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Judgment of the Court in Case C-330/23 | Aldi Süd

A price reduction announced in an advertisement must be calculated on the basis of the lowest price in the last 30 days

A German consumers' association is challenging, before a German court, the manner in which the discounter Aldi Süd advertises price reductions or 'price highlights' such as, for example, for bananas and pineapples, in its weekly brochures.

↓ in English: 'price highlight'



↑ in English: 'Last selling price. Lowest price in the last 30 days: ...'

According to the consumers' association, Aldi is not entitled to calculate a price reduction in an advertisement on the basis of the price immediately prior to the offer (in the first example €1.69); rather, in accordance with EU law ¹, it must do so on the basis of the lowest price charged in the last 30 days (in the first example €1.29; a price which is identical to the allegedly 'reduced' price). According to that association, it is not sufficient simply to state the lowest price in the last 30 days in the advertisement. The same considerations apply to the description of a price as a 'price highlight'.

The German court submitted a question to the Court of Justice for a preliminary ruling in that regard.

The Court replies that **a price reduction which is announced by a trader in the form of a percentage**, or in the form of a promotional statement intended to stress the advantageous price of an offer, **must be determined on the basis of the lowest price applied by the trader during a period not shorter than 30 days prior to the application of the price reduction.**

Traders are thus prevented from misleading the consumer, by increasing the price charged before announcing a price reduction and thus displaying false price reductions.

NOTE: A reference for a preliminary ruling allows the courts and tribunals of the Member States, in disputes which have been brought before them, to refer questions to the Court of Justice about the interpretation of EU law or the validity of an EU act. The Court of Justice does not decide the dispute itself. It is for the national court or tribunal to dispose of the case in accordance with the Court's decision, which is similarly binding on other national courts or tribunals before which a similar issue is raised.

Unofficial document for media use, not binding on the Court of Justice.

The [full text and, as the case may be, an abstract](#) of the judgment is published on the CURIA website on the day of delivery.

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Images of the delivery of the judgment are available on '[Europe by Satellite](#)' ☎ (+32) 2 2964106.

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¹ [Directive 98/6/EC](#) of the European Parliament and of the Council of 16 February 1998 on consumer protection in the indication of the prices of products offered to consumers, as amended by Directive (EU) 2019/2161 of the European Parliament and of the Council of 27 November 2019.