

## **Dual food quality as a misleading commercial practice**

### **Abstract**

The presented thesis deals with the issue of dual quality of food as a misleading commercial practice, both before and after the amendment of the Unfair Commercial Practices Directive from 2019. The aim of this thesis is to describe the commercial practice of dual food quality, to classify it to the system of unfair commercial practices under the Unfair Commercial Practices Directive and the Consumer Protection Act and then to describe the amendment to the Unfair Commercial Practices Directive and its impact on the Czech legal system.

In the first part, the dual quality of food is defined as a commercial practice in which producers place on the market of a Member State food product that has a different composition from food product sold in other Member States, although they are sold under the same brand and in the same or interchangeable packaging. At the same time, this part of the thesis describes the tests performed comparing the quality of food, which found that the dual food quality is not only a problem in the eastern countries of the European Union, but occurs randomly without a geographical or other pattern.

The second part of the thesis focuses on the description of the system of legal regulation of unfair commercial practices. That is, the Unfair Commercial Practices Directive at the European law level and the Consumer Protection Act at the Czech law level. With the help of legal analysis, in this part of the work, the dual quality of food was classified among the small general clauses of unfair commercial practices, specifically as misleading practices.

The third part of the thesis then deals with the amendment to the Unfair Commercial Practices Directive, which brought, among other things, a ban on dual quality of goods, and its ongoing implementation into the Consumer Protection Act and the Food Act. In order to consolidate the view on the impact of the amendment to the Unfair Commercial Practices Directive, the third part of the thesis also briefly describes its ongoing implementation into the German legal system, specifically into the Unfair Competition Act (UWG).

**Key Words: Dual food quality, Unfair Commercial Practices Directive, Consumer, Misleading actions.**