

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

1991/0343(COD) - 18/11/1992 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted the report by Mrs Oomen-Ruijten. Note: the amendment tabled by Alain Pompidou adopted by 162 votes to 104 with 7 abstentions calling for the provisions on comparative advertising not to be applied to comparative tests conducted by university researchers or laboratories on different pharmaceutical therapeutic treatments where the scientific relevance had been established beforehand. In adopting this report, the European Parliament gave a 'controlled' go-ahead to this form of advertising. Most of its amendments were intended to channel more effectively the use of this form of advertising and to contain it subject to strict criteria. Comparative advertising would be allowed only if it objectively compared the material, relevant, at all times verifiable, objectively determinable, fairly chosen and representative features of competing goods or services. A trade mark or trade name in an advertisement could be used only where necessary to identify the competitor's goods, services or activities. Any reference to the competitor's person or circumstances was prohibited. Any comparison presenting products or services as imitations or copies of products or services already protected by trade marks, trade names or designations of origin was also prohibited. Lastly, reference to or reproduction of the results of comparative tests were permitted only if the test had been carried out by a recognised independent body, consumer associations or organisations.