

NOTE: Two cases related to misleading actions in respect of price in marcoms. Decision of the President of UOKiK, Office of Competition and Consumer Protection: <https://uokik.gov.pl/>

CASE 1. Decision of the President of the UOKiK no. RWA-44/2012. PO:
https://decyzje.uokik.gov.pl/bp/dec_prez.nsf

Telecoms company Polkomtel Sp ran advertising which promised a price of 0.29 PLN per minute for all calls. However, the cost per minute to one telecom service provider was higher. The information concerning this one exception was illegible for the average consumer in the TV commercial and thus it was capable of making him/ her take a transactional decision that he/ she would not have taken otherwise. The illegibility of the inscription resulted from the colour and size of the fonts employed, while the v/o did not mention the exception. The same ad on a billboard had no information on the exception. The internet ad was held not be misleading as a link with all the information was provided.

CASE 2: Decision of the President of the UOKiK no. DDK 14/2008 PO:
https://decyzje.uokik.gov.pl/bp/dec_prez.nsf

Involved Centertel, a mobile phone network operator now known as Orange Poland. It used a slogan 'Closeness creates Christmas. Calls for free with your closest ones' It was presented during Christmas and was specifically referring to Christmas by the use of Christmas symbols; the main service (calling for free), however, was switched off during the holiday season. Ruled as misleading action because the essential information regarding the fact that the free of charge calls, considered as the main emphasis of the ad campaign, would not be provided during Christmas time. The fact that a consumer might have been informed of this fact at a later date, e.g. at the moment of sale, could not have changed the assessment as it suffices that a misleading advertisement raises interest for the offer. Re. whether