

Full title of law or regulation

A. The Consumer Protection from Unfair Trading Regulations 2008 (CPRs):  
<http://www.legislation.gov.uk/uksi/2008/1277/regulation/6/made>

B. UK Code of Non-broadcast Advertising and Direct & Promotional Marketing (CAP Code):  
[https://www.asa.org.uk/type/non\\_broadcast/code\\_section/03.html](https://www.asa.org.uk/type/non_broadcast/code_section/03.html)

Title of relevant section

A. Regulation 6 of the CPRs (linked above)

B. CAP Code Section 3 (linked above)

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A. CPRs

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Invitation to Purchase

A commercial communication which indicates characteristics of the product and the price in a way appropriate to the means of that commercial communication and thereby enables the consumer to make a purchase

Clauses, Regulation 6

Where a commercial practice is an invitation to purchase (see above), the following information will be material if not already apparent from the context in addition to any other information which is material information under paragraph (3)\*:

(a) The main characteristics of the product, to the extent appropriate to the medium by which the invitation to purchase is communicated and the product

(b) The identity of the trader, such as his trading name, and the identity of any other trader on whose behalf the trader is acting

(c) The geographical address of the trader and the geographical address of any other trader on whose behalf the trader is acting

(d) Either:

(i) the price, including any taxes; or

(ii) where the nature of the product is such that the price cannot reasonably be calculated in advance, the manner in which the price is calculated

(e) Where appropriate, either:

(i) all additional freight, delivery or postal charges; or

(ii) where such charges cannot reasonably be calculated in advance, the fact that such charges may be payable

(f) The following matters where they depart from the requirements of professional diligence:

(i) arrangements for payment

(ii) arrangements for delivery

(iii) arrangements for performance

(iv) complaint handling policy

(g) For products and transactions involving a right of withdrawal or cancellation, the existence of such a right.

\* (3) In paragraph (1) "material information" means:

(a) the information which the average consumer needs, according to the context, to take an informed transactional decision; and

(b) any information requirement which applies in relation to a commercial communication as a result of a Community obligation.

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B. CAP CODE, SECTION 3

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From the Introduction to Section 3: If a marketing communication encourages consumers to buy a product or service through a distance-selling mechanism, marketers should seek legal advice to ensure they comply with the Consumer

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Clauses, Section 3

3.4 For marketing communications that quote prices for advertised products, material information [for the purposes of rule 3.3] includes:

3.4.1 the main characteristics of the product

3.4.2 the identity (for example, a trading name) and geographical address of the marketer and any other trader on whose behalf the marketer is acting

3.4.3 the price of the advertised product, including taxes, or, if the nature of the product is such that the price cannot be calculated in advance, the manner in which the price is calculated

3.4.4 delivery charges

3.4.5 the arrangements for payment, delivery, performance or complaint handling, if those differ from the arrangements that consumers are likely to reasonably expect

3.4.6 that consumers have the right to withdraw or cancel, if they have that right (see rule 3.55 - Marketers must promptly refund consumers who make valid claims under an advertised money-back guarantee)

3.5 Marketing communications must not materially mislead by omitting the identity of the marketer.

Some marketing communications must include the marketer's identity and contact details. Marketing communications that fall under the Database Practice or Employment sections of the Code must comply with the more detailed rules in those sections.

Marketers should note the law requires marketers to identify themselves in some marketing communications. Marketers should take legal advice.

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