

Competition and Consumer Protection Commission

Consumer Protection List

1 January 2016 to 31 December 2016



1. Undertakings

Total number of Undertakings: 1

Legislation breached:

- Contraventions of Section 42 and Section 43 of the Consumer Protection Act 2007

McCormack Car Sales Limited, Sligo

- On 29 February 2016, following an investigation relating to the provision of false and misleading information to a consumer in relation to the usage and prior history of a car, McCormack Car Sales Limited, Sligo gave an undertaking, pursuant to Section 73 of the Consumer Protection Act 2007, to comply with the prohibition on engaging in a misleading commercial practice as provided by Section 42 of the Consumer Protection Act 2007 and refrain from engaging in misleading commercial practices as described by Section 43 of the Consumer Protection Act 2007. McCormack Car Sales Limited remedied the contravention and compensated the consumer.

2. Compliance Notices (as provided for by Section 75 of the Consumer Protection Act, 2007)

Total Number of Compliance Notices that took effect: 11

Legislation breached:

- Compliance Notices issued to traders who, for the purposes of Section 11 of the Sale of Goods and Supply of Services Act 1980, displayed a statement that was likely to be taken as indicating that a right or the exercise of a right conferred by or a liability arising by virtue of, Section 12, 13, 14 or 15 of the Sale of Goods Act 1893 is restricted or excluded otherwise than under Section 55 of that Act.

Number of Compliance Notices issued: 1

- Creative Retail Solutions Limited, trading at Gadget Box, Grafton Street, Dublin 2

Legislation breached:

- Compliance Notices issued to traders who provided consumers with misleading information on their rights provided under the European Union (Consumer Information, Cancellation and Other Rights) Regulations 2013, a prohibited practice as described by Section 43(2) and contrary to 43(3)(j) of the Consumer Protection Act 2007.

Number of Compliance Notices issued: 1

- Powercity Limited, Unit 12 Pinewood Close, Boghall Road, Bray, Co. Wicklow

Legislation breached:

- Compliance Notices issued to traders who failed to give or make available to consumers information on the conditions, time limit and procedures for exercising the right of cancellation and the cancellation form set out in Part B of Schedule 3 of the Regulations before he/she is bound by a distant contract, as required by Regulation 10(1) of the European Union (Consumer Information, Cancellation and Other Rights) Regulations 2013.

Number of Compliance Notices issued: 2 (traders listed alphabetically by county)

Dublin

- LifeStyle Sports (Ireland) Limited, 40 Mary Street, Dublin 1

Wicklow

- Powercity Limited, Unit 12 Pinewood Close, Boghall Road, Bray, Co. Wicklow

Legislation breached

- Compliance Notices issued to traders for providing false information in relation to the price of the product(s), such a practice being a prohibited practice as described by Section 43(1) and 43(3)(c).

Number of Compliance Notices issued: 7 (traders listed alphabetically by county)

Cork

- Kintbury Limited trading at 53 Degrees North, Unit 7, The Cornmarket Centre, Paul Street, Cork, Co Cork

Dublin

- Amdel Limited trading at Spar Balbriggan, 16/18 Drogheda Street, Balbriggan, Co. Dublin
- Tipperter Limited trading at Costcutter, 3 All Saints Park, Raheny, Dublin 5

Kerry

- Argos Distributors (Ireland) Limited trading at Argos, Deerpark Retail Park, Killarney, Co Kerry

Limerick

- Heatons trading at Heatons, Unit 4 Childers Road Retail Park, Childers Road, Limerick, Co Limerick
- New Look Retailers (Ireland) Limited trading at New Look, 10A Cruises Street, Limerick, Co Limerick

Westmeath

- Dealz Retailing Ireland Limited trading at Dealz, Pearse Street, Mullingar, Co. Westmeath

3. Fixed Payment Notices (as provided for by Section 85 of the Consumer Protection Act, 2007)

Total number of Fixed Payment Notices (FPNs) paid: 28

Legislation breached

- FPNs issued to traders who failed to reimburse all payments, including any payment for delivery, received from a consumer who exercises the right to cancel a contract, in contravention of Regulation 19(1) of the European Union (Consumer Information, Cancellation and Other Rights) Regulations 2013.

Number of Fixed Payment Notices issued: 1 (traders listed alphabetically by county)

- LifeStyle Sports (Ireland) Limited, 40 Mary Street, Dublin 1, 40 Mary Street, Dublin 1

Legislation breached

- FPNs issued to traders who failed to indicate the selling price of a product, in contravention of Regulation 4(1) of the European Communities (Requirements to Indicate Product Prices) Regulation 2002.

Number of Fixed Payment Notices issued: 27 (traders listed alphabetically by county)

Cavan

- Marco Supermarkets Limited trading at Tarpey's SuperValu, Lakeland Retail Park, Dublin Road, Cavan, Co. Cavan
- Nibeck Limited trading at Daybreak, Kingscourt Service Station, Dublin Road, Kingscourt, Co. Cavan

Cork

- Closes Road Supermarkets Limited trading at Spar, 23-25 Closes Road, Farranree, Cork, Co. Cork
- Eason and Son Limited trading at Eason, Unit 32, Wilton Shopping Centre, Cork, Co. Cork
- Timker Trading Limited trading at Healy's SuperValu, Dunmanway, Co. Cork

Dublin

- Clydville Investments Limited trading at Kilkenny, 6 Nassau Street, Dublin 2
- EEC Hardware Limited trading at EEC Hardware, Stephenstown Business Park, Balbriggan, Co. Dublin
- Empaco Stores Limited trading at Centra, 8 Main Street, Howth, Co. Dublin
- Eurasia Ventures Limited trading at Eurasia Supermarket, 1 Fonthill Retail Park, Fonthill Road, Clondalkin, Dublin 22
- Helgian Limited trading at SuperValu, Lorcan Avenue, Santry, Dublin 9
- Oxtron Limited trading at SuperValu Killester, 169 Howth Road, Killester, Dublin 3
- Tesco Ireland Limited trading at Tesco, Boot Road, Clondalkin, Dublin 22 - **received 2 FPNs**
- Tesco Ireland Limited trading at Tesco, Millfield Shopping Centre, Balbriggan, Co. Dublin - **received 3 FPNs**
- Tipperter Limited trading at Costcutter, 3 All Saints Park, Raheny, Dublin 5

Galway

- Dunnes Stores trading at Dunnes Stores, Gateway Retail Park, Western Distributor Road, Ragoon, Galway, Co Galway
- Flynns of Lackagh Limited trading at Flynns Topline, Lackagh, Turloughmore, Co. Galway

Kildare

- IConnect Lifestyle Limited trading at IConnect, Unit 5 Whitewater Shopping Centre, Newbridge, Co. Kildare

Limerick

- J.C. Daly (Hardware) Company Limited trading at Daly's, 50-51 William Street, Limerick, Co. Limerick

Louth

- Heatons trading at Heatons, M1 Retail Park, Drogheda, Co. Louth

Mayo

- Smyths Toys trading at Smyths Toys, Galway Road, Claremorris, Co. Mayo

Meath

- J & S Gillan (Supermarkets) Limited trading at Londis Plus, Main Street, Summerhill, Co. Meath

Roscommon

- TKL Duffy (Holdings) Limited trading at Duffy's SuperValu, SuperValu Retail Park, Ballaghaderreen, Co. Roscommon

Westmeath

- Dealz Retailing Ireland Limited trading at Dealz, Pearse Street, Mullingar, Co. Westmeath

Wicklow

- P & D Vambeck Limited trading at Earls Newsagents, Abbey Street, Wicklow Town, Co. Wicklow