

Order of 16 April 2024 on informing consumers about the price of products that have undergone a downward change in quantity

NOR: ECOC2115322A

ELI: <https://www.legifrance.gouv.fr/eli/arrete/2024/4/16/ECOC2115322A/jo/texte>

JORF No 0104 of 4 May 2024

Text No 2

Groups concerned: Distributors in the predominantly food distribution sector for stores of over 400 square meters.

Subject: Informing consumers inside stores about the prices of consumer products in constant quantities that have undergone a downward change in weight or volume.

Entry into force: 1 July 2024.

Notice: In addition to the legal information on prices in force, this Order provides, for pre-packaged consumer goods with a constant nominal quantity which have undergone a downward change in weight or volume, a specific obligation on the main players in the predominantly food retail distribution sector to inform consumers by indicating the decrease in the quantity sold and the upward change in the price of the product per unit. In practice, therefore, food and non-food products are marketed in a constant quantity (weight, volume). This does not include pre-packaged foodstuffs of varying quantities and non-pre-packaged foodstuffs (bulk).

Failure to comply with the provisions of this Order, adopted pursuant to Article L. 112-1 of the Consumer Code, will be liable to an administrative fine of up to EUR 3 000 for a natural person and EUR 15 000 for a legal person. In addition, officials of the Directorate-General for Competition, Consumption and Fraud Control may use the administrative policing (injunction) powers granted to them by Article L. 521-1 of the Consumer Code to stop such breaches. In addition, these decisions may be the subject of a publicity measure at the expense of the trader, pursuant to Article L. 521-2 of the Code.

References: This Order is adopted pursuant to Article L. 112-1 of the Consumer Code. It is available on the Légifrance website (<https://www.legifrance.gouv.fr>).

The Minister for the Economy, Finance and Industrial and Digital Sovereignty and the Minister Delegate to the Minister for the Economy, Finance and Industrial and Digital Sovereignty, responsible for enterprise, tourism and consumption,

Having regard to Directive (EU) 2015/1535 of the European Parliament and of the Council of 9 September 2015 laying down a procedure for the provision of information in the field of technical regulations and of rules on Information Society service, in particular Article 1 thereof;

Having regard to the Consumer Code, in particular Article L. 112-1 thereof;

Having regard to the Order of 16 November 1999 on advertising to consumers the unit prices for certain pre-packaged products

Having regard to notification No 2023/0757/FR addressed to the European Commission on 27 December 2023;

Having consulted the National Council for Consumer Affairs,

Hereby order:

Article 1

I. The provisions of this Article shall apply to undertakings or groups of natural or legal persons active in the distribution of consumer goods as defined in Article L. 441-4 of the Commercial Code who operate, directly or indirectly, a store with a sales area of more than 400 square metres.

II. When offering for sale a pre-packaged consumer product in a constant nominal quantity, the quantity of which has been reduced, and this results in an increase in the price per unit, the distributors mentioned in I shall indicate, in addition to the legal information on the prices in force, directly on the packaging or on a label attached or placed in the vicinity of that product in a visible, legible and in the same font size as that used to indicate the unit price of the product, the following, excluding any other possible formulation:

‘For this product, the quantity sold changed from X to Y and its price per (specify the unit of measurement concerned) increased by...% or EUR...’

Both X and Y values shall be given, as appropriate, by weight or volume. The unit of measurement shall be indicated in accordance with the second paragraph of Article 1 of the aforementioned Order of 16 November 1999.

III. The information obligation laid down in II shall apply for a period of two months, from the date on which the product is offered for sale in its reduced quantity.

Article 2

This Order shall enter into force on 1 July 2024.

Article 3

This Order shall be published in the Official Journal of the French Republic.

Done on 16 April 2024.

The Minister for the Economy, Finance and Industrial and Digital Sovereignty,
Bruno Le Maire

The Minister Delegate to the Minister for the Economy, Finance and Industrial and Digital Sovereignty, responsible for enterprise, tourism and consumption,

Olivia Grégoire