



national consumer agency  
gníomhaireacht náisiúnta tomhaltóirí

putting consumers first

## **Consumer Protection List**

**1<sup>st</sup> January 2014 to 30<sup>th</sup> June 2014**

## **1. Convictions**

**Number of Convictions : 1**

**Contraventions of the Consumer Protection Act, 2007 – as described by Section 43 (1) and Section 43 (3)(b)(vii) and contrary to Section 47**

- VK Motors Ltd, formerly trading at 258 Harold's Cross Road, Harold's Cross, Dublin 6W was convicted of engaging in a misleading commercial practice by providing false information in relation to a vehicle's mileage and fined €500.

## **2. Compliance Notices issued by the Agency**

**(as provided for by Section 75 of the Consumer Protection Act, 2007)**

**Total number of Compliance Notices issued: 15**

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**Compliance Notices issued to Ms Mary Ronan & Mr Damien Daniels, of Rotorua, Ballycraddock, Dunhill, Co. Waterford, trading as Christmas Direct, in connection with contraventions of the European Communities (Protection of Consumers in Respect of Contracts Made by Means of Distance Communication) Regulations 2001 - Number of Compliance Notices issued : 5**

- Under Regulation 4(1)(a), failure to provide mandatory information to online consumers in a clear and comprehensible manner, namely the existence of a right to cancellation, prior to making the contract;
- Under Regulation 5(2)(a), failure to provide, on the 'Christmas Direct' website, or at the time of delivery, information on conditions and procedures for exercising the right of cancellation;
- Under Regulation 5(2)(b), failure to provide information on the geographical address of the place of the business of the supplier, to which the consumer may address any complaints about the Christmas Direct website, or to consumers at the time of delivery;
- Under Regulation 9(2), failure to inform consumers of their right to a refund of any monies paid by them as soon as possible, and in any case not later than 30 days after

being so informed, in cases where Christmas Direct are not in a position to supply the goods or services due to unavailability.

- Under Regulations 9(3)(a) and 9(3)(b), failure in circumstances where goods or services ordered as part of the distant contract are unavailable, and prior to making the distant contract, to notify consumers in a clear and comprehensible manner that they may in these circumstances, be furnished with equivalent goods or services, and if a consumer chooses to exercise their right of cancellation in accordance with Regulation 6, the cost of returning the goods to be borne by Christmas Direct.

**Compliance Notices issued to Traders who charged more for consumer goods than the price displayed, as described by Section 43(3)(c) and contrary to Section 42 of the Consumer Protection Act, 2007 - Number of Compliance Notices issued : 10**

**(Traders listed alphabetically by County)**

- Market Hardware Limited, trading at “Market Hardware”, Quin Road Business Park, Ennis, Co. Clare
- Tesco Ireland Limited, trading at “Tesco”, Ennis Road, Kilrush, Co. Clare
- Clarke Retail Limited, trading at “Spar”, 14 Thorncastle Street, Ringsend, Dublin 4
- Musgrave Operating Partners Ireland, trading at “SuperValu”, The Pavilions, Swords, Co. Dublin
- Ralphs Clonee Limited, trading at “Spar”, Units 1-2 Littlepace Shopping Centre, Clonee, Dublin 15
- DSG Retail Limited, trading at “PC World”, Unit 5/6 Wellpark Retail Park, Galway, Co. Galway
- M.D. O’Shea & Sons, trading at “M.D. O’Shea & Sons”, Park Road, Killarney, Co. Kerry
- Mr. Maurice Purcell, Ms. Mary Purcell, trading at “Purcell’s Quik Pick Foodstore”, Boherbui, Paulstown, Co. Kilkenny
- Messrs. John and Edward Glennon, trading at “Spar”, Ballycummin Shopping Centre, Ballycummin Road, Raheen, Limerick, Co. Limerick
- Tesco Ireland Limited, trading at “Tesco”, Railway Road, Birr, Co. Offaly

### 3. Fixed Payment Notices

(as provided for by Section 85 of the Consumer Protection Act, 2007)

**Total Number of Fixed Payment Notices (FPNs) Issued: 29**

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**Traders in breach of the EC (Requirements to Indicate Product Prices) Regulations 2002 – Number of FPNs issued: 29**

(Traders listed alphabetically by County)

- P & M Lynch Limited, trading at “Eason”, 64/66 Main Street, Cavan, Co. Cavan
- Market Hardware Limited, trading at “Market Hardware”, Quin Road Business Park, Ennis, Co. Clare (*Total Fixed Payment Notices Issued: 2*)
- Tesco Ireland Limited, trading at “Tesco”, Ennis Road, Kilrush, Co. Clare
- Aylwyn Investments Limited, trading at “The Body Shop”, Dundrum Town Centre, Dublin 16 (*Total Fixed Payment Notices Issued: 2*)
- Griffin Parkwest Limited, trading at “The Market”, Belarmine, Stepside, Dublin 18
- Ralphps Clonee Limited, trading at “Spar”, Units 1-2 Littlepace Shopping Centre, Clonee, Dublin 15
- Tesco Ireland Limited, trading at “Tesco”, Merrion Shopping Centre, Merrion Road, Dublin 4
- Ballybrit Forecourt Limited, trading at “Centra”, Ballybrit, Co. Galway
- M.D. O’Shea & Sons, trading at “M.D. O’Shea & Sons”, Park Road, Killarney, Co. Kerry
- Musgrave Operating Partners Ireland, trading at “Supervalu”, Market Cross Shopping Centre, James Street, Kilkenny, Co. Kilkenny
- Mr. Maurice Purcell, Ms. Mary Purcell, trading at “Purcell’s Quik Pick Foodstore”, Boherbui, Paulstown, Co. Kilkenny
- GL Meats Limited, trading at “Garrett’s Butchers”, Unit 3, Castletroy Park Commercial Centre, Castletroy, Co. Limerick
- Messrs. John and Edward Glennon, trading at “Spar”, Ballycummin Shopping Centre, Ballycummin Road, Raheen, Limerick, Co. Limerick

- Belraine Limited, trading at “SuperValu”, Market Street, Ardee, Co. Louth
- Marks and Spencer (Ireland) Limited, trading at “Marks and Spencer”, Laurence Town Centre, Drogheda, Co. Louth (*Total Fixed Payment Notices Issued: 2*)
- Mr. Sean Mulroy, trading at “Londis”, Mulroy’s Service Station, Moneen Road, Castlebar, Co. Mayo (*Total Fixed Payment Notices Issued: 2*)
- PKD Retail Limited, trading at “Maxol/Mace”, Newport Road, Westport, Co. Mayo
- Thomas Gethin Enterprises Limited, trading at “The Village Store”, Kildalkey, Co. Meath (*Total Fixed Payment Notices Issued: 2*)
- Coco Fuels Limited, trading at “Maxol/Spar”, Church Road, Tullamore, Co. Offaly
- Tesco Ireland Limited, trading at “Tesco”, Railway Road, Birr, Co. Offaly
- Kelco Tiles Limited, trading at “Right Price Tiles”, Westgate Retail Park, Tramore Road, Waterford, Co. Waterford
- Rooney (Ballymore) Limited, trading at “Rooneys Daybreak”, High Street, Ballymore, Co. Westmeath
- Dunnes Stores, trading at “Dunnes Stores”, Gorey Shopping Centre, Gorey, Co. Wexford
- J & R Oil Limited, trading at “Maxol Service Station”, Main Street, Blessington, Co. Wicklow