

NOTE: Pricing deception within the DAC: 'Free'. From SRC Check Advice (Unfair Advertising)

---

Products advertised as "free" or using similar wording – should really be free. This means that the consumer should not be faced with any payment obligation if he wishes to receive the free item (file 2013 00249: <https://www.reclamecode.nl/webuitspraak.asp?ID=118062&acCode>)

However, it is allowed to include the offer of a free item as a condition of a purchase of another product. In that case, you will receive the item free of charge when purchasing another product (see combined offer information)

Unavoidable costs to enter into the offer (such as telephone or postage) as well as pick-up, collection, and delivery costs may be charged without compromising the free character of the offer. Please make clear in the advertisement that these costs will be charged and at what amount. Note: it is not permitted to:

- Charge packaging costs, settlement costs and administration fees.
- Use a paid phone number where consumers have to order the free product.

It is only permitted to call a product 'free' if you do not have to pay anything other than the actual costs of shipping or collection. This means that an offer can only be described as 'free' if the consumer does not pay more than a) the minimum unavoidable costs of responding to the offer, b) the actual transport or shipping costs and c) the (incidental) travel costs to collect the product. Passing on (i.e. charging) more than the actual costs implies that the consumer indirectly still owes a certain amount for the product, meaning there is no longer a 'free' product; see file 2017/00286:

<https://www.reclamecode.nl/webuitspraak.asp?ID=187864&acCode>

See the following information where a free item is part of a:

- Combined offer: A combined offer is allowed provided the cost of the free product is not recouped by reducing the quality of the product that has to be paid for or by increasing the price of that product.
- Package offer: A package offer is permitted provided that the consumer pays the same price in the case where the free item is not included in the package. For elements that cannot be separated from each other without compromising the entire package, it is not allowed to offer a particular item as free (for example, free wheels when buying a car unless it is an additional set). If the consumer is obliged to purchase a whole package, the individual components may not be offered for free (for example, an all-in-one package). New elements that are not yet part of a standard package may be called "free" for a reasonable period (in principle 6 months) if they do not have to be paid for.
- Necessary side-purchase – in order to take advantage of the free item. The consumer needs to be informed of the need to have or purchase additional equipment in order to make use of the free offer (i.e. a receiver to view free satellite TV channels)