



Coimisiún um
Iomaíocht agus
Cosaint Tomhaltóirí

Competition and
Consumer Protection
Commission

Consumer Protection List 2018

In accordance with section 86 of the Consumer Protection Act 2007, as amended.

1 January 2018 to 31 December 2018

Consumer protection enforcement concluded in 2018

1. Convictions/Fines, Penalties/Compensations/Compensation Orders

None recorded in 2018.

2. Undertakings (pursuant to section 73 of the Consumer Protection Act 2007)

Total number of undertakings: Four

Legislation breached

Engaging in a misleading commercial practice prohibited under section 42 and as described by section 43(1) and section 43(3)(b)(vii) and contrary to section 47 of the Consumer Protection Act 2007.

Pat O'Connell Cars and Commercials Limited, Garryglass Road, Ballysimon, Co. Limerick

On 13 September 2018, following an investigation relating to an alleged misleading commercial practice, Pat O'Connell Cars and Commercials Limited, Garryglass Road, Ballysimon, Co. Limerick gave an undertaking pursuant to section 73 of the Consumer Protection Act 2007. Pat O'Connell Cars and Commercials Limited undertook to:

- Comply with the prohibition on misleading commercial practices provided by section 42 of the Consumer Protection Act 2007.
- Refrain from committing or engaging in misleading commercial practices in the course of its business, in particular, as described by section 43(1) and 43(3)(b)(vii) of the Consumer Protection 2007.
- Carry out appropriate due diligence on the history and usage of every used vehicle advertised or offered for sale by Pat O'Connell Cars.
- Maintain records of all such due diligence referred to above for a period of three years from the date of sale of any such vehicle.
- Provide consumers in all communications, advertisements and on all odometer displays with a correct and accurate mileage reading of every vehicle advertised or offered for sale by Pat O'Connell Cars.

Derek Delaney, formerly trading as Derek Delaney Motors, 232 North Circular Road, Dublin 7

On 18 October 2018, following an investigation relating to an alleged misleading commercial practice, Derek Delaney who had formerly traded as Derek Delaney Motors, 232 North Circular, Dublin 7, gave an undertaking pursuant to section 73 of the Consumer Protection Act 2007. Derek Delaney undertook to:

- Comply with the prohibition on misleading commercial practices as provided by section 42 of the Consumer Protection Act 2007.

- Refrain from committing or engaging in misleading commercial practices in the course of his business, in particular, as described by sections 43(2) and 43(3)(b)(vii) of the 2007 Act and contrary to section 47 of the Consumer Protection Act 2007.
- Carry out appropriate due diligence on the history and usage of every vehicle offered for sale in the course of his trade.
- Provide consumers with a correct and accurate mileage reading of every vehicle offered for sale by Derek Delaney in the course of his trade.
- Maintain a record of the due diligence carried out on the history and usage referred to above for a period of three years from the date of advertisement or the date of sale, whichever is later, of every used vehicle advertised or offered for sale by Derek Delaney.
- Within four weeks of receiving an application from the consumer prejudiced by the misleading commercial practice in which he has engaged reimburse the consumer €2,000.00 for the price paid by the consumer for the used car.

Kieran McArdle and Doohamlet Motors Limited, Doohamlet, Castleblaney, Co. Monaghan

On 7 December 2018, following an investigation relating to alleged misleading commercial practices, Kieran McArdle and Doohamlet Motors Limited, Doohamlet, Castleblaney, Co. Monaghan both gave an undertaking pursuant to section 73 of the Consumer Protection Act 2007. Kieran McArdle and Doohamlet Motors Limited each undertook to:

- Comply with the prohibition on misleading commercial practices as provided by section 42 of the Consumer Protection Act 2007.
- Refrain from committing or engaging in misleading commercial practices in the course of their business, in particular, as described by sections 43(2) and 43(3)(b)(vii) of the Consumer Protection Act 2007.
- Carry out appropriate due diligence on the history and usage of every vehicle offered for sale in the course of their trade.
- Provide consumers with the usage or prior history, in particular any crash history and a correct and accurate mileage reading and accurate details of the standard of repair of every vehicle offered for sale by Kieran McArdle and Doohamlet Motors Limited in the course of trade.
- Maintain a record of the due diligence carried out on the history and usage referred to above for a period of three years from the date of advertisement or the date of sale, whichever is later, of every used vehicle advertised or offered for sale by Kieran McArdle and Doohamlet Motors Limited.

Legislation breached

Engaging in an unfair commercial practice as described by section 41(2) contrary to section 41(1) of the Consumer Protection Act 2007.

Engaging in a misleading commercial practice as described by section 46(1) contrary to section 42(1) of the Consumer Protection Act 2007.

GC Autos Limited trading as Kylemore Cars, Unit 7, Royal Liver Business Park, Naas Road, Dublin 12

On 13 November 2018, following an investigation relating to an alleged misleading commercial practice and an alleged unfair commercial practice, GC Autos Limited trading as Kylemore Cars, Unit

7, Royal Liver Business Park, Naas Road, Dublin 12 gave an undertaking pursuant to section 73 of the Consumer Protection Act 2007. GC Autos Limited trading as Kylemore Cars undertook to:

- Comply with the prohibition on unfair commercial practices provided by section 41 of the Consumer Protection Act 2007.
- Comply with the prohibition on misleading commercial practices provided by section 42 of the Consumer Protection Act 2007.
- Exercise professional diligence with regard to the standard of skill and care which it may reasonably be expected to exercise in respect of consumers, including in circumstances where repair works are outsourced by Kylemore Cars to a third party.
- Provide consumers with all material information, including information relating to the condition of motor vehicles, that the average customer would need, in the context, to make an informed transactional decision.

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

Total number of Compliance Notices that took effect: Nine

Legislation breached

Engaging in a misleading commercial practice prohibited under section 42 and as described by Section 43(1) or (2) and Section 43(3)(b)(vii) and contrary to section 47 of the Consumer Protection Act 2007.

Ken Horan, trading as Ken Horan Motors, Kilcolgan, Co. Galway.

On 26 January 2018, the CCPC served a compliance notice on Ken Horan, trading as Ken Horan Motors, Kilcolgan, Co. Galway, directing him to do the following:

- To cease engaging in misleading commercial practices contrary to Section 47 and as described by Section 43(2) and Section 43(3)(b)(vii) of the Consumer Protection Act 2007.
- To remedy the matter occasioning the notice by compensating the consumer in the sum of €1,500.
- To provide true and accurate information to consumers with respect to the usage and prior history of his products.

Michael Hughes, Dublin 20.

On 7 August 2018, the CCPC served a compliance notice on Michael Hughes, a trader with an address in Dublin 20, directing him to do the following:

- To comply with the prohibition on misleading commercial practices provided by section 42(1) of the Consumer Protection Act 2007.
- To cease engaging in misleading commercial practices contrary to Section 47 and as described by Section 43(2) and Section 43(3)(b)(vii) of the Consumer Protection Act 2007.
- To remedy the matter occasioning the notice by compensating the consumer in the sum of €1,450.

- To provide true and accurate information in all communications, including advertisements, with or to consumers with respect to the usage and prior history of his products.
- To carry out appropriate due diligence on the history and usage of every motor vehicle offered for sale by Michael Hughes.
- To maintain a record of the due diligence carried out on the history and usage for a period of three years from the date of advertisement or the date of sale, whichever is later, of every used vehicle advertised or offered for sale by Michael Hughes.

Greenhills Motors Limited, 17 Elmwood Close, Drogheda, Co. Louth.

On 24 October 2018, the CCPC served a compliance notice on Greenhills Motors Limited, of 17 Elmwood Close, Drogheda, Co. Louth, directing it to do the following:

- To comply with the prohibition on misleading commercial practices provided by section 42 of the Consumer Protection Act 2007.
- 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 Consumer Protection Act 2007.
- 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.
- To carry out appropriate due diligence on the history and usage of every used vehicle advertised or offered for sale by Greenhill Motors Limited.
- To maintain a record of the due diligence carried out on the history and usage for a period of three 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.

Legislation breached

Engaging in a prohibited commercial practice contrary to section 55(1)(x)(i) of the Consumer Protection Act 2007.

Jalal Khan, a director of Greenhills Motors Limited, 17 Elmwood Close, Drogheda, Co. Louth.

On 24 October 2018, the CCPC served a compliance notice on Jalal Khan, a trader, directing him to do the following:

- To comply with the prohibition on prohibited commercial practices provided by section 55(1)(x)(i) of the Consumer Protection Act 2007.
- To cease engaging in prohibited commercial practices provided by section 55(1)(x)(i) of the Consumer Protection Act 2007.
- To provide true and accurate information with respect to his status as a trader in all communications, including advertisements, to consumers of every motor vehicle advertised or offered for sale by him.
- To publish all advertisements to consumers for motor vehicles offered for sale by him on online classifieds websites as an advertisement by a trader rather than as an advertisement by a private seller or as a consumer.

Legislation breached

Engaging in a misleading commercial practice as described by Section 43(1) and 43(3)(c) of the Consumer Protection Act 2007.

Dublin

Lidl Ireland GmbH, trading at 18 Rathfarnham Road, Terenure, Dublin 6.

On 20 April 2018, the CCPC served a compliance notice on Lidl Ireland GmbH in relation to their premises at 18 Rathfarnham Road, Terenure, Dublin 6, directing it to do the following:

- To cease engaging in the misleading commercial practice of providing false information in relation to the price of a product, as described by Section 43(1) and 43(3)(c) and contrary to Section 47 of the Consumer Protection Act 2007.
- To amend its pricing practice to ensure that the price that the consumer has to pay for the product matches the displayed price.

No Ordinary Designer Label Limited, trading at Ted Baker, House of Fraser, Dundrum Shopping Centre, Dundrum Dublin 14.

On 26 April 2018 the CCPC served a compliance notice on No Ordinary Designer Label Limited, trading at Ted Baker at House of Fraser, Dundrum Shopping Centre, Dundrum, Dublin 14, directing it to do the following:

- To cease engaging in the misleading commercial practice, of providing false information in relation to the price of a product, as described by Section 43(1) and 43(3)(c) and contrary to Section 47 of the Consumer Protection Act 2007.
- To amend its pricing practice to ensure that the price that the consumer has to pay for the product matches the displayed price.

Tesco Ireland Limited, trading at Millfield Shopping Centre, Balbriggan, Co Dublin.

On 30 May 2018 the CCPC served a compliance notice on Tesco Ireland Limited, in relation to their premises at Millfield Shopping Centre, Balbriggan, Co Dublin, directing it to do the following:

- To cease engaging in the misleading commercial practice of providing false information in relation to the price of a product, as described by Section 43(1) and 43(3)(c) and contrary to Section 47 of the Consumer Protection Act 2007.
- To amend its pricing practice to ensure that the price that the consumer has to pay for the product matches the displayed price.

Limerick

The Range Home & Leisure Limited, trading at The Range, Childers Retail Park, Childers Road, Limerick.

On 17 May 2018 the CCPC served a compliance notice on The Range Home & Leisure Limited, trading at The Range, Childers Retail Park, Childers Road, Limerick, directing it to do the following:

- To cease engaging in the misleading commercial practice, of providing false information in relation to the price of products, as described by Section 43(1) and 43(3)(c) and contrary to Section 47 of the Consumer Protection Act 2007.

- To amend its pricing practice to ensure that the price that the consumer has to pay for the product matches the displayed price.

Louth

Smyths Toys HQ Unlimited Company, trading at Smyths Toys Superstore at Dundalk Retail Park, Dundalk, Co Louth

On 30 May 2018, the CCPC served a compliance notice on Smyths Toys HQ Unlimited Company trading at Smyths Toys Superstore at Dundalk Retail Park, Dundalk, Co Louth, directing it to do the following:

- To cease engaging in the misleading commercial practice of providing false information in relation to the price of products, as described by section 43(1) and 43(3)(c) and contrary to Section 47 of the Consumer Protection Act 2007.
- To amend its pricing practice to ensure that the price that the consumer has to pay for the product matches the displayed price.

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

Total Number of Fixed Payment Notices (FPNs) paid: 15

Legislation breached

Failing to indicate the selling price of a product, in contravention of Regulation 4(1) of the European Communities (Requirements to Indicate Product Prices) Regulation 2002

Number of FPNs – 13 (Traders listed alphabetically by county).

Clare

- Market Hardware Limited trading at Market Hardware, Quin Road Business Park, Ennis, Co. Clare.

Cork

- Eason and Son Limited trading at Easons, Unit 32, Wilton Shopping Centre, Cork.

Dublin

- Capital Stores Limited trading at Eurospar Hartstown, Hartstown Shopping Centre, Hartstown, Dublin 15.
- Evelyn Supermarkets Limited trading at Eurospar, 66 Main Street, Applewood Village, Swords, Co. Dublin.
- Heatons Unlimited Company trading at Heatons, Level 1, The Square, Tallaght, Dublin 24
- Mr. Kevin Farrelly trading at Spar Waterville, Village Centre, Waterville, Blanchardstown, Dublin 15 – **received 2 FPNs.**
- Pelco Limited trading at Centra, Clonkeen Service Station, Clonkeen Road, Deansgrange, Co. Dublin, A94 V8A0.
- Tesco Ireland Limited trading at Tesco Express, 51-52 Thomas Street, Merchants Quay, Dublin 8.

Kildare

- Davrone Enterprises Limited trading at McCabe Gala, Kilmeague, Naas, Co. Kildare.

Kilkenny

- Mr. Maurice Purcell and Ms Mary Purcell, Purcell's Quik Pick Foodstore, Boherbuí, Paulstown, Co. Kilkenny.

Limerick

- The Range Home & Leisure Limited trading at The Range, Childers Retail Park, Childers Road, Limerick.

Offaly

- Heatons Unlimited Company trading at Heatons, Unit H, Tullamore Retail Park, Cloncollig, Tullamore, Co. Offaly.

Legislation breached

Failing to display a notice as required by Article 3 of the Retail Price (Beverages in Licensed Premises) Display Order 1999.

- Blue Anchor Limited trading at The Blue Anchor (Bar), Bellurgan Point, Dundalk, Co. Louth.

Legislation breached

Failing to display a notice as required by Article 3 of the Charges (Hairdressing) Display Order, 1976.

- UMI Salon Limited trading at Leona Collins Professional, 8 West Street, Drogheda, Co. Louth, A92 HO23.