

NOTE

Schedule 1 of the CPRs provides a list of commercial practices that are prohibited in all circumstances. These are the most relevant to marketing communications/ promotional marketing CPRs: <http://www.legislation.gov.uk/ukxi/2008/1277/contents/made>

Commercial practices which are in all circumstances considered unfair

5. Making an invitation to purchase products at a specified price without disclosing the existence of any reasonable grounds the trader may have for believing that he will not be able to offer for supply, or to procure another trader to supply, those products or equivalent products at that price for a period that is, and in quantities that are, reasonable having regard to the product, the scale of advertising of the product and the price offered (bait advertising).

6. Making an invitation to purchase products at a specified price and then:

- Refusing to show the advertised item to consumers
- Refusing to take orders for it or deliver it within a reasonable time, or
- Demonstrating a defective sample of it, with the intention of promoting a different product (bait and switch).

7. Falsely stating that a product will only be available for a very limited time, or that it will only be available on particular terms for a very limited time, in order to elicit an immediate decision and deprive consumers of sufficient opportunity or time to make an informed choice.

11. Using editorial content in the media to promote a product where a trader has paid for the promotion without making that clear in the content or by images or sounds clearly identifiable by the consumer (advertorial).

16. Claiming that products are able to facilitate winning in games of chance.

19. Claiming in a commercial practice to offer a competition or prize promotion without awarding the prizes described or a reasonable equivalent.

20. Describing a product as 'gratis', 'free', 'without charge' or similar if the consumer has to pay anything other than the unavoidable cost of responding to the commercial practice and collecting or paying for delivery of the item.

26. Making persistent and unwanted solicitations by telephone, fax, e-mail or other remote media except in circumstances and to the extent justified to enforce a contractual obligation.

28. Including in an advertisement a direct exhortation to children to buy advertised products or persuade their parents or other adults to buy advertised products for them.

31. Creating the false impression that the consumer has already won, will win, or will on doing a particular act win, a prize or other equivalent benefit, when in fact either -

- (a) There is no prize or other equivalent benefit, or
- (b) Taking any action in relation to claiming the prize or other equivalent benefit is subject to the consumer paying money or incurring a cost

.....