



HUNGARY
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Country Report

HUNGARY

EALA Meeting – Cannes, France

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1.	
Regulation	Act CVIII of 2001
Topic:	Electronic Commerce Services and Services connected to Information Society.
Who:	Hungarian Parliament
When:	Entry into force: January 23 rd , 2002
What happened:	<p>The Parliament has passed this act for the development of electronic commerce, improving economic international competitiveness through information society services and defending consumers's rights in connection to electronic commerce.</p> <p>The act applies to services in connection to information society offered from the territory of Hungary or directed to the territory of Hungary.</p> <p>Services provided from the territory of the countries members of the EU and directed to Hungary will automatically be excluded from the scope of application of the Act from the day the Hungarian Parliament ratifies the EU's Accession Treaty.</p> <p>The Act regulates the information obligations regarding offers in connection with information society services (as contract offers through electronic means), responsibility of providers of the services, instruments for the protection of intellectual property rights and advertising through this services.</p>

2.	Case No. Vj-150/2001
Topic:	Misleading of consumers
Who:	Competition Council
When:	2001
What happened:	<p>The producer of the Tahiti noni fruit juice is Morinda Inc (USA). Tropical Express Company is entrusted with the international distribution organized through the <u>Internet</u>. The Tahiti Noni fruit juice is composed of noni juice (89%) and other fruit juices (11%).</p> <p>In the leaflets with the title "NONI. Morinda citrifolia. The gift of the tropics to preserve and restore health.", used in the distribution the following can be read: "Noni is not a medicine, is not to be used for therapy, everybody uses it at their own risk as a supplement of alimentation. Noni intensifies the self-curative processes of the organism but does not serve as a substitute for medical treatment. If you are ill, ask for the help of your physician."</p> <p>Concerning the Tahiti noni fruit juice, the favorable effect of the product on the health is regarded as an essential feature of it. The defending parties in order to influence the consumers' decision when considering to buy the product stated expressly these favorable features although they had no official position based on an objective, authentic opinion of an expert regarding these effects.</p> <p>Some of the advertising leaflets tried to make Tahiti noni appear to be a herb or a supplement of alimentation. In both of these cases the distributor would have had to apply for an examination of the product by the competent authority.</p> <p>The Competition Council found that it misled the consumers by stating that the fruit juice distributed is suitable for preserving and restoring health, though the said product had not been examined by the competent authorities. The competent authorities examined the product only as a fruit juice.</p>

3.	
Topic:	Gambling activities
Who:	Constitutional Court

When:	January 22 nd , 2002
What happened:	<p>The Constitutional Court examined a request regarding the constitutionality of section 23 of the Act XXXIV of 1991 on the Organization of Gambling.</p> <p>Section 23 allows those who perform the sale of goods and services in their own name on a regular basis to organize and run gift drawing events in conjunctions with the purchase or the use of a service (gift draw) without license, in the course of which customers shall be given prizes in the form of goods or services in case their tickets received when purchasing goods, or using a service of definite value, quantity or type are drawn in public.</p> <p>On the request it was argued that this regulation braeches article 9 of the Constitution, which recognizes and supports the right to enterprise and the freedom of competition in the economy, as it's against several dispositions of Act LVII of 1996 on the Prohibition of Unfair and Restrictive Market Practices, such as influencing the consumer's decision, in particular, in respect of the,attached gifts and the chances of winning, specially misrepresenting a purchase as a highly advantageous bargain, and to create un undue disadvantageous market situation for the competitors who are not able to organize gift draws.</p> <p>The Constitutional Court found that the presentation was not funded. It found taht the organization of gift draws is compatible with market economy.</p>

4.	
Topic:	Nurses protests against political ad
Who:	Hospital nurses
When:	April 4 th , 2002.
What happened:	<p>Nurses protest against a clip of the SZDSZ (Free Democrats' Alliance) which shows strip tees dancers and states: before they earned their bread as nurses, but circumstances have forced them to this kind of work. Nurses find that the ad puts them in a humiliating situation.</p> <p>The campaign director has refused to put off the ad, saying that it was only a small group, and that other nurses have thanked for the ad paying attention to their difficult situation.</p>