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STATUTORY INSTRUMENTS

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**2008 No. 1276**

**The Business Protection from  
Misleading Marketing Regulations 2008**

**PART 1**

**DEFINITIONS AND PROHIBITIONS**

**Prohibition of advertising which misleads traders**

- 3.**—(1) Advertising which is misleading is prohibited.
- (2) Advertising is misleading which—
- (a) in any way, including its presentation, deceives or is likely to deceive the traders to whom it is addressed or whom it reaches; and by reason of its deceptive nature, is likely to affect their economic behaviour; or
  - (b) for those reasons, injures or is likely to injure a competitor.
- (3) In determining whether advertising is misleading, account shall be taken of all its features, and in particular of any information it contains concerning—
- (a) the characteristics of the product (as defined in paragraph (4));
  - (b) the price or manner in which the price is calculated;
  - (c) the conditions on which the product is supplied or provided; and
  - (d) the nature, attributes and rights of the advertiser (as defined in paragraph (5)).
- (4) In paragraph (3)(a) the “characteristics of the product” include—
- (a) availability of the product;
  - (b) nature of the product;
  - (c) execution of the product;
  - (d) composition of the product;
  - (e) method and date of manufacture of the product;
  - (f) method and date of provision of the product;
  - (g) fitness for purpose of the product;
  - (h) uses of the product;
  - (i) quantity of the product;
  - (j) specification of the product;
  - (k) geographical or commercial origin of the product;
  - (l) results to be expected from use of the product; or
  - (m) results and material features of tests or checks carried out on the product.

(5) In paragraph (3)(d) the “nature, attributes and rights” of the advertiser include the advertiser’s—

- (a) identity;
- (b) assets;
- (c) qualifications;
- (d) ownership of industrial, commercial or intellectual property rights; or
- (e) awards and distinctions.