



UNFAIR TRADE PRACTICES WHEN IS MATERIAL FALSE OR MISLEADING

It is important that businesses always ascertain that all facts or claims made about a product are true. Businesses must check to ensure that promotional material does not create a misleading impression. Some questions which may be helpful are:

- Are all specific claims in the advertisement correct?
- Does the advertiser have sufficient information to back up the claims made?
- What is the likely effect on the audience of what is being said?
- Customers are not required to carefully interpret your advertising. You need to consider what first impression the customer draws from the advertising. If that differs from what you are trying to say, then you should change the advertising so that the customer will get the correct message.
- Do all parts of the campaign (T.V, radio, print) have the essential information?
- Do the benefits claimed allow for any variations in performance which may occur?
- Do all models in the range of products advertised have the characteristics claimed?
- Has promotional material been altered to take account of any change to the product?
- Are all mandatory instructions required by law included?
- Is all promotional material consistent? e.g. packaging, labeling, brochures and advertising has all material been checked?
- Have technical specifications been checked by someone with appropriate expertise?
- Is any special time limit or other condition for the promotion specifically stated?
- Is "fine print" used? If so does the "fine print" coincide with the general claims, is it noticeable and easily able to read, and in a position that is obvious to the customer? If the "fine print" alters the nature of the offer, then you will have to change the advertisement so this is not the case.
- Could any special trade terms be misunderstood by consumers?
- Could there be any misunderstanding about additional charges, accessories or extras?

**IF YOU ARE IN DOUBT ABOUT A STATEMENT MADE IN PROMOTIONAL MATERIAL
DON'T USE IT.**