

## 1994年6月1日第428號法案

### 丹麥行銷措施法

我等MARGRETHE THE SECOND茲奉丹麥女皇恩詔，宣布丹麥 Folketing 已通過本法案，並獲我皇室同意：

#### 優良行銷措施

1. 本法應適用於私人商業活動及由公共機構從事之類似活動。此等活動應符合優良行銷措施。

#### 引人錯誤之資訊及毀損名譽之陳述等

2.
  - (1) 為任何虛偽不實、引人錯誤、或不完整至不合理程度之表示或陳述，可能影響商品（包括動產及不動產）以及工作或服務之供需者，屬犯罪行為。
  - (2) 因表示或陳述之形式或對無關事實之引述，對其他從事交易之人或對消費者係屬不適當者，前項條款亦應適用。
  - (3) 採取任何第(1)項所示影響供需之引人錯誤措施或有相同效果之措施者，如因其特殊形式或對無關事實之引述，對其他從事交易之人或對消費者係屬不適當者，應屬犯罪行為。

### The Danish Marketing Practices Act

WE MARGRETHE THE SECOND, by the Grace of God Queen of Denmark, hereby make known: Folketinget has passed and We have provided the following Act with Our Royal Assent:

#### Good Marketing Practices

1. This Act shall apply to private business activities and to similar activities undertaken by public bodies. Such activities shall be carried on in accordance with good marketing practices.

#### Misleading Information, Derogatory Statements, etc.

2.
  - (1) It shall be an offence to make use of any false, misleading, or unreasonably incomplete indication or statement likely to affect the demand for or supply of goods, real or personal property, and work or services.
  - (2) The provisions of the preceding subsection shall apply also to indications or statements which, because of their form and reference to irrelevant matters, are improper in relation to other persons carrying on a trade or business or to consumers.
  - (3) It shall be an offence to make use of any misleading practices affecting demand or supply in the manner stated in subsection (1) hereof or practices of corresponding effect, if, because of their special form or reference to irrelevant matters, such practices are improper in relation to other persons carrying on

(4) 表示或陳述是否正確，應有以事實證明之可能。

#### 說明

3. 於提出要約、締結契約、或（如有適用）運送商品或提供服務時，如適當之資訊或說明，對評估商品或服務之性質或品質（尤其包括合目的性、耐用度、相關危險性、及有關維修之資訊）極為重要者，應依商品或服務之性質，提供適當之資訊或說明。

#### 保證

4. 保證、擔保、或類似性質之宣言，僅在得給予消費者較現行法律明顯為佳之法律地位時，始得向消費者為之。

#### 商業上表徵

5. 任何從事交易之人，均不得使用其無合法權利之商標或其他商業上表徵，亦不得以可能導致與其他從事交易之人混淆之方式，使用自己之商標或其他商業上表徵。

#### 贈品

6.

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a trade or business or to consumers.

(4) It shall be possible to substantiate the correctness of indications or statements on actual facts.

#### Instructions

3. At the time of the making of an offer, the conclusion of a contract or, where appropriate, the delivery of goods or the supply of services, proper information or instructions shall be provided according to the nature of the goods or services, where such information or instructions are of importance in the evaluation of the nature or quality of the goods or services, especially including fitness for purpose, durability, the nature of any risks involved, and information as to maintenance.

#### Guarantees

4. A guarantee, warrant or declaration of a similar nature shall be given to consumers only when such guarantee, warrant or declaration affords the consumer a considerably better legal position than otherwise provided by existing legislation.

#### Distinctive Business Marks

5. No person carrying on a trade or business shall make use of any trade mark or other distinctive business mark to which he is not legally entitled or make use of his own distinctive business marks in a manner likely to cause such marks to be confused with those of other traders.

#### Collateral Gifts

6.

- (1)當從事交易之人銷售商品或不動產、完成工作、或提供服務予消費者時，不得提供贈品或類似之誘因，除非該贈品或誘因之價值微不足道。就價值非微不足道之贈品或誘因所為之廣告，亦應禁止。
- (2)如附贈之利益與所提供之主要利益種類完全相同，則不應被視為係屬贈品或類似之誘因。
- (3)即使第(1)項另有規定，從事須依丹麥航空法第 75 條第(1)項及第(2)項核發許可之行業者，得實行如第(5)項提及之空中紅利計劃，就相關服務及機票之銷售提供贈品或誘因。其他從事交易之人得於實行空中紅利計劃時，以免費旅遊、飯店住宿、及汽車租車之方式，提供贈品或誘因。
- (4)如其他獲有前述許可之競爭者，於其空中紅利計劃提供贈品或誘因者，則獲有許可或其他從事交易之人，亦得於空中紅利計劃提供贈品或誘因，不受第(3)項之限制；惟應通知消費者保護官。

- (1)Where a person carrying on a trade or business sells goods or real property to consumers or performs work or provides services for consumers, he shall not provide any collateral gift or similar inducement, unless such gift or inducement is of negligible value. The advertising of any such gift or inducement other than a gift or inducement of negligible value shall similarly be prohibited.
- (2)A benefit of exactly the same kind as the principal benefit rendered shall be deemed not to be a collateral gift or similar inducement.
- (3)Notwithstanding the provision of subsection (1) hereof, a person carrying on a trade or business subject to a licence granted pursuant to section 75(1) and (2) of the Danish Aviation Act may provide a collateral gift or inducement upon sale of flights and services related hereto provided that this is done in connection with an air bonus scheme as referred to in subsection (5) hereof. Other persons carrying on a trade or business may provide a collateral gift or inducement in the form of free trips, hotel accommodation and car rental provided that this is done in connection with an air bonus scheme.
- (4)A holder of such permission or other persons carrying on a trade or business may provide a collateral gift or inducement in connection with an air bonus scheme without being subject to the restrictions referred to in subsection (3) hereof if another holder of such permission who is competing with the former holder of permission grants such a gift or inducement

(5)空中紅利計劃應跨國適用，並應成為獲有許可者經常交易之一部分。本國之該計劃中最重要之要素，乃經機票之銷售所提供之贈品或誘因。如獲有許可者與其他從事交易之人合作，該計劃亦應涵蓋經由銷售飯店住宿及汽車出租所提供之贈品或誘因。

(6)歐洲聯盟會員國依理事會 1992 年 7 月 23 日第 2407/92 規則，或其他因與歐洲聯盟簽訂條約而亦適用此規則之國家，核發許可予航空公司者，該獲有許可而從事交易之人，亦應適用第(3)項至第(5)項有關獲有許可者之條款。

(7)工業暨協調部 (Ministry of Industry and Coordination) 得准許其他亦面臨類似國際性競爭之企業，得提供贈品或誘因至某特定程度。此許可得定有一定期間。

#### 數量限制

7.

(1)零售業不得就個別消費者一次得購買之數量設有上限，

in his air bonus scheme. Where collateral gifts or inducements are provided pursuant to the 1st paragraph of this subsection, this shall be notified to the Consumer Ombudsman.

(5)The air bonus scheme shall be offered internationally and shall by a holder of permission be established as part of his usual business or trade. The most important element of the scheme in this country shall be the provision of a collateral gift or inducement upon sale of flights. If the holder of a permission cooperates with other persons carrying on a trade or business, the scheme shall also cover the provision of collateral gifts or inducements upon sale of hotel accommodation and car rental.

(6)The provisions laid down in subsections (3)-(5) hereof relating to holders of permission shall also apply to persons carrying on a trade or business with a licence issued by a EU Member State pursuant to Council Regulation (EEC) No. 2407/92 of 23rd July, 1992 on licence to air carriers or by a country which upon agreement with the EU has acceded to this regulation.

(7)The Minister of Industry and Coordination may permit that other enterprises, subject to similar international competition, may provide a collateral gift or inducement to a specified extent. The permission may be granted for a limited period of time.

#### Quantitative Restrictions

7.

(1)A retail business shall not be entitled to set any ceiling on the

且不得拒絕出售給特定交易對象。

(2)第(1)項不適用於以折扣銷售之商品。

### 印花票等

8.

(1)從事交易之人不得於銷售商品、完成工作、或提供服務之前，即提供折扣或任何其他印花票、折價券或類似形式之利益。

(2)雖有前項之規定，但從事交易之人於銷售商品、完成工作、或提供服務之際，仍得提供折扣或任何其他印花票、折價券或類似形式之利益，以供日後兌現，只要每張印花票上均載明發行者之身份及以丹麥貨幣為單位之面額。一旦工業暨協調部決定特定數額之印花票應予兌現時，該印花票之發行人即應依其票面金額予以兌現。

(3)第(1)項及第(2)項之規定，不適用於第6條第(3)項及第(6)項之空中紅利計劃以及第6條第(7)項之許可。

number of goods which any individual customer is allowed to buy. Moreover, sale to specific buyers may not be denied.

(2)The provisions laid down in subsection (1) hereof shall not apply to goods sold on bargain sales.

### Trading Stamps, etc.

8.

(1)No discount must be allowed nor any other benefit be provided in the form of stamps, coupons or the like, which have been made available by persons carrying on a trade or business prior to the purchase of an article or on performing work or providing services.

(2)Notwithstanding the provisions of the preceding subsection, persons carrying on a trade or business may upon sale of goods and on performing work and providing services allow a discount or provide any other benefit in the form of stamps, coupons or the like for encashment at a later date, provided that each stamp is provided with a clear indication of the identity of the issuer and of its value in Danish currency. The issuer of such stamps, coupons or the like shall exchange them for cash in this country at their nominal value at the time when stamps in an amount to be determined by the Minister of Industry and Coordination are required to be exchanged for cash.

(3)Subsections (1) and (2) hereof shall not apply in connection with the air bonus schemes referred to in section 6(3)(6) of this Act or in connection with the permissions referred to in

### 抽獎及競賽

9.

- (1)任何人不得為促銷產品或服務，試圖於消費者參加抽獎、競賽或其他任何全部或一部結果決定於機運之活動時提供獎項，除非其參加活動係以購買產品或服務為先決條件。
- (2)如個別獎項及全部獎項之價值未超過工業暨協調部訂定之上限，第(1)項即不適用。此上限得按不同產品及不同批之受獎人定之。
- (3)期刊之發行人得籌畫有關競賽頒發之獎項以及抽獎活動。

### 營業祕密及專門設計圖

10.

- (1)任何受僱於企業、與其合作、或為其完成工作或提供服務之人，均不得以不適當之方式，知悉、獲取、或試圖知悉獲取該企業之營業祕密。
- (2)如其已合法知悉或獲取該企業之營業祕密，未獲適當授權，亦不得揭露或利用該營業祕密。本條款應繼續適用至僱用、合作、工作完成、或服務提供結束後之三年期

section 6(7) of this Act.

### Drawing of Lot and Prize Competitions

9.

- (1)No attempts shall be made to promote sale to consumers of goods or services offering them the possibility of a prize if they participate in the drawing of lot, prize competition or any other arrangement where the results are wholly or partly dependent on chance, provided that such participation is conditional upon purchase.
- (2)The provision laid down in subsection (1) hereof shall not apply if the amount of the individual prize and the total value of prizes are within the limits as fixed by the Minister of Industry and Coordination. Such limits may be fixed according to product and group of recipients.
- (3)The publisher of a periodical shall be permitted to arrange for the drawing of lots for the distribution of prizes awarded in connection with prize competitions.

### Trade Secrets and Technical Drawings

10.

- (1)No person employed by, co-operating with, or performing work or providing services for a commercial enterprise shall, in an improper manner, acquire or attempt to acquire knowledge or possession of the trade secrets of such enterprise.
- (2)Where such person has lawfully acquired knowledge or possession of the trade secrets of the enterprise, he shall not, without proper authority, disclose or make use of such secrets.

間。

(3)為完成工作或為其他任何商業目的而收受專門設計圖、說明、公式、模式、模型、或其他資料者，未經適當授權，不得利用或允許他人利用該知識、資訊、或資料。

(4)任何從事交易之人均不得利用因違反前述各項條款而知悉或獲取之營業祕密。

#### 標示及包裝

11.

(1)經諮詢丹麥商業及工業之中央團體以及消費者團體，工業暨協調部部長得制定法規，要求特定零售商品僅得於告知商品係丹麥製、外國製、或指明商品原產地或製造地時，始得銷售或供銷售而陳列。工業暨協調部部長得規範上述告知或指明應如何標示於商品上，以及於具體個案應如何詮釋原產地或製造地。

This provision shall apply for a period of three years after the termination of the employment or of the period of co-operation or the completion of the work or of the provision of the services, as the case may be.

(3)Where a person for the purpose of performing work or for any other business purpose has been entrusted with technical drawings, descriptions, formulae, patterns, models or other information, he shall not, without proper authority, make use of or allow others to make use of such knowledge, information or material.

(4)No person carrying on a trade or business shall make use of a trade secret where knowledge or possession of such trade secret has been acquired in contravention of the preceding provisions of this section.

#### Labelling and packaging

11.

(1)The Minister of Industry and Coordination may, after consultation with the central organizations of Danish trade and industry and with the consumer organizations, by regulations provide that certain goods sold by retail (sale to consumer) shall be sold or offered for sale only where it is stated whether the goods are Danish or foreign or where the goods bear an indication of the place of origin or production. The Minister of Industry and Coordination may specify the manner in which the said indication or statement shall be affixed to or marked on the goods and how the expression

(2)經諮詢丹麥商業及工業之中央團體以及消費者團體，工業暨協調部部長得制定法規，規定

(a)特定商業上之敘述或表徵應保留予或適用於符合特定要件之商品；

(b)特定商品僅得在商品或其包裝已依部長規定之方式，提供有關商品內容、成分、保存期限、使用說明，以及其他特徵之資訊後，始得銷售或供銷售而陳列。

12. 經諮詢丹麥商業及工業之中央團體以及消費者團體，工業暨協調部部長得制定法規，就依規定標示任何本國登記在案企業之名稱或商標、或依專為特定商品包裝所定方式為標示之商品全部或一部包裝，限制其購買、銷售、及使用之權。工業暨協調部亦得同樣禁止故意毀損此等包裝之行為。

強制令、命令、及損害賠償責任

>>place of origin or production<< shall be interpreted in each case.

(2)The Minister of Industry and Coordination may, after consultation with the central organizations of Danish trade and industry and with the consumer organizations, by regulations provide-

(a)that certain trade descriptions or symbols shall be reserved for or applied to goods that comply with certain specified requirements; and

(b)that certain goods shall be sold or offered for sale only where such goods or their wrapping or packaging are, in a manner prescribed by the Minister, provided with information relating to the contents and composition relating to the contents and composition of the goods, their durability, directions for use and other properties.

12.The Minister of Industry and Coordination may, after consultation with the central organizations of Danish trade and industry and with the consumer organizations, by regulations provide restrictions of the right to purchase, sell, and use such packaging or parts thereof as are, in a prescribed manner, either marked with the name or trade mark of any commercial enterprise registered in this country or are marked in a manner reserved exclusively for the packaging of goods of a specific kind. The Minister of Industry and Coordination may similarly prohibit wilful destruction of or damage to such packaging.

Injunctions, Orders and Liability for Damages

13.

(1)法院得發強制令，禁止違反本法之行為。就此，或稍後，法院得發布其認為必要之命令，以確保

(a)強制令之執行，包括違反強制令所訂合約應為無效之決定；

(b)回復不法行為前之既存狀態，包括銷毀或回收商品、公布資訊、更正商品上之標示或陳述。

(2)違反本法者，應就丹麥法律中相同之情形，依一般條款負賠償之責。

#### 海事商業法院

14.

(1)如於民事訴訟程序中，本法之適用對判決極為重要者，除當事人間另有約定外，應向哥本哈根海事商業法院起訴。

(2)除非有關行銷策略之專門知識細節對判決影響微不足道，否則違犯本法之公訴案件均應由哥本哈根海事商業法院審理。

13.

(1)The court may issue injunctions prohibiting acts done in contravention of the provisions of this Act. In this connection or at a later date the court may make such orders as it considers necessary to ensure

(a)that an injunction is complied with, including a decision to the effect that agreements concluded in contravention of an injunction shall be void;

(b)restoration of the conditions existing prior to the illegal act, including destruction or withdrawal of products and publication of information or correction of indications or statements.

(2)Any person acting in contravention of the provisions of this Act shall be subject to liability for damages pursuant to the general provisions of Danish law to this effect.

#### The Maritime and Commercial Court

14.

(1)Civil proceedings for the decision of which the application of this Act is of material importance shall be brought before the Copenhagen Maritime and Commercial Court, unless otherwise agreed by the parties.

(2)Public prosecution for an offence under this Act shall be brought before the Copenhagen Maritime and Commercial Court unless detailed knowledge of marketing practices is considered to be of immaterial importance to the decision of the case.

### 消費者保護官

15.

- (1)消費者保護官之職責為監督確保並無違反本法之情事，尤其應自消費者之利益加以考量。
- (2)消費者保護官得要求提供一切為履行其職責所需之資訊，包括為決定某事項是否適用本法所需之資訊。
- (3)消費者保護官應具備任用法官所需之資格，並符合任用法官所需之一般條件。
- (4)就消費者保護官依本法所為之決定，不得再向任何其他行政機關申訴。
- (5)工業暨協調部部長有權制定法規，明定消費者保護官之職權。

### 協商原則

16.

- (1)消費者保護官應經由協商盡力勸服從事交易之人，使其一般行為符合優良行銷策略之原則及本法之規定。
- (2)如從事交易之人於依第(1)項進行協商後，仍無法履行其對消費者保護官之承諾者，消費者保護官得視其必要發

### The Consumer Ombudsman

15.

- (1)It shall be the duty of the Consumer Ombudsman to see that the provisions of this Act are not contravened, especially considering the interests of the consumers.
- (2)The Consumer Ombudsman may require all such information as he considers necessary for the performance of his functions including information considered necessary to decide whether a matter falls within the scope of this Act.
- (3)The Consumer Ombudsman shall possess the qualifications and fulfil the general conditions necessary for appointment as a judge.
- (4)Decisions made by the Consumer Ombudsman under this Act cannot be made the subject of an appeal to any other administrative authority.
- (5)The Minister of Industry and Coordination shall be empowered to make regulations specifying the functions of the Consumer Ombudsman.

### Principle of Negotiation

16.

- (1)The Consumer Ombudsman shall by negotiation endeavour to induce persons carrying on a trade or business to act in accordance with the principles of good marketing practices and with the provisions of this Act in general.
- (2)If a person carrying on a trade or business fails to fulfil a commitment given to the Consumer Ombudsman after

布命令予相關之人，以確保該承諾之履行。

### 指導原則

17. 在與相關商業及消費者團體協商後，在被認為重要之指定領域內（特別是對消費者之利益而言），消費者保護官應起草並公布行銷指導原則，盡力對從事交易之人產生正面影響。

### 通行意見（Advance Statement）

- 18.
- (1) 消費者保護官應經聲請，就籌劃中之創新行銷手法表示意見，除非該意見會引起任何特別疑義或存在任何特殊狀況。通行意見（Advance Statement）並不表示已就相關行銷手法之合法性作成具體決定。
  - (2) 如消費者保護官已對從事交易之人表示通行意見，認為籌劃中之創新行銷手法應屬合法，則於發布此通行意見後之合理時間內，消費者保護官不得干涉該行銷手法。

negotiations conducted pursuant to subsection (1) hereof, the Consumer Ombudsman may issue such orders to the person concerned as may be deemed necessary for ensuring the fulfilment of such commitment.

### Guidelines

17. After conducting negotiations with the relevant trade and consumer organizations, the Consumer Ombudsman shall endeavour to influence the conduct of the persons carrying on a trade and business by drawing up and publishing marketing guidelines within specified areas considered important, especially to the interests of the consumers.

### Advance Statement

- 18.
- (1) The Consumer Ombudsman shall, upon request, give his opinion on the legality of contemplated marketing initiatives unless such opinion gives rise to any particular doubt or special circumstances exist. An advance statement shall not imply that an actual decision has been taken with respect to the legality of the initiative concerned.
  - (2) Where the Consumer Ombudsman has given an advance statement to a person carrying on a trade or business to the effect that a contemplated initiative will be legal in the opinion of the Consumer Ombudsman, the Consumer Ombudsman may not on his own initiative intervene with respect to an initiative covered by the advance statement and implemented within a reasonable time after the issue of such

(3)工業暨協調部部長得就發布通行意見之費用制定細則。

#### 法定程序等

19.

(1)任何具有法律上利害關係之人，均得提起有關本法第13條強制令、命令、損害賠償之法定程序。消費者保護官亦得依本法第13條提起有關強制令及命令之法定程序。

(2)因違反本法而對他人提出控訴者，如經消費者保護官要求，應由其實施該控訴。

#### 損害賠償訴訟

20.有關違反本法之事項，如多數消費者具有相同之損害賠償請求權，消費者保護官得經請求集體請求損害賠償。

#### 中間強制令( Interlocutory Injunction )

21.

(1)如等候法院作成決定將使本法第13條第(1)項強制令之目的有無法達成之合理可能性者，消費者保護官得發布中間強制令。提起確認該強制令之訴訟，必須不晚於非週末之次日。丹麥法務行政法第648條第(1)項第(1)款、第648條第(2)項、第649條、第650條及第651條，亦

advance statement.

(3)The Minister of Industry and Coordination may lay down specified rules governing fees for the issue of advance statements.

#### Legal Proceedings, etc.

19.

(1)Any person with a legal interest herein may institute legal proceedings with respect to injunctions, orders or liability for damages pursuant to section 13 of this Act. The Consumer Ombudsman may institute legal proceedings with respect to injunctions and orders pursuant to section 13 (1) of this Act.

(2)If a charge is brought against a person for contravention of this Act, the execution of such charge shall be left to the Consumer Ombudsman if he so requests.

#### Actions for Damages

20.If, in connection with a contravention of the provisions of this Act, a plurality of consumers has uniform claims for damages, the Consumer Ombudsman may, upon request, recover the claims collectively.

#### Interlocutory Injunction

21.

(1)The Consumer Ombudsman may issue an interlocutory injunction where there is a reasonable possibility that the object of an injunction referred to in section 13 (1) of this Act may not be achieved if the decision of the court has to be awaited. An action to confirm the injunction shall be brought

應分別適用，而第628條第(1)項、第629條、第633條、第634條第(2)項及第(5)項、第636條第(1)項、第639條、以及第640條第(1)項，應為必要之調整而予適用。

- (2)如確認第(1)項強制令之案件無法在起訴後五個週間內作成判決者，法院得於前述期間之案件準備階段，裁決該強制令繼續生效。法院於作成裁決前，應盡可能給予當事人表示意見之機會。如強制令未於前述期間經確認者，該強制令應即失效。

### 起訴及處罰

22.

- (1)任何人因違反強制令、法院或消費者保護官依第16條第(2)項所發之命令者，應處罰金或拘役 (mitigated imprisonment)。但違反退還金錢之命令者，不受刑事處罰。

- (2)於經依本法第15條第(2)項要求，而未提供資料，或就本法適用範圍內之事項，提供消費者保護官虛偽不實或引人錯誤之資訊者，應處以罰金，除非該行為另適用任

not later than the next following weekday. The provisions of paragraph (1) of section 648 (1), sections 648 (2), 649, 650 and 651 of the Danish Administration of Justice Act shall apply correspondingly and the provisions of sections 628 (1), 629, 633, 634 (2) and (5), 636 (1), 639 and 640 (1) shall apply with the necessary modifications.

- (2)Where judgment in a case to confirm an injunction under the provisions of subsection (1) hereof cannot be given before the expiration of five weekdays after the institution of proceedings, the court may, in the course of the preparatory stages of the case before the expiry of the said period, order that the injunction shall continue. Before such a decision is made, the court shall, as far as possible, give the parties an opportunity to make representations. If the injunction is not confirmed before the expiry of the said period, it shall lapse.

### Prosecutions and Penalties

22.

- (1)Any person guilty of breach of an injunction or non-compliance with an order issued by the court or by the Consumer Ombudsman pursuant to section 16 (2) hereof shall be liable to a fine or to mitigated imprisonment. However, non-compliance with an order to repay money received shall not be subject to penalty.
- (2)Any person who fails to give such information as is required of him under section 15 (2) of this Act or, in matters falling within the scope of this Act, gives false or misleading

何其他法律更重之刑罰。

- (3) 違犯本法第 2 條第(1)項至(3)項、第 6 條至第 9 條、或故意違反第 5 條之條款者，應處以罰金，除非該行為另適用任何其他法律更重之刑罰。就第 2 條第(2)項及第(3)項有關從事交易之人或與其特別相關之事，所為以傷害性言論為主之犯罪行為，得提起自訴。
- (4) 違犯本法第 10 條者，應處以罰金、拘役、或二年以下之有期徒刑。刑事程序須經被害人告訴始得提起。
- (5) 依本法第 11 條及第 12 條制定之法規，得規定以罰金作為違犯該法規之處罰。
- (6) 如責任有限公司、合作社、或其他合作組織違犯本法者，該公司、社團、或合作組織應處以罰金。如中央政府、地方機關或自治團體違犯本法者，該中央政府、地方機關或自治團體應處以罰金。

information to the Consumer Ombudsman shall be liable to a fine, unless the offence carries a more severe penalty under any other enactment.

- (3) Any person who is guilty of an offence under sections 2(1)-(3) or 6-9 of this Act or who wilfully contravenes the provisions of section 5 of this Act shall be liable to a fine, unless the offence carries a more severe penalty under any other enactment. Offences under subsections (2) and (3) of section 2 of this Act consisting in injurious statements made in respect of a person carrying on a trade or business or in respect of any other matters particularly relating to such person shall be a cause for private prosecution.
- (4) Any person guilty of an offence under section 10 of this Act shall be liable to a fine or to mitigated imprisonment or to ordinary imprisonment for a term not exceeding 2 years. Proceedings may be instituted only at the request of the injured party.
- (5) In regulations made under sections 11 and 12 of this Act, fines may be prescribed as the penalty for offences committed under these regulations.
- (6) Where the offence is committed by a limited liability company, co-operative society or other corporate entity, the company, society or corporate entity as such shall be liable to a fine. Where the offence is committed by a central government or local authority or corporation, the central government or local authority or corporation shall be liable to a fine.

**免費法律扶助**

23. 就法院或消費者保護官命令退還金錢之案件，符合丹麥法務行政法第 330 條第(1)項第 2 款資格之消費者，應給予免費法律扶助。

**授權**

24. 工業暨協調部部長得將其依本法所享有之權力，授權丹麥國家消費者局，但本法第 15 條第(5)項之權力不適用之。如工業暨協調部部長授權丹麥國家消費者局，部長得就申訴管道制定法規，包括規定不得向其他行政機關再行申訴。

**生效**

25. 本法應自 1994 年 10 月 1 日起施行。丹麥行銷策略法 (1992 年 6 月 27 日第 594 號法規彙編法案參照) 應同時廢止。

**法羅群島及格陵蘭島**

26. 本法不得適用於法羅群島 (Faroe Islands) 及格陵蘭島。

發布於 1994 年 6 月 1 日克莉絲茨堡宮 (Christiansborg Palace)

蒙吾皇手印

馬格列特 · R (Margrethe R)

／米密 · 賈克伯森 (Mimi Jakobsen)

**Free Legal Aid**

23. Consumers who comply with the provisions laid down in section 330 (1) (item 2) of the Danish Administration of Justice Act shall be granted free legal aid in cases of repayment of money covered by an order issued by the court or the Consumer Ombudsman.

**Delegation of Powers**

24. The Minister of Industry and Coordination may delegate his/her powers under this Act to the National Consumers Agency of Denmark. This shall not apply to the powers laid down in section 15 (5) of this Act. If the Minister of Industry and Coordination delegates his/her powers to the National Consumers Agency of Denmark, the Minister may lay down rules governing the access to make complaints, including rules to the effect that complaints may not be brought before another administrative authority.

**Commencement**

25. This Act shall come into operation on 1st October, 1994. At the same time the Danish Marketing Practices Act, cf. Consolidated Act No. 594 of 27th June, 1992, shall be repealed.

**The Faroe Islands and Greenland**

26. This Act shall not extend to the Faroe Islands and Greenland.

Given at Christiansborg Palace on 1st June 1994

Under Our Royal Hand and Seal

MARGRETHE R.

/Mimi Jakobsen