

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

1991/0343(COD) - 23/10/1996 - Text adopted by Parliament, 2nd reading

In adopting the report by Mrs Ria OOMEN-RUIJTEN (PPE, NL), Parliament approved, with amendments, the common position of the Council on the amendment of the 1984 Directive concerning misleading advertising so as to include comparative advertising. Parliament called for comparative advertising to be prohibited: - where it presents a good or service as an imitation or replica of a good or service bearing a registered trade mark or trade name; - where it clashes with the codes of ethics of such professional bodies as the Bar associations. The EP also proposed that reference to the results of comparative tests should be permitted in advertising only if the person who has carried out the tests gives his express consent. In such cases the advertiser should accept responsibility for the test as if it had been performed by himself. Finally, the EP wished to encourage the voluntary control of misleading or comparative advertising by self-regulatory bodies and it proposed that pursuant to the principle of subsidiarity, the voluntary control of misleading or comparative advertising, where applicable, should be carried out by national self-regulatory bodies; a European body would coordinate this work and deal with cross-border complaints.