

**AD ALERT**

**Euro Content Ltd**

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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.

**07/2010**

## Euro Content Ltd

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### Advertiser Details



#### Euro Content Ltd

Quirinsstr. 8  
60599 Frankfurt am Main  
Germany

**Fax:** +39 06 60513297

### SRO Details



#### Zentrale zur Bekämpfung unlauteren Wettbewerbs e. V.

Landgrafenstraße 24 B  
61348  
Bad Homburg vor der Höhe

**Telephone:** : 06172 - 12150

**Fax:** 06172 - 84422

**E-mail:** mail@wettbewerbszentrale.de

**Website:** www.werberat.de

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### Case details:

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EASA, the umbrella organisation for advertising self-regulation in Europe received numerous complaints forwarded from Italian consumers who were allegedly misled by the website “easy-dowload.info” (registered in Germany). The website, in Italian, featured free software to download. Once the consumer entered his data, he received a request for payment for a yearly subscription in order to gain access to the service.

#### EASA CBC procedure

According to EASA’s cross-border complaints procedure, the cases were forwarded to the German SRO in charge of unfair commercial practices, the *Zentrale zur Bekämpfung unlauteren Wettbewerbs* and informed the *Istituto dell’Autodisciplina Pubblicitaria*.

Given the nature of the complaints the *Zentrale zur Bekämpfung unlauteren Wettbewerbs* transferred the cases to the *Deutscher Schutzverband gegen Wirtschaftskriminalität* (German association for the protection against business fraud).

The *Deutscher Schutzverband gegen Wirtschaftskriminalität* informed EASA that German law is only applicable if consumers in Germany are affected. As the website was directed expressly to Italian consumers (i.e. no other language option available), it considered that the consumer protection authority in Italy should be contacted in order to take action.

In addition, the *Zentrale zur Bekämpfung unlauteren Wettbewerbs* has pointed out that according to the European directive on injunctions, Italian consumer organizations may initiate legal steps in Germany according to Italian law.

Note: Should easy-dowload.info try to recover the invoiced amounts via the German courts, complainants are invited to inform *Deutscher Schutzverband gegen Wirtschaftskriminalität* as this may provide more leverage for action in Germany.

**Recent developments:**

As the practices of “easy-dowload.info” have been identified by the Italian ECC\_net centre as rogue trading they therefore should be dealt with by enforcement authorities, not EASA or its members.

“The ruling of the Mannheim court injunction of 12/05/2009, prohibits the company to continue to undertake such unfair trade practices. Even the clause by which the consumer waives its right of withdrawal would be superceded by the general conditions of contract.<sup>1</sup>”

As EASA is committed to help combat rogue practices, awareness is being raised of this case within the EASA network, and it is working closely with IAP, the Italian SRO to inform consumers who may have been misled.

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<sup>1</sup> <http://www.euroconsumatori.org/16849v16939d49847.html>

### **Advice to complainants:**

We invite consumers who have been misled by this company to direct their complaints to:

Autorità Garante della Concorrenza e del Mercato



Piazza G. Verdi, 6/A,  
00198 Roma  
Italia

**Telephone:** +39.06.85.82.11

**Fax:** +39.06.85.82.12.56

**Website:** <http://www.agcm.it/index.htm>

We also invite consumers to refer to the following facebook page

<http://www.facebook.com/group.php?gid=124166114265689&ref=ts#!/topic.php?uid=124166114265689&topic=142>, where useful information is available to those who seek practical tool (template letters etc...)