

Compliance Notice

Section 75 of the Consumer Protection Act 2007

Ms Kate O' Leary



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

I,  an authorised officer of the Competition and Consumer Protection Commission (hereinafter 'the CCPC'), duly authorised under section 35 of the Competition and Consumer Protection Act 2014, hereby give you, Ms Kate O' Leary, notice, pursuant to section 75(2) of the Consumer Protection Act 2007, as amended ('the 2007 Act'), that I am of the opinion that you engaged in a prohibited act or practice as defined in section 67(e) of the 2007 Act, namely a contravention of Article 4(1) of the Retail Price (Beverages in Licensed Premises) Display Order 1999 (S.I. No. 263 of 1999) ('the 1999 Order'), and hereby direct Ms Kate O' Leary to remedy that contravention in the manner set out in Section D below.

A. Statement of Alleged Contravention

For the reasons outlined in section C below, it is alleged that you, Ms Kate O' Leary, a trader for the purposes of the 2007 Act, engaged in a prohibited act or practice (as defined in section 67(e) of the 2007 Act) constituted by a contravention of Article 4(1) of the 1999 Order by failing to display, immediately outside or immediately inside each entrance to the premises which is open to the public at The Laurels, Pub and Restaurant, Main St, Killarney, Co. Kerry ('the Premises'), a notice specifying the price charged:

- per pint or 568 millilitres of at least one kind of draught stout, ale, lager and cider.
- per bottle of a capacity of 330 millilitres of at least one kind of stout, ale, lager and cider.
- per 35.5 millilitres of at least one kind of whiskey, vodka, and gin.
- per bottle of at least one kind of carbonated beverage in bottles of a capacity of 200 millilitres.
- per bottle of at least one kind of carbonated beverage having a cola base in bottles of a capacity of 200 millilitres.

- per bottle of at least one kind of mixer in bottles of a capacity of 113 millilitres.
- per bottle of at least one kind of bottled water in bottles of a capacity of 250 millilitres.
- per bottle of at least one kind of wine in bottles of a capacity of 187 millilitres.

B. My Opinion

I am of the opinion that you, Ms Kate O' Leary, engaged in the prohibited act or practice outlined in the statement of alleged contravention above by failing to display on the Premises the notice set forth in Article 4(1) of the 1999 Order, which requires information on the price of at least 16 specified alcoholic and non-alcoholic beverages ('the 16-item list') to be displayed immediately outside or immediately inside each entrance to the Premises which is open to the public.

C. The Reasons for My Opinion

The reasons for my opinion are based on the following:

1. Ms Kate O' Leary can be described as a 'trader' for the purposes of the 2007 Act. 'Trader' is defined in section 2 of the 2007 Act.
2. Section 67(e) of the 2007 Act states that a prohibited act or practice is any contravention of an order referred to in section 92 of the 2007 Act, one of which is the 1999 Order, which requires every person who carries on in the State the business of selling intoxicating liquor by retail in any premises for consumption on the premises to display certain information on the beverages sold and their respective quantities and prices, including the 16-item list, in accordance with Article 4(1) of the 1999 Order.
3. I conducted an inspection of the Premises on 18 September 2024 and found that, in contravention of Article 4(1) of the 1999 Order, no notice was displayed on the Premises listing the 16 specified beverages, such a contravention being a prohibited act or practice as defined in section 67(e) of the 2007 Act.

D. Compliance Direction and Requirement

You, Ms Kate O'Leary, a trader, are hereby directed to display, in a clearly visible and legible form, a notice in accordance with the requirements of Article 4(1) of the 1999 Order, to be displayed immediately outside or immediately inside each entrance to the Premises which is open to the public and specifying the 16 beverages required by the said Article 4(1), together with their respective quantities and price, as detailed above.

You must comply with this compliance direction and requirement by 24 March 2025.

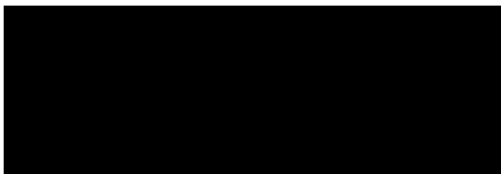
E. Appeal Procedure

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**.

The form and manner of such an appeal can be found in the District Court Rules (Order 40D), Form 40D.01 Schedule C. This form is available from the registrar at your local District Court office or on the Courts Service website www.courts.ie.

In the event that you decide to appeal the Compliance Notice, you must, at the same time, notify the CCPC of the appeal at Bloom House, Railway Street, Dublin 1, D01 C576. You must also notify the CCPC of the grounds for the appeal.

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 have agreed to comply with the compliance direction and requirement. Any failure or refusal to comply with this notice without reasonable excuse 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.



Authorised Officer

Competition and Consumer Protection Commission

4th March 2025
