



Guidelines regarding price indications and comparisons

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1 Introduction

It is important for consumers that prices are indicated in a clear and honest manner. Consumers always need context in order to be able to assess the value of a product. Without context, consumers are not able to determine what a reasonable price is, let alone a good price. A reference price (such as a 'now'-price, a 'suggested retail price' or a 'usually'-price) can offer such context if indicated correctly and honestly. A good reference price can offer consumers information that they need: what is the true value of this product, and how good is this offer? A false reference price gives consumers unreliable information, and may lead to consumers comparing less and paying more than necessary. That is why it is so important that reference prices are correct, and offer relevant information in a manner that is easy-to-understand for consumers. In that way, consumers are able to make well-informed choices when making purchases. Another reason for why it is important that prices are indicated correctly and honestly is the promotion of fair competition between businesses. That is why rules and regulations regarding price indications are in place, for example with regard to reductions and price comparisons.

In order to help businesses comply with the rules, the Netherlands Authority for Consumers and Markets (hereafter: ACM) has drawn up 'Guidelines regarding price presentations and price comparisons' (hereafter: the guidelines). These guidelines explain the rules that you need to comply with if you compare prices or indicate reductions. These guidelines can also be found on ACM's website [Guidelines regarding price indications and comparisons | ACM](#).

This is what we expect from you

We ask you to check how you indicate prices on all of your sales channels (such as brick-and-mortar stores, online, or an app), and to adjust this, if necessary. In that context, you can use these guidelines.

ACM wishes to emphasize that you are able to determine yourself what prices you wish to charge. You can also determine yourself whether or not you offer a reduction, and how much that reduction is. If you choose to offer reductions, please make sure you follow the rules.

Are you unable to find the information you need or do you still have questions?

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If so, please contact us by sending an email to Prijswaergave@acm.nl.

2 Basic principle

The most important basic principle is that, when offering a price reduction on a product, you as a seller make sure that this is a genuine price reduction. This means that you as a seller can only compare the reduced retail price¹ (the 'now-price') with the lowest retail price² that you charged for the product in the **30 days preceding** the discount.³ Sellers cannot give the impression that consumers get a bigger reduction than is actually the case. That is because, if they did, consumers could make a purchase they would not have made if they had had the right information.

As a seller, you thus compare the reduced retail price with the lowest price that you charged yourself in the 30 days preceding the price reduction. In that context, you can also compare the reduced retail price with other prices, such as a recommended retail price. If your suggestion of a price reduction puts consumers on the wrong track, it may be considered deception. Deception is an unfair commercial practice. In addition, specific rules and regulations regarding price indications are in place.

2.1 Applying this basic principle in the real world

For proper price indications, ACM has drawn up several rules of thumb (on the basis of current rules and regulations), which you need to comply with in any case:

1. No crossed-out prices except for the lowest price

You can only use crossed-out prices (or strikethrough prices) if they are the lowest price that you charged *yourself* in the 30 days preceding the price reduction.⁴

2. No fake price reductions

If a reference price is not the lowest price that you charged *yourself* in the 30 days preceding the price reduction, you cannot act as if a price reduction is being offered. In that case, you cannot use any price-indication techniques, such as indicating a percentage reduction (for example, 30% off), a value reduction (for example "50 euros off"), "was", or any other similar phrases that are commonly used for indicating a reduction.⁵

3. No artificially inflated prices

If a 'was'-price had been inflated prior to the special deal or if it is fictitious, the impression is given that a reduction or special deal is larger than it actually is. In such cases, the price has been artificially inflated, which is not allowed. Do you use a recommended price? If so, you must explain what that phrase means. In addition, you must be able to demonstrate that this price is not only recommended by the manufacturer, but that it is actually charged by other retailers on the market.⁶

4. Clear and prominent information

List the relevant characteristics of the indicated reference price in a clear and prominent manner by using a permanent text that is always indicated *immediately together with the price*⁷. For example, if you use the phrase 'recommended retail price', you need to indicate what this

¹ The price at which a product is offered after a price reduction. This is the new, reduced price, which is temporarily in effect.

² The lowest price at which a product has been offered in the 30-day period prior to a price reduction.

³ [Decision regarding price indications of products, Article 5a, paragraph 1 \(in Dutch\)](#)

⁴ [Guidance on the interpretation and application of Article 6a of Directive 98/6/EC of the European Parliament and of the Council on consumer protection in the indication of the prices of products offered to consumers \(2021/C526/02\), section 2.1](#) and the [Guidance on the interpretation and application of Directive 2005/29/EC of the European Parliament and of the Council concerning unfair business-to-consumer commercial practices in the internal market \(2012/C 526/01\), section 2.8.2.](#)

⁵ [Guidance on the interpretation and application of Article 6a of Directive 98/6/EC of the European Parliament and of the Council on consumer protection in the indication of the prices of products offered to consumers \(2021/C526/02\), section 2.1](#)

⁶ [Unfair Commercial Practices Directive, Article 12](#)

⁷ [Guidance on the interpretation and application of Directive 2005/29/EC of the European Parliament and of the Council concerning unfair business-to-consumer commercial practices in the internal market \(2012/C 526/01\), section 2.8.2.](#)

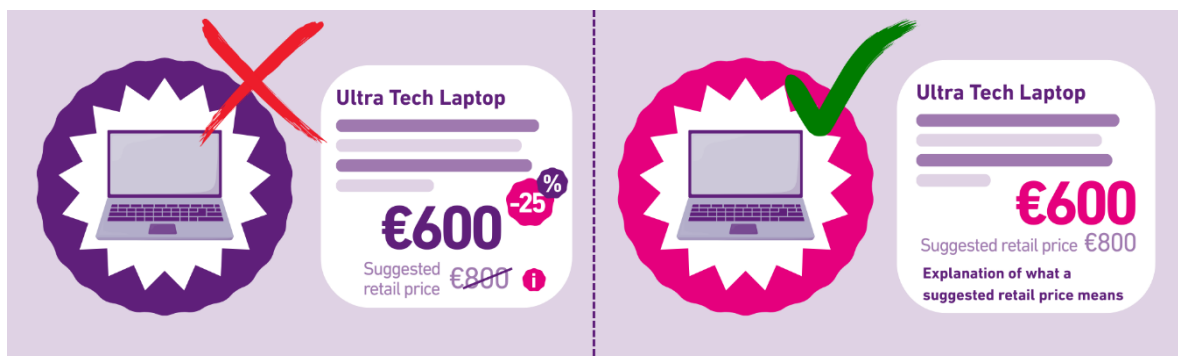
phrase exactly means. In that way, it will be clear to consumers at a single glance what the indicated price means.

5. No excessively long price reductions

Price reductions cannot last excessively long. Whether or not a special deal is excessively long (and thus whether or not it constitutes deception) depends on how long a product has been sold at the 'was'-price⁸. ACM considers a special deal lasting over three months to be excessive in any case.

Attention: It is allowed to combine price comparisons and price reductions. However, consumers must, on the basis of your information, be able to understand how much of a discount you actually offer on the product. For example, you may indicate a recommended price, while also offering a price reduction using a 'was/now' price. In such situations, prevent the price comparison with the recommended price from being interpreted as the price reduction.⁹ Therefore, make sure that it is clear what price the reduction is compared with. You can do so, for example, by using different colors, different fonts, and/or different font sizes.

2.2 Examples of price indications



X This price indication is not allowed. In this example, it is not explained immediately together with the 'suggested retail price' what this phrase means. It is also not allowed to give this information using an 'i' icon (behind the 'suggested retail price'). Such an icon is not a permanent, static text that is presented immediately together with the reference price. Also, you cannot cross out the 'suggested retail price' if this price is not the lowest price that was charged in the 30 days preceding the price reduction. In that case, there is no price reduction. The use of a percentage reduction is therefore not allowed.

✓ This price indication is allowed. In this example, an explanation of the phrase 'suggested retail price' is indicated immediately together with the 'suggested retail price', and is not hidden behind an 'i' icon.

In addition, the 'suggested retail price' is not crossed out, and no percentage reduction is indicated together with the price. Such reduction techniques can only be applied to the lowest price that was charged by the seller themselves in the 30 days preceding the price reduction.

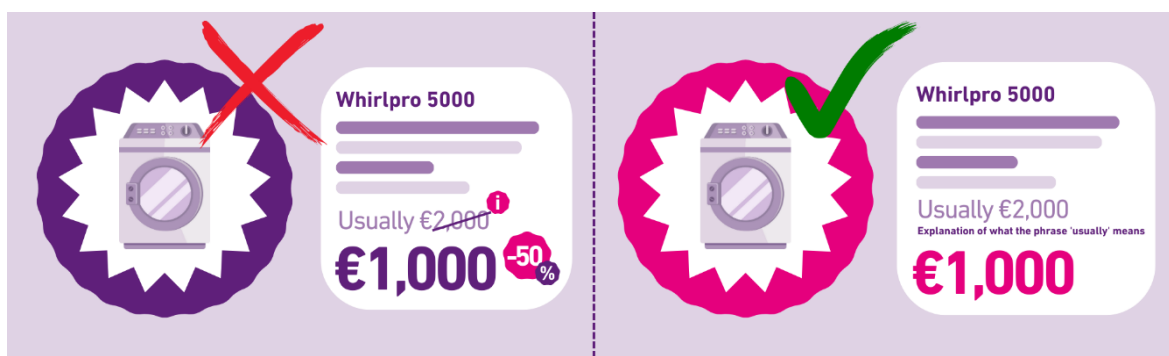
⁸ [Guidance on the interpretation and application of Article 6a of Directive 98/6/EC of the European Parliament and of the Council on consumer protection in the indication of the prices of products offered to consumers \(2021/C526/02\), section 3](#)

⁹ [Guidance on the interpretation and application of Article 6a of Directive 98/6/EC of the European Parliament and of the Council on consumer protection in the indication of the prices of products offered to consumers \(2021/C526/02\), section 3](#)
Court of Justice, September 26, 2024, [ECLI:EU:C:2024:804](#), (Aldi/Süd).



X This price indication is not allowed. The impression is given that there is a reduction of 20 percent. This reduction is compared with the “latest” price, which has been crossed out. However, reductions can only be compared with the lowest price that you charged yourself in the 30 days preceding the price reduction. This presentation may cause confusion as to what price the reduction is compared with.

✓ This price indication is allowed. Both the “latest” price and the “lowest” price are indicated, but this is not necessarily problematic because, in this example, the reduction is correctly compared with the crossed-out lowest price in the 30 days preceding the price reduction. It is also allowed to list multiple prices, as long they do not cause any confusion.



X This price indication is not allowed. It is not allowed to compare the price reduction with the ‘usually’ price. It is not allowed to cross out the ‘usually’-price. Indicating a percentage reduction in this example is not allowed either. Both of these are only allowed if the seller themselves charged the lowest price in the 30 days preceding the price reduction.

In addition, it is not explained immediately together with the ‘usually’-price what this phrase means.

✓ This price indication is allowed. In this example, it is explained immediately together with the ‘usually’-price what this phrase means, and this information is not hidden behind an ‘i’ icon.

In addition, the ‘usually’-price is not crossed out, and no percentage reduction is indicated together with the price. These reduction techniques can only be applied to the lowest price that was charged in the 30 days preceding the price reduction.



X This price indication is not allowed. Multiple prices can be indicated, but this must be done in a transparent and non-confusing manner. The crossed-out price here is not the lowest price that the seller themselves charged in the 30 days preceding the price reduction, but is the 'regular' price. This may create confusion regarding the magnitude of the actual reduction.

In addition, it is not explained immediately together with the 'regular price' what this phrase means using a permanent text.

✓ This price indication is allowed. The crossed-out price is the lowest price that the seller themselves charged in the 30 days preceding the price reduction.

It is also allowed to indicate multiple prices, as long as this does not create any confusion. It is explained immediately together with the 'regular price' what this phrase means using a permanent text.



X This price indication is not allowed. In this example, it is not explained immediately together with RRP what this phrase means. In addition, you cannot cross out 'RRP' (recommended retail price) if this was the lowest price that had been charged in the 30 days preceding the price reduction.

✓ This price indication is allowed. In this example, it is explained immediately together with the phrase RRP what that phrase means.

In addition, the phrase RRP is not crossed out, and no reduction percentage or price-indication techniques are used. These reduction techniques can only be applied to the lowest price that the seller themselves charged in the 30 days preceding the price reduction.

3 Exceptions and specific situations

In some cases, there are exceptions to the rules explained in these guidelines. Information about these special situations can be found below. With this information, you will know how to act if your situation does not fully fit the abovementioned situations.

3.1 Exceptions to the rule

- **Perishable products**

With products that perish relatively fast, such as vegetables, fruit, and meat products, you can indicate the retail price that you used right before the reduction.¹⁰

- **Progressive reductions**¹¹

With reductions where the reduction percentage continuously increases, you are allowed to use the same 'was' price for a period of no more than three months. The uninterrupted price drop¹² is the determining factor for the question of whether there is a progressive reduction, not the name or names that you give to the promotional deal or subsequent deals.¹³ Imagine that the lowest price of your product in the 30 days preceding the start of your price reduction was 100 euros. You indicate that the 'was'-price was 100 euros when indicating the first price reduction of, for example, 10 percent (was 100 euros, now 90 euros). You can subsequently use the same 'was'-price when indicating the subsequent price reductions of, for example, 20 percent (was 100 euros, now 80 euros) and 30 percent (was 100 euros, now 70 euros).

- **New products**

If you wish to offer a price reduction on a product that has been on the market for less than 30 days, you are allowed to indicate the lowest retail price that you charged yourself in a period that you have determined yourself. The period in which you charged this price must be reasonable. Also make sure that you indicate this period clearly.¹⁴

- **Products that have been on the market before**

Products are not considered to be new products on the market if you had already offered the product as a 'new' product, and you offer this product again as a 'new' product, after a period of interruption.¹⁵ This is only allowed if the period of interruption is very short, for example, because you ran out of stock.

3.2 Specific situations

- **Prices and promotional deals on different sales channels**

You are allowed to charge different prices and run different promotional deals on different sales channels (such as a brick-and-mortar store, online, or an app). This means that the same product can have different prices on different sales channels. Make sure that, when indicating these different prices *per sales channel*, you comply with the rules laid down in the Dutch Prices Act (in Dutch: Prijzenwet) and the Dutch Unfair Commercial Practices Act (in Dutch: Wet Oneerlijke Handelspraktijken).¹⁶

- **General promotional deals**

¹⁰ [Decision regarding price indications of products, Article 5a, paragraph 2](#) (in Dutch)

¹¹ A promotional deal where the reduction is gradually increased.

¹² A situation where the price of a product is gradually reduced, without raising it in the meantime.

¹³ [Decision regarding price indications of products, Article 5a, paragraph 3](#) (in Dutch)

¹⁴ [Decision regarding price indications of products, Article 5a, paragraph 4](#) (in Dutch)

¹⁵ [Guidance on the interpretation and application of Article 6a of Directive 98/6/EC of the European Parliament and of the Council on consumer protection in the indication of the prices of products offered to consumers \(2021/C526/02\), section 4.2.](#)

¹⁶ [Guidance on the interpretation and application of Article 6a of Directive 98/6/EC of the European Parliament and of the Council on consumer protection in the indication of the prices of products offered to consumers \(2021/C526/02\), section 2.1](#)

The rules in the guidelines also apply to general promotional deals, such as “20% off on everything”.¹⁷

- **Platforms or platform sellers**

All rules in these guidelines concern the sale of products, and, as such, also apply to situations where the sale takes place on platforms. If a platform acts as the seller, the rules in these guidelines also apply to the platform. Platform sellers must be able to comply with the rules in these guidelines. This means that platforms must make sure that platform sellers are able to indicate their prices correctly (or are only able to do so). Platforms can do so as follows:

- a. Adding references on the platform to rules and regulations regarding price indications; and
- b. Designing the platform in such a way that reduction indications (those of themselves and of platform sellers) comply with the current rules and regulations.

¹⁷ [Guidance on the interpretation and application of Article 6a of Directive 98/6/EC of the European Parliament and of the Council on consumer protection in the indication of the prices of products offered to consumers \(2021/C526/02\), section 2.2.](#)