

Competition and Consumer Protection Commission

Consumer Protection List

1st January 2015 to 31st December 2015



Coimisiún um
Iomaíocht agus
Cosaint Tomhaltóirí

Competition and
Consumer Protection
Commission

1. Fines, Penalties & Compensation Orders

Total number of fines, penalties and compensation orders imposed by the court: 6

Legislation breached:

- Contraventions of the Consumer Protection Act 2007 - as described by Section 43(1) and Section 43 (3)(b)(vii), Section 43(3)(b)(x), Section 43 (3)d all contrary to Section 47.
- Contravention of the European Communities (General Product Safety) Regulations 2004.

Mr. Brian Fassnidge, formerly trading at Motorcity Naas Road, 15 Naas Road, Dublin 22

- Consumer Protection Act 2007: Mr. Fassnidge was fined €3,000 following summary convictions for three offences under the Consumer Protection Act 2007. The offences related to engaging in misleading commercial practices concerning the sale of motor vehicles to consumers.
- European Communities (General Product Safety) Regulations 2004: Mr. Fassnidge was fined €1,000 following a summary conviction for one offence under the European Communities (General Product Safety) Regulations 2004. The offence related to the sale of a dangerous motor vehicle.
- Compensation Order under Section 81 of the Consumer Protection Act 2007: Following summary convictions for offences under the Consumer Protection Act 2007 and following an application by the Competition and Consumer Protection Commission, Mr. Fassnidge was ordered to pay the sum of €500 to each of the aggrieved consumers.

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

Total number of Compliance Notices that took effect: 29

Legislation breached:

- Compliance Notices Issued to traders who failed to give or make available to consumers information on their rights to cancel distance contracts under the European Union (Consumer Information, Cancellation and Other Rights) Regulations 2013, in plain and intelligible language and in a way appropriate to the means of distance communication used.

Number of Compliance Notices issued: 5

Traders listed alphabetically by County:

- eircom Limited, 1 Heuston South Quarter, St. John's Road, Dublin 8
- Meteor Mobile Communications Limited, No. 1 Heuston South Quarter, St. Johns Road, Dublin 8
- Three Ireland (Hutchison) Limited, 28/29 Sir John Rogerson's Quay, Dublin 2
- UPC Communications Ireland Limited, Building P2, Eastpoint Business Park, Clontarf, Dublin 3
- Vodafone Ireland Limited, Mountainview, Leopardstown, Dublin 18

Legislation breached:

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

Number of Compliance Notices issued: 6

Traders listed alphabetically by County

- Arnotts Limited, 12 Henry Street, Dublin 1
- eircom Limited, 1 Heuston South Quarter, St. John's Road, Dublin 8
- Meteor Mobile Communications Limited, No. 1 Heuston South Quarter, St. Johns Road, Dublin 8.
- UPC Communications Ireland Limited, Building P2, Eastpoint Business Park, Clontarf, Dublin 3
- Vodafone Ireland Limited, Mountainview, Leopardstown, Dublin 18
- Expert Ireland Retail PLC, Zone A Mullingar Business Park, Mullingar, Co. Westmeath

Legislation breached:

- Compliance Notices issued to traders who failed to give or make available to consumers information on the trader's obligation to provide goods in conformity with contract in plain and intelligible language and in a way appropriate to the means of distance communication used, as required under Regulation 10 of the European Union (Consumer Information, Cancellation and Other Rights) Regulations 2013.

Number of Compliance Notices issued: 1

Traders listed alphabetically by County

- Expert Ireland Retail PLC, Zone A Mullingar Business Park Mullingar, Co. Westmeath

Legislation breached

- Compliance Notices issued to traders who for the purposes of Section 43(1) of the Consumer Protection Act 2007, engaged in a misleading commercial practice by misleading consumers by providing false information in relation to the usage or prior history of a motor vehicle being offered for sale, such being a matter set out in Section 43(3)(b)(vii) of the Consumer Protection Act 2007, and that such a misleading practice would be likely to cause the average consumer to make a transactional decision that the average consumer would not otherwise make.

Number of Compliance Notices issued: 1

Traders listed alphabetically by County:

- Mr Edward McCarthy, trading as Phoenix Motors, Conyngham Road, Park Gate Street, Dublin 8

Legislation breached

- Compliance Notices issued to traders who charged more for consumer goods than the price displayed, as described by Section 43(3)(c) of the Consumer Protection Act 2007.

Number of Compliance Notices issued: 16

Traders listed alphabetically by County:

- Mr Peadar Aspel, trading at Aspel's Centra, Upper Strand Street, Youghal, Co. Cork
- AJ Stores Limited, trading at Centra Jordan's, Unit 1 Killinarden Shopping Centre, Killinarden, Dublin 24
- B & Q Ireland Limited, trading at B & Q, Airside Retail Park, Swords, Co. Dublin
- Brian Reynolds Car Sales Limited, trading as Maxol Mace Filling Station, Donore Road, Drogheda Co. Louth
- Corajio, trading as Mr Price, Coolock Retail Park, Coolock, Dublin 17
- Lidl Ireland GMBH, trading as Lidl, 18 Rathfarnham Road, Terenure, Dublin 6
- Ladgrove Stores Limited, trading at Moriarty's Supervalu, Palmerstown Shopping Centre, Palmerstown, Dublin 20
- Newhill Limited, trading at Spar, Unit 14-18 Marfield Mall, Kiltipper, Dublin 24
- Q E C Limited, trading as Esso Ushers Quay, 15-21 Usher's Quay, Dublin 8
- Joyce's Supermarket (Athenry), trading at Joyce's Supermarket, Athenry Shopping Centre, Athenry, Co. Galway
- Tesco Ireland Limited, trading as Tesco, Galway Shopping Centre, Headford Road, Co. Galway
- New Vistas Healthcare Limited, trading at Nature's Hand, Unit 28, Crescent Shopping Centre, Dooradoyle, Limerick, Co. Limerick
- GMBH, trading as Lidl, Donore Road, Drogheda, Co. Louth
- Cappincur Filling Station Limited, trading at Mace, Cappincur Filling Station, Cappincur, Tullamore, Co. Offaly
- Tesco Ireland Limited, trading as Tesco, Market Yard, Roscommon, Co. Roscommon
- Dunnes Stores, trading at Dunnes Stores, Harbour Place Shopping Centre, Mullingar, Co. Westmeath

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

Total number of Fixed Payment Notices paid: 33

Legislation breached

- FPNs issued to traders in breach of the European Communities (Requirements to Indicate Product Prices) Regulations 2002.

Total Number issued: 31

Traders listed alphabetically by County:

- Dairygold Agri Business Limited, trading at Co-Op Superstores, Park Road, Mallow, Co. Cork
- O'Sheas Supermarket (Cobh) Limited, trading at Garvey's SuperValu, Tiknock, Cobh, Co. Cork
- Bridgefield Retail Limited, trading as Spar Dutch Village Clondalkin, Dutch Village Shopping Centre, Clondalkin, Dublin 22
- C& C Retail Limited, trading as Spar, 19-20 Dame Street, Dublin 2
- C & T Supermarket, trading at C & T Supermarket, Holmpatrick Shopping Centre, Shenick Road, Skerries, Co. Dublin
- Cari's Closet Limited, trading at Cari's Closet, New Street, Malahide, Co. Dublin
- Clarke's Bakery Limited, trading at Clarkes Home Bakery, 54 Cabra Road, Dublin 7
- Corajio, trading as Mr Price, Coolock Retail Park, Coolock, Dublin 17
- Donnybrook Fair Limited, trading at Donnybrook Fair, 89 Morehampton Road, Donnybrook, Dublin 4
- Donnybrook Fair Limited, trading at Donnybrook Fair, 89 Morehampton Road, Donnybrook, Dublin 4
- Empaco Stores Limited, trading as Collins Centra, 8 Main Street, Howth, Co. Dublin
- Halfords Limited, trading at Halfords, Malahide Road Retail Park, Dublin 17
- Mastercare Retailers Limited, trading at Mastercare, 164 Howth Road, Dublin 5
- M&MSERVICEMAX IMD LIMITED, trading as Camden Halal, 21 Lower Camden Street, Dublin 2
- Musgrave Operating Partners Ireland Limited, trading at SuperValu, Northside Shopping Centre, Coolock, Dublin 17
- Q E C Limited, trading as Esso Ushers Quay, 15-21 Usher's Quay, Dublin 8
- Joyce's Supermarket (Athenry), trading at Joyce's Supermarket, Athenry Shopping Centre, Athenry, Co. Galway
- Messrs Diarmuid O'Callaghan, Shane O'Callaghan, and Sean Doyle trading at Gala, 37 High Street, Killarney, Co. Kerry
- John Fletcher Limited, trading at Fletcher's Hardware, Main Street, Portarlington, Co. Laois
- New Vistas Healthcare Limited, trading at Nature's Hand, Unit 28, Crescent Shopping Centre, Dooradoyle, Limerick, Co. Limerick
- Mr Bernard Keane, trading at SuperValu, Main Street, Lanesborough, Co. Longford
- Bushgrove Limited, trading at Euro Giant, N4 Axis Centre, Longford, Co. Longford
- Brian Reynolds Car Sales Limited, trading as Maxol Mace Filling Station, Donore Road, Drogheda Co. Louth
- Dunnes Stores, trading at Dunnes Stores, 4 West Street, Drogheda, Co. Louth
- Lidl Ireland GMBH, trading as Lidl, Donore Road, Drogheda, Co. Louth
- Newgate Quik Pick Limited, trading at Mace, Newgate, Kells Road, Navan, Co. Meath
- Tesco Ireland Limited, trading as Tesco, Market Yard, Roscommon, Co. Roscommon
- Anokato Limited, trading as Mulrooney's Service Station Brooklands Nenagh, Brooklands, Nenagh, Co. Tipperary
- Tesco Ireland Limited, trading as Tesco, Powerstown Centre, Waterford Road, Clonmel, Co. Tipperary
- Michael Guiney Limited, trading at Michael Guiney, Castle Street, Mullingar, Co. Westmeath
- Ard Services Limited, trading at Topaz Service Station, Main Street, Kilcoole, Co. Wicklow

Legislation breached

- FPNs issued to traders in breach of the Retail Price (Beverages in Licensed Premises) Display Order 1999.

Total Number issued: 2

- The Cradle Rock Limited, trading as The Michael Collins, Lower Main Street, Rush, Co. Dublin
- Zest Foods Limited, trading as Bar One, Rush Street, Castlebar, Co. Mayo