

UOOU-01271/21

The inspection at this company was initiated on the basis of 11 complaints about the sending of commercial messages. This was distributed between March and June 2021 and contained an offer of antigen tests and respirators with a link to the websites of e-shops where these goods were offered. The operator of these e-shops, for whose benefit the commercial messages were sent, is a controlled person sending commercial messages from several e-mail addresses. The inspected person stated that at the given time he had access to the goods (antigen tests and respirators) that were needed for the given time. For this reason, and also due to her ignorance of the marketing environment, she purchased a database of contacts, to some of whom she sent the commercial messages in question, without having the recipients' consent to this sending. After discovering the problem itself and being informed by the Office as part of the ongoing inspection, all activity was stopped. The controlled person thus sent commercial messages to the electronic addresses of the recipients without their prior consent and thus committed a violation of Section 7, Paragraph 2 of Act No. 480/2004 Coll. In the case of sending commercial messages from one of the e-mail addresses, a violation of § 7 paragraph 4 letter b) of Act No. 480/2004 Coll., as it did not contain information about the spreader, or about the person on whose behalf the business communication is being sent. The audited person was fined CZK 30,000 in administrative proceedings for this violation, which has already become legal and was also paid by the audited person.

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