

**AD ALERT**

# **Friedrich Müller**

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The EASA Euro Ad Alerts are aimed at practitioners, relevant government and consumer organisations concerning cross-border advertisements demonstrating sharp and extremely misleading practices. They provide updates on companies endorsing such practices and provide advice to consumers and companies who have been misled.

**11/2009**

## Friedrich Müller

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### Advertiser Details

The advertiser uses different companies, logos, PO Boxes and telephone numbers. The following is the most prevalent address:

**Friedrich Müller**  
Postfach 519  
1011 Vienna  
Austria

**Telephone:** 0900/300 18 27 49956

### SRO Details



### Österreichischer Werberat

Wiedner Hauptstraße 73  
1040 Vienna  
Austria

**Telephone:** +43 5 90 900 -3577

**Fax:** +43 5 90 900 – 285

**E-mail:** [office\(at\)werberat.at](mailto:office(at)werberat.at)

**Website:** [www.werberat.at](http://www.werberat.at)

### Case details:

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Several companies owned by the Austrian Gerhard Bruckberger and operating under the name Friedrich Müller, have been sending mailings or made automated phone calls to consumers over the last years, promising large money prizes to the recipient if s/he would call an expensive premium number to claim his/her 'guaranteed' prize. If the consumer failed to pay the bill of the phone call, the money was claimed by a debt collection agency.

Since 1999 the European Advertising Standards Alliance (EASA) and self-regulatory organisations (SROs) across Europe have received a great number of complaints from consumers who believed to have been misled by Friedrich Müller, as they in fact could only enter the prize draw by calling a premium number and were never bestowed the promised prize. Many consumers felt particularly distressed by the repeated phone calls.

As the advertiser was based in Austria, the complaints were transferred to the Austrian SRO, Österreichischer Werberat, under the cross-border procedure. The Austrian Werberat transferred the case to the competent authorities, the Federal Competition Authority (Bundeswettbewerbsbehörde) and the Austrian Data Protection Authority.

In 2003 the practices of Friedrich Müller were adjudicated as misleading in accordance with the Austrian Unfair Business Practices Law (UWG, Unlauteres Wettbewerbsgesetz). The requirements of the consumer protection law compelled the company to pay out the

promised money prizes of the sweepstakes. Following this development, Friedrich Müller stopped its activities in Austria. Although it kept its headquarters in Vienna, it concentrated its business especially on the French and German market. This led to the German and French Consumer Protection Authorities to instigate the Austrian Federal Competition Authority to initiate proceedings against Friedrich Müller.

Furthermore, in May 2008, the German Federal Network Agency (Bundesnetzagentur) deactivated all German telephone lines (premium rate numbers) owned by Friedrich Müller and prohibited its companies the use of this business model and any further money claims.

The German Administrative Court of Cologne confirmed this ruling in three further cases (1 L 911/08, 1 L 172/08, 1 L 852/08).

### Recent developments:

In September 2009 the proceedings of the Austrian Federal Competition Authority resulted in an injunction against the business practices of Friedrich Müller. It is expected that a legally binding judicial decision will be issued in 2010.

### Advice to complainants:

Consumers, who believe to have been misled by the practices of Friedrich Müller, should forward their complaint with all necessary documentation to the Austrian Authorities.

#### **Bundeswettbewerbsbehörde**

Praterstraße 31 (Galaxy Tower)  
A-1020 Wien

**Telephone:** +43 (0)1 245 08 - 0

**Fax:** +43 (0)1 587 42 00

**Website:** <http://www.bwb.gv.at/BWB/default.htm>

**E-mail address:** [wettbewerb@bwb.gv.at](mailto:wettbewerb@bwb.gv.at)

#### **Complaint form (German):**

<http://www.bwb.gv.at/BWB/Service/Formblaetter/default.htm>

**German consumers** receiving unsolicited phone calls by Friedrich Müller should forward their complaint with all necessary documentation to the German Federal Network Agency.

#### **Bundesnetzagentur**

Nördelstrasse 5      or      Schütt 13  
59872 Meschede      67433 Neustadt  
Germany                      Germany



Bundesnetzagentur

**Telephone:** +49 291 9955-206

**Website:** [www.bundesnetzagentur.de](http://www.bundesnetzagentur.de)

**E-mail address:** [rufnummernmissbrauch@bnetza.de](mailto:rufnummernmissbrauch@bnetza.de)