

cultural and linguistic factors.<sup>14</sup> It is someone who takes reasonable care of their own interests. It is not a statistically 'average' consumer.

The CPRs do, however, provide for where a commercial practice is targeted at a particular group of consumers.<sup>15</sup> In these cases, the 'average consumer' will refer to the average member of that group, not the average consumer generally. This will be relevant to you if you are targeting your commercial practice at a particular group of consumers.

The CPRs also provide expressly for groups of consumers who are particularly 'vulnerable' to a commercial practice. These are consumers who, because of age, infirmity or credulity, may be more at risk from an unfair commercial practice. This might, for example, include the elderly and first-time buyers.<sup>16</sup> If services are canvassed at, or property is marketed at, a vulnerable group, then the 'average consumer' will refer to a member of that group, not the average consumer generally. In such cases, your standards will be expected to be higher to address the vulnerability of the average member of that group.

In the CPRs and in this guidance, the average consumer therefore means one of the following (whichever is applicable): the average consumer, the average targeted consumer or the average vulnerable consumer.

In general, in relation to property sales, the average consumer may be expected to:

- pay some attention to documentation, but not necessarily to read or understand small print unless key points are brought to their

<sup>14</sup> CPRs 2(2) and European Court of Justice case law.

<sup>15</sup> Indications of whether a group is targeted might be found in the way the advertising is placed, the language of a commercial communication, the nature of the product and the context.

<sup>16</sup> The elderly may be vulnerable on account of age, for example they may find it harder to resist pressure sales techniques, especially when dealing with sales staff in their own homes. First-time buyers may be vulnerable on account of credulity, since they have no previous experience of the home-buying process.