

[CZ] Broadcasting Council punished unfair commercial practice

IRIS 2020-8:1/5

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The Council for Radio and Television Broadcasting of the Czech Republic, as the central regulatory authority, imposed a fine on Emporia Style Kft. on 5 May 2020 for deceptive advertising on a teleshopping channel. The company was found guilty in accordance with the provisions of Article 8a, paragraph 2b of Act No. 40/1995 Coll. of a violation of the provisions of Article 2, paragraph 1b of Act No. 40/1995 Coll. for commissioning broadcasting slots for the *Gallery* programme of teleshopping broadcaster Klenot TV on 16 July 2019. Under the provisions of section 4, paragraph 3 of Act No. 634/1992 Coll. on consumer protection, in section p) of its Annex 1, business practices are always considered deceptive if the seller falsely declares that the product or service can cure a disease, disorder or disability. In this programme, the moderator, in connection with the promotion of a silver pendant and earrings with a sapphire and white topaz, stated that the jewellery "suppresses depression". Depression is a serious mental disorder that must first be professionally diagnosed and then treated pharmacologically, or with the help of professional psychotherapeutic methods and procedures. Thus, jewellery can certainly not suppress the "strength" of a disease. However, the moderator's statement implied that the healing and preventive effects of this jewellery may have led consumers to make a decision to purchase goods which they would not normally have purchased. Under the influence of the quoted statement, viewers may fail to take proper care of their health and rely on the promoted goods to treat potential psychological problems. This can result in a threat to consumers' health. The Broadcasting Council imposed a fine of CZK 50 000 (approximately EUR 2 000) for the offence.

Rozhodnutí Rady pro rozhlasové a televizní vysílání č. RRTV/2019/780.

<https://www.rrtv.cz/files/Pokuty/85b1e38e-b5ce-4865-a19e-3f2ac51e79ae.pdf>

Decision of the Broadcasting Council No. RRTV / 2019/780.

