



## Workshop on unfair and misleading commercial practices – challenges in consumer protection

Arranged by Professor Hans-Wolfgang Micklitz and the Working Group of European Private Law, European University Institute in collaboration with the FairSpeak Project Group, Copenhagen Business School

### Workshop description

The workshop addresses some of the challenges in protecting consumers from unfair and misleading advertising - with the food industry as a case study. The methods of legal regulation are approached from both a legal (section 1) and an interdisciplinary (section 2) angle.

**Venue:** EUI, Florence, Villa la Fonte, Conference room (might change due to number of participants)

**Monday  
November 23**

**9.00 – 9.10** Welcome by Viktor Smith and Hans-Wolfgang Micklitz

**9.10-12.30** **Section 1 – Unfair Commercial Practices**

This section will focus on the UCPD, with emphasis on the impacts of the VTB-judgement. In the VTB-judgement, based on the principle of full harmonisation, ECJ found that commercial practices can only be prohibited pursuant to the general prohibition of the UCPD, considering the specific circumstances of a commercial practice, or pursuant to the “black-list” of the directive. Member States are thus precluded from prohibiting certain commercial practices per se.



**Speakers:**

Pr. Dr. Jules Stuyck, University of Leuven

*"The VTB-Judgment: "Much to do about nothing - but the real questions about the UCPD are still on the table."*

Associate Professor Jan Trzaskowski, Copenhagen Business School

*"A critical perspective on the VTB-judgement"*

Pr. Dr. Jochen Glöckner, University of Konstanz

PhD student Marcin Rogowski, European University Institute

*"Sales promotion between aggressiveness and uncertainty - the VTB"*

**12.30 - 13.30**

**Lunch** (speakers only)

**13.30 – 16.00**

**Section 2 - Fair and unfair presentation of food**

In this section some key results of the work carried out by the Danish Research Group, FairSpeak, will be reported. The FairSpeak project aims at "transposing" the legal conception of *likeness to mislead* into more operational terms and ultimately to develop experimental tools for testing the misleading potential of labeling.

**Speakers:**

Pr. Peter Møgelvang-Hansen, Copenhagen Business School

*"Methods of legal regulation and a study of Danish cases 2002-2007 concerning misleading presentation of food"*

Associate Professor Viktor Smith, Copenhagen Business School

*"What's in a (food) name? From consumer protection to cognitive science - and back"*

Associate Professor Henrik Selsøe Sørensen, Copenhagen Business School

and Assistant Professor Jesper Clement, Copenhagen Business School

*"Eye-tracking consumers' visual attention: What do consumers actually look at on food labels?"*