

## Compliance Notice

### Section 75 of the Consumer Protection Act 2007

Company Secretary,  
ITX Retail Ireland Limited,  
Fifth Floor Block 5  
Harcourt Centre  
Harcourt Road  
Dublin 2

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, duly appointed under section 35 of the Competition and Consumer Protection Act 2014, hereby give you 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, 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.

#### A. Statement of Alleged Contravention

1. That you, ITX Retail Ireland Limited, a trader for the purposes of the 2007 Act, as of 19 January 2024, have engaged in a misleading commercial practice by providing false information in relation to the price of a product, 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) of that Act, 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, ITX Retail Ireland Limited, engaged in the prohibited act or practice outlined in the statement of alleged contravention above, by providing false information in relation to the price of a product and that information would be likely to cause the average consumer to make a transactional decision that they would not otherwise make.

**C. The Reasons for my Opinion**

1. My opinion follows an inspection on 19 January 2024, at Zara, Liffey Valley Shopping Centre, Fonthill Rd, Palmerston Upper, 57/58, Co. Dublin, D22 KW52
2. The reasons for my opinion are based on the following:
  - a. ITX Retail Ireland Limited, is a legal person and can be described as a “trader” for the purposes of the 2007 Act. Trader is defined in section 2 of the 2007 Act.
  - b. The product identified below was displayed for sale to consumers at a certain price but scanned at the till at a price different to that displayed, namely:
    - **Girls Dress Brown 4-5 Years -Barcode: 01042207670609.**  
**Was priced at €17.95, sale price displayed €6.99. Price charged at till €9.99.**
  - c. Section 2 of the 2007 Act defines “transactional decision” as being:  
“...in relation to a consumer transaction, whether or not that transaction is completed, 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;”

3. In my view, the average consumer would be likely to make a transactional decision that they would not otherwise make where the price displayed is different (and in this case lower) than the price that is scanned and would be charged at the till.

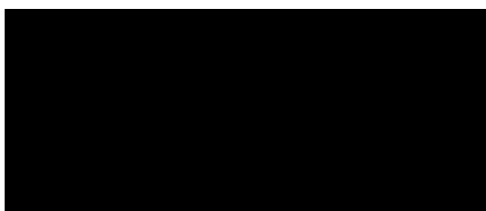
#### **D. Compliance Direction and Requirement**

1. ITX Retail Ireland Limited, a trader, is hereby directed to remedy the contraventions identified in this notice, namely, to remedy the prohibited acts or practices described above under Sections A, B and C of this notice.
2. You must comply with this compliance direction and requirement by 17 June 2024.

#### **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 form is available from the registrar at your local District Court office or on the Courts Service website [www.courts.ie](http://www.courts.ie).
3. In the event that you decide to appeal the Compliance Notice, you must, at the same time, notify the Competition and Consumer Protection Commission of the appeal at, Bloom House, Railway Street, Dublin 1, D01 C576. You 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, 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, 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  
27 May 2024