

Annex A. Misleading actions

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Background

As discussed in part 1, 'misleading actions' are covered in the Consumer Protection from Unfair Trading Regulations 2008 (CPRs). The CPRs prohibit misleading actions that cause, or are likely to cause, the average consumer to take a different transactional decision.

Relevant matters

These include:

- the existence or nature of the product
- the main characteristics of the product
- the extent of the trader's commitments
- the motives for the commercial practice
- the nature of the sales process
- any statement or symbol relating to direct or indirect sponsorship or approval of the trader or the product
- the price or the manner in which the price is calculated
- the existence of a specific price advantage
- the need for a service, part, replacement or repair
- the nature, attributes and rights of the trader
- the consumer's rights or the risks they may face

Main characteristics of the product

These include:

- availability of the product
- benefits of the product
- risks of the product
- execution of the product
- composition of the product

- accessories of the product
- after-sale customer assistance concerning the product
- the handling of complaints about the product
- the method and date of manufacture of the product
- the method and date of provision of the product
- delivery of the product
- fitness for purpose of the product
- usage of the product
- quantity of the product
- specification of the product
- geographical or commercial origin of the product
- results to be expected from use of the product
- results and material features of tests or checks carried out on the product

Note: 'product' means goods or service.

The nature, attributes and rights of the trader

These include the trader's:

- identity
- assets
- qualifications
- status
- approval
- affiliations or connections
- ownership of industrial, commercial or intellectual property rights
- awards and distinctions

The consumer's rights

These include rights the consumer may have under the Consumer Rights Act 2015, including in particular the consumer's rights to enforce terms about goods, the right to a repair or replacement, the right to a price reduction or the final right to reject.

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