

First prosecution under the Consumer Protection from Unfair Trading Regulations 2008

Briefing note

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The OFT has brought its first case in the High Court under the CPRs. Purely Creative Limited were involved in distributing scratch cards which created the impression that the recipient had won a prize. The OFT applied for an order under s215 of the Enterprise Act to prevent Purely Creative from continuing distribution. Purely Creative denied a breach and also claimed the order sought by the OFT was too wide.

The High Court held that there was a breach of various provisions of the Regulations. One point of interest was the extent to which there could be any cost associated with claiming the prize (see item 31 of the Regulations) – the OFT had been arguing that the need for any expenditure at all breached the Regulations. The Judge rejected this. He held that a requirement to pay something nominal, such as the cost of a phone call or a text message to arrange delivery of the prize did not cause a breach of the Regulations.

More information

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