CONSUMER AFFAIRS & PRODUCT LIABILITY

CLIENT ALERT

JULY/2019

ACCORDING TO SENACON, CHARGING A CONVENIENCE FEE FOR ONLINE PURCHASES OF TICKETS FOR SHOWS AND EVENTS IS NOT ABUSIVE

In a technical note signed last Thursday (11), the National Consumer Secretariat (SENACON) positioned itself affirming that charging the convenience fee for the purchase of tickets on the internet is not illegal nor abusive.

According to the SENACON, the convenience fee for online purchase of tickets for shows and events is not, by itself, abusive.

The opinion was disclosed to the other bodies of the National Consumer System (e.g., Procons and the Public Attorney's Office), due to the doubts that arose from the decision issued in March 2019 by the Superior Court of Justice (STJ), which considered the sale of tickets in a virtual environment (the internet) associated to a single intermediary and through the payment of a convenience fee to be abusive (Appeal n. 1,737,428/RS).

In SENACON's opinion, there are consumers who would be harmed if charging the convenience fee were prohibited, since they would no longer be able to acquire the tickets through the internet. It is, therefore, a contractual freedom available between suppliers and consumers.

However, SENACON highlights that the duty to inform consumers in a clear and transparent manner is an important element to support the analysis of the validity or invalidity of the convenience fee: the collection of the fee must be informed in a clear, transparent and clearly visible way to consumers. In addition, the option to acquire the ticket in person must be provided.

Veirano's Consumer Affairs team is available to clarify any issues or assist in this subject.

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