

Full title of law or regulation	The guidance below is extracted from www.checksrc.nl and www.checkdereclamecode.nl , which is based in this context on article 8.4 of the Dutch Advertising Code and Book 3 of the Civil Code
Title of relevant section	COLUMN 2. Non-Digital Offers. Additional information requirements for an 'invitation to purchase'; applies to non-digital ads in which an offer for a product is priced, so will apply to printed ads such as flyers which contain an invitation to purchase
Clauses	<p data-bbox="475 542 1469 598">Invitation to Purchase = Advertising/ Promotion in which a product is offered for a given price.</p> <p data-bbox="475 620 1469 676">In addition to the statutory information requirements, the following additional information requirements will apply to an invitation to purchase – as set out in Art. 8.4 DAC</p> <ol data-bbox="475 698 1469 1077" style="list-style-type: none"> <li data-bbox="475 698 938 719">1. The main characteristics of the product <li data-bbox="475 730 1469 786">2. When advertising another's product: the geographic address and identity of the advertiser concerned. <li data-bbox="475 797 1469 943">3. The price inclusive of taxes. Where the nature of the product means that the price cannot reasonably be calculated in advance, the manner in which the price is calculated should be stated. And, where appropriate, all additional freight, delivery or postal charges. Where these charges cannot reasonably be calculated in advance, it should be stated that these additional costs may have to be paid. <li data-bbox="475 954 1469 1010">4. The manner of payment, delivery, performance and the complaint handling policy, if they differ from what should be regarded as normal. <li data-bbox="475 1021 1469 1077">5. For products and transactions involving a right of withdrawal or cancellation, the existence of such a right <p data-bbox="475 1099 1134 1120">This information must be stated in an invitation to purchase if:</p> <ul data-bbox="475 1142 1469 1296" style="list-style-type: none"> <li data-bbox="475 1142 975 1162">• It is not already apparent from the context <li data-bbox="475 1173 1469 1229">• The consumer needs the information in order to decide whether or not to enter into a transaction <li data-bbox="475 1240 1469 1296">• The channel/ medium is suitable to show that information, and the information, in view of the product, is appropriate. <p data-bbox="475 1319 1469 1375">Failure to fulfil the obligations mentioned in paragraphs 1 to 5 will lead to violation of Article 8.4 DAC / NRC</p> <p data-bbox="475 1397 1046 1417"><u>How can the risk of violation of this article be limited?</u></p> <ul data-bbox="475 1440 1469 1693" style="list-style-type: none"> <li data-bbox="475 1440 1469 1536">• Review on a case-by-case basis where the requirements in points 1-3 have been met. Here, usually a reference to a website will not suffice. Be complete and comprehensive, as these are important information requirements. <li data-bbox="475 1547 1469 1693">• As far as the requirements in points 4 and 5 are concerned, the information must at least be mentioned on the website. Make sure that this information is readily available to the consumer. It is also advisable to always refer to that website as "further information" in an advertisement, thus making it clear to the consumer where he/ she can find that information. <p data-bbox="475 1715 1469 1805">Then review the context to see whether a general reference to the information on the website will be sufficient. When doing this, it is certainly better to be on the safe side. Too much information is never a bad thing, too little is.</p>