



GAZDASÁGI
VERSENYHIVATAL

Sonnenlicht got fined

The Hungarian Competition Authority imposed a fine of HUF 500 thousand (approx. EUR 1,8 thousand) on Sonnenlicht SP Kft., since the undertaking as distributor attributed curative effects to its products, though no authority had examined these features.

Sonnenlicht SP Kft. was established in November 2007 for providing import, wholesale and retail services. Its main profile is not retail trade; it is primarily engaged in trade services through subcontractors. It distributes (distributed) several products: Sunpower products, Vital Matte infrared mattress, HydroSana footbath and two types of nutritional supplements.

The undertaking under investigation organises programs for consumers from different corners of the country. Flyers are distributed in order to propagate the upcoming programs where consumers can directly buy the products from sales representatives, but the undertaking also sells these products in its own outlet. At these programs the above products were said to have detoxifying effects. Most of the information related to these products was published in the manual guides.

The GVH has emphasized several times that a potential positive effect of a product or a food product does not mean that the product has a curative effect. The GVH has also mentioned on several occasions that in every case it is the advertiser who has to prove what the objective reality is behind the information provided for consumers. In the course of the competition supervision proceeding, the GVH is not required to repeat the tests carried out by different authorising agencies or to collect experimental evidence instead of them in order to find out about the curative- and physiological effects, as essential features of a certain product. The task of the GVH is to analyse whether the statements provided for consumers refer to curative effects (preventing and treating illnesses, relieving the symptoms) or not. In case the statements refer to these effects then an infringement of the competition law provisions can be established if the undertaking cannot prove that the statements correspond to reality by presenting official authorization documents or in another way, in compliance with the requirements relating to scientific certificates.

According to the GVH, positive experiences, opinions coming from the patients and their doctors about a product are not considered scientific evidence. More detailed analysis is needed in order to confirm the preventive, treatment and curative effects of a product. Among others, thorough experiments - referring to the effects and side effects of the product exercised on all human organs - are required. The results have to be analysed by medical experts who are to prepare expert opinions and reports.

In the course of the proceeding Sonnenlicht failed to prove that the products concerned would have had the features mentioned in the statements and thus by using them the promised effects could have benefited consumers. The products of Sonnenlicht were not analysed by any special authorities in connection with the alleged curative effects of the

products. Sonnenlicht did not submit any clinical examination results either in the course of the proceeding. Based on all the above mentioned the GVH imposed a fine of HUF 500 thousand (approx. EUR 1,8 thousand) on Sonnenlicht.

When determining the amount of the fine, the GVH considered as an aggravating circumstance that the commercial practice of the undertaking targeted at a vulnerable consumer group, the retired age group; and its practice has probably caused considerable consumer harm. However, it proved to be a mitigating circumstance that Sonnenlicht is an undertaking with low market share and it practised a limited kind of activity for a limited number of consumers.