

**Consumer Protection Act 2007**  
**Compliance Notice (Section 75)**

Greenhill Motors Limited,  
17 Elmwood Close  
Drogheda,  
County Louth

Competition and Consumer Protection Commission  
Bloom House  
Railway Street  
Dublin 1

I, John McNally, an authorised officer of the Competition and Consumer Protection Commission (CCPC), duly authorised under section 35 of the Competition and Consumer Protection Act 2014 (2014 Act) hereby give you, Greenhill Motors Limited, notice, pursuant to section 75(2) of the Consumer Protection Act 2007, (2007 Act) that I am of the opinion that Greenhill Motors Limited engaged in a misleading commercial practice under Part 3 of the 2007 Act, such a misleading commercial practice being a prohibited act or practice as defined by Section 67(a) of the 2007 Act.

The contravention contained herein relates to information provided on the online classifieds website, [www.donedeal.ie](http://www.donedeal.ie), and the provision of false information relating to the usage or prior history of a motor vehicle.

**Statement of alleged contravention**

That, Greenhill Motors Limited, a trader for the purposes of the 2007 Act, engaged in a misleading commercial practice by providing false information in relation to the main characteristics of a motor vehicle, in particular the usage or prior history of a motor vehicle being offered by Greenhill Motors Limited for sale, and that such a practice would be likely to cause the average consumer to make a transactional decision that the average consumer would not otherwise make.

Section 42(1) of the 2007 Act provides that a trader shall not engage in a misleading commercial practice. Section 43(1) of the 2007 Act provides that a commercial practice is misleading if it includes the provision of false information relating to *inter alia* the main characteristics of a product, including the usage or prior history (as identified by section 43(3)(b)(vii)), and would be likely to cause a consumer to make a transactional decision that the average consumer would not otherwise make. Section 47 of the 2007 Act provides that it is an offence to engage in a misleading commercial practice.

**My Opinion**

I am of the opinion that Greenhill Motors Limited provided false information relating to the prior usage or history of a motor vehicle by advertising a false mileage in advertisements on the online classifieds website, [www.donedeal.ie](http://www.donedeal.ie), such a practice being a misleading commercial practice for the purposes of the 2007 Act.

The reasons for my opinion are based on the following;

1. You, Greenhill Motors Limited, having its registered office at 17 Elmwood Close, Drogheda, County Louth, can be described as a 'trader' for the purposes of the 2007 Act.
2. You, Greenhill Motors Limited, offered for sale a motor vehicle Renault Megane registration number 05 KK 249 (the Motor Vehicle) on the classified advertisement website [www.donedeal.ie](http://www.donedeal.ie) during the following periods:
  - a. between 28 May 2017 and 30 June 2017 where the Motor vehicle's mileage was advertised as 55,000 kilometres; and
  - b. between 28 August 2017 and 12 September 2017 where the Motor vehicle's mileage was advertised as 88,000 kilometres.
3. On 21 June 2017, the CCPC carried out an inspection at the business premises of Greenhill Motors Limited at Unit 17, Stagreenan, Boyne Business Park, Drogheda, County Louth. On this date, the mileage reading the Motor Vehicle's odometer was 45,450 kilometres.
4. Following an investigation of the mileage history of the Motor Vehicle, it was ascertained that on 26 March 2015 the motor vehicle had a mileage recording of 140,099 kilometres. The mileage recordings advertised by Greenhill Motors Limited, were therefore, significantly less than the mileage reading recorded on the odometer of the Motor Vehicle on 26 March 2015. Therefore, I am of the opinion that the information provided by Greenhill Motors Limited on [www.donedeal.ie](http://www.donedeal.ie) between 28 May 2017 and 30 June 2017 and between 28 August 2017 and 12 September 2017 was false information.
5. In my opinion, the mileage of a motor vehicle is one of the main characteristics of a motor vehicle as it provides information as to the usage and/or prior history of the motor vehicle. This information is material information that a consumer requires when deciding whether or not to purchase a motor vehicle.
6. In my opinion, the mileage information provided by Greenhill Motors Limited on [www.donedeal.ie](http://www.donedeal.ie) between 28 May 2017 and 30 June 2017 and between 28 August 2017 and 12 September 2017 by Greenhill Motors Limited on [www.donedeal.ie](http://www.donedeal.ie) was false information in relation to the usage and prior history of the Motor Vehicle, and that information would likely cause the average consumer to make a transactional decision that the average consumer would not otherwise make.

#### **Compliance direction and requirements**

1. Greenhill Motors Limited, a trader, is hereby directed to comply with the prohibition on misleading commercial practices provided by section 42 of the 2007 Act;
2. Greenhill Motors Limited, a trader, is hereby directed to cease engaging in misleading commercial practices, contrary to section 47 and as described by section 43(1) and section 43(3)(b)(vii) of the 2007 Act.
3. Greenhill Motors Limited, a trader, is hereby required to provide true and accurate information in all communications, including advertisements, to consumers with respect to the usage and prior

history, in particular odometer mileage reading, of every vehicle advertised or offered for sale by Greenhill Motors Limited;

4. Greenhill Motors Limited, a trader, is hereby required to carry out appropriate due diligence on the history and usage of every used vehicle advertised or offered for sale by Greenhill Motors Limited;
5. Greenhill Motors Limited, a trader, is hereby required to maintain a record of the due diligence carried out on the history and usage referred to in paragraph 4) above for a period of three (3) years from the date of advertisement or the date of sale, whichever is later, of every used vehicle advertised or offered for sale by Greenhill Motors Limited.

You must comply with this compliance direction and requirements by **20 November 2018**.

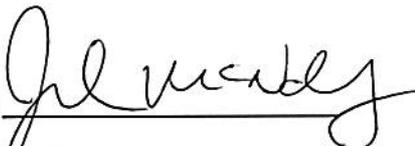
You may appeal this Compliance Notice to the District Court in the District Court district in which the notice is served within **14 days after its service**.

The form and manner of such an appeal is that to be found in the District Court Rules, Schedule C, Form No: 40D.01. This is available from the registrar at your local District Court office.

In the event that you decide to appeal the Compliance Notice, you must, at the same time, notify the CCPC at the above address. You must also notify the CCPC of the grounds for the appeal.

If an appeal is not made in accordance with section 75 of the 2007 Act and within 14 days after service of the Compliance Notice, this notice will be treated as not disputed, you will be deemed to have accepted the notice and to have agreed to comply with the compliance direction and requirements and any failure or refusal to so comply is an offence and, on summary conviction, you will be liable to the fine and penalties set out in Part 5, Chapter 4 of the 2007 Act.

A copy of section 75 of the 2007 Act is attached to this Compliance Notice. It is intended for information purposes only and does not constitute part of the Compliance Notice.

Signed:   
John McNally

Authorised Officer

Competition and Consumer Protection Commission

Date: 24 October 2018