

Unfair commercial practices against consumers and children in particular

Abstract

The diploma thesis deals with unfair commercial practices against consumers and children in particular. The aim of this thesis is to present the legal framework for the protection of children, as a particularly vulnerable group of consumers, against unfair commercial practices, and to analyse whether they receive effective protection against such practices, especially at a national level.

The main methods used in this diploma thesis were the research of legal literature, legal regulations and case law of Czech and foreign courts. On the basis of the acquired information, using interpretative methods, especially linguistic, logical, and systematic, the main and partial conclusions were subsequently generalised.

The diploma thesis is divided into an introduction, a conclusion and five main chapters, which are further divided into subchapters. The first chapter defines the key terms with a focus on children as a group of particularly vulnerable consumers. The second chapter is devoted to a general definition of unfair commercial practices by describing the so-called three-stage test of unfairness. The third chapter focuses on the aggressive commercial practice of solicitation of children to buy advertised products. The main part of the chapter is devoted to an analysis of specific court decisions, particularly foreign ones, dealing with solicitation of children to buy. The fourth chapter deals with advertising directed at children in the context of the legal regulation of unfair commercial practices. It also critically reflects on the problematic aspects of the legal regulation of advertising directed at children by giving examples of advertising regulation from abroad. The fifth chapter is devoted to the protection of children against unfair commercial practices directed at children, focusing on the limits of protection of particularly vulnerable consumers and outlining which partial means of protection complement the general enhanced protection of children. On the basis of all the arguments put forward in this thesis, it can be concluded that although legislation explicitly calls for increased protection of children against the impact of unfair commercial practices, in practice it is very difficult to ensure this increased protection of child consumers, especially in view of frequent regulatory changes, the rapid development of digitalisation and the reduction of the children's resilience.

Keywords: unfair commercial practices, particularly vulnerable consumers, children