



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?"