

Compliance Notice

Section 75 of the Consumer Protection Act 2007

Company Secretary

Ice Bath Limited,
16 White Pines Drive,
Stocking Avenue,
Rathfarnham,
Dublin 16

Competition and Consumer
Protection Commission,
Bloom House,
Railway Street,
Dublin 1,
D01 C576

I, [REDACTED], an Authorised Officer of the Competition and Consumer Protection Commission (the "CCPC"), duly appointed under section 35 of the Competition and Consumer Protection Act 2014, hereby give you, Ice Bath Limited, notice, pursuant to section 75(2) of the Consumer Protection Act 2007 (the "2007 Act"), that I am of the opinion that you have engaged in a prohibited act or practice as defined in section 67(s) of the 2007 Act by contravening Part 5 of the Consumer Rights Act 2022 (the "2022 Act"), namely that you failed to comply with your obligations as a trader under section 117 (3) of the 2022 Act.

A. Statement of alleged contravention

That you, Ice Bath Limited of Unit 4, Tuckmilltown, Straffan, Kildare, W23 KT53, a trader for the purposes of the 2007 Act and the 2022 Act, engaged in a contravention of Part 5 of the 2022 Act by committing an offence under section 117(11) of the 2022 Act, namely that you breached section 117(3) of the 2022 Act, by failing to reimburse a consumer's payment (order confirmation no. #1045) without undue delay and in any event not later than 14 days after the day on which you were informed of the consumer's decision to cancel the contract.

Such a failure to comply with your obligations as a trader being a prohibited act or practice as described by section 67(s) of the 2007 Act.

B. My opinion

I am of the opinion that you, Ice Bath Limited, engaged in the prohibited act or practice outlined in the statement of alleged contravention above by failing to reimburse a consumer's payment without undue delay and in any event not later than 14 days after the day on which you were informed of the consumer's decision to cancel their contract.

C. The reasons for my opinion

The reasons for my opinion are based on the following:

1. Ice Bath Limited can be described as a "trader" for the purposes of the 2007 Act and the 2022 Act.
2. Ice Bath Limited, on its website, www.icebath.ie, provided a facility for consumers to conclude distance contracts with Ice Bath Limited. Distance contracts are defined by section 2 of the 2022 Act as *"a contract concluded between a trader and a consumer under an organised distance sales or service provision scheme without the simultaneous physical presence of the trader and the consumer, and with the exclusive use of one or more means of distance communication up to and including the time at which the contract is concluded"*.
3. On 24 June 2024, a consumer purchased an ice bath cover (order confirmation no. #1045) via your website. The consumer received email confirmation of their purchase on 24 June 2024. The consumer did not receive their order.
4. On 26 July 2024, the consumer unequivocally informed you of their decision to exercise their right to immediately cancel the contract by requesting a refund by emailing Icebath.ie@gmail.com.

5. The consumer did not receive a refund without undue delay or in any event within 14 days of you having been provided with their notice of their decision to cancel the contract.

D. Compliance directions and requirements

1. Ice Bath Limited is hereby directed to comply with its obligation under the 2022 Act to reimburse any consumer who exercises their right to cancel a contract in accordance with the 2022 Act. Ice Bath Limited must reimburse all such consumers without undue delay and in any event not later than 14 days after the day on which it is informed of the relevant consumer's decision to cancel the contract.
2. You must be in compliance with this compliance direction and requirements by **14 April 2025**.
3. This compliance notice in no way impacts your obligations to fully comply with all legal obligations between the date of this compliance notice and the date on which this compliance notice takes effect.

E. Appeal Procedure

1. You may appeal this Compliance Notice to the District Court in the district in which the notice is served **within 14 days after its service**.
2. The form and manner of such an appeal is to be found in the District Court Rules, Form 40D.01 Schedule C. This is available from the registrar at your local District Court office or on the Courts Service website.
3. In the event that you decide to appeal the Compliance Notice, you must, at the same time, notify the CCPC at the above address. You must also notify the CCPC of the grounds for the appeal.

4. If an appeal is not made in accordance with section 75 of the 2007 Act and within 14 days after service of the notice, this notice will be treated as not disputed, you will be deemed to have accepted the notice and to have agreed to comply with the compliance direction and requirements.
5. Any failure or refusal to comply with this notice is an offence and, on summary conviction, you will be liable to the fines and penalties set out in Part 5, Chapter 4 of the 2007 Act.

Signature: [REDACTED]

[REDACTED]

Authorised Officer

Competition and Consumer Protection Commission

Date: 21 March 2025