

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="475 539 1469 595">Invitation to Purchase = Advertising/ Promotion in which a product is offered for a given price.</p> <p data-bbox="475 618 1469 674">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="475 696 1469 1077" style="list-style-type: none"> <li data-bbox="475 696 938 719">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 1122">This information must be stated in an invitation to purchase if:</p> <ul data-bbox="475 1144 1469 1301" style="list-style-type: none"> <li data-bbox="475 1144 975 1167">• It is not already apparent from the context <li data-bbox="475 1178 1469 1234">• The consumer needs the information in order to decide whether or not to enter into a transaction <li data-bbox="475 1245 1469 1301">• The channel/ medium is suitable to show that information, and the information, in view of the product, is appropriate. <p data-bbox="475 1323 1469 1379">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 1402 1046 1424"><u>How can the risk of violation of this article be limited?</u></p> <ul data-bbox="475 1447 1469 1693" style="list-style-type: none"> <li data-bbox="475 1447 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>