

English translation

## **Two Danish companies reported to the police for sending unsolicited goods along with a demand for payment**

**The Danish Consumer Ombudsman has reported two Danish companies to the police for sending unsolicited goods along with a demand for payment to consumers around the world. The police report is the result of a cooperation between national authorities within the EU.**

The Danish Consumer Ombudsman has received a large number of complaints from consumers in Australia, New Zealand, and Canada against the companies Luxstyle ApS and Lux International Sales ApS. Moreover, the consumer authorities from Norway, Sweden, Austria, and Belgium have asked the Danish Consumer Ombudsman to take action against the companies. This has been requested through the so-called Consumer Protection Cooperation Network (CPC).

In 2016 the Danish Consumer Ombudsman received 123 complaints against the companies Luxstyle ApS and Lux International Sales ApS. An additional 53 complaints have so far been received in 2017.

A European working group looking at enforcement issues has also taken up the case along with other cases. The working group consists of members from Denmark, Norway, the Netherlands, Belgium, the United Kingdom, France, Estonia, Poland, Slovakia, and the EU Commission.

Many of the complaints concern an advertisement and a web shop selling a face mask called “The Blackhead Killer” (in Danish: “Hudorme-dræberen”).

According to the complaints, the companies register “an order” already on the front page of the web shop when consumers fill out their contact information and before the total price is presented. The companies consider the consumers bound to pay for the goods. Typically, the consumers have not filled out any payment details and they therefore receive an invoice along with the unsolicited goods.

The companies have informed the Danish Consumer Ombudsman that they do not consider their trading practice to be in violation with the law.

In the Danish Consumer Ombudsman’s opinion, the companies mislead the consumers, as it is not stated on the companies’ web pages that “an

order” of the product is being placed already at the moment the consumer fill out their contact information and move forward in the ordering process.

The Danish Consumer Ombudsman, Christina Toftegaard Nielsen, says:

*“If a company registers an order without informing the consumer, it is a serious breach of the Marketing Practices Act. According to the many complaints we have received, that is exactly what is happening on the companies’ websites. For this reason, I have reported the two companies to the police for breaching the Marketing Practices Act.*

### **What to do as a consumer?**

If you as a consumer receive an invoice for a product that you have not ordered, the Consumer Ombudsman recommends you to send a complaint via e-mail to the company. Consumers should inform the company that no order has been placed and no contract has been concluded. If a company sends unsolicited goods to a consumer, and this is not due to a mistake, the consumer is not obliged to return the goods to the company.

### **Description of the case**

The complaints and the CPC requests from the foreign consumer authorities concern, among others, the following:

- *that* Luxstyle ApS and Lux International Sales ApS are sending goods to consumers who state that they did not order the goods,
- *that* it is not clear to consumers when “a contract” has been concluded on the websites,
- *that* the total price of the goods is not presented to the consumer before the consumer is bound by “a contract”, and
- *that* the companies demand payment of an invoice fee if the consumers do not make any payment online or if the consumers leave the website before finalizing the ordering process.

### **The Marketing Practices Act’s prohibition on misleading marketing**

According to the Danish Marketing Practices Act section 3, traders may not use misleading or false information or omit material information if this is likely to materially distort consumers’ or other traders’ economic behavior on the market.

### **Contact information**

For further information, please contact the Danish Consumer Ombudsman’s secretariat for press relations by phone: +45 41 71 50 98