

NOTE

[DAC](#) article 13 Comparisons.

13. Comparative advertising is defined as any form of advertising in which a competitor, or goods or services provided by a competitor, are mentioned explicitly or implicitly. Comparative advertising is permitted - as far as the comparison is concerned- provided it:

- a. Is not misleading according to the spirit of the Dutch Advertising Code;
- b. Compares products or services that meet the same demands or are intended for the same purpose;
- c. Compares objectively one or more essential, relevant, checkable and representative characteristics of these goods or services, such as price;
- d. Does not lead to the advertiser being confused with a competitor, or the brands, trademarks, other distinguishing characteristics, goods or services of the advertiser being confused with those of a competitor;
- e. Does not harm the good name or make disparaging remarks about the brands, trademarks, other distinguishing characteristics, goods or services, activities or circumstances of a competitor;
- f. Concerns in the case of products with a designation of origin, products with the same designation;
- g. Leads to no unfair advantage resulting from the familiarity of a brand, trade name or other distinguishing characteristics of a competitor or the origin designation of competitive products; and
- h. Does not present goods or services as an imitation or copy of goods or services with a protected trademark or protected trade name.

Any comparison that refers to a special offer shall indicate clearly and unambiguously the end and, should the special offer not yet apply, the beginning of the period during which the special price or other specific conditions apply, or state that the special offer continues as long as stocks last or services can be provided.

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