30 March 2017, the advertiser infringed section 2 (1) (b) of the Czech Advertisement Regulation Act (Act No. 40/1995 Coll.) and Article 4 (3) of the Czech Consumer Protection Act (Act No. 634/1992 Coll.). It alleged that the advertiser had falsely declared that a piece of jewellery of the "Saint Margaret Collection" could cure various physical and mental illnesses.

The moderator presented a ring, inter alia, with the words: "You can really even get a better life thanks to this ring", implying that the ring can "heal" and "cure". This, the Council stated, can be considered the equivalent of healing or curing actual diseases or at least it can be assumed that the average consumer would perceive such wording as equivalent. The alleged healing effects of the ring were otherwise constantly emphasised and presented as a major reason for buying the jewellery. Although the illnesses mentioned were very serious (for example, heart problems), there was no information given stating that the basis of their treatment needed to be standard medical procedures. The moderator talked about the "healing effects" of the ring continuously, to the extent that the viewers could get the impression that wearing it could be of vital importance for any such treatment of illnesses. Such a procedure, in the Council's view, could lead consumers to make a decision - purchasing a product - that they would not normally take. As a result, there may also be a potential health hazard for consumers who may be neglecting their health or necessary treatment on the basis of the information supplied in the advertisement. This poses a particular threat to vulnerable groups of consumers, notably the elderly, who are primarily targeted by the communication; this conclusion was reached based on the diseases that were mentioned in the advertisement that typically occur in elderly persons.

Rozhodnutí Rady pro rozhlasové a televizní vysílání č.j.RRTV/7814/2018-rud

<https://www.rrtv.cz/files/Pokuty/bf551862-ed46-4c62-ad87-86d8a3ca9583.pdf>

Decision of the Broadcasting Council Nr. RRTV/7814/2018-rud from 20 February 2018

