
STATUTORY INSTRUMENTS

1988 No. 915

The Control of Misleading Advertisements Regulations 1988

Interpretation

2.—(1) In these Regulations—

“advertisement” means any form of representation which is made in connection with a trade, business, craft or profession in order to promote the supply or transfer of goods or services, immovable property, rights or obligations;

“broadcast advertisement” means any advertisement included or proposed to be included in any programme or teletext transmission broadcast by the IBA and includes any advertisement included or proposed to be included in a licensed service by the reception and immediate re-transmission of broadcasts made by the IBA;

“Cable Authority” means the authority mentioned in section 1(1) of the Cable and Broadcasting Act 1984⁽¹⁾;

“court”, in relation to England and Wales and Northern Ireland, means the High Court, and, in relation to Scotland, the Court of Session;

“Director” means the Director General of Fair Trading;

“IBA” means the Independent Broadcasting Authority mentioned in section 1(1) of the Broadcasting Act 1981⁽²⁾;

“licensable service” has the meaning given by Section 2(2) of the Cable and Broadcasting Act 1984;

“licensed service” means a licensable service in respect of which the Cable Authority has granted a licence pursuant to section 4 of the Cable and Broadcasting Act 1984;

“publication” in relation to an advertisement means the dissemination of that advertisement whether to an individual person or a number of persons and whether orally or in writing or in any other way whatsoever, and “publish” shall be construed accordingly.

(2) For the purposes of these Regulations an advertisement is misleading if in any way, including its presentation, it deceives or is likely to deceive the persons to whom it is addressed or whom it reaches and if, by reason of its deceptive nature, it is likely to affect their economic behaviour or, for those reasons, injures or is likely to injure a competitor of the person whose interests the advertisement seeks to promote.

(3) In the application of these Regulations to Scotland for references to an injunction or an interlocutory injunction there shall be substituted references to an interdict or an interim interdict respectively.

(1) 1984 c. 46

(2) 1981 c. 68