

Case number:	Vj-202/2005
Short title:	UPC Magyarország Kft., unfair manipulation of consumer choice
Type of case:	Deception of consumers
Description:	<p>The subject matter of the case was UPC's advertisements about its new telephone service, which were published from September 2004 till December 2005. In its ads, UPC stated that its telephone service is free of charge.</p> <p>UPC rebuilt its telecommunication network in such a way that voice could be transmitted provided that the subscriber had an adapter. Due to this new service the subscribers could call every type of phone numbers within the territory of Hungary. UPC stated that if a consumer calls a person who has the same adapter, the call would be free of charge, further, with the "Itthon" ("Home") package the off-net calls, in the off-peak period, would be also free of charge. UPC did not mention in the advertisements, that this service is available only for a monthly fee. The undertaking stated that the service was free subject to no condition. The Competition Council pointed out that consumers understand the word "free" meaning gratis, however, the service was not entirely free due to the monthly fee. According to the decision of the Competition Council, UPC's statement was suitable to manipulate the choice of the consumers.</p>
Decision:	<p>The Competition Council established that the described behaviour was a deception of consumers, which infringed competition. The Competition Council imposed a fine of HUF 10 million (approx. EUR 40 000) on UPC for its unlawful behaviour. The novelty of the service and its beneficial effects on competition was taken into consideration in setting the fines. A mitigating cause was that consumers had the chance acquire information from the lawful statements by the extensive campaign.</p>
Date:	Budapest, 24 April 2006