The Supreme Court clarifies the parameters for assessing whether a commercial representation is false or misleading: The average consumer is credulous and inexperienced

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Lavery follows the evolution of consumer law closely. Its specialized expertise in the fields of retailing and class actions has been confirmed many times by stakeholders in the milieu. Lavery makes it its duty to keep the business community informed about these matters by regularly publishing bulletins that deal with judicial and legislative developments that are likely to leave their mark and influence or even transform practices in the milieu. The present bulletin analyzes a recent decision of the highest court in the country that will not fail to make waves in an area that affects all of us, that is advertising.

On February 28, 2012, the Supreme Court issued its judgment in the case of *Richard* v. *Time Inc. et al.* and, reversing the Court of Appeal's decision, partially reinstated the judgment of Justice Carol Cohen of the Superior Court who concluded that a commercial representation was false and misleading. According to the highest court in the country, the Court of Appeal erred in ruling that the average consumer has "an average level of intelligence, scepticism and curiosity".

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