

Compliance Notice

Section 75 of the Consumer Protection Act 2007

Smor Hotels Limited t/a Riverbank House
Hotel,
Suite 234, Blanchardstown Corporate Park 2,
Dublin,
Dublin 15,
D15 F5CD
Ireland

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

I, [REDACTED] an authorised officer of the Competition and Consumer Protection Commission, duly authorised under section 35 of the Competition and Consumer Protection Commission Act 2014, hereby give you, Smor Hotels Limited, notice, pursuant to section 75(2) of the Consumer Protection Act 2007 ('the **2007 Act**') that I am of the opinion that you, Smor Hotels Limited trading as Riverbank House Hotel ('**Smor Hotels Limited**'), have committed a prohibited act or practice, namely a misleading commercial practice under section 43(1) of the 2007 Act as set out in section 43(3)(c) of the 2007 Act, such a misleading practice being a prohibited act or practice as defined by section 67(a) of the 2007 Act.

A: Statement of alleged contravention

1. It is my opinion that you, Smor Hotels Limited, a trader for the purposes of the 2007 Act, have engaged in a misleading commercial practice by providing false information regarding the price of drinks, and that information would be likely to cause the average consumer to make a transactional decision that they would not otherwise make.
2. Such a misleading commercial practice, being prohibited under section 42(1) of the 2007 Act, as described by sections 43(1) and 43(3)(c), is an offence contrary to section 47 of the 2007 Act.

3. Further, such a misleading commercial practice is a “prohibited act or practice” in accordance with section 67(a) of the 2007 Act.

B. My Opinion

1. I am of the opinion that you, Smor Hotels Ltd, engaged in the prohibited act or practice outlined in the statement of alleged contravention above by providing false information on the menu available at the bar and that information would be likely to cause the average consumer to make a transactional decision that the average consumer would not otherwise make.

C. The Reasons for my opinion

1. My opinion follows an inspection on 16 September 2024 at the Riverbank House Hotel, The Bridge, Ferrybank, Wexford, Y35 AH33 (‘the Premises’). The reasons for my opinion are based on the following:
- a. Smor Hotels Limited can be described as a “trader” for the purposes of the 2007 Act. Trader is defined in section 2 of the 2007 Act.
 - b. During the inspection at the Premises on the 16 September 2024, it was noted that the products identified below displayed a different price as specified on the drinks’ menu (as stated in the middle column of the below table) than what was charged at the bar (as listed in the right-hand column in the table below):

Product	Price on menu	Price on POS system
Rosé Papillon Grenache Rose Bottle	€28	€29
Rosé Papillon Grenache Rose Glass	€7	€7.20

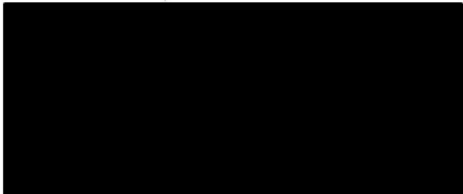
2. I believe therefore, that you, Smor Hotels Ltd, provided false information in respect of the price display of drinks, and the information would be likely to cause the average consumer to make a transactional decision that they otherwise would not make.
3. Section 2 of the 2007 Act defines 'transactional decision' as:
“Means, in relation to a consumer transaction, any decision by the consumer concerning whether, how or on what terms to do, or refrain from doing, any of the following:
(a) purchase the product;
(b) make payment in whole or in part for the product;
(c) retain or return the product after its purchase;
(d) dispose of the product;
(e) exercise a contractual right in relation to the product;”
4. In my view, Smor Hotels Ltd provided false information in respect of the displayed prices for drinks and this information would be likely to cause the average consumer to make a transactional decision that they would not otherwise make where the price displayed on the drinks' menu is lower than the actual price charged at the bar for all goods sold.

D. Compliance Direction and Requirement

1. Smor Hotels Limited, a trader, is hereby directed to remedy the contraventions identified in this notice, namely, to remedy the prohibited practice identified above in Sections A, B, and C in this Notice by ensuring that the prices displayed on all signage and menus corresponds to the prices charged at the bar.
2. You must comply with this compliance direction and these requirements by 5 May 2025.

E. Appeal Procedure

1. Smor Hotels Limited 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 are to be found in the District Court Rules. This form is available from the registrar at the local District Court office or on the Courts Service website www.courts.ie.
3. In the event that Smor Hotels Limited decides to appeal the Compliance Notice, Smor Hotels Limited must, at the same time, notify the Competition and Consumer Protection Commission of the appeal at Bloom House, Railway Street, Dublin 1, D01 C576. Smor Hotels Limited must also notify the Competition and Consumer Protection Commission 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, Smor Hotels Limited will be deemed to have accepted the notice and have agreed to comply with the compliance direction and requirement. Any failure or refusal to comply with this notice is an offence, and on summary conviction, Smor Hotels Limited will be liable to the fines and penalties set out in Part 5, Chapter 4 of the 2007 Act.



Authorised Officer

Competition and Consumer Protection Commission

14 April 2025