

Compliance Notice

Section 75 of the Consumer Protection Act 2007

Stephen Carr
c/o Hybrid Imports Limited
60 Fourth Avenue
Cookstown Industrial Estate
Dublin 24

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 authorised under section 35 of the Competition and Consumer Protection Act 2014, hereby give you, Stephen Carr, trading at Hybrid Imports Limited 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 further described herein.

A: Statement of alleged contravention

1. That you, Stephen Carr trading at Hybrid Imports Limited, a trader for the purposes of the 2007 Act, on 27 June 2021 engaged in a misleading commercial practice by providing false information in relation to the main characteristics of a product, namely a motor vehicle's usage or prior history, that would be likely to cause the average consumer to make a transactional decision that the average consumer would not otherwise make. Such a misleading commercial practice, being prohibited under section 42(1) of the 2007 Act as described by sections 43(1) and 43(3)(b)(vii) of that Act, is an offence contrary to section 47 of the 2007 Act.

2. 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, Stephen Carr, trading at Hybrid Imports Limited, engaged in the prohibited act or practice outlined in the statement of alleged contravention above, by providing false information in respect of a vehicle’s usage or prior history, such practice being a prohibited act or practice pursuant to section 67 of the 2007 Act.

C: The reasons for my opinion in this regard are based on the following:

1. You, Stephen Carr, trading at Hybrid Imports Limited can be described as a trader within the meaning of the 2007 Act.
2. You, Stephen Carr, trading at Hybrid Imports Limited, obtained a motor vehicle, a Toyota Aqua with registration number 152D33038 (the “Motor Vehicle”) in the course of your trade. The Motor Vehicle was imported from Japan where its registration number was 500MU6682.
3. On 15 June 2021 a consumer viewed the Motor Vehicle and paid a deposit to you. The odometer reading on the Motor Vehicle was 87,735km. The consumer took a photo of the odometer reading. They obtained a vehicle history report for the Motor Vehicle through the website www.carvx.jp. The vehicle history report showed an odometer reading of 144,431km on 8 December 2020, prior to export from Japan. On 18 June 2021 they declined to complete the transaction after obtaining the history report. They informed you of the odometer discrepancy. You refunded their deposit and reimbursed the cost of the vehicle history report they had purchased.

4. You, Stephen Carr, trading at Hybrid Imports Limited, were named in an advertisement relating to the Motor Vehicle on www.donedeal.ie first published on 23 June 2021. This advertisement states that the Motor Vehicle's mileage is 91,000km.
5. On 29 June 2021 you subsequently sold the Motor Vehicle to a consumer. In an email to the consumer's relative on 27 June 2021 prior to the sale, you told them it had an odometer reading of 91,000km. You did not tell the consumer or their relative about the odometer discrepancy you were informed about.
6. The existence of such mileage discrepancy is likely to cause the average consumer to make a transactional decision that the average consumer would not otherwise make. In my opinion, the consumer would not have purchased the Motor Vehicle if you had provided true and accurate information about its usage or prior history.
7. Therefore, I am of the opinion that you Stephen Carr, trading at Hybrid Imports Limited, at 60 Fourth Avenue, Cookstown Industrial Estate, Dublin 24 on 27 June 2021 engaged in a misleading commercial practice by providing false information in relation to the main characteristics of a product, namely a motor vehicle's usage or prior history, that would be likely to cause the average consumer to make a transactional decision that the average consumer would not otherwise make. Such a misleading commercial practice, being prohibited under section 42(1) of the 2007 Act as described by sections 43(1) and 43(3)(b)(vii) of that Act, is an offence contrary to section 47 of the 2007 Act.

D: Compliance direction and requirements

1. You, Stephen Carr, trading at Hybrid Imports Limited are hereby required to provide true and accurate information in all your communications, including advertisements, with or to consumers with respect to the usage and prior

history, accurate vehicle mileage records and NCT dates of every motor vehicle advertised or offered for sale by you.

2. You must comply with this compliance direction and requirements by 21 August 2024.
3. This compliance notice in no way impacts your obligation 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 court 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 form 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 under section 75(5) of the 2007 Act, you must, at the same time under section 75(6) of the 2007 Act, 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.
4. If an appeal is not made in accordance with section 75(5) of the 2007 Act 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.

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:



Authorised Officer
Competition and Consumer Protection Commission

Date: 30 July 2024