

whether and on what terms to make an offer on a property, instruct a solicitor or licensed conveyancer, commission a survey, apply for a mortgage, or complete on the purchase.

KEY POINT – A transactional decision is defined widely and is not simply a consumer's decision to use your services or not, or to buy a property or not. People who want to sell property and people who want to buy property are likely to make many transactional decisions before they actually come to sell or buy.

The Business Protection from Misleading Marketing Regulations 2008 (BPRs)

- 3.5 The BPRs prohibit you from engaging in misleading activities in your dealings with other businesses, for example when advertising your services to potential clients that are businesses or marketing property for sale to businesses.
- 3.6 Advertising covers not only broadcast, billboard and print advertising, but also other types of marketing and promotional activities such as verbal representations and details in catalogues or websites.
- 3.7 The BPRs ban misleading advertising to businesses. To prove an advertisement is misleading, it is necessary to show that it deceives or is likely to deceive the businesses that it addresses or reaches, and that as a result the advertisement either: (a) is likely to affect their economic behaviour, or (b) injures or is likely to injure a competitor. This might include cases where the misleading advertising causes a business to:
- engage your services under terms that they would not otherwise have agreed to and/or
 - incur expenses that they would not otherwise have incurred and/or
 - buy or sell a property when they would not otherwise have bought or sold and/or
 - buy or sell a property on more disadvantageous terms than they would otherwise have done and/or