one VOUCHER numerous exclusions - charges of President of UOKIK for Biedronka

* **President of UOKiK Tomasz Chróstny presses charges against Jeronimo Martins Polska, owner of the Biedronka chain stores.**
* **Consumers were not provided with reliable information on the rules of the “Magic of Toys and Books Discounts – Voucher” promotion.**
* **Through complicated terms and conditions, the way they were presented and incomplete messages about the terms of the promotion, the company may have violated the collective consumer interests.**

**[Warsaw, 4 August 2023]** *“Simply a ‘super promotion’ - you get a voucher, which you can hardly use for anything.(…) In addition, neither the employees in the store nor the customer service office can give examples of products on which the voucher can be used.”* This is how a Biedronka customer expressed their dissatisfaction under a post about the promotional campaign on the Facebook profile of the chain.

Similar signals regarding the “Magic of Toys and Books Discounts – Voucher” offer reached UOKiK and became the basis for the actions of the President of UOKiK. Advertising messages presented by Jeronimo Martins Polska in Biedronka chain stores indicated that if a consumer purchased 3 products - toys and books, with a Biedronka chain card or app, they would receive a voucher refund of 50% of the value of the purchased goods. The offer was in effect from 1 to 3 December last year, that is, immediately before Santa Claus Day, traditionally celebrated on 6 December, a period of heightened interest in gift shopping for children. President of UOKiK Tomasz Chróstny has charged Jeronimo Martins Polska with violating the collective consumer interests.

- *The timing of launching the promotion in Biedronka stores covered the pre-Christmas period, when most of us do more shopping than usually, which is also associated with the custom of gift-giving. The choice of a place, a store, a chain - often depends on additional bonuses, discounts, which, with increased spending, are attractive to consumers. In the case of the campaign organised by Jeronimo Martins Polska, the communicated benefits may have been misleading* - says President of UOKiK Tomasz Chróstny.

Next to the advertising information of the promotional campaign “TOYS AND BOOKS REFUND FOR VOUCHER 50% OF THEIR VALUE” there appeared the sign “\*” and specifying in smaller print that the voucher was valid only for industrial goods and textiles. Nowhere, however, was there any explicit information about the products included in these categories, but instead there were numerous goods, indicated in a poorly legible manner, in small font, that the promotion did not apply to, as well as information that the full list of exclusions was in the terms and conditions available on the chain’s website. Nowhere else was it possible, before making a purchase, to find out exactly what the voucher would or would not be used for. Only after taking advantage of the promotional campaign, from the information on the voucher, did consumers learn that excluded from the promotion were household chemical products, cosmetics, cleaning products or air fresheners, which, as commonly understood, might belong to the product categories covered by the promotion. At the same time, consumers could no longer cancel their purchases and request a refund.

According to the UOKiK’s assessment, the advertising materials presented by the company in Biedronka stores exposed only information about the benefits of the promotion, i.e. a refund of 50% of the value of toys and books for the voucher. Other important information, such as product exclusions, was shown illegibly, in small font or not at all. What is more, the offer’s complicated terms and conditions were not available in stores and could only be read on Biedronka’s website - because of which not all consumers had an easy access to them when shopping in a traditional store. Consumers did not get the reliable information they needed to decide whether to use the offer or not.

- *A trader organising promotions, especially those concerning simple activities such as doing daily shopping at discount stores or supermarkets, should create its rules in such a way that they are uncomplicated for consumers and that they can easily and accessibly learn about all its relevant terms. Jeronimo Martins Polska promoted an offer that contained a lot of exclusions and restrictions to advertising slogans and communicated this in a way that made it difficult for consumers to read. As a result, customers encouraged by the promotion were doing their shopping that, knowing the details of the campaign, they might not have chosen to do -* says President of UOKiK Tomasz Chróstny.

If the charges are confirmed, Jeronimo Martins Polska will face a fine of up to 10% of its turnover. This is not the first time that the President of UOKiK has questioned the manner in which this company’s promotional campaigns are conducted – recently, a [decision](https://uokik.gov.pl/aktualnosci.php?news_id=19648) imposing a penalty of more than PLN 160 million on the company for the “Biedronka Anti-Inflation Shield” was issued.

The President of UOKiK is constantly monitoring the activities of discount stores and supermarkets within the so-called FMCG industry, i.e. the market for the sale of necessities. Over the past 12 months, we have received more than 700 complaints from consumers against entities in the industry, about 50 percent of which were related to situations that occurred in Biedronka stores. The remaining signals mainly concern chains such as Lidl, Żabka, Auchan, Carrefour, and Kaufland, with the percentage of repeated serious irregularities observed by customers being much lower than in stores owned by Jeronimo Martins Polska. Nor is such a large number of complaints justified by the highest market share of all entities, more than 30 percent, of Biedronka stores in the FMCG market. In the opinion of the President of UOKiK, it is the complicated nature of the promotions, as well as their large number and frequency, and the manner in which Jeronimo Martins Polska prepares its marketing materials, that may have the main impact on such a large number of signals to UOKiK. Monitoring of the social media and newspaper articles also confirms these findings.

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