



Consumer Protection Act 2007

Compliance Notice (Section 75)

Company Secretary

Creative Retail Solutions Limited

101a Rathgar Road

Dublin 6

D06 H7W3

Competition and Consumer

Protection Commission

Parnell House

14 Parnell Square

Dublin 1

I, Deirdre Fearon, an authorised officer of the Competition and Consumer Protection Commission, duly authorised 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 that I am of the opinion that you have contravened an enactment specified in Schedule 5 to the Consumer Protection Act 2007, namely: the Sale of Goods and Supply of Services Act 1980.

The contravention herein relates to the display by you of a sign at your premises at Gadget Box, Grafton Street, Dublin 2 which sought to restrict the rights of buyers.

Statement of alleged contravention:

That you, 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.

My opinion

I am of the opinion that you have engaged in the alleged contraventions as detailed above because on the 18th December 2015 at 10.00hrs at Gadget Box, Grafton Street, Dublin 2 a sign, which I witnessed, was displayed that contained the following statements:

STRICTLY
NO REFUNDS
EXCHANGE ONLY WITHIN 24
HOURS OF PURCHASE
RECEIPT REQUIRED

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

1. Section 11(1) provides that Sections 11(2) and (3) of the Sale of Goods and Supply of Services Act 1980 apply to any statement 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.
2. The statement that I witnessed purports to restrict the rights of buyers.
3. Section 11(2) provides that it is an offence under the Sale of Goods and Supply of Services Act 1980 for a person in the course of a business to display on any part of any premises a notice that includes any such statement.
4. Section 11(3) provides that a statement to the effect that goods will not be exchanged, or that money will not be refunded, or that only credit notes will be given for goods returned, shall be treated as a statement to which subsection (1) refers unless it is so clearly qualified that it cannot be construed as applicable in circumstances in which the buyer may be seeking to exercise a right conferred by any provision of a section mentioned in subsection (1).
5. The statement as described in my opinion is 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 and is not so clearly qualified to be construed otherwise.

Compliance direction and requirements

- 1. Creative Retail Solutions Limited, trading as Gadget Box, a trader, is hereby directed to cease displaying statements purporting to restrict the rights of buyers unless such statements are so clearly qualified that they cannot be construed as applicable in circumstances in which the buyer may be seeking to exercise a right conferred by any provision of section 12, 13, 14 or 15 of the Sale of Goods Act 1893 otherwise than under section 55 of that Act.**

1. You must comply with this compliance direction and requirements by **15th January 2016**.
2. You may appeal this notice to the District Court in the district court district in which the notice is served within 14 days after its service.
3. The form and manner of such an appeal is that to be found in the District Court Rules, Schedule D, Form No: 100.1. This is available from the registrar at your local District Court office.
4. In the event that you decide to appeal the Compliance Notice, you must, at the same time, notify the Competition and Consumer Protection Commission at the above address. You must also notify the Commission of the grounds for the appeal.
5. If an appeal is not made in accordance with Section 75, Consumer Protection Act 2007 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 requirements and any failure or refusal to so comply is an offence and, on summary conviction, you will be liable to the fine and penalties set out in Part 5, Chapter 4 of the Consumer Protection Act 2007.



Deirdre Fearon

Authorised Officer

Competition and Consumer Protection Commission

22nd December 2015

This information is intended for information purposes only and does not constitute part of the Compliance Notice.

Compliance Notice Notes
Consumer Protection Act 2007(CPA)

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| 1. | Section 75(6) CPA requires a person, when lodging an appeal, to, at the same time, notify the Competition and Consumer Protection Commission of the appeal and the grounds for the appeal. The Commission is entitled to appear, be heard and adduce evidence on the hearing of the appeal. |
| 2. | If on appeal the compliance notice is not cancelled, the notice takes effect on the later of the following: <ul style="list-style-type: none"> a) the day after the day on which the notice is confirmed or varied on appeal, b) if the appeal is withdrawn by the appellant the day after the day it is withdrawn, c) the day specified in the notice. |
| 3. | If there is no appeal under Section 75(5) CPA, the compliance notice takes effect on the later of the following: <ul style="list-style-type: none"> a) 14 days after the notice is served. b) the day specified in the notice. |
| 4. | An Authorised Officer may- <ul style="list-style-type: none"> a) withdraw a compliance notice at any time, or b) if no appeal is made or pending under Section 75(5) CPA, extend the date by which the recipient is to comply with the compliance direction and requirements. |
| 5. | Withdrawal of a compliance notice does not prevent the service of another compliance direction or requirement specified in a compliance notice, whether it relates to the same matter or a different matter. |
| 6. | Under Section 75(13) CPA, if a compliance notice takes effect, the Commission is required to publish the compliance notice, or cause it to be published in any form or manner it considers appropriate. |
| 7. | Section 86 CPA requires the Commission to maintain a "Consumer Protection List" of names and addresses together with a description of their trade, business or profession in respect of any enforcement actions taken by the Commission. This includes persons against whom compliance notices have taken effect. |
| 8. | Any person who, without a reasonable excuse, fails to comply with a direction or requirement specified in a compliance notice commits an offence and, on summary |

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| | conviction, is liable to the fines and penalties set out in Section 79 CPA. |
| 9. | <p>Section 79(1) CPA provides that a person guilty of an offence under the Consumer Protection Act 2007 is liable on summary conviction to the following fines and penalties:</p> <ul style="list-style-type: none">a) a fine not exceeding €3000 or up to 6 months imprisonment or both,b) on any subsequent summary conviction a fine not exceeding €5000, or imprisonment for a term not exceeding 12 months or both. <p>If, after being convicted for an offence, a person continues to contravene the requirement or prohibition to which the offence relates, the person is guilty of a further offence on each day the contravention continues and or each such offence is liable on summary conviction to a fine not exceeding €500.</p> |
| 10. | According to section 75(14) the issuing of this notice does not prevent the commencement of proceedings for an offence. |