

## **NOT EVERYONE IS AUTHORIZED TO USE THE DESIGNATION "SPA"**

On 17 February 2025, the Regional Administrative Court of Lazio-Roma issued its judgment in case no. 3410. An economic operator in the thermal sector had brought a complaint before the Court demanding the annulment of a provision issued by the Italian Antitrust Authority (AGCM).

The latter had ordered the dismissal of the complainant's report concerning an unfair commercial practice carried out by another company operating in the same sector. Namely, the contested practice entailed the unlawful use of the word "*spa*" (*salus per aquam*) and of its derivatives.

### **The specific case**

The complainant had reported to the Italian Antitrust Authority the misleading nature of the message conveyed by the said economic operator, which used the term "*spa*" and its derivatives to designate wellness centers that lacked thermal water. The existence of the abuse was alleged with reference to the name of these facilities and to the commercial communications they conveyed. Moreover, the complainant also contested the inadequacy of the investigation carried out by the AGCM in the proceedings.

### **The Court's decision**

The Regional Court, through its judgment, upheld the applicant's complaint. The Court ruled that, pursuant to Article 2 of Law no. 323/2000, the term "*spa*" and its derivatives could only be used with respect to facilities that use thermal waters with therapeutic effects. The Court further clarified that, under Article 3 of the above-mentioned law, the use of such terminology is only allowed in situations where thermal treatments with proven therapeutic efficacy are carried out.

### **Final considerations**

In light of the above, it should be noted that the deceptive scope of the said terminology must be assessed not only on the basis of the information provided through the facilities' advertising or institutional channels, but also by taking into account their name. Therefore, despite being described as "*wellness centres*," the mere inclusion of the word "*spa*" in the facilities' names was deemed as sufficient to elude of the law in force.

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