

# Misleading advertising and comparative advertising (amend. Directive 84/450/EEC)

1991/0343(COD) - 09/10/1996

The committee to adopted an amendment which seeks to ban the comparative advertising of goods or services which were imitations or replicas of other goods or services with a registered trade mark or trade name. With this amendment and others, the committee adopted the draft recommendation (codecision procedure, second reading) prepared by Mrs Ria OOMEN-RUIJTEN on the Council's common position on the inclusion of comparative advertising within the scope of Directive 84/450/EEC on misleading advertising. Comparative advertising, sometimes known as "knocking copy", is advertising in which a vendor sets the supposedly superior merits of his own product or service against the allegedly lesser quality of rival products or services - often on the basis of test results. Washing powder is perhaps the best known example. One amendment seeks to ban comparative advertising where it is against the codes of practice of professional bodies such as lawyers' organizations. The committee also wants comparative quality tests to be cited in advertisements "only if the person who has carried out the tests gives his express consent". However, the advertiser must still accept responsibility for the reliability of such tests as if they had been performed by himself or under his direction. The committee also wants to encourage the voluntary control of misleading or comparative advertising by self-regulatory bodies. An amendment states: "The voluntary control of misleading or comparative advertising, where applicable, shall be carried out pursuant to the principle of subsidiarity by the national self-regulatory bodies; a European self-regulatory umbrella alliance shall coordinate this work and shall receive cross-border complaints."