

Consumer Protection List 1st July 2008 to June 30th 2009

1. Prohibition Orders - Section 71 - CPA

Prohibition Order against a furniture retailer

On 5th March 2009, the National Consumer Agency was granted an order by Dublin Circuit Court prohibiting Emerald Fine Furnishings Limited, 2 Convent Road, Dun Laoghaire from committing or engaging in a number of acts or practices in contravention of the Consumer Protection Act 2007 by advertising that:

- (a) the business is closing down or moving premises when it is not,
- (b) it is seeking to “clear the entire contents” of its showrooms when it is not closing down or moving premises,
- (c) falsely representing that a product is for sale for a limited period or on a limited basis for a particular time,
- (d) the product is on sale for the “last few days” or on sale at a certain price for the “last few days” when that was not so,
- (e) providing misleading information to consumers in relation to the price of any product or the existence or nature of a specific price advantage in relation to any product, and
- (f) representing to consumers that its products were available for what was described as a “why pay” price when the products were not on sale at that price

2. Undertakings obtained by the Agency- Section 73 CPA

Airport Used Car Centre Ltd. Airport Rd. Swords, Co. Dublin

In August 2008 Airport Used Car Centre Ltd. undertook to comply with Section 42 and Section 43 of the Consumer Protection Act 2007 by refraining from selling “clocked” cars and undertook to compensate consumers affected by the misleading commercial practice within 4 weeks of an application for such compensation by an affected consumer.

Bannerton Motors Ltd. Ballinasloe, Co. Galway

In November 2008 Bannerton Motors Ltd. undertook to comply with the prohibition on misleading commercial practices imposed by Section 42 and Section 43 of the Consumer Protection Act 2007 by refraining from selling “clocked” cars and undertook to compensate consumers affected by the misleading commercial practice within 4 weeks of an application for such compensation by an affected consumer.

Magazines 365 Ltd. t/a Magazines 365.com Genoa House, 1A Drummartin Rd. Dublin 14

In October 2008, Magazines 365 Ltd. undertook to comply with the general prohibition on misleading commercial practices imposed by Section 42 and Section 43 of the Consumer Protection Act 2007 by having adequate procedures in place for dealing with customers complaints, refunding customers for non delivery of magazines and refraining from taking subscriptions for magazines which were not available to the general public. They also undertook to compensate consumers prejudiced by the unfair and misleading commercial practices in which it had engaged.

Sports Division Eireann Ltd. t/a JJB Sports, Blanchardstown Retail Park, D15

In January 2009 Sports Division Eireann Ltd. t/a JJB Sports gave an undertaking to comply with the provisions of the Act, to refrain from misleading advertising, which gave the impression that everything was on sale at a discount of 99.9% when this was not true. The company also gave a commitment that any future advertising or discount offers would be clear and unambiguous.

Envirocare Pollution Control Ltd., C/O Kingspan Group PLC, Dublin Rd., Kingscourt, Co. Cavan

In January 2009 Envirocare Pollution Control Ltd which is engaged in the manufacture and supply of sewage treatment and wastewater products, gave an undertaking to

- comply with the general prohibition on misleading commercial practices under the Consumer Protection Act 2007,.
- refrain from representing or marketing a sewage treatment plant as certified by the Irish Agrément Board without meeting the full conditions of the certification, and
- compensate consumers by installing a free alarm to treatment systems that were represented as Irish Agrément certified (IAB approved), when the condition regarding the installation of an alarm system as part of the package had not been met

NB. In addition to the above, undertakings were obtained from two furniture retailers to refrain from engaging in misleading advertising practices in the context of their advertising. Given that the businesses in question were small local operations and considering the nature of the advertising in question, the Agency took the view that publication of the undertakings was not warranted in these cases.

3. Compliance Notices - Section 75 CPA

Traders who charged more for consumer goods than the price displayed In contravention of Sections 42 and 43 of the Consumer Protection Act 2007

Number of Businesses: 27

Number of Compliance Notices issued: 29

- Barry Arthurs t/a Supervalu, 83 Tullow St., Carlow
- Jimmar Ltd. t/a Argue's, Londis, Railway Rd., Cavan
- Drumacon Retail Enterprise Ltd. t/a Fitzpatrick's Gala, Creeny, Belturbet, Co. Cavan
- Finchwood Retail Ltd. t/a Londis Marble Arch, Main St., Blacklion, Co. Cavan
- Haugh's Central Stores Ltd. t/a Mace, O'Curry St., Kilkee, Co. Clare
- Anthony Fallon t/a Eurospar, Main St., Corofin, Co. Clare
- Gerry Fagan t/a Gerrys Supermarket, 31 Strand St., Skerries Co. Dublin.
- Foxfield Properties Ltd, t/a Centra Greendale, Greendale Shopping Centre, Kilbarrack, Dublin 5
- Fresh Opportunities Ltd. t/a Fresh Supermarket, Smithfield, Dublin 7
- Tesco Ireland Ltd. t/a Tesco, Clearwater Shopping Centre, Finglas, Dublin 11
- Tesco Ireland Ltd. t/a Tesco, Dundalk Shopping Centre. Dundalk, Co. Louth
- Woodies D.I.Y. Ltd. t/a Woodies, The Park, Carrickmines, Dublin 18
- DSG Retail Ireland Ltd. t/a Currys, The Park, Carrickmines, Dublin 18
- Knockcullen Retail Ltd. t/a Daybreak, 4 Lower Georges St., Dun Laoghaire Co. Dublin
- Coilbee Holdings Ltd, t/a Centra, Hampton St., Balbriggan, Co. Dublin
- Edward Glennon t/a Eurospar, Skerries Point Shopping Centre, Skerries, Co. Dublin
- TJN Ltd. t/a Nestor's Supervalu, Orantown Centre, Oranmore, Co. Galway

- Harvey Norman Holdings Ireland Ltd. t/a Harvey Norman, Manor West Retail Park, Tralee, Co. Kerry
- Select Retail Holdings & Subsidiary t/a Superquinn, Market Cross Shopping Centre, Kilkenny
- Dunnes Stores Ltd. t/a Dunnes Stores, Mc Donagh Junction Shopping Centre, Kilkenny
- Peleton Ltd. t/a Supervalu Supermarket, Thomastown, Co. Kilkenny
Number of Compliance Notices Issued: 2
- Kevin Keane t/a Costcutters Express, Main St., Rathdowney, Co. Laois
- Derek Moran t/a Moran's Eurospar, Bredin St., Drogheda, Co. Louth
- Southbeg Malt Ltd. t/a Conlon's, Londis, Dublin Rd., Dundalk, Co Louth
- JV Cummins (Supermarkets) Ltd. t/a Supervalu, New St., Ballinrobe, Co. Mayo
- Palos Hills Ltd. t/a Eason, Tone St., Ballina, Co. Mayo
- Peter McMahon t/a McMahon Centra Supermarket, The Glencairn Centre, Main St. Castleblaney, Co. Monaghan
- Patrick J. Flynn & Sons Ltd., t/a Top Service Station, Harbour Rd., Bannagher, Co. Offaly

Traders who sold alcoholic beverages where the % alcohol by volume was less than indicated on the bottle in contravention of Sections 42 and 43 of the Consumer protection Act 2007.

Number of Businesses: 2

Number of Compliance Notices: 2

- Belinda O'Brien t/a Bowes Bar, Killealy, Co. Wexford
- Barrack Street Brewery Ltd., Barrack St., Enniscorthy, Co. Wexford

4. Fixed Payment Notices- Section 85 CPA

EC (Requirement to Indicate Product Prices) Regulations, 2002

Fixed Payment Notices paid to the Agency: 39

No of traders: 33

- Jimmar Ltd. t/a Argue's, Londis, Railway Rd. Cavan
- Lanabus Ltd. t/a Londis, 45 Thomas Hand St., Skerries, Co. Dublin
Total Fixed Payment Notices Received: 2
- Knockcullen Retail Ltd. t/a Daybreak, 4 Georges St. Dun Laoghaire, Co.Dublin
- Tesco Ireland Ltd. t/a Tesco, Bloomfield Shopping Centre, Dun Laoghaire, Co. Dublin
- Tesco Ireland Ltd., Tesco Clearwater Shopping Centre, Finglas, Dublin 11
- Edward Glennon t/a Eurospar, Skerries Point Shopping Centre, Skerries, Co. Dublin
- Mazerin Convenience Stores Ltd. t/a Centra, Rivervalley Shopping Centre, Swords, Co. Dublin
- Coilbee Holdings Ltd, t/a Centra, Hampton St., Balbriggan, Co. Dublin
- Michael Dawson t/a Spar, 21-24, Capel St., Dublin 1
- Carleismo Ltd. t/a Londis, 5 College Green, Dublin 2
(Total Fixed Payments Notices Received: 2)
- Heiton Buckley Ltd. t/a Heiton Buckley, Swords Rd., Santry, Dublin 9
- Heiton Buckley Ltd. t/a Heiton Buckley, Industrial Estate, Castlebar, Co. Mayo
- Petrogas Group Ltd., t/a Grange Service Station, Grange Rd., Dublin 13
- DSG Retail Ireland Ltd. t/a Currys, The Park, Carrickmines, Dublin 18
- Ronan Brennan t/a Super Duper, Bawnogue Shopping Centre, Clondalkin, Dublin 22
- Brendan Lynch Ltd., t/a Supervalu, Fortunestown Shopping Centre, Tallaght, Dublin 24
- Eason & Son Ltd. 33 Shop Street, Galway
- Marcon Retail Ltd. t/a Number 1 Shop, 25/26 Dominick St., Galway

- Wolseley Ireland Ltd. t/a Brooks, Racecourse Rd. Parkmore, Ballybrit, Galway
(*Total Fixed Payments Notices Received: 3*)
- TJN Ltd. t/a Nestor's, Supervalu, Orantown Centre, Oranmore, Co. Galway
- Eddie Daniels/ Kevin Kelly t/a Costcutters, Main St., Derrinturn, Co. Kildare
- Kevin Keane t/a Costcutters Express, Main St., Rathdowney, Co. Laois
- Dermot Daniels t/a Centra, Main St., Portarlinton, Co. Laois
- Richard Slevin, The Cottage, Blacklone St., Portarlinton, Co. Laois.
- J.V. Cummins (Supermarkets) Ltd. t/a Supervalu, New St., Ballinrobe, Co. Mayo
- Tir Chonaill Service Station Ltd. Ardee Rd., Carrickmacross, Co. Monaghan
- Byrnes Discount Fuels t/a Byrnes Gala, Geashill, Co. Offaly
- Allen Stores Ltd. t/a Quinns Centra, Main St., Daingain, Co. Offaly
- Patrick J. Flynn & Sons Ltd. t/a Top Service Station, Harbour Rd., Bannagher, Co. Offaly
- Gerry Mc Inerney, Gala, Ferry Service Station, Lorrha, Nenagh, Co. Tipperary
- Tommy Hyland t/a Gorey Motor Factors, Railway Rd., Gorey, Co. Wexford
- Ciaran Price t/a Eurospar, Market Square, Bunclody, Co. Wexford
- C & P Enterprises Ltd., t/a Mace, Ardavan, Co. Wexford
- Adrian Grimes t/a Applegreen Service Station, Wexford Rd., Arklow, Co. Wicklow
- O'Reilly Stores Ltd., t/a O'Reillys Filling Station, Parkmore, Baltinglass, Co. Wicklow

Retail Price (Beverages in Licensed Premises) Display Order 1999

Fixed Payment Notices paid to the Agency: 1

No of traders: 1

- B.J. Hotels Ltd t/a The Old Market Place Pub & Bistro, Abbey Gate Hotel, Maine St., Tralee, Co Kerry

5. Prosecutions

Number of prosecutions: 6

EC (Requirement to Indicate Product Prices) Regulations, 2002

- Marwa Ltd. t/a Spiceland, 4 South Richmond St, Dublin 2
Fined €2000 Costs €500
- AKS Foods Ltd. t/a Corbitts, 13 Meath St, Dublin 8.
Fined €300. Costs €500 plus VAT.
- Marcon Retail Ltd. t/a Number 1 Shop, 25/26 Upper Dominic St, Galway
Fined €600 Costs €1200
- Rauf Badalov/Kazim Razaev t/a Carnmore Stores, Carnmore Cross,
Carnmore, Co Galway
Fined €1500 costs €1000

Consumer Protection Act 2007

- Sean Sharkey t/a Sharkeys Service Station, in respect of offences at Sharkeys Service Station, Farnham Road, Cavan, Co Cavan - (a) misleading indication of the price of a grocery product and (b) failure to comply with the direction of a compliance notice.
Fined €250. Costs €990 plus VAT.
- Feltrim Motors Ltd., in respect of offences at Feltrim Motors Ltd, Coolfore, Ashbourne, Co. Meath – providing false information in relation to a vehicle's prior history by offering for sale a car with an altered odometer reading.
Fined €500. Costs €600 plus VAT