



Haydn Jones – Corporate Partner

BEWARE THE SHARP TEETH OF NEW ADVERTISING REGULATIONS



John French – Litigation Solicitor

Following legislation that came into power earlier this year, company directors can now face fines of up to £5,000 or prison terms of up to two years for breaching regulations that protect businesses from misleading advertising by other businesses.

Haydn Jones, head of Corporate says “The Business Protection from Misleading Marketing Regulations 2008 (BPMMRs) have much sharper teeth than the codes of the Advertising Standards Association (ASA). We strongly recommend that any business that actively promotes its goods or services – through advertising, on the web, via direct mail or any other technique – should ensure they fully understand them before they run the risk of getting into trouble.”

There are two main offences under the new regulations. The first is to advertise in a way that misleads traders or consumers (possibly by giving them false information designed to encourage a change in behaviour, such as buying a product or service). The other is to compare their products or materials to those of their rivals, particularly when they are not designed for the same purpose.

John French, a Litigation Solicitor says “The regulations allow new powers to enforcing authorities like the Office of Fair Trading (OFT). These include the right to seek injunctions and enter premises without a warrant, as well as the imposition of criminal sanctions. If you have any concerns about any new advertising that you are planning, we would be delighted to help you ensure its legality. Simply call and ask to speak to either Haydn Jones or John French.