

National Consumer Agency Annual Report 2009



national consumer agency
gníomhaireacht náisiúnta tomhaltóirí

putting consumers first

Contents



INTRODUCTION	Page 2
CHAIRMAN'S STATEMENT	Page 3
CHIEF EXECUTIVE'S STATEMENT	Page 4
BOARD MEMBERS AND SENIOR EXECUTIVES	Page 10
PILLAR ONE-ENFORCEMENT	Page 11
PILLAR TWO-RESEARCH AND ADVOCACY	Page 27
PILLAR THREE-INFORMATION AND AWARENESS	Page 36
CORPORATE GOVERNANCE	Page 45
APPENDICES	Page 48

Introduction



The National Consumer Agency was set up on 1st May 2007. This Annual Report sets out the activities of the Agency for the period from 1st January to 31st December 2009.

The Board is pleased to submit to the Minister for Enterprise, Trade and Employment the 2009 Annual Report in accordance with Section 22 of the Consumer Protection Act 2007.

Stephen Costello

Chairman

Ann Fitzgerald

Chief Executive

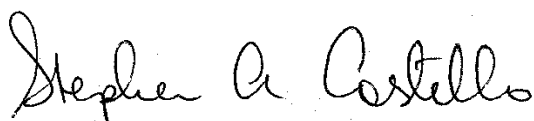
Chairman's Statement

The economic downturn of recent times has thrown up many challenges for consumers in Ireland. Harsher trading conditions have forced many retailers to revisit their offerings, whilst job losses and downward pressure on household incomes have meant that consumers are being driven to examine their finances and spending habits more closely than at any time in the past decade. The old proverb says that it is an ill-wind that blows no good, but 2009 was a difficult year both for the business and consumer communities, and the National Consumer Agency stood at the eye of the storm.

The Agency continued its strong focus on driving a fair deal for consumers during 2009 with significant outputs both from a commercial practices and a consumer communications perspective. Legislation to give effect to the intended amalgamation with the Competition Authority is being drafted by the Department of Enterprise, Trade & Innovation. This is complex. In June 2009 it was announced by the Minister for Finance that the Consumer Information and Education functions of the Financial Regulator would be integrated with the NCA's broader consumer remit and active planning for this integration picked up pace as the year progressed. The initial transfer of functions took effect on March 1st 2010 and early internal synergies are already being achieved.

In my Chairman's statement for 2008, I cited the difficult economic circumstances of the time and made reference to the challenges posed by some of the resulting Governmental decisions around public sector rationalisation and decentralisation issues. These matters continued to significantly affect the National Consumer Agency into 2009. Difficulties with Senior Management resourcing arising from the Budget 2008 announcement of the reversal of a planned Agency relocation to Cork were not resolved until the mid-year, while wider staffing difficulties meant that natural staff attrition could not be compensated by new recruitment or redeployment from elsewhere. In these circumstances, the Agency achieved an admirably high level of output and its impact was mirrored in very strong public recognition levels as measured by market research.

The Agency ended 2009 on an upbeat note with a robust 2010 workplan and high hopes for some relief of the staffing pressures that have bedevilled it since its inception. I wish to express my thanks to the CEO, Ann Fitzgerald and to all her staff for their contribution to the Irish consumer landscape in these difficult circumstances and to wish them every success for the year ahead.



Stephen Costello

Chairman

National Consumer Agency



Chief Executive's Statement

2009 marked a turning point for consumers in Ireland. While 2008 had seen testing economic circumstances on the global stage, the events of 2009 confirmed the scale and likely long-term impact of the downturn for Ireland, with grim implications. New challenges emerged in the consumer landscape – the clamour of busy tills gave way to a steady stream of concerned voices as consumers struggled to finance heavy debts, battled to protect their jobs and sought out better value in an effort to stretch their euro further.

During this time, and despite ongoing staffing difficulties, the National Consumer Agency continued its focus on delivering a fair deal for consumers. The Agency's enforcement work picked up pace, with a series of notable successes during the year. Planning for new responsibilities arising from the announced amalgamation with the Competition Authority and the integration of the Consumer Information and Education functions of the Financial Regulator progressed, albeit at variable paces. The latter exercise was completed and took effect from March 1st 2010.

2010 promises to be an exciting year for the Agency. We remain conscious that we must tailor our ambition to the measure of our cloth in the present difficult circumstances. In so doing, we will put our growing experience in the exercise of our powers under the Consumer Protection Act to good purpose and continue to focus on delivering the best outcomes for consumers in Ireland.

CONSUMER PROTECTION

The Agency adopts a risk-based approach to enforcement, targeting its resources in areas where it feels there is greatest potential for consumer detriment or where a consumer issue of particular concern has emerged.

In addition to focused enforcement work targeted at the exercise of powers under the Consumer Protection Act 2007 or with a view to taking cases to Court, the Agency also conducts a rolling programme of annual Compliance Blitzes, targeting traders who have come to our attention via consumer complaints and including random "on the spot" compliance checks against a range of relevant legislation. During 2009, three compliance blitzes were undertaken – in April, September and November – with 424 trader premises visited across various retail sectors.

Section 86 of the Consumer Protection Act 2007 requires the Agency to maintain a "Consumer Protection List" (CPL) with details of traders against whom enforcement actions have been taken. The Agency may publish details of this list in any form that it considers appropriate.



Two iterations of the CPL were published covering Agency enforcement activities during 2009, the first in July 2009¹ and the second in February 2010². From 2010, this list will be published 6 monthly covering the periods Jan to June and July to December.

Under the Agency's statutory powers, the following were served in 2009:

3 Undertakings; whereby If the Agency has reason to believe that a trader is involved in a prohibited act or practice, it may seek and obtain a formal written Undertaking that the trader will comply with the requirements of the Act. This usually involves the trader giving a commitment to cease an offending practice and to compensate consumers who have been adversely affected.

32 Compliance Notices; whereby an authorised officer of the Agency is empowered under the Act to issue a Compliance Notice to a trader (who in his/her opinion is committing/engaging in or has committed/ engaged in a prohibited act or practice), directing the trader to remedy the contravention. The trader has 14 days to appeal the notice to the District Court. If no appeal is made the notice is deemed to have come into effect. Failure to comply with a compliance notice is an offence under the Act. Examples of actions leading to the issue of Compliance Notices in 2009 include charging prices higher than the display prices for consumer products, mostly grocery items; by selling adulterated drink and by misleading advertising in relation to website car sales.

1 Prohibition Order; whereby Under Section 71 of the Consumer Protection Act 2007 any person including the National Consumer Agency may apply either to the Circuit or High Courts for an order prohibiting a trader or person from committing or engaging in a prohibited commercial act or practice. In making the Prohibition Order, the Court may impose terms and conditions that it considers appropriate, including a requirement on the trader to publish corrective statements at his own expense.

The Prohibition Order secured during 2009 was obtained against a furniture company. Proceedings were before the Courts in relation to another case at year-end and a Prohibition Order was secured in this case in early 2010.

54 Fixed Payment Notices; Whereby the Agency has power, under section 85 of the Act, to issue Fixed Payment Notices to traders for breaches of price display legislation. A fixed penalty of €300 applies for each notice issued and this must be paid within 28 days. If the trader fails to pay the penalty within the statutory time limit, the NCA can initiate prosecution proceedings. Fixed Payment Notices were issued in cases where the Agency considered that traders were not in compliance with the price display legislation. These 54 notices were raised concerning 52 different traders.

Alongside these Enforcement actions, the Agency also successfully prosecuted six traders during 2009, four of these prosecutions related to price display infringements, one related to the sale of a clocked car and one related to breaches of the Consumer Credit Act by a credit intermediary.

¹ Covering enforcement activities between 1 July 2008 and 30 June 2009

² Covering enforcement activities between 1 July 2009 and 31 December 2009



Whilst the enforcement activities of the Agency mark an important exercise of statutory powers to defend legitimate consumer interests, the NCA is also strongly of the view that engagement with business is the most sustainable means of establishing a competitive trading environment that delivers a return for both business and the consumer. Correspondingly, significant resource is directed towards provisions of the Consumer Protection Act providing for the Agency to draw up guidance for traders in relation to commercial practices.

Following a public consultation exercise in 2008, the Agency published Guidelines for the retail sector relating to the advertising of price promotions and other related matters in September 2009. The Guidelines are intended to facilitate the retail sector in complying with the requirements of the Consumer Protection Act 2007 in relation to a variety of misleading practices.

PRODUCT SAFETY

During 2009 the Agency received approximately 1,500 queries or complaints via our Consumer Helpline in relation to a variety of product safety issues. Of these, some 336 required comprehensive investigation.

The Agency is the Irish contact point for the Europe-wide rapid exchange of information system (RAPEX) in the area of Product Safety. In 2009, 96 recalls affected the Irish market, of which 20 were initiated in Ireland. Of particular note were the Agency's efforts in the matter of a risk of carbon monoxide poisoning pertaining to selected Gas (LPG) cookers having previously been for sale on the Irish market. A nationwide media campaign was conducted to heighten public awareness in quarter four of 2009. The Agency also wrote directly to all retailers of the affected cookers requesting that every reasonable effort be made to identify customers. In addition, the Agency also wrote directly to consumers, as the relevant manufacturers/importers were experiencing resistance from some consumers.

PRICE SURVEYS

The Agency has conducted 6 grocery price surveys since its first pilot survey in mid 2007. Over the same period, the Agency has been tracking consumers' propensity to shop around for grocery and other products and services, via its biannual market research.

Two large-scale grocery price surveys covering branded and own brand goods were published in February and July 2009. The findings of the latter survey indicated that there was significant competition in the branded market, with the gap between cheapest and dearest multiple widening to 4%, the largest gap seen in any of the Agency's surveys to date. At the time of publication, the Agency commented that in its view this was indicative of a greater degree of competitive pricing available to consumers willing to shop around.



During the same survey periods, consumer willingness to shop around peaked in the mid year at 75% but had fallen back by year-end to 67%. Whilst this was still indicative of a good level of consumer focus on value, there was some concern around the onset of potential “recession fatigue” with people tiring of the effort required to shop around and slipping back into old habits that favour the pricing strategies of the large retailers.

The Agency remains convinced of the need for consumer access to up to date grocery price comparison information. However, our view is that a new and more efficient methodology by which to provide this information is now required. To this end, the Agency sought during Autumn/Winter 2009 to engage with the principal grocery retailers in the country with a view to developing an online prices database.

It quickly became clear from these discussions that the retailers’ current pricing systems do not allow for the provision of sufficiently detailed grocery price data in a common format that would be useful to consumers. However the Agency has reason to believe that a number of retailers are either considering or are actively developing on-line grocery shopping websites, which would complement those already operated by two of the multiples, Tesco and Superquinn. If a sufficient number of retailers in Ireland operate on-line grocery sites, it is likely that a commercially driven price comparison site may be developed, drawing on information from these websites. The Agency will monitor this situation. Should no such commercial venture emerge in due course, the Agency may examine the options for such a site itself.

For 2010, the Agency will refresh its grocery price survey approach. We are of the view that a much-improved degree of price transparency has been achieved in the grocery market and that the former large-scale biannual survey approach no longer represents the most efficient allocation of limited Agency resources. We are now conducting specific segment based grocery price surveys on a more frequent basis in place of large-scale biannual surveys. Further, we plan to expand our price surveys, targeting in a wider range of consumer products and services.

CREDIT INTERMEDIARIES

The volume of applications for Credit Intermediary licences dropped significantly during 2009. This is consistent with significantly declining car sales (a key area for credit intermediary activity), traders going out of business and consolidation by finance houses.

ADVOCACY & RESEARCH

The Agency undertakes cyclical market research building a picture over time of consumer behaviours and experience in the Irish economy. For 2009, some new areas of focus were introduced, notably Household Budgeting and the Impact of the Recession.

The Agency’s nationally representative research in 2009 highlighted a clear move towards saving money and seeking better value, with 82% of consumers now budgeting for household expenses, 55% of shoppers having changed their shopping behaviours over the year; a similar proportion (53%) indicating that their incomes had decreased a little or a lot during the year; the same proportion of



consumers now taking advantages of promotions and special offers and almost 40% buying more private label/own branded goods.

This shift in consumption trends meant that the launch in March 2009 of the Agency's "ConsumerValue" website feature was particularly timely. ConsumerValue was designed to help consumers identify the best ways to drive a better deal in their typical day-to-day purchases, without requiring them to change the way they live their lives.

The ConsumerValue section of the ConsumerConnect website contains information and tips designed to address the main consumer expenditure areas and identifies actions for consumers who want to explore the best options for their circumstances. It was expanded over the course of 2009 and a major project was initiated close to year end to deliver brand new functionality to assist consumers in assessing the level of their expenditure across a range of relevant spend categories benchmarked against consumers with comparable profiles. This tool was given the working title the Household Budget Profiler and was launched as "The Economiser" on March 20th 2010.

A significant research project was initiated in the third quarter 2009 investigating the experience of the Irish consumer in the area of Alternative Dispute Resolution. This research is scheduled for publication in the second quarter of 2010.

The Agency maintained its focus on consumer advocacy and was represented in a range of consultation exercises as detailed elsewhere in this report.

INFORMATION AND AWARENESS

Due to constraints on the advertising budget, the Agency placed renewed focus on PR and outreach related promotional opportunities during 2009. The Agency focused over the year on identifying areas of keen consumer interest or detriment as the focus for PR activities. This has involved a steady stream of media interviews across print and broadcast and the Agency is now established as a first port of call for media on consumer issues.

A particular highlight during 2009 was the inclusion in the billing mailings of two of the principal electricity suppliers (ESB and Bord Gáis Eireann) of information modelled on the Agency's popular Shoppers' Rights Cards, meaning almost every household in the country had the opportunity to receive this important consumer rights based information. Arrangements are being made for the supply of similar information for customers of Airtricity during 2010.

The Agency's Consumer Helpline remains a critical access channel for consumers and work continued during 2009 to ensure the highest levels of customer service were maintained. A renewed focus on data mining of information on consumer complaints registered through the Helpline will be undertaken for 2010.



A new consumer rights based game, ShopSmart, targeted at second level school children was developed for use on the consumerconnect website in the final quarter of the year. It was previewed at the Business Studies teachers Association of Ireland conference in November to considerable acclaim.

The Agency's websites experienced record traffic in 2009, with over 350,000 visits across the three principal sites, www.conmsumerconnect.ie; www.nca.ie and www.consumerproperty.ie

The integration of the Consumer Information and Education function of the Financial Regulator offers the opportunity to revisit the Agency's advertising approach for 2010 and progress in this area is expected early in the year.

EUROPEAN CONSUMER CENTRE

During 2009, the Agency continued to jointly fund the European Consumer Centre (ECC), together with the European Commission. The ECC provides information and assistance to Irish consumers experiencing difficulties abroad and to consumers from other EU member states having difficulties with retailers in Ireland.

CONCLUSION

I would like to extend my thanks to my colleagues in the National Consumer Agency for their forbearance and their commitment during a challenging year. I am confident that the changes anticipated for 2010 will be to the benefit of the organisation and I look forward to facing them together, as we strive to deliver a fair deal for consumers.



Ann Fitzgerald

Chief Executive

National Consumer Agency



Board Members and Senior Executives

Board Members

Stephen Costello – Chairperson
Ann Fitzgerald – Chief Executive Officer
Inez Bailey
Marie Barry-Ring
Pat Desmond
Eddie Hobbs (Retired 30th April, 2009)
Celia Larkin
Deirdre McDonnell
Nelius Moriarty
Robin O’Sullivan
Bill Prasifka
Edward Shinnick
Alex Schuster (Retired 30th April, 2009)

Senior Executives

Ann Fitzgerald – Chief Executive Officer
Sean Murphy – Legal Advisor
John Shine – Director Commercial Practices
Maria Hurley – Director Research, Advocacy & Communications
Thomas Bourke – Secretary to the Board & Asst. Director Corporate Services
Catherine Courage – Asst. Director Advocacy & Communications
Fergal O’Leary – Senior Research Officer



Pillar One: Enforcement



RISK-BASED ENFORCEMENT OF CONSUMER LEGISLATION

The approach of the Agency to the enforcement of consumer legislation continues to develop. We are focusing our resources on maximising the enforcement potential provided by the Consumer Protection Act, which became law in 2007. The approach to enforcement is largely concentrated on those areas where there is potential for significant consumer detriment while not losing sight of a wide range of other areas which impact on consumers' welfare. In addition to the aforementioned Consumer Protection Act, the Agency has a remit across over 50 pieces of consumer legislation including retail pricing; car clocking; e-commerce; unfair terms imposed by business; product safety; misleading practices and the licensing of credit intermediaries and pawnbrokers.

We expect businesses to comply fully with consumer law and to treat consumers fairly, as they themselves would wish to be treated in their personal lives as consumers. We do not hesitate to take a robust approach to enforcement when necessary and we are now able to use the wide range of enforcement tools contained in the Consumer Protection Act in addition to the option of pursuing prosecutions through the Courts. The Agency publishes a Consumer Protection List on a regular basis, which identifies businesses against whom enforcement actions have been taken by the Agency.

ENGAGEMENT WITH BUSINESS

The Agency is anxious to work with business to ensure that the legal requirements in relation to consumer protection are fully understood. We are happy to work with representative bodies and directly with business to promote best practice and ensure that consumers are treated fairly.

The Agency also promotes liaison arrangements with a large number of retailers across a variety of retail sectors. This provides a useful forum for engaging with management in these businesses and addressing not just compliance issues but also discussing other business practices that impact on consumers. It also provides an opportunity for retailers to seek advice from Agency staff on aspects of consumer law.

ADVERTISING GUIDELINES FOR THE RETAIL SECTOR

The Consumer Protection Act provides for the Agency to draw up guidance for traders in relation to commercial practices. Following a public consultation exercise in 2008, the Agency published Guidelines for the retail sector relating to the advertising of price promotions and other related matters in September 2009.



The Guidelines are intended to facilitate the retail sector in complying with the requirements of the Consumer Protection Act 2007 in relation to a variety of misleading practices by :

- helping traders to better appreciate their obligations to provide unambiguous information to consumers
- giving clarity on certain aspects of the Act and
- providing a basis for a fairer and more evenly balanced approach towards advertising throughout the sector

Adherence to the Guidelines will ensure that consumers are dealt with fairly by traders and that advertisements and promotions are not misleading.

ENFORCEMENT OPTIONS

Arising from the enactment of the Consumer Protection Act, 2007, the Agency has a range of enforcement tools available which are summarised below. In situations where breaches of legislation are established, the Agency seeks to take the most appropriate action, proportionate to the circumstances, in order to ensure that an effective outcome is achieved.

UNDERTAKINGS

If the Agency has reason to believe that a trader is involved in a prohibited act or practice, the Agency may seek and obtain a formal written Undertaking that the trader will comply with the requirements of the Act. This usually involves the trader giving a commitment to cease an offending practice and to compensate consumers who have been adversely affected. If the trader fails to provide an Undertaking or reneges on the terms, the Agency has the powers to take legal action, which could entail either, applying to the Circuit Court or High Court for a Prohibition Order or taking a prosecution.

During 2009, a total of 3 Undertakings were received in respect of companies in the sports, sewage treatment and furniture sectors.

PROHIBITION ORDERS

Under Section 71 of the Consumer Protection Act 2007 any person including the National Consumer Agency may apply either to the Circuit or High Courts for an order prohibiting a trader or person from committing or engaging in a prohibited commercial act or practice. In making the Prohibition Order, the Court may impose terms and conditions which it considers appropriate, including a requirement on the trader to publish corrective statements at his own expense.



During 2009, one Prohibition Order was obtained against a furniture company. Proceedings were before the Courts in relation to another case at year-end and a Prohibition Order was secured in this case in early 2010.

COMPLIANCE NOTICES

An authorised officer of the Agency is empowered under the Act to issue a Compliance Notice to a trader (who in his/her opinion is committing/engaging in or has committed/engaged in a prohibited act or practice), directing the trader to remedy the contravention. The trader has 14 days to appeal the notice to the District Court. If no appeal is made the notice is deemed to have come into effect. Failure to comply with a compliance notice is an offence under the Act.

During 2009, the Agency issued 32 Compliance Notices to 30 traders, who were in breach of the Act by charging prices higher than the display prices for consumer products, mostly grocery items; by selling adulterated drink and by misleading advertising in relation to website car sales.

FIXED PAYMENT NOTICES (“ON THE SPOT” FINES)

The Agency has power under section 85 of the Act to issue Fixed Payment Notices to traders for breaches of price display legislation. A fixed penalty of €300 applies for each notice issued and this must be paid within 28 days. If the trader fails to pay the penalty within the statutory time limit, the NCA can initiate prosecution proceedings. Fixed Payment Notices were issued in cases where the Agency considered that traders were not in compliance with the price display legislation.

During 2009, payments in respect of 54 Fixed Payment Notices involving 52 traders were received by the Agency.

PROSECUTIONS

In addition to the aforementioned enforcement tools, the Agency continues to have the power to initiate prosecutions through the Courts.

The Agency successfully prosecuted six traders during 2009. Four related to price display infringements, one related to the sale of a clocked car and one related to breaches of the Consumer Credit Act by a credit intermediary.

Details of enforcement actions taken in the calendar year 2009 are set out in Appendix 1.

Prohibition Order against Furniture Company

During 2008, the Agency became aware that a particular home furnishing company, Emerald Fine Furnishings Ltd, had introduced regular themes conveying a misleading measure of urgency by the provision of false and misleading information to the consumer. These themes included “closing down sales”, “limited availability” and “cancelled trade orders”, and were monitored over some time before the Agency sought an Agreement and Undertaking from Emerald Fine Furnishings Ltd in October 2008 to cease the misleading practices. This Agreement and Undertaking was not forthcoming from Emerald Fine Furnishings, and so, in November 2008 the Agency commenced proceedings to secure a Prohibition Order from the Circuit Court under s.71 of The Consumer Protection Act 2007. The Circuit Court granted the order after a hearing wherein the Agency had outlined the extent of the misleading practices that Emerald Fine Furnishings Ltd had engaged in. This was the first Prohibition Order secured by the Agency and has the effect of a permanent injunction against the trader, demonstrating the Agency’s resolve in using the enforcement tools at its disposal, both civil and criminal.



ENFORCEMENT ACTIVITY

The main areas of enforcement activity in 2009 are summarised below.

RETAIL SECTOR - PRICING

The Agency enforces a variety of legislation in relation to pricing. This covers both price display (where there are specific requirements in relation to the requirement to display prices) and misleading indication of price (charging a price for a product that is higher than the displayed price).

Complaints received are followed up in writing with the trader and a risk-based sample of traders is selected for on-site inspection by authorised officers of the Agency. During 2009, three compliance blitzes were undertaken – in April, September and November – with 424 trader premises visited across various retail sectors. These visits were informed by complaints received from the public and also proactive checks by the Agency. Details of the enforcement actions arising are set out in Appendix 1.

The grocery/supermarket sector accounted for the greatest number of visits and the largest number of consequent enforcement actions. On-site visits were also conducted across a range of other sectors including licensed premises, catering establishments, garage forecourts, hardware/DIY outlets and electrical/electronic shops.

INVESTIGATION INTO ADULTERATED DRINK

The Agency received a number of consumer complaints alleging that certain licensed premises were adulterating (i.e. “watering down”) their alcoholic drinks. This is a misleading practice prohibited by the Consumer Protection Act 2007. In 2009, the Agency surveyed five premises, and took random samples from each, all of which were referred to the State Laboratory for analysis. Compliance Notices were issued to two licensed premises.

CAR CLOCKING

During 2009, the Agency continued its focus in the area of car clocking i.e. altering the odometer of a car. Car clocking is a serious area of consumer detriment that can have the twofold impact of increasing the cost of a vehicle beyond its true market value and also give rise to road safety issues, with the clocked vehicle needing significantly greater maintenance than might appear.

In 2009 the Agency received 84 complaints regarding the practice and at the end of the year a number of these complaints remained at various stages of investigation.

The Agency successfully prosecuted a car dealer in June 2009, for offering a clocked car for sale. Arising from the failure of another trader to comply with the terms of an Undertaking previously provided to the Agency, proceedings were initiated in the Circuit Court and a Prohibition Order was granted against the trader in early 2010.



USE OF “BAIT ADVERTISING” BY TRADERS ON CAR WEBSITES

The Agency investigated the advertising practices used on a number of car websites including the use of “Bait advertising” e.g. car dealers advertising “Cars for €1” merely as a tactic to encourage consumers to view their adverts. Agreement was obtained from two website operators to remedy the offending advertising and sanction the advertisers. A Compliance Notice was issued to another operator to address this advertising practice.

ADVERTISING PRACTICES IN THE FURNITURE SECTOR

The Agency investigated the advertising claims made by a furniture retailer due to concerns arising about unsubstantiated price discounts, limited availability claims and advertising a large stock clearance sale that included “new factory orders”. In July 2009, the Agency received an Undertaking from this retailer to refrain from certain advertising practices that could encourage consumers to make impulsive and unplanned purchasing decisions.

ADVERTISING OF SEWAGE TREATMENT SYSTEM

In January 2009, the Agency received an Undertaking from a company involved in the manufacture and supply of sewage treatment and wastewater products, to comply with the general prohibition on misleading commercial practices under the Consumer Protection Act 2007. The company would 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 offer redress to customers who had purchased the product.



CONSUMER PROTECTION LIST

Section 86 of the Act requires the Agency to maintain a “Consumer Protection List” with details of traders against whom enforcement actions have been taken. The Agency may publish details of this list in any form that it considers appropriate.

In July 2009, the Agency published a list of the enforcement actions taken during the 12 month period between 1st July 2008, and 30th June 2009. This list is available on our website:

http://www.consumerconnect.ie/eng/Get_Your_Rights/Enforcement/Consumer-Protection-List/Consumer-Protection-List_2008-09.doc

In February 2010, the Agency published a further list of the enforcement actions taken between 1st July 2009 and 30 December 2009. This list is available at:

http://www.consumerconnect.ie/eng/Get_Your_Rights/Enforcement/Consumer-Protection-List/

From 2010 onwards, it is intended to publish the Consumer Protection List on a six-monthly basis.

OVERVIEW OF ENFORCEMENT ACTIONS TO DATE

Below is an overview of enforcement action taken by the Agency since being established in May 2007 – further detail is available in the various Consumer Protection Lists published to date.

Table 1 – Enforcement Actions to Date

	May 2007- June 2008	July 2008- June 2009	July – Dec 2009	Totals
Fixed Payment Notices	14	40	39	93
Undertakings	4	7	1	12
Compliance Notices	8	31	20	59
Prohibition Orders	0	1	0	1
Prosecutions	7	6	2	15
Total enforcement action	33	85	62	180

SCAMS AWARENESS

The Agency launched an information campaign to coincide with “April Fools day” to heighten public awareness of scams activity. During 2009, the focus of the campaign was on working from home schemes. Consumers were urged to thoroughly research any work from home offer, satisfy themselves that the business is legitimate and be sceptical of claims about how much can be earned.

A notable feature during the year was the increasingly sophisticated and localised nature of some scams. Examples include an email alleging to be from the Revenue Commissioners offering a tax refund and a letter purporting to be from MABS offering a government grant.

Advice and further information is available on the Agency website here:

[www.consumerconnect.ie/eng/News + Research/Press%20Releases/Most Irish consumers targeted for scam.html](http://www.consumerconnect.ie/eng/News + Research/Press%20Releases/Most_Irish_consumers_targeted_for_scam.html)



CREDIT INTERMEDIARIES / PAWNBROKERS

Under the Consumer Credit Act, 1995 (as amended) all credit intermediaries are required to be authorised by the Agency in order to provide credit facilities to the public. Credit intermediaries are persons who, in the course of their business, arrange credit for consumers in return for a payment or consideration of any kind. The majority of credit intermediaries are engaged in car sales with some involved in other retail sectors, notably furniture and electrical appliances. Credit intermediaries are required to display their authorisations publicly in their premises, and, before any agreement is signed, must give consumers written details of the agreement and of the financial institution on whose behalf they act. They must also inform customers that they are paid for their services.

The volume of applications dealt with by the Agency dropped significantly in 2009, primarily due to the severe decline in car sales, traders going out of business and consolidation by the finance houses. In 2009, 709 applications were processed, a decline of 27% on the previous year.

PUBLIC REGISTERS

The Agency maintains a public register of all those who are authorised to operate as credit intermediaries. The register is accessed by the financial institutions and may be inspected by members of the public on our corporate website (www.nca.ie). Consumers are advised to deal only with authorised credit intermediaries and are encouraged, prior to organising credit, to consult the public register to ensure that the intermediary they are dealing with is authorised.

PROSECUTION

The Agency secured a conviction in the Dublin District Court on 23 November against South Dublin Motors Ltd, Rathfarnham, Dublin 14 for two offences under the Consumer Credit Act, 1995. The company was fined €3,000 for an unauthorised alteration to a credit intermediary authorisation and €3,000 for the non-display of the authorisation.

PAWNBROKERS

The Agency is also responsible for issuing pawnbroker licences. Three licences were issued to pawnbrokers in 2009. Queries were received from a number of parties potentially interested in setting up as pawnbrokers but no new applications were received by year-end.



PRODUCT SAFETY

All products placed on the EU market must be safe. A safe product is defined as a product, (including free giveaways and products supplied as part of a service), which under normal or reasonably foreseeable conditions of use does not present an undue risk to the health and safety of consumers.

Sometimes, risks are associated with products arising from their normal use. These risks are called “inherent risks”. Inherent risks exist (in candles, for example), and in such cases there is a duty on producers to provide adequate warnings to the consumer about those dangers and advise on safe use.

ROLE OF THE NATIONAL CONSUMER AGENCY

The National Consumer Agency has responsibility for market surveillance in respect of the safety of non-food consumer products covered by a number of EU Directives. If the Agency is of the opinion that a product presents a hazard to the consumer it has the power to order an operator to remove the item from the market and can prosecute if s/he fails to do so. However, in the majority of cases operators cooperate with the Agency and prosecution would be the last resort.

RELEVANT LEGISLATION ENFORCED BY THE AGENCY

There are separate Regulations covering the safety requirements of a wide variety of products. For instance, there are regulations covering food, medicines, medical devices, pharmaceuticals, cosmetics and a range of other non-food products and these come within the remit of various bodies, including the Food Safety Authority of Ireland (for food products) and the Irish Medicines Board (for medical devices, pharmaceuticals and cosmetics).

The National Consumer Agency is responsible for market surveillance in respect of the EU Directives relating to the safety of:

- Toy Safety Directive
- Low Voltage Electrical Equipment (in practice, nearly all electrical devices found in the home or office)
- Personal Protective Equipment in the leisure and consumer sectors (bicycle helmets, life jackets, etc)
- Gas Burning Appliances (cookers, heaters, patio heaters etc)
- Machinery Directive (those elements relating to consumer products)



The Agency carries out its functions by

- following up on complaints received from consumers via its consumer helpline or from other parties
- raising consumer awareness through information on its website, media releases, publishing information booklets, etc
- liaising directly with the economic operators and their representative bodies
- carrying out surveillance activities often in cooperation with other regulatory bodies in Ireland, e.g. Customs authorities
- engaging in joint surveillance initiatives with other Member States (e.g. via the Prosafe network of market surveillance authorities across Europe)
- acting as the single RAPEX contact point for Ireland

The Agency is also responsible for the provisions of the EU General Product Safety Directive (GPSD). This Directive encompasses all non-food products and came into effect on 15 January 2004. It has put the onus on operators (whether manufacturers, distributors, wholesalers or retailers) to place only safe products on the market. In the event that a product placed on the market was subsequently found to present a hazard to consumer safety, the operator must take appropriate action, which may include a possible withdrawal/recall of the product from the market. Actions taken must be notified to the Competent Authority in the relevant EU Member State (i.e. the Agency in the case of Ireland). The Competent Authority notifies the European Commission who, in turn, notifies the relevant Competent Authorities in other Member States of the action.

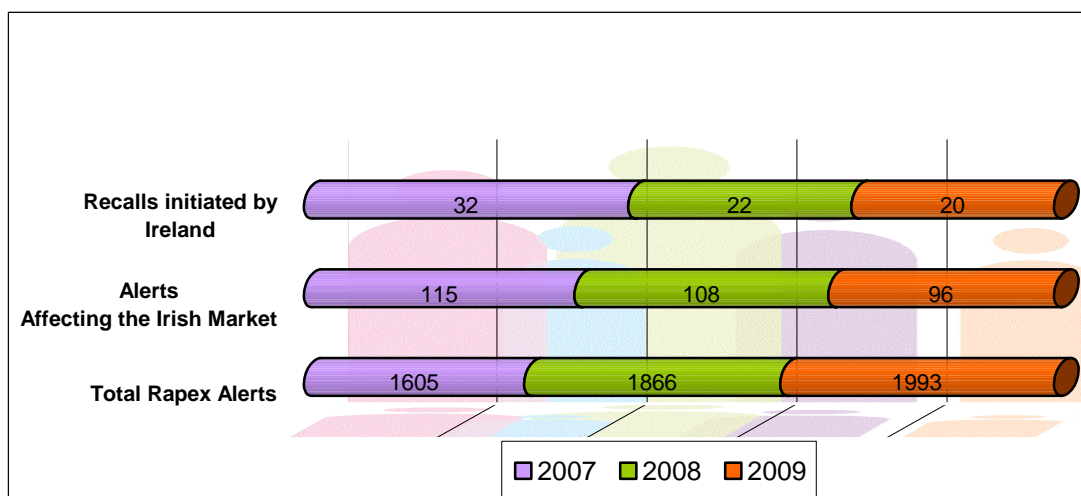
PRODUCT RECALLS/RAPEX

The Agency is the Irish contact point for the Europe-wide rapid exchange of information system (RAPEX). The system is operated by the European Commission under the provisions of the General Product Safety Directive. The RAPEX system is designed to allow speedy dissemination of information on hazardous products to all European market surveillance authorities. Traders/representative bodies are required to notify the competent national authority, i.e. the Agency, if they are aware that any of the products notified under the RAPEX system are available on the Irish market and inform the NCA of the measures taken to eliminate the hazard.

The number of notifications received from the Commission has been rising steadily since the inception of RAPEX and rose to 1,993 in 2009, an annual increase of 7 % on the previous year. All notifications are examined by the Agency for relevance to the Irish market. In 2009, 96 recalls affected the Irish market, of which 20 were initiated in Ireland - see Appendices 4 & 5.



Figure 1 – RAPEX Alerts 2007 – 2009



PRODUCT SAFETY INVESTIGATIONS

During 2009 the Agency received approximately 1,500 queries or complaints via our call centre and emails in relation to a variety of product safety issues. Of this, some 336 required comprehensive investigation. All complaints are investigated and appropriate action taken to ensure that the product would not present a safety hazard to consumers. The types of actions taken include assessment of technical documentation to determine compliance with relevant standards; referral of items for independent testing; placing consumer alerts and safety advice on the Agency website; requiring operators to attach appropriate warnings/safety instructions or, if appropriate, withdraw / recall the product from the market.

Analysis of Product Safety Complaints

Table 2 – Product Safety Complaints by Legislation

No. Complaints Investigated	Legislation
274	EC (General Product Safety) Regulations, 2004
31	EC (Low Voltage Electrical Equipment) Regulations, 1992 to 1994
16	EC (Safety of Toys) Regulations, 1990 to 1994
6	Various Industrial Research and Standards orders
5	EC (Personal Protective Equipment) Regulations 1993/1997
4	EC (Appliances Burning Gaseous Fuels) Regulations
336	

Nearly half of complaints concerned household appliances such as cookers and washing machines. Toys, buggies and prams accounted for the second highest level of complaints.

Table 3 – Product Safety Complaints by Category

Product Category	No. Complaints Investigated
Household Appliances	115
Toys & Child Care	69
Vehicles	33
Household Furnishing	27
Sports/Leisure	16
Recreation/Culture	14
Home Entertainment	13
Clothing/Accessories/Footwear	11
Information Request	10
Personal Grooming	7
House Repair/Improvement	6
Food/Beverages	6
Telecoms	3
Energy, Waste/Water Services	3
Health Sector	2
TV Services	1
Total	336

Examples of types of product safety issues are set out below.

A) Semi-Automatic Rifles

In September 2009, the Irish distributor initiated a recall of a semi-automatic rifle due to a possibility of blowback and magazine dislodgment, and a possible malfunction of the firearm during firing sequence caused by the ammunition. The manufacturer's recall campaign involved the re-labelling of the ammunition indicating that the ammunition was not suitable for use in semi-automatic firearms (can be used with other firearms) and the replacement or provision of credit to consumers for these rifles since no ammunition was available.



B) Decorative Electrical Lanterns

Following contacts from the Customs Authorities, the Agency placed a temporary suspension on a consignment of electrical lamps manufactured in China while it arranged for tests to be carried out. Upon receipt of the test reports, the NCA concluded that the items were unsafe.

A temporary suspension was also placed on other items listed in the manifest, including toys, pending receipt of supporting technical safety documentation. These items were stored in a warehouse at the expense of the importer. The importer gave a binding undertaking to the Agency not to remove the items pending submission of the technical file. As the importer was unable to supply the required certification indicating conformity to the essential safety requirements of EU legislation, the Agency concluded that the items were unsafe and issued a direction to the importer to destroy the consignment in an environmentally sustainable way and at their cost.

C) Risk of Carbon Monoxide Poisoning from certain Gas (LPG) Cookers

In response to a fatality in November 2008 due to carbon monoxide poisoning, which was most likely caused by the incorrect use of a gas cooker grill, the Agency has been working in conjunction with the Commission for Energy Regulation (CER), and the National Standards Authority of Ireland (NSAI), together with an expert group representing industry to assess the level of risks posed to the public by particular makes/models of gas cooker.

Throughout the year, the Agency has been working with the relevant cooker manufacturers/importers to contact purchasers of affected cookers and progress the required refit. The Agency launched a nationwide media campaign to heighten public awareness and intensified its activity in this area in the latter quarter of 2009. The Agency has also written directly to all retailers of the affected cookers requesting that all reasonable efforts be made to identify customers. The Agency also wrote directly to consumers as the relevant manufacturers/importers were experiencing resistance from some consumers. While significant progress has been made in locating consumers with affected cookers, over 2,000 remain unaccounted for. As these cookers were the relatively cheaper models and on sale since 2003, it is likely that a significant percentage have been scrapped. Nevertheless, the Agency would again urge consumers to check their cookers and, if necessary, contact the relevant company to arrange a refit (see Appendix 2 for details).

D) Jumbo Gas Regulators.

Safety concerns were reported to the Agency in relation to two different brands of Jumbo Gas Regulator supplied by two different suppliers. In each case the regulators were attached to room heaters on sale in retail outlets in Ireland. In the first case 480 units were supplied to retail outlets with the faulty regulator attached. However the majority of these were intercepted before being sold and a replacement regulator was fitted. Only 40 of the regulators remain to be traced and efforts are continuing to trace these so that replacement regulators can be fitted.



In the second instance, 1050 units were supplied with faulty regulators attached. Two hundred and fourteen of these have been replaced to date. Efforts are continuing to trace the remainder. Recall notices have been placed in newspapers and recall notices continue to be displayed in all affected retail outlets.

E) Refit of Geminox Immersion Water Heater

During 2008 the Agency was advised that an immersion heater manufactured by a French company could present a potential fire hazard. It was estimated that approximately 700 units were imported between 2001 and early 2008. Four fires have been attributed to this type of immersion heater overheating. The manufacturer arranged for an Irish company to carry out a refit to the immersion heaters at no cost to the consumer. In 2009, the Agency in conjunction with the manufacturer has continued in its efforts to track down the affected products. Letters have been issued to 104 plumbers/installers and the Agency has also enlisted the assistance of two electrical bodies to highlight the matter to their members by the placing of notices in their newsletters /websites. Despite the measures that have already been taken by the Agency and manufacturer in 2008 and 2009 the response rate has been disappointing, as approximately 500 units remain still to be located. The Agency therefore urges consumers to check their units and the plumbing/heating trade, retailers and consumers with knowledge of the whereabouts of these units to arrange a refit. See Appendix 3 for details.

F) Swim Armbands

In 2009 the NCA received a complaint about the safety of "armbands" sold by a leisure supplier. Following investigation it transpired that the product had been tested against an incorrect standard; a Toy standard as opposed to the safety requirements of the European Communities (Personal Protective Equipment, PPE) Regulations. Considering the potential risk posed by the armbands if used as a buoyancy aid when not designed to meet the safety criteria of the PPE, the distributor agreed to a voluntary withdrawal of the product from sale, to place notices in the leisure centres involved and to offer a refund.

G) Maclaren pushchair buggies

On 9th November 2009 the US Consumer Product Safety Commission, in co-operation with the firm Maclaren, announced a voluntary corrective action (involving a repair kit) involving all Maclaren single and double strollers. Originally it was announced that the company only intended to offer the repair kit to customers in the US only. Following strenuous intervention by the Agency, on 12th November Maclaren UK issued a statement offering the same redress to its European consumers as its American customers.



EU DEVELOPMENTS

The Agency is an active member of a number of EU product safety committees and groups such as the General Product Safety Committee, which is representative of all member states and the Prosafe network of market surveillance authorities.

CORDS AND DRAWSTRINGS IN CHILDREN'S CLOTHES

The Agency participated in a joint action with 10 other member states, under the auspices of the Prosafe network, to assess compliance to the standard for cords and drawstrings in children's clothes. In summary, the participants carried out close on 5,000 inspection visits and examined 16,000 garments. As many as 2,000 garments did not meet the required standard and 400 posed serious risks to children. NCA authorised officers visited 21 premises, inspected 640 garments and found that 3% were non-compliant.

The most serious problems recorded were:

- Cords and drawstrings in the hood and neck area of garments for children under the age of seven
- Cords and drawstrings being too long in the hood and neck areas of garments for children over seven
- Cords in the chest and waist area, which are also considered to be dangerous

During the joint action, the participant Member States took several corrective actions against the non-compliant and dangerous garments identified, such as withdrawal from the market, recall from consumers and a ban on sales. The measures were notified in the RAPEX system. More than 400 notifications of non-compliant and dangerous garments were submitted to the RAPEX systems during the joint action. The standard is also being revised to take account of the recommendations of the joint action. A video is currently being produced at EU level to publicise the dangers of drawstrings and cords in children's clothes. This is targeted to both consumers and manufacturers.

EC DECISIONS TO BAN CERTAIN PRODUCTS

Under certain conditions, the Commission may adopt a formal Decision requiring the Member States to ban the marketing of an unsafe product, to recall it from consumers or to withdraw it from the market.

In 2009, the Commission decided to prolong the ban on child appealing cigarette lighters and banned dimethylfumarate (DMF) from all consumer products. DMF is a powerful anti-mould chemical that has been applied to consumer products by placing it into "desiccant" sachets accompanying the products. DMF evaporates from the sachets into/onto the products, and from there penetrates through consumers' clothes onto their skin. DMF can provoke allergic reactions causing skin itching, irritation, redness, burns and rheumatic pain. The Agency has published a notice in the *Iris Oifigiúil*, on its website and has also written out to nearly 300 retailers and manufacturers to remind them of their obligations.



WINDOW BLINDS

At the request of the Agency, the European Commission introduced a new standard for window blinds, and, in April 2009, the Agency and the NSAI /NCA issued a joint notification to 222 Irish manufacturers, distributors and to other operators of window blinds. Operators were asked to be alert to the requirements of the new standard in the context of their obligations to meet the safety requirements of the GPSD.

The Agency also issued a media release alerting consumers of the risks posed by certain types of blinds. It provided consumer tips in relation to what to look out for when buying new blinds as well as tips on how to minimise risks posed by blinds already installed in homes. This information is available on the Agency's website.

In August 2009 the Agency and NSAI jointly published a consumer leaflet on the safety of window blinds. This leaflet is on the NCA website and was also sent to HSE Regional Health Promotion officers for general distribution. In addition, the Agency sent supplies of the leaflet to window blind operators.



Pillar Two: Research and Advocacy



RESEARCH

MARKET RESEARCH

Since 2004, the Agency, and the research body that informed its establishment, the Consumer Strategy Group, has regularly tracked consumer behaviours and experiences, to assess underlying levels of consumer confidence, knowledge and empowerment in the Irish economy. This work continued in 2009.

The studies have expanded over time, to collect information in respect of consumers' experience and changing behaviours when purchasing a wide range of goods and services in key areas. At this stage, a valuable time series is emerging permitting detailed analysis of changes in consumer sentiment and behaviour in Ireland over key and very differing phases in the evolution of the economy. This analysis informs the planning, design and execution of the awareness raising and enforcement activities of the Agency.

The Agency's 2009 research continued the ongoing assessment of Consumer Rights and Empowerment, Complaints, Switching and Shopping Habits and, reflecting the changes in the economy over the previous period, introduced new research into Household Budgeting and the Impact of the Recession.

Key topics and relevant questions are refreshed in each cycle of the research to most accurately track the experiences of consumers. Key metrics, such as those tracking consumer empowerment and switching, are tracked unaltered, so that trends can be monitored accurately.

The 2009 Agency research was carried out using the following methodology:

- Quantitative research in the form of two nationally representative face to face surveys of 1,000 adults, aged 15 – 74 conducted in May and November/December 2009
- Quantitative research in the form of two nationally representative telephone surveys (on the topics of coping with the recession and grocery shopping) of 1,000 adults, aged 15 – 74 conducted in March and May/June 2009
- Qualitative research in the form of 4 focus groups conducted in November 2009
- Comprehensive market research on grocery shopping trends conducted by Kantar Worldpanel (formerly TNS Worldpanel)

The quantitative market research results during 2009 show evidence of increased confidence and awareness amongst consumers of their rights in the period since the Agency was established on a statutory footing in May 2007:



- The percentage of consumers who consider themselves to be confident about their consumer rights has increased from 66% in March 2007 to 74% in late 2009, with those describing themselves as not confident of their rights falling from 21% to 14% over the same period
- Similarly, the percentage of consumers who consider themselves to be knowledgeable of their rights has increased from 59% to 67%, added to a fall in the number who describe themselves as not knowledgeable, from 26% to 20%
- The research also indicates an evolution in the perception of protection in terms of consumer rights. Those considering themselves protected increased from 61% in March 2007 to 65% in late 2009

Regarding “Complaints”, Irish consumers remain proactive, 78% of consumers are prepared to complain where they have cause to do so. For consumers who made a complaint in the previous 12 months, the most frequent cause of complaint related to faulty products or services.

The main reason for not complaining was due to “not wanting the hassle of having to make a complaint”; this reason was cited by over two in five (44%). The benefits of making a complaint are clear from the fact that, of those who did complain, almost three in four (74%) felt they had their complaint completely resolved. A total of 73% of consumers who had their complaint completely resolved were either very or completely satisfied with the outcome. Approximately two in five consumers who had their complaint completely resolved and who were satisfied with the result said they would tell people they know of their positive experience with the particular business, a positive message for the enterprise community.

“Awareness” of the Agency as the body responsible for promoting and protecting consumer rights in Ireland continues to increase. As of late 2009, the Agency is first named for over two in five (41%) as the body responsible for promoting and protecting the rights of the consumer in Ireland.

When given more than one chance to respond to the question, over one in two (53%) mentioned the Agency. This is an increase of 13%. Both these measures of awareness are the highest recorded to date.

SHOPPING BEHAVIOURS

Perhaps the most interesting results from the Agency’s 2009 market research relate to Shopping and Pricing and the Impact of the Recession. Research conducted in late 2009 showed that:

- 55% of grocery shoppers have changed their behaviour since the beginning of the year
- Amongst main changes cutting back on treats for the family rated highly, with 56% of consumers adopting this practice. The proportion of those buying less continues to climb, with 46% of grocery shoppers reporting that they buy less at the end of 2009 than at the start of the year



- Those responsible for the main grocery shop are buying more own brand goods than in any of the previous waves of market research - 38% of the main grocery shop at the end of 2009 consisted of own brand goods
- The greatest change in grocery shopping habits is in the number of shoppers who are beginning to take advantage of special offers, up 15%, between mid and end 2009, to 53%
- Less welcome is the news that the number of consumers shopping around (across all sectors) dropped from 75% to 67% between mid and end 2009
- Convenience as a determining factor in where to shop has begun to creep up, from 13% to 17% while price, still the most important influencing factor, has fallen back slightly from 70% to 65%
- Almost two thirds (63%) of Irish consumers are actively seeking out cheaper ways of living and almost three quarters (74%) confirmed that the current economic situation has focused them on thinking carefully about what and when they buy
- Some 82% of all consumers are now budgeting for household expenses
- There is pressure on household incomes, with 53% of respondents declaring that their income had decreased a little or a lot; 69% confirming that they are trying to buy fewer things and 67% putting off buying large spend items until the current situation improves

Yet despite the economic and financial pressure on households evident from the Agency's research, Irish consumers remain upbeat, with 67% confirming they are enjoying their life as much as ever and 69% viewing the recession as a good opportunity to pick up bargains in the sales.

Whilst the general trend of the research results points to increasingly informed, empowered and value conscious consumers, the beginnings of a decline in numbers (in general) shopping around and the increase in convenience as the main reason for choosing a particular shop are of concern to the Agency.

Whilst a single iteration of research does not represent a new trend per se, the Agency is mindful of old complacencies returning to shoppers' mindset and will maintain a focus on value and competition in the retail market in its awareness and communications activity. At the time the results were published consumers were urged to continue the hard work they had done in terms of driving competition over the past 18 months. All of these metrics will continue to be assessed during 2010 and appropriate awareness campaigns and initiatives will be developed on foot of the results.

GROCERY PRICE SURVEYS

The Agency has conducted six grocery price surveys since its first pilot survey in mid 2007. Two large-scale grocery price surveys covering branded and own brand goods were published in February and July 2009. The surveys included the multiples (Tesco, Dunnes, Superquinn), discounters (Aldi and Lidl) and main symbol group retailers (SuperValu, Centra, Spar and Eurospar). A total of 98 branded and 122 own brand products were on the list to be surveyed in the latest iteration, the largest survey to date.



The findings of that survey indicated that there was significant competition in the branded market, with the gap between cheapest and dearest multiple widening to 4%, the largest gap seen in any of the Agency's surveys to date. At the time of publication of those survey results in July 2009, the Agency commented that in its view this was indicative of a greater degree of competitive pricing available to consumers willing to shop around. Conversely, the pricing gap between discounters in the "own brand" brand segment narrowed so far as to be almost non-existent.

The Agency's strong advice to consumers following publication of the survey results, was to continue to split their shopping basket and to obtain real savings by utilising the variety of grocery outlets available to them. The Agency urged consumers to shop prudently and not to be unduly swayed into impulse purchases.

It is clear from the results of the Agency's market research and the grocery surveys that the complexion of the Irish grocery market has radically changed in the period since 2007. The most marked transformation has been the dramatic increase in consumer price and choice awareness. After years of little competitive pressure, the grocery retail sector in Ireland has seen a seismic shift in consumer behaviour, with consumers actively considering alternative products (evidence being the shift toward private or own label brands), increased price awareness (price conscious shopping behaviours, actively seeking out offers, promotions and longer term better value) and a growing propensity to abandon convenience as the primary motivator in grocery purchasing decisions (notwithstanding recent indications of a possible reversal of this trend, subject to validation in the next wave of research), to split the shopping baskets amongst a variety of providers and to actively manage their consumption behaviours to achieve the best value combination for their needs.

Whilst changing economic circumstances in the period since 2007 certainly contributed to this shift in consumer behaviour, the Agency's work in the area of grocery price surveys made a significant contribution to consumer awareness of competition issues in this sector. Moreover, the very public discussion around each wave of survey results has supported sustained consumer driven pressure on grocery retailers in Ireland to focus on improving their value propositions.

PHARMACY SURVEY

Complementary to its grocery price survey work, 2009 saw the Agency turn its attention to other areas of retail expenditure, conducting a comparison of prices charged for everyday personal care products and over the counter (OTC) medicines in pharmacies and supermarkets. The results of this survey were published in November 2009. In all, the Agency attempted to survey 117 products sold in 8 leading pharmacy groups, 4 independent pharmacies and the 4 largest supermarkets.

The results clearly showed significant price differences for identical products between the various sales outlets, for example:

- 161.6% (€7.90) Difference on L'Oreal Paris Recital Preference Hair Colour (€4.89 Dunnes Stores, €12.79 Independent, Dublin 15).



- 155.9% (€1.98) Difference on Vaseline 100g Tub
(€1.27 Sam MacCauley, €3.25 Independent, Dublin 15).

Comparing a basket of 25 common personal care and OTC medicine items across Tesco, Dunnes Stores, Superquinn and SuperValu, the basket was cheapest in Tesco (€80.85) and dearest in Superquinn €95.65. The difference between the cheapest and dearest basket was €14.80 (18.3%).

Comparing a basket of 15 items common across all the outlets surveyed, Bradley's Blanchardstown Shopping Centre (€106.31) was the cheapest, Hickey's The Square, Tallaght (€113.30) was the dearest. This represents a variation of €6.99 (6.6%).

Given that personal care and OTC medicines tend to be expensive elements of the weekly shop and with such large price differences between retailers, this is an area where meaningful savings can be achieved by shopping around. The Agency, in publishing these survey results, urged consumers to be conscious of the options available to them when purchasing personal care products and over the counter OTC medicines and to check where the best value can be found.

NEW SCOPE FOR SURVEY WORK

The Agency's large-scale, biannual surveys are extremely labour intensive and have consumed a huge amount of internal resources, which remained constrained during 2009 in line with Government restrictions on public sector headcount. Whilst the payback from these surveys in terms of benefit to the consumer since their inception has been considerable, there is an increasing view within the Agency that their principal objective of raising consumer awareness of competition issues in the grocery sector had been achieved, and that underlying consumer behavioural change had been effected.

Whilst the Agency remains convinced of the need for consumer access to up to date grocery price comparison information, a new and more efficient methodology by which to provide this is required. Mindful of this, the Agency invested considerable time and effort during 2009 in an attempt to establish a reliable methodology by which to provide up to date on-line grocery price information. In Autumn 2009, the Agency contacted all of the principal grocery retail groups seeking meetings to progress a proposal for the development of an on-line grocery price comparison website. It became clear from these discussions that the retailers' current pricing systems do not allow for the provision of sufficiently detailed grocery price data in a common format such as to be useful to consumers.

Concurrently, the Agency became aware that a number of retailers are either considering or are actively developing on-line grocery shopping websites, which would complement those already operated by two of the multiples, Tesco and Superquinn. If a sufficient number of retailers in Ireland operate on-line grocery stores, it is likely that a commercially driven price comparison site may be developed, drawing on information from these websites. The Agency has taken the view that it will monitor this situation. Should no such commercial venture emerge in due course, the Agency may examine the options for such a site itself.

In the interim, the Agency will continue to provide consumers with objective retail price information by the most efficient means possible, thereby enabling them to maximise their considerable buying power



and effect further competitive improvements in the grocery market. For 2010, the Agency will refresh its grocery price survey approach, conducting specific product segment based price surveys on a more frequent basis in place of large scale biannual surveys, and will adopt a new approach to price surveys in a broader range of consumer products and services. Two examples of this new approach are the Personal Care Product Survey (detailed previously) and surveys of locally traded professional services such as GP and Dentist fees.



CONSUMERVALUE

In response to the economic downturn, the Agency conducted a small-scale market research project in March 2009, with the objective of probing the areas where consumers were experiencing most difficulty in their everyday expenses.

The results showed that 50% of Irish consumers were finding it difficult to make ends meet. Eight out of ten consumers were worried about their financial future and 61% had already cut back their spending due to the recession. Even where consumers were not yet affected by the downturn, they were conscious of it and had started to change their behaviours. The biggest problem areas identified by consumers in the economic environment at that point included paying for:

- Household energy bills 37%
- Running of their car 36%
- Health and Medical Expenses 35%
- Groceries 32%

The results of the market research were used to inform the development of a new section of the Agency's consumer website entitled "ConsumerValue".

ConsumerValue, launched on March 15th 2009 to coincide with International Consumer Day, is a key part of the Agency's ongoing drive to help consumers in Ireland achieve the best value possible, by whatever definition of value is most relevant for them. ConsumerValue is designed to help consumers identify the best ways to drive a better deal in their typical day-to-day transactions, without requiring them to change the way they live their lives.

The ConsumerValue section of the ConsumerConnect website contains information and tips designed to address the main consumer expenditure areas and identifies actions for consumers who want to explore the best options for their circumstances. In addition to providing new content for the Agency's consumer website, it collates a wide range of key information including website links (for example itsyourmoney.ie, pumps.ie, callcosts.ie) and provides a single signpost for consumers looking for greater value across a wide range of the most common areas of daily and monthly expenditure.

ConsumerValue focuses on core expenditure items such as groceries, energy, transport, insurance, and entertainment. The information highlights ways to manage money and bills, choose the right product or package, cut down on costs and switch and save. ConsumerValue also contains links to other specialist websites in areas such as telecommunications and financial services to help consumers get better value for money in those aspects of their expenditure.

ConsumerValue is not intended to drive consumers to the cheapest products and services to meet their needs. It has been developed in recognition of the fact that there is far more to value than price alone, and the advice and tips it contains reflect this, recommending that consumers think carefully about the full range of features, supports and other aspects they require when identifying value in the products and services they buy. ConsumerValue takes much of the legwork out of finding the essential



information to make informed purchasing decisions by providing a single web address that will direct them to the information they need.

The Agency continued to extend and add to the ConsumerValue resource throughout 2009 with the intention of helping consumers cope with the financial pressures of the recession. As a follow up to ConsumerValue, the Agency commenced work to develop an expenditure comparison tool, known as “The *Economiser*”, for launch in 2010³.

The *Economiser* is designed to enable consumers to compare their expenditure in a defined range of common consumption categories (Groceries, Energy, Mobile Phone, Fixed Line Telephone, Broadband and TV) against a relevant comparative average. Once the primary assessment of expenditure is complete, the tool will signpost areas where spend is higher than the comparable average and provides tips and advice on how to achieve savings and to seek a better deal. Further additions to the Agency’s consumer “value toolkit” will be developed through 2010.

CONSTRUCTION STUDY

In November 2008 the Agency published the results of a large-scale research project to evaluate the Home Construction sector from a consumer perspective and to present findings and conclusions as regards its relative strengths, weaknesses and potential areas for improvement. Given the relatively high proportion of consumers’ income typically invested in home purchase/maintenance and/or upgrading, the research focused on the potential for consumer detriment arising from information gaps, regulatory issues and other considerations.

The study’s 25 recommendations included the setting up of an Implementation Forum involving all relevant stakeholders, to progress and implement relevant findings swiftly and efficiently. Bilateral meetings to discuss the Implementation Forum were held during January and early February 2009 however a combination of extremely limited internal resources and the radical transition experienced in the property sector in Ireland during 2009 meant that many of the recommendations could not be meaningfully progressed in the short term. Notwithstanding, implementation of its recommendations remains a priority area for the Research Division of the Agency and this Report will be revisited periodically as economic circumstances improve with a view to re-instating the work of the Implementation Forum as relevant.

³ This tool was launched on the 30th March 2010



ADVOCACY

Consumer advocacy can play an integral role in the development and implementation of robust policy and good legislation. Through its Research function, the Agency has sought to promote and protect consumers' interests through greater advocacy on their behalf. In addition to responding to requests by the Enterprise, Trade and Innovation and the European Commission during 2009, the Agency has participated in a number of public consultation process, including:

- Consumer Price Index Review Group
- Taxi Regulator Special Public Service Vehicle consultation
- Multi Unit Development Bill –detailed comments submitted
- Arbitration Bill- comments submitted
- Dublin Transportation Office Transport Strategy 2030 Vision
- Department of Environment, Heritage and Local Government Waste Management Consultation

Complementary to the foregoing, the Chief Executive gave addresses to the following fora:

- Checkout Conference, January 2009
- Consumer Redress in Ireland, UK Ombudsman Conference, May 2009
- The Future of Retailing in Ireland Conference, October 2009
- Eurostat Conference: Reviewing the Business Architecture of Consumer Price Statistics, October 2009



Pillar Three: Information & Awareness



INFORMATION

A key feature of the role of the Agency as set out in the Consumer Protection Act 2007 is the promotion of public awareness and the conduct of public information campaigns for the purpose of educating and advising consumers in relation to consumer protection and welfare issues.

The first port of call to the NCA for many consumers is via the Agency's Consumer Helpline or its consumer website, www.consumerconnect.ie. Metrics and further details relating to the performance of both during 2009 are set out below.

In addition to these channels of access to the Agency, there has in recent years been a focus on raising public awareness via targeted advertising and promotional activities. This would have been a particular area of focus during 2007 and 2008, in the earliest stages of brand building for the new Agency.


During 2009, the Agency considerably scaled back its advertising, reflecting both the economic climate and a desire to await further clarity as to the future scope of the Agency's remit, given the anticipated integration of the Consumer Information and education activities of the Financial Regulator and the planned amalgamation with the Competition Authority.

There is a clear correlation over time between advertising (all media) and traffic to the Helpline in particular. As a result of the drop off in this aspect of public awareness raising activity, some decline in call volumes to the Consumer Helpline was observed over the course of 2009. This trend has been maintained in early 2010 and steps to address this will be taken now that the first of the two organizational change activities, integration of the Consumer Information and education activities of the Financial Regulator, has commenced.

Despite the decline in advertising activity, the Agency has maintained excellent levels of public awareness as established via market research, so whilst the immediate "call to action" effect of above the line advertising may have diminished somewhat, the ongoing focus on PR and outreach driven activities has clearly served the Agency well. Reflecting the clear value to consumers of sustained media focus on the role and the outputs of the Agency, this focus on a strong PR delivery will remain central to the Communications activities of the Agency into 2010 and beyond.

CONSUMER HELPLINE

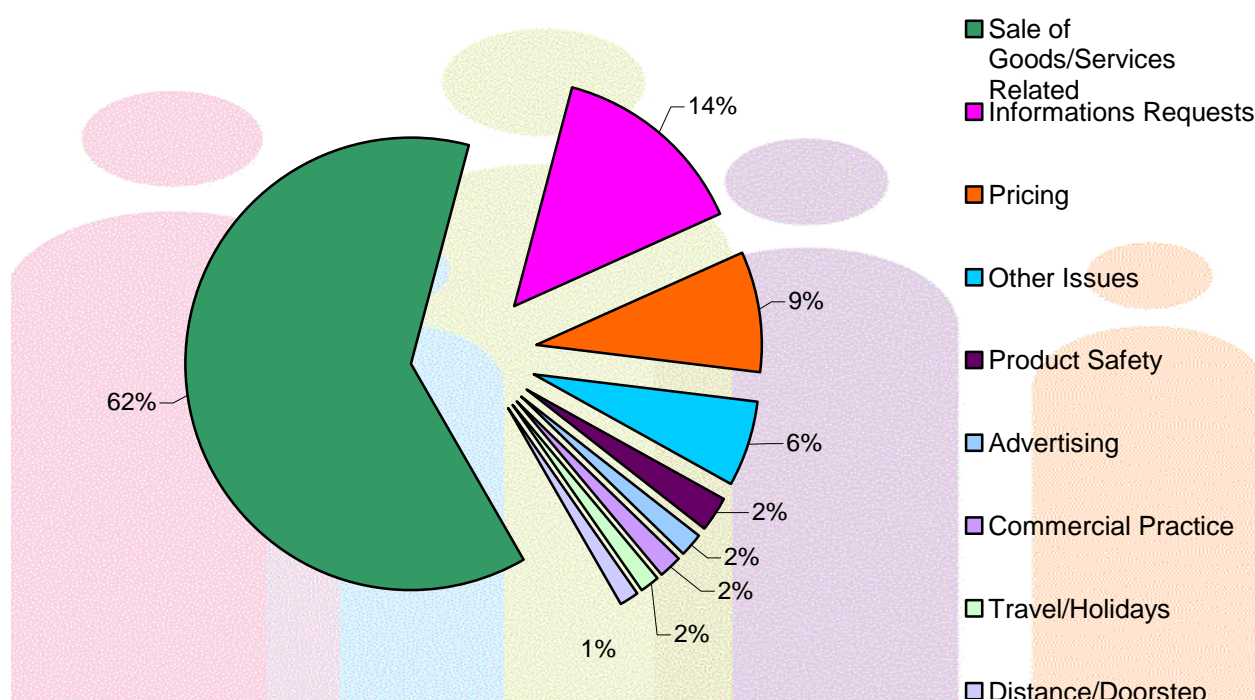
In 2009 the National Consumer Agency dealt with almost 65,000 queries, complaints and requests for information from consumers and businesses on a wide range of issues. The majority of the queries, just over 63,000, were dealt with via our dedicated Consumer Helpline, which is accessible via 1890 432432 or 01 4025555. Other queries were received by post, email or from personal callers to the Agency.



These figures represent a decrease on 2008. As indicated above, it is felt that this is likely to be at least in part due to a decline in advertising activity, which has a strong bearing on call volumes to the Consumer Helpline.

Of the consumer contacts received, 62% of those contacting the Agency sought information on their rights relating to the purchase of goods or services, as covered by the Sale of Goods and Supply of Services Act, 1980. Other high volume consumer issues are shown below.

Figure 2 - High Volume Consumer Issues



SECTORS

The top sectors in relation to which enquiries or complaints were received were as follows:

Vehicle Related 11.8%

This includes problems with both new and second hand cars, including crashed and clocked car, as well as car repairs, car parts, satellite navigation systems etc.

- **Clothing/Footwear/Accessories 9.8%**
- **Home Entertainment Items 9.5%**

This category includes PCs and laptops, televisions, audio equipment, cameras and game machines.

Telecoms 8.7%

Included here are problems with mobile handsets and broadband.

- **Household appliances 8.6%**



This category covers white goods such as cookers, washing machines and dryers etc. A high volume of calls in this category was received in the last quarter of 2009 following a call by the NCA to locate over 5,000 gas cookers which, in certain circumstances, can cause carbon monoxide poisoning, if they are not used in accordance with the user instructions and the grill door is closed when the grill is in operation.

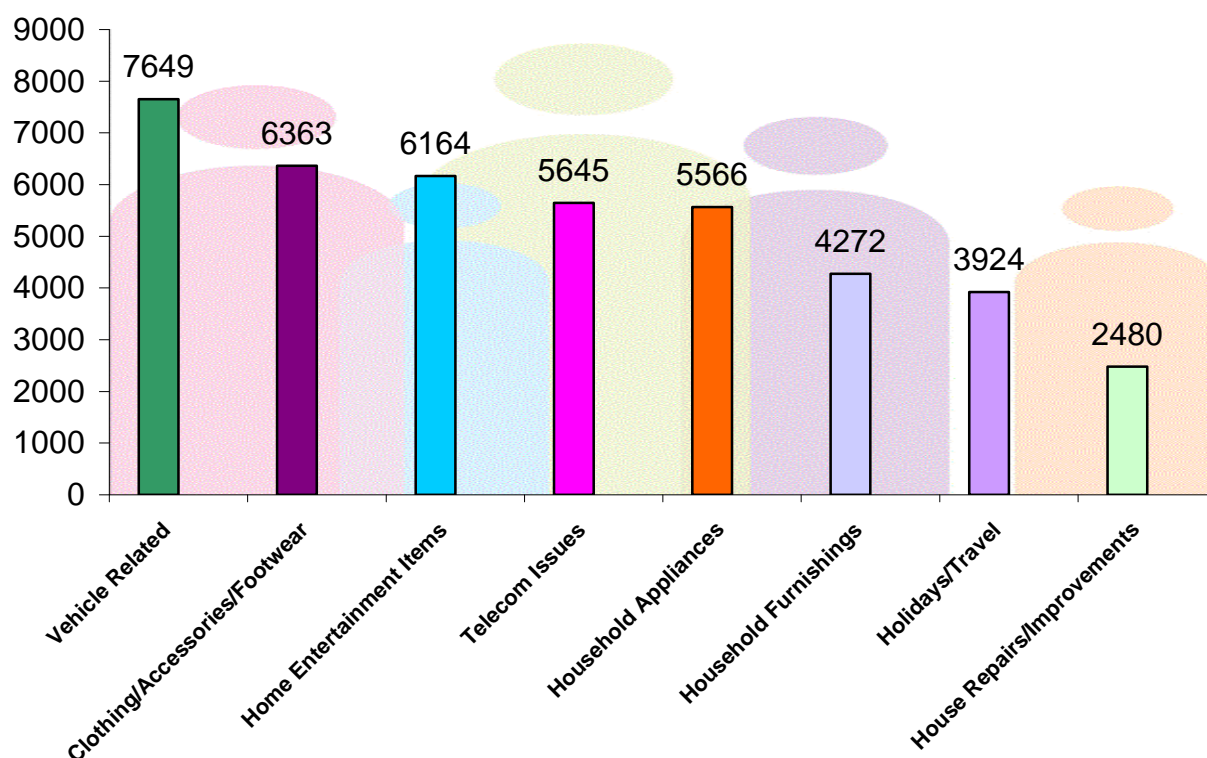
- **Household Furnishings 6.6%**

Tables, Chairs, suites of furniture and soft furnishings

Holiday/Travel 6.1%

Problems found here concern package holidays, flights and car rental.

Figure 3 - Queries by Main Sectors



Commencing at the very end of 2008 and continuing throughout 2009, a significant upsurge in calls was received in respect of consumers with fears about firms going out of business. Principal amongst the concerns of callers was consumer rights in respect of deposits paid for goods not yet received or services not yet rendered, the rights of gift voucher or credit note holders and concerns around recourse in the event of faulty goods once a retailer had ceased trading. To address some of these concerns, the Agency refreshed important aspects of the content of its consumer website in relation to retailers in trading difficulties/closing down. The website further explains the concepts of examinership/administration/liquidation and offers important guidance for consumers in submitting

their claims as unsecured creditors. Furthermore, the Agency undertook a significant PR driven campaign highlighting issues associated with gift vouchers/gift cards and similar products in an environment of business closures in the run up to Christmas 2009.

Relevant content information relating to all calls to the NCA's consumer helpline is logged on a database. This information represents a potentially meaningful source of guidance for the Agency around issues of concern to consumers, emerging trends/early warning on major consumer matters, specific issues with individual traders etc. Due to staffing restrictions, the Agency has been very limited in the extent to which it has been able to analyse this information in detail. A specific focus has been placed on this from a research perspective for 2010 and it is intended to considerably enhance reporting based on this source in the coming year.



WEBSITES

During 2009, the National Consumer Agency's suite of websites performed strongly and continued to experience traffic growth. Websites represent a cost effective means of communicating with consumers and whilst they may be less well suited to addressing specific consumer queries on individual matters, they offer a unique platform via which to communicate important broad focus information and messaging.

During 2009, the National Consumer Agency operated three websites, a consumer website www.consumerconnect.ie; a corporate website www.nca.ie and a micro-site specifically addressing property related matters called www.consumerproperty.ie

CONSUMERCONNECT.IE

www.consumerconnect.ie is specifically targeted at the information needs of the consumer and offers easily accessible and up to date information on a range of consumer rights related issues. In addition to offering Guides and Tips, the website features consumer rights based games, to test consumers' knowledge of their rights in action, as well as carrying a News feed and importantly, an up to date record of all Product Safety related recalls and information bulletins issued by the Agency as the body in Ireland responsible for European product safety procedures.

The screenshot shows the homepage of the National Consumer Agency website. At the top, there is a navigation bar with links for Home, Consumer Property site, Corporate site, and Contact Us. Below this is a search bar and a main navigation menu with categories: Taking Action, Guides + Tips, Multimedia, News + Research, and About Us. The main content area is divided into several sections: News (with a list of recent news items), Product Safety (with a list of safety alerts), Ask Us (with a 'Make a consumer complaint' button), and Quick Links (with links to booklets, car buyer guide, coping with debt, traders going bust, quizzes, and FAQs). A central banner for 'TheEconomiser' is featured, along with a 'Scams warning' section and a 'Value for money' section. The page is designed to be user-friendly and informative, providing easy access to consumer rights information and services.

The site is updated frequently, often daily, and traffic growth during 2009 saw it reach an all time high of just under 275,000 visits by year-end. A peak in site activity was noted during October 2009, when just over 29,000 visits were received, with similarly high footfall for November at just under 26,000 visits. This coincided with a major communications and PR initiative by the Agency around a gas cooker safety alert and points to the effectiveness of the Agency's websites in disseminating important information quickly and efficiently. Clearly, until such time as internet penetration and usage reach maximum possible coverage,

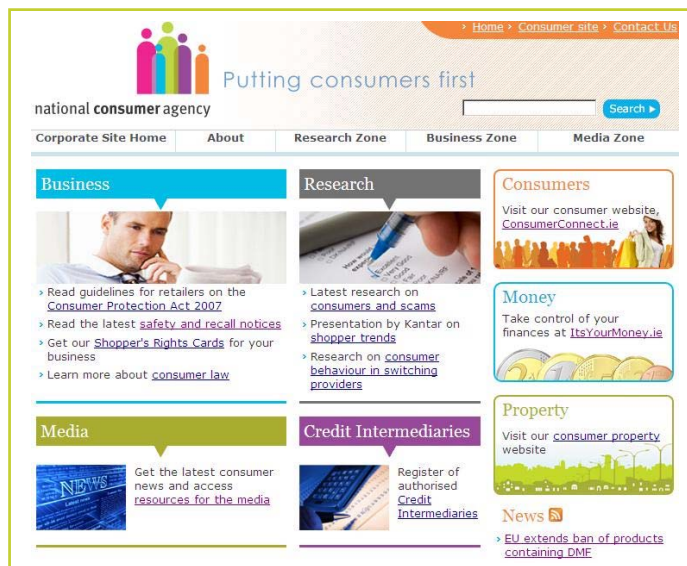
web based communication can not be assumed to meet all of the communications needs of any public body, but the consumerconnect website is now firmly established as a critical channel for the Agency.

The most popular content on the consumerconnect website are the general relevance Guides and Tips, as well as the Learning Zone, which hosts the online consumer rights quizzes. The Agency's guide to submitting a consumer complaint also enjoys sustained traffic, indicative perhaps of Irish consumers' increasing willingness to speak up when dissatisfied, as identified in our market research activities.

NCA.IE

Complementary to www.consumerconnect.ie, the corporate website www.nca.ie was launched in July 2007 and continues to experience traffic growth, albeit at considerably more modest levels than its consumer sister. The site is designed to meet the needs of businesses, researchers and the media and contains the latest research undertaken by the Agency and guides for businesses.

This site has not benefited from the same level of investment in time or in financial resources as the consumer site and steps were taken to remedy this during late 2009, when a homepage refresh project was initiated. The Homepage refresh is intended to give new life to both of the Agency's principal websites in an environment where a wholesale website revamp would be inappropriate pending anticipated organizational restructuring associated with



Competition Authority amalgamation and integration of the former Consumer Information and Financial Education functions of the Financial Regulator. The refresh of the Corporate Homepage will offer an opportunity to make navigation around the key information housed there more straightforward and to make the content generally more attractive and accessible.

Traffic to www.nca.ie reached 64,094 visits in 2009.

CONSUMERPROPERTY.IE

Alongside the two principal sites, in September 2008 the Agency launched a new site www.consumerproperty.ie designed to provide information on issues associated with buying or living in a multi-unit development. This "micro-site" arose on foot of the work of the Multi-Unit Development Stakeholder Forum. Analysis of the content being viewed indicates that those reaching the site are using it to source information specific to their needs, with most popular content heavily concentrated on the Your Issues section, which answers questions in relation to various specific aspects of living in a multi-unit development and dealing with management companies etc. The site also incorporates extensive links to other relevant sites. In 2009, the site recorded traffic of 19,203 visits.

NEW AREAS OF FOCUS

2009 saw a new focus on the periodic issue of consumer alerts to subscribers who had signed up via the Agency's websites and it is intended to further develop this work in 2010, upgrading the frequency of the alerts to fortnightly.

A new focus was adopted in 2009 targeted at enhanced eMarketing of the Agency's websites, including via a review of the metadata on www.consumerconnect.ie. The Agency continues to request links to relevant sites where consumer benefit is identified. The Agency also commenced its first coordinated

engagement with social media, working through Facebook, LinkedIn and Twitter, an area in which it aims to increase activity during 2010.

PUBLICATIONS

A series of consumer booklets provide helpful information on topics of interest to consumers and compliment the information contained on the Agency's websites. In line with obligations under the Official Languages Act 2003, Irish Language versions of Agency consumer publications have been developed and can be downloaded from www.consumerconnect.ie

In August 2009 'A Consumer Guide to the Safety of Window Blinds' was issued in conjunction with the National Standards Authority of Ireland (NSAI). This guide advises that the cords of window blinds and curtains pose a particular risk to children. Babies and young children, particularly under the age of three, can be injured or strangled by cord loops on rollers blinds, venetian blinds or vertical blinds. This guide was sent to any retailers in the country selling window blinds and also to all HSE offices.

The current full list of NCA Publications includes:

- A Guide to the National Consumer Agency
- A Guide to the Sale of Goods and Supply of Services Act 1980
- A Guide to the Small Claims Court
- A Guide to Package Holidays
- A Guide to Advertising and the Consumer
- A Guide to Consumer Law and Prices
- A Guide to Toy Safety
- A Guide to Buying a Car
- Property Management Companies and You
- Buying and Living In A Multi-Unit Development Property in Ireland
- Consumer Guide to the Safety of Window Blinds

A strategic review of the Agency's publications will take place during 2010 to ascertain the requirement for printed publications into the future.



Awareness

Since its inception, the National Consumer Agency has undertaken a range of publicity campaigns designed to bring consumer rights to the forefront of peoples' minds. These campaigns used multiple media and their impact was tracked via the Agency's periodic market research.

Mindful of budgetary pressures and capitalising on elevated awareness level identified through the Agency's market research awareness tracking, the Agency restricted its advertising during 2009 and focused on radio as its principal channel. In contrast to earlier years, No TV advertising was undertaken.

A series of "short bursts" of radio advertising were conducted throughout the year, targeted at key shopping periods, such as the Summer Sales, Back to School period, the pre-Christmas period, and New Year sales. As the economy slowed, advertising and awareness activities focused principally on assisting consumers in facing changing economic circumstances, seeking value and managing their resources wisely.

Alongside conventional advertising, the Agency continued to participate in outreach activities such as:

- Continued distribution of the Shoppers Rights Cards via stores and on request directly to consumers
- An initial foray into the social media area via Facebook, Twitter and LinkedIn
- Participation in the annual Business Studies Teachers Association of Ireland conference, where the Agency's new consumer rights game targeted at second level students ShopSmart was previewed to general acclaim
- Responding to a direct request from the Money Advice and Budgeting Service for a poster specifically promoting the ConsumerValue section of the NCA's website. Copies were distributed to every MABS office in the country
- Responding to requests for training and other supports to organisations such as the European Consumer Centre, citizens information, manning stands at public libraries etc;

A specific and very significant development during 2009 was the design and build of a new game for the ConsumerConnect website targeted at second level students and in particular at those in the 14-17 years age bracket. ShopSmart takes players through a series of real life shopping scenarios in a virtual shopping mall, testing their knowledge of their consumer rights. The game can be played competitively, both against the clock and via other players thanks to the use of a leader board. The game is currently live on the ConsumerConnect website but a formal launch will take place for the return to school of the 2010/2011 academic year, with a Teaching Resource pack being developed to support its use in the classroom. This forms the first elements of a new education strategy being developed by the Agency.



Other Issues

ORGANISATIONAL CHANGE

It was announced by the Minister for Finance in his Budget 2009 statement in October 2008 that the National Consumer Agency would merge with the Competition Authority. Drafting of legislation to give effect to this amalgamation is underway in the Department of Enterprise, Trade & Innovation. The process is complex but it is hoped that significant progress will be achieved during 2010.

There will be specific communications issues in connection with this amalgamation, to ensuring that both the public and business community are made aware of the changes, how they will affect them and what this will mean for the improvement of the consumer and competition environment in Ireland. This will be a key priority for the respective communications functions of the amalgamating bodies.



CORPORATE GOVERNANCE

The NCA was established on 1 May 2007 under the Consumer Protection Act, 2007 and operates in accordance with the provisions of that Act and under the aegis of the Minister for Enterprise, Trade and Employment. The NCA has put in place procedures to ensure compliance with the following specific requirements:

BOARD MEMBERS – DISCLOSURE OF INTEREST

The NCA is designated as a Public Body with effect from January 1, 2009. Procedures have been put in place to ensure compliance with the Ethics in Public Office Act 1995 and Standards in Public Offices Act 2001. NCA Board Members furnished statements of interest to the Secretary and copies have been provided to the Commission Secretary, Standards in Public Office Commission. In addition, NCA staff members holding designated positions have complied with both Acts.

BOARD MEMBERS' ATTENDANCE AT BOARD MEETINGS

Seven Board meetings were held during 2009. The attendance of the Board members is as follows: Mr. Stephen Costello (6); Ms. Ann Fitzgerald (7); Mr. Bill Prasifka (7); Ms. Marie Barry-Ring (5); Ms. Deirdre McDonnell (5); Ms. Celia Larkin (5); Mr. Edward Shinnick (6); Ms. Inez Bailey (6); Mr. Nelius Moriarty (5); Mr. Robin O'Sullivan (6); Mr. Pat Desmond (7); Mr. Eddie Hobbs (3): Mr. Hobbs retired on the 30th April 2009 and was not a member of the Board for the other 2009 meetings; Mr. Alex Schuster (3): Mr. Schuster retired on the 30th April 2009 and was not a member of the Board for the other 2009 meetings.

DIRECTORS' FEES AND EXPENSES

Board members fees and expenses are as follows: Mr. Stephen Costello: Fees - €22,600, Expenses -€3,453; Mr. Bill Prasifka: Fees - €0, Expenses - €0; Ms. Marie Barry-Ring: Fees - €13,184, Expenses -€1,289; Ms. Deirdre McDonnell: Fees - €13,184, Expenses - €1,447; Ms. Celia Larkin: Fees - €13,184, Expenses - €923; Mr. Edward Shinnick: Fees - €13,184, Expenses - €2,422; Ms. Inez Bailey: Fees - €13,184, Expenses - €75; Mr. Nelius Moriarty: Fees - €13,184, Expenses - €2,258; Mr. Robin O'Sullivan: Fees - €13,184, Expenses - €902; Mr. Pat Desmond: Fees - €13,184, Expenses - €1,332; Mr. Eddie Hobbs: Fees - €5,834, Expenses - €0; Mr. Alex Schuster: Fees - €5,834, Expenses - €0.

CHIEF EXECUTIVE OFFICER RENUMERATION

The Chief Executive's salary for 2009 was €186,190 and her expenses were €3,357. The Chief Executive's pension is in line with the standard entitlements in the model public sector defined benefit superannuation scheme.

OTHER OBLIGATIONS UNDER CODE OF PRACTICE FOR THE GOVERNANCE OF STATE BODIES

The Agency has put in place procedures to ensure that it complies with the provisions of the Code of Practice for the Governance of State Bodies.

FREEDOM OF INFORMATION (FOI)

The Agency is covered by the provisions of the Freedom of Information (FOI) Acts. These Acts established three new statutory rights:

- A legal right for each person to access information held by public bodies;
- A legal right for each person to have official information held by a public body relating to him/herself amended where it is incomplete, incorrect or misleading;
- A legal right to obtain reasons for decisions affecting oneself taken by a public body.

SAFETY, HEALTH AND WELFARE ACT, 1989

In accordance with the Safety, Health and Welfare Act (1989), the Agency has prepared a safety statement that encompasses all the aspects affecting staff and visitor welfare.

ENERGY EFFICIENCY

In each area relevant to energy usage and services to its buildings, the Agency endeavours to employ the most energy efficient and environmentally friendly means available.

AUDIT COMMITTEE

The Board appointed an audit committee in 2007. The role of the committee is to review, monitor and advise on the robustness and effectiveness of the arrangements and status of the corporate governance, financial management, risk management and internal audit functions of the NCA.

INTERNAL AUDIT

The Agency has appointed external consultants to act as internal auditor who have prepared an audit plan, which is being implemented over the period 2008 to 2010. In 2009 internal audits were conducted in the following areas:

- Fixed Assets;
- Information Technology;
- Payroll;
- Call Centre Contract;

The Agency received a substantial (medium) level of assurance that the processes and procedures in place are efficient and effective, which is the 2nd highest level rating achievable, for all the audits.

REMUNERATION COMMITTEE

The Board appointed a remuneration committee to examine the Chief Executive's performance annually and to set performance criteria consistent with the corporate plans.

CUSTOMER CHARTER

The NCA has a Customer Charter, available on the NCA website at www.nca.ie, setting out its commitment to a high quality service to our customers.



STANDING ORDERS

The Board has adopted standing orders to ensure the orderly and effective conduct of the meetings of the Board of the Agency and they have been drawn up as stipulated in Section 12. (7) of the Consumer Protection Act 2007.

FINANCE

The National Consumer Agency is funded by way of annual grant from the Department of Enterprise Trade and Employment. In 2009 the Agency's grant was €8.5 million. The Agency's accounts are subject to audit by the Comptroller & Auditor General and the audit of the 2009 financial statements is underway and is scheduled to be completed in the 2nd quarter of 2010. At the time of writing, the provisional, unaudited financial statements show an actual expenditure of €6.1 million for 2009. The underspend is due to lower than planned staffing levels and reduced spending in most operational areas due to the current challenging budgetary climate.

MEMBERSHIP OF THE BOARD

In accordance with Section 10 (7) of the Consumer Protection Act 2007, two Board members, namely Mr. Eddie Hobbs and Mr. Alex Schuster retired from office on 30th April 2009.



Appendices



Appendix 1

Enforcement Activity In 2009

PROSECUTIONS (6)

Requirement to Indicate Product Prices) Regulations, 2002

- May 2009: **Marwa Ltd.** t/a Spiceland, 4 South Richmond St, Dublin 2.

Fined €2000 Costs €500

- May 2009: **Marcon Retail Ltd.** t/a Number 1 Shop, 25/26 Upper Dominic St, Galway.

Fined €600 Costs €1200

- May 2009: **Rauf Badalov/Kazim Razaev** t/a Carnmore Stores, Carnmore Cross, Carnmore, Co Galway.

Fined €1500 costs €1000

- July 2009: **Wayside Properties Ltd.** t/a Mulhalls Londis, Kellyville Centre, Portlaoise, Co. Laois.

Fined €1,000. Costs €500.

Consumer Protection Act, 2007

- June 2009: **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

Consumer Credit Act, 1995

- November 2009: **South Dublin Motors Ltd.**, in respect of offences at South Dublin Motors Ltd., Whitechurch Road, Rathfarnham, Dublin 14 - (i) unauthorised alteration to a credit intermediary authorisation, and (ii) Non display of the authorisation.

Fined €6,000 (€3,000 per offence).



Prohibition Orders (1) – Section 71 of the Consumer Protection Act 2007

- In 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.

Undertakings obtained by the Agency – Section 73 of the Consumer Protection Act 2007

- 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 had been giving 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.
- In January 2009, **Envirocare Pollution Control Ltd., C/O Kingspan Group PLC, Dublin Rd., Kingscourt, Co. Cavan**, 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.



In July 2009, **Amaranth Furniture Limited T/A Diamond Living** Undertook To Comply With The General Prohibition On Misleading Commercial Practices Imposed By Section 42 (1) Of The Consumer Protection Act 2007 And Refrain From Committing An Offence As Provided For In Section 47 Of The Act.

Compliance Notices (overall total: 32 CNs issued to 30 traders)

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

(No of Compliance Notices, 29 ... No of traders, 27)

- 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
- Coilbee Holdings Ltd, t/a Centra, Hampton St., Balbriggan, Co. Dublin
- Mr. Edward Glennon t/a Eurospar, Skerries Point Shopping Centre, Skerries, Co. Dublin
- Select Retail Holdings & Subsidiary t/a Superquinn, Market Cross Shopping Centre, Kilkenny (**2 CNs issued**)
- Dunnes Stores Ltd. t/a Dunnes Stores, Mc Donagh Junction Shopping Centre, Kilkenny
- Peleton Ltd. t/a Supervalu Supermarket, Thomastown, Co. Kilkenny (**2 CNs issued**)
- Patrick J. Flynn & Sons Ltd., t/a Top Service Station, Harbour Rd., Bannagher, Co. Offaly
- Cox Food Markets Irl Ltd. t/a Cox's Food Market, Sligo Road, Toam, Blacklion, Co. Cavan.
- B & Q Ireland Ltd. t/a B & Q, Mahon Point, Mahon, Co. Cork.
- John Hurley (Midleton) Ltd. t/a Hurleys Supervalu, Townspark, Mill Road, Midleton, Co. Cork.
- Ladgrove Stores Ltd. t/a Super Valu Palmerstown, Palmerstown Centre, Kennelsfort Road, Dublin 20.
- The Belohn Ltd. t/a Foley's Bar, 1 Merrion Row, Dublin 2.
- Dunewell Ltd. t/a Taste Food Company, 39/40 South William Street, Dublin 2.
- Tesco Ireland Ltd. t/a Tesco, Bloomfield Shopping Centre, Dun Laoghaire, Co. Dublin.
- Tesco Ireland Ltd. t/a Tesco, Crescent Shopping Centre, Dooradoyle, Co. Limerick.
- Griffeen Centra Ltd. t/a Centra, Griffeen Neighbourhood Centre, Lucan, Co. Dublin.
- Mazarin Convenience Stores Ltd. t/a Centra, Rivervalley Shopping Centre, Swords, Co. Dublin.
- Mr. Anthony Hamilton t/a Hamiltons, Leenaun, Connemara, Co. Galway.
- P & S Kavanagh (Thomastown) Ltd. t/a Super Valu, Thomastown, Co. Kilkenny.
- Mr. Dermot Daniels t/a Daniels Centra, Tullamore Road, Portarlinton, Co. Laois.
- Shuttington Holdings Ltd. t/a Eurospar, Fairgreen, Mountmellick Road, Portlaoise, Co. Laois.
- Shuttington Holdings Ltd. t/a Topaz Service Station, Banagher Road, Birr, Co. Offaly.

- Dunnes Stores (Ennis Road) Ltd. t/a Dunnes Stores, Jetland Shopping Centre, Ennis Road, Limerick.
- Dunnes Stores t/a Dunnes Stores, West Street, Drogheda, Co. Louth.
- Mr. Brian Dolan t/a Dolan's Gala, Clara Road, Tullamore, 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

(No of Compliance Notices, 2 ... No of traders 2)

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

Traders who make an invitation to purchase a product without disclosing the existence of any reasonable grounds the trader may have for believing that the trader will not be able to supply the product at the price specified in the invitation, in contravention of Section 55(1)(1) and Section 56 of the Consumer Protection Act 2007

(No of Compliance Notices, 1 ... No of traders, 1)

- Webzone Limited, Paramount Court, Corrig Road, Sandyford Industrial Estate, Dublin 18.

Fixed Payment Notices: Section 85 of the Consumer Protection Act 2007 (overall: 54 FPNs paid, after issue to 52 traders)

EC (Requirement to Indicate Product Prices) Regulations, 2002

(No of Fixed Payment Notices, 48 ... No of traders, 46)

- Tesco Ireland Ltd. t/a Tesco, Bloomfield Shopping Centre, Dun Laoghaire, Co. Dublin
- Tesco Ireland Ltd., Tesco Clearwater Shopping Centre, Finglas, Dublin 11
- Mr. 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
- Heiton Buckley Ltd. t/a Heiton Buckley, Swords Rd., Santry, Dublin 9
- Petrogras Group Ltd., t/a Grange Service Station, Grange Rd., Dublin 13
- Mr. Ronan Brennan t/a Super Duper, Bawnogue Shopping Centre, Clondalkin, Dublin 22
- Brendan Lynch Ltd., t/a Supervalu, Fortunestown Shopping Centre, Tallaght, Dublin 24
- Patrick J. Flynn & Sons Ltd. t/a Top Service Station, Harbour Rd., Bannagher, Co. Offaly
- Mr. Ciaran Price t/a Eurospar, Market Square, Bunclody, Co. Wexford



- C & P Enterprises Ltd., t/a Mace, Ardavan, Co. Wexford
- Mr. 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
- Mr. Pdraig Donohue t/a Donohoes SuperValu, Ballyconnell, Co. Cavan.
- P. Gilbride (Cavan) Ltd. t/a Gilbrides Londis, The Diamond, Belturbet, Co Cavan.
- Strand Stores Ltd. t/a Scallys Centra, Main Street, Douglas, Co. Cork.
- Mr. Jim O'Donovan t/a Broadale Superstore, Maryborough Hill, Douglas, Co. Cork.
- Kay O'Connell Ltd. t/a K O'Connell's Fish Emporium, Grand Parade Market, Grand Parade, Cork, Co. Cork.
- Ms. Ciara O'Brien t/a Gala Supermarket, Main Street, Watergrasshill, Co. Cork.
- Mr. John Wilson t/a Costcutters, The Village Store, Main Street, Lusk, Co. Dublin.
- Mr. Thomas Stafford t/a C&T Supermarket, Shenick Road, Holmpatrick Shopping Centre, Skerries, Co. Dublin.
- J.C. Savage Supermarket Ltd. t/a JC Savage Supermarket, Swords Shopping Centre, Rathbeale Road, Swords, Co. Dublin.
- Mr. Mark Power t/a Powers Londis, 12 – 13 Edenmore Shopping Centre, Raheny, Dublin 5.
- Mr. Shay Doherty t/a Costcutters, 408 – 410 Collins Avenue, Whitehall, Dublin 9.
- Jans Retail Ltd. t/a Londis, 314 Ballyfermot Road, Ballyfermot, Dublin 10.
- Mr. Anthony Hamilton t/a Hamiltons, Leenaun, Connemara, Co. Galway.
- Joyce's Supermarket Ltd. t/a Joyces Supermarket, Church Road, Headford, Co Galway. **(3 FPNs issued)**
- Pata Stores Ltd. t/a Mace, Derrinturn, Carbury, Co. Kildare.
- Newsrail Ltd. t/a Easons, Unit 2, New Mill Shopping Centre, Maynooth, Co. Kildare.
- Clelands Supermarkets Ltd. t/a Clelands Costcutter, Main Street, Abbeyleix, Co. Laois.
- Messrs. Martin Crehan and Dermot McCabe t/a Crehan & McCabe SuperValu, Main Street, Abbeyleix, Co. Laois.
- Mr. Raymond Ryan t/a Ballyroan Stores, Main Street, Ballyroan, Co. Laois.
- Lawlors Gala Durrow Ltd. t/a Lawlors Gala, The Square, Durrow, Co. Laois
- Woody Point Services Ltd. t/a Mighty Mols, Emo Service, Dublin Road, Mountrath, Co. Laois.
- Mr. Brendan Carroll t/a Carrolls Costcutters, Market Square, Mountrath, Co Laois.
- J.V. Cummins (Supermarkets) Ltd. t/a J.V. Cummins SuperValu Supermarket, New Street, Ballinrobe, Co. Mayo.
- Mr. Gilbert Graham & Ms. Evelyn Helion t/a Express Stop n Shop, Main Street, Ballingar, Co. Offaly.
- Shuttington Holdings Ltd. t/a Topaz Service Station, Banagher Road, Birr, Co. Offaly.
- Mr. Desmond Baggot t/a Baggots Centra, The Square, Clara, Co. Offaly.



- Messrs. Peter and John Brady t/a Spar, JKL Street, Edenderry, Co. Offaly.
- Mr. Brian Dolan t/a Dolan's Gala, Clara Road, Tullamore, Co. Offaly.
- Westward Holdings Ltd. t/a Westward Filling Station, Strokestown, Co. Roscommon.
- DSG Retail Ireland Ltd. t/a PC World, Old Bowling Alley, Cork Road, Waterford, Co. Waterford.
- Moritz Trading Ltd. t/a C & D Home & Hardware, Trinity Street, Wexford.
- Petrogas Group Ltd. T/A Applegreen Service Station, Wexford Road, Arklow, Co. Wicklow.

Retail Price (Beverages in Licensed Premises) Display Order 1999

(No of Fixed Payment Notices, 5 ... No of traders, 5)

- B.J. Hotels Ltd. t/a The Old Market Place Pub & Bistro, Abbey Gate Hotel, Maine St., Tralee, Co. Kerry.
- Mr. Philip O'Reilly t/a Lisgrey House, Lisgrey, Virginia, Co. Cavan.
- Douglas Taverns Ltd. t/a Barrys of Douglas, Douglas Village, Co. Cork.
- Kentonridge Ltd. t/a Igo Inn, Military Road, Ballybrack, Co. Dublin.
- Shirley Arms Hotel Ltd. t/a Shirley Arms Hotel, Main Street, Carrickmacross, Co. Monaghan.

Retail Price (Food in Catering Establishments) Display Order 1984

(No of Fixed Payment Notices, 1 ... No of traders, 1)

- Derryowen Retailing Ltd. t/a The Loft, 38A Upper Drumcondra Road, Dublin 9.



Appendix 2

RISK OF CARBON MONOXIDE POISONING FROM CERTAIN GAS (LPG) COOKERS

URGENT SAFETY WARNING

BEKO, FLAVEL, LEISURE & NEW WORLD GAS COOKERS

It has recently come to our attention that particular Beko, Flavel, Leisure and New World cookers with a separate oven and grill can, if they are not operated in accordance with the user instructions produce

DANGEROUS LEVELS OF CARBON MONOXIDE WHICH CAN CAUSE SERIOUS INJURY OR DEATH

WHAT TO DO NEXT:

- 1. CHECK THE LIST BELOW TO SEE IF YOU OWN ONE OF THE AFFECTED COOKERS***

Brand	Product Model Number
Beko	DCG8511WLPG
Beko	DCG8511PLW
Beko	DG581LWP
Flavel	DCGAP5LS
Flavel	AP5LDWP
Flavel	AP5LDW
Flavel	AP5LDSP
Leisure	CM1ONRK
Leisure	CM1ONRC
New World	50TWLM SV LPG
New World	50WLM WH LPG
New World	50WLM SV LPG
New World	50TWLM WH LPG

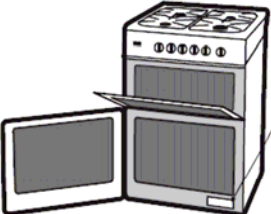
- 2. DO NOT UNDER ANY CIRCUMSTANCES OPERATE THE GRILL WITH THE GRILL DOOR CLOSED**
- 3. ARRANGE FOR A FREE SAFETY INSPECTION AND MODIFICATION**

FOR BEKO, FLAVEL & LEISURE
FREEPHONE 1800 25 29 25
(9am-8pm Mon-Fri, 10am-4pm Sat-Sun)

FOR NEW WORLD
FREEPHONE 1800 569 569
(9am-5pm Mon-Fri)

* The model and product code details are shown on the data badge at the bottom front edge of the appliance.

If you have any doubts please contact the above numbers.



NEW WORLD
50 TWLM SV LPG
Product code 4442018
17228262 26 10000 07 400 5111111

FLAVEL
DCGAP5LS
Class 1
17228262 26 10000 07 400 5111111

BEKO
DCG8511WLPG
Class 1
17228262 26 10000 07 400 5111111



Appendix 3

REFIT OF GEMINOX IMMERSION WATER HEATER

National Consumer Agency Safety Notice

Géminox EBS Immersion Heater Potential fire hazard



Géminox, a domestic appliance manufacturer based in France, has started to undertake a refit of immersion heaters for their EBS type hot water tanks, due to safety reasons.

The affected immersion heaters for the EBS hot water tanks have been imported into Ireland since 2001 by Aquatech Ltd., Cork. There is a risk of overheating of the black plug-in connectors located at the bottom of the grey box at the front of the tank and on the top of the tank (see pictures). Under worst-case conditions, the overheating may lead to fire.

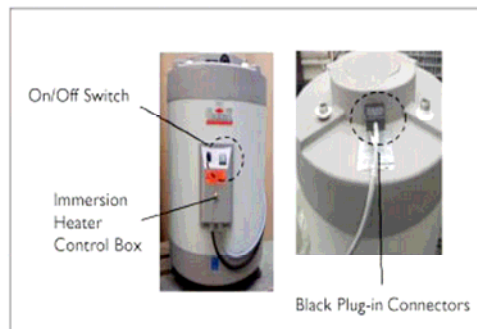
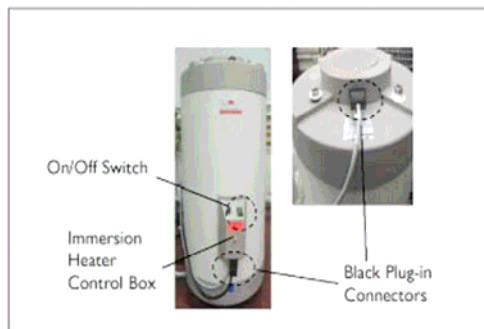
EBS hot water tanks without the grey control box at the front have no immersion heater. EBS hot water tanks with the grey box but without any black plug-in connector have an improved version of the immersion heater wiring. These installations are not affected.

Géminox have contracted Valve Control Systems Ltd. to carry out a refit of the affected immersion heater wiring to eliminate the problem.

Consumers are asked to contact Valve Control Systems Ltd. on telephone number 01-8258081/01-8258082 from Monday to Friday, office hours, to arrange to have the refit carried out.

The refit of the immersion heaters will be **free of charge** for the consumers.

Until the wiring has been replaced consumers are asked to keep the immersion heater switched off at all times.



Appendix 4

Unsafe Products found in Ireland and notified to the European Commission under the RAPEX System		
Notification Number	Company and Product	Type of Danger
0013/09	Toyota Ireland – Toyota Auris	Injuries The product poses a risk of injuries as both rear brake calliper bolts may come loose from the rear axle beam due to insufficient torque of calliper bolts.
0072/09	Joyce's Cash & Carry – Fantasy Girl & the Pegasus Children's cosmetic set	Chemical The product poses a chemical risk because the lead levels of 8200 mg/kg, 7500 mg/kg and 7100 mg/kg were found in the green blusher/eye shadow in three different products.
0075/09	Kertoy Ltd. – Kimyon "Gives you Freshness" Lip Gloss & Eyeshadow Set	Chemical The product poses a chemical risk because the corn-yellow eye shadow contains 2700 mg/kg of lead.
0094/09	Dunnes Stores – Dasini Perfect make up set	Chemical The product poses a chemical risk because the black paint contains 25.22 mg/kg of lead.
0095/09	Kandy Toys – Its Girl Stuff make up box	Chemical The product poses a chemical risk because the beige eye shadow contains 20.09 mg/kg of lead.
0153/09	Beko Ltd - New World, Beko, Flavel & Leisure Gas Cookers	Chemical The product poses a chemical risk when the grill door is closed which causes highly dangerous levels of CO to be produced. Tests carried out have confirmed that highly dangerous levels of CO are produced when the grill burner is operated with the grill door closed.
0200/09	Star Edge – Bio Claire Lightening Body Lotion without Hydroquinone	Chemical The product poses a chemical risk because it contains 0.06% of hydroquinone.
0232/09	Halsall International Limited – Create a Face Creative Play Face Paints	Chemical The product poses a chemical risk because the yellow face paint contains 175mg/kg and the mustard coloured face crayon contains 270mg/kg of lead.



0235/09	Kertoy Ltd. – Kimyon Happy Hour™ Glamor Diamond Cosmetics	Chemical The product poses a chemical risk because the peach blusher and the pink blusher contain 3400mg/kg and 80mg/kg of lead respectively.
0248/09	Kertoy Ltd. – Kimyon Tracy Happy Hour Glamour Make Up Set	Chemical The product poses a chemical risk because it contains lead levels of 6800mg/kg in the dark green powder, 2000mg/kg in the coral powder and 4000mg/kg in the orange powder.
0270/09	Renault SAS – Renault Trafic, ELO, FLO & JLO models.	Injuries The product poses a risk of injuries, due to a possible malfunction of the handbrake, which could cause the handbrake intermediate cable connector to break.
0298/09	Corsair Toiletries Ltd. – Disney Princess Wishes & Kisses Luscious Lip Gloss Collection	Chemical The product poses a chemical risk because of the level of lead
0427/09	Philips Electronics Ireland – Mains adapter used in DVD, Player/Recorder/VCR combi/hts + DVD/Photo Frame	Electric shock The products pose a risk of electric shock because the upper plug housing may give way exposing the live parts.
0916/09	Dunnes Stores – 2 Pack Hanging Votive Candle	Burns & fire The product poses a risk of burns and fire because the tea lights are of poor quality and the wick burns down too quickly causing the wax to catch fire.
1069/09	Jaguar Cars Ltd – Jaguar XJ Model	Injuries Possible corrosion of the brake pipes could lead to failure of one or both brake circuits and hence reduced braking performance or complete loss of braking.
1073/09	Volvo Car Corporation – Volvo S80 and V70	Injuries This risk associated with the recall could lead to a loss of fuel pressure in the fuel system and the vehicle will stall with no warning to the driver, causing a risk of accident.
1505/09	Remington Arms Company, Inc. - Remington Model 597 17 HMR - semi-automatic rifle	Injuries The product poses a risk of serious personal injuries because of possible malfunction of the firearm during the firing sequence caused by the ammunition.
1651/09	Belkin Ltd. – Hands free device for personal music players - Tunebase Direct with hands free, Tunebase FM with hands free and Tunebase FM with Clear scan	Fire The product poses a risk of fire because the washer of the product may cause an electric short circuit when plugged into a vehicle's cigarette lighter adapter and may smoke and catch fire.
1661/09	B&Q Plc – Lighting chain 50	Electric shock



	Clear/Red/Green Marble Lights	The product poses a risk of electric shock because of the possibility of touching un-insulated wires close to the bulbs.
1679/09	Euro General Retail Ltd. – Toy Foam Pistol with Light & Sound	Chemical The product poses a chemical risk due to the presence of 225mg/kg of lead in the grey foam.



Appendix 5

Unsafe Products Notified to the Agency by other Member States and found in Ireland.		
RAPEX Notification Number	Product	Type of Danger
0249/09	KTM Quad Bikes	Injuries
0504/09	Philips Senseo Coffee Maker	Burns and Cuts
0661/09	Hand Puppet	Chemical
1236/09	Philips Master LED lamp 7W 230 Dimmable	Burns
0074/09	H&M Children's Cardigan	Choking
0091/09	Mercedes Benz S-Class. Type 221.	Injuries
0522/09	Ford Focus 1.6.1.8.2.0 Turbo Diesel Models	Fire
1030/09	Harley Davidson	Injuries
1242/09	BMW Motorcycles	Injuries
1358/09	Karcher Submersible Pump	Electric Shock
1442/09	Renault Traffic	Injuries
0495/09	Citroen Cars C2 Model	Injuries
0066/09	Suzuki Swift RS413, RS 413 Diesel, RS 415, RS 416 Models	Fire
0168/09	Tovota Yaris	Fire
0322/09	Mercedes Benz Spare Wheel Carrier	Injuries
0397/09	Ford KA Back Plate Bolts	Injuries
0631/09	Mitsubishi Lancer Cars	Injuries
0632/09	Volvo V70, XC70, S80 Models	Injuries
0648/09	Volvo Penta	Fire
0686/09	Fiat Scudo Van 2.0L	Injuries
0738/09	Ford Focus, Focus CC, C-Max, Galaxy, Kuga, Mondeo, S-Max Models Cars	Injuries
0890/09	Fiat Punta Cars	Fire
0905/09	Volvo S80, V70, XC60, XC70 Model Cars	Injuries
1015/09	VW Touareg Rear Spoiler	Injuries
1334/09	Suzuki Swift RS413, RS 413 Diesel, RS415, RS416 Models	Injuries
1335/09	Ford Transit	Injuries
1350/09	Land Rover Discovery & Sport	Fire
1401/09	Nissan QASHQAI and X-Trail	Injuries
1406/09	Volkswagen Jetta, Golf, EOS, Passat, Scirocco, Touran and Caddy.	Injuries
1412/09	Opel Vivaro	Injuries
1501/09	Renault Kangoo II/Scenic II steering	Injuries
0760/09	Chicco Swinging Bear	Choking
0764/09	Bugaboo Bee Pushchair	Injuries
0954/09	POP Whitening Facial Cream	Chemical
0117/09	Protex Fire Extinguisher	Burns
0682/09	Tesco Funky Play Centre	Choking
1510/09	AC Adapter VGP-AC19V18 for Sony Vaio	Electric Shock
1523/09	Samsung Fridge Freezers	Fire
0087/09	Honda Motorcycle CBF 150 R/RB 2007/08	Injuries
0479/09	Honda Motorcycle	Injuries
1426/09	Renault Koleos	Injuries
0310/09	Baby Windproof Overalls	Suffocation
0353/09	Volvo S40/V50/C30	Fire
0533/09	Thule Rapid Fixpoint Kit	Injuries

0695/09	Tesco Adaptor	Electric Shock
0005/09	Griptight Safety Soothers 4 pack - Silicone	Suffocation
0084/09	Lloytron Carbon Monoxide Alarm	Chemical
0395/09	Pescatore Infant Bonnet	Strangulation
0457/09	Fisher Price High Chair	Injuries
0463/09	Infantino Hanging activity set	Choking
0500/09	Olev Moisturised Projector Screen	Electric Shock
0660/09	Tov Deckchair	Injuries
0665/09	Various brands of mouthwash supplied by Asda, Morrisons, Superdrug, Tesco	Microbiological
0708/09	Radio Transmitter For Model Aircraft	Injuries
0709/09	Lithium Ion Battery Pack	Fire and Burns
0864/09	Clark's Children Shoes	Choking
0878/09	Kitchen Utensils	Chemical
0913/09	Coffee Blade Grinder	Injuries
0923/09	Fan Heater	Fire
0936/09	Boots sultan kids suncream	Health Risk
1025/09	M&S Stripey Hammock	Injuries
1046/09	Wooden Directors Chair 2 Pack	Injuries
1047/09	Tesco Rio Patio Set	Injuries
1055/09	various brands of in-built ovens supplied by Moffet, John Lewis, Parker Cowen.	Fire
1070/09	Clarks Children's Shoes	Choking
1072/09	Imitation single layer chocolate cheesecake with	Choking
1080/09	3 in 1 Jump Start/Quick Start	Injuries
1109/09	Ben 10 Alien Hero Torch	Burns
1223/09	Miniamo Children's Melamine Cutlery Sets	Choking
1238/09	Landmann Gas Barbecue	Burns
1299/09	Knitted Smiley Bunny	Choking
1413/09	Boots Cotton Buds	Microbiological
1427/09	Bunk Beds	Cuts & Injuries
1579/09	Mothercare Flyte Travel system	Injuries
1631/09	Power supply for DacMagic convertor	Electric Shock

For more detailed information about the RAPEX notifications listed in Appendices 4 and 5 above please consult the following web link:

http://ec.europa.eu/consumers/dyna/rapex/create_rapex_search.cfm

