



Coimisiún um  
Iomaíocht agus  
Cosaint Tomhaltóirí

Competition and  
Consumer Protection  
Commission

# Consumer Protection List 2019

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

**1 January 2019 to 31 December 2019**

# Consumer protection enforcement concluded in 2019

## 1. Convictions/fines, penalties/compensations/compensation Orders

Total number of convictions: Two

On 21 February 2019, at Galway District Court, following an investigation by the CCPC Kevin McGann was convicted of providing false information to a consumer in relation to the usage or prior history of a motor vehicle, namely the motor vehicle's previous crash history, which caused the consumer to make a transactional decision that they would not otherwise have made, thereby engaging in a misleading commercial practice which is a prohibited act or practice within the meaning of section 67 of the Consumer Protection Act 2007. The judge convicted him on two separate offences pursuant to section 47 of the Consumer Protection Act 2007.

The judge ordered:

- Kevin McGann serve a four-month sentence suspended for 12 months.
- Kevin McGann pay a compensation order of €7,405.85 in favour of the consumer which was the full amount sought.
- Kevin McGann pay a costs order of €9,500 in favour of the CCPC, which was the full amount sought.

On 9 July 2019, at Dublin District Court 8, following an investigation by the CCPC, Mark Healy was convicted of providing false information to a consumer in relation the motor vehicle's previous crash history, and caused the consumer to make a transactional decision that the they would not otherwise have made, thereby engaging in a misleading commercial practice which is a prohibited act or practice within the meaning of section 67 of the Consumer Protection Act 2007. The judge convicted him of engaging in a misleading commercial practice, an offence pursuant to section 47 of the Consumer Protection Act 2007.

The judge ordered:

- Mark Healy pay a fine of €500.
- Mark Healy pay a compensation order of €8,277 in favour of the consumer, which was the full amount sought.
- Mark Healy pay a costs order of €4,000 (plus VAT) in favour of the CCPC, which was the full amount sought.
- All three payment orders were to be paid within six months.

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

Total number of undertakings: 0

## **3. Compliance Notices (as provided for by section 75 of the Consumer Protection Act, 2007)**

Total number of Compliance Notices that took effect: 19

### **Legislation breached**

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

### **James Darcy, 5 Rivervally Road, Swords, Co.Dublin**

On 15 February 2019, the CCPC served a Compliance Notice on James Darcy after an investigation established that he had provided false information to the consumer in relation to the motor vehicle's previous crash history, and caused the consumer to make a transactional decision that they would not otherwise have made, thereby engaging in a misleading commercial practice which is a prohibited act or practice within the meaning of section 67 of the Consumer Protection Act 2007.

The Compliance Notice directed him to:

- Comply with the prohibition on misleading commercial practices provided by section 42(1) of the Consumer Protection Act 2007.
- Provide true and accurate information in all communications, including advertisements, with or to consumers with respect to the usage and prior history of every motor vehicles advertised or offered for sale.
- Remedy the matter occasioning this notice by compensating the consumer in the amount of €3,051.10, such sum to be lodged to the account of the CCPC.

### **Sam Campbell, The Car Crew, 4-5 Burton Hall Road, Sandyford, Dublin 18**

On 9 April 2019, the CCPC served a Compliance Notice on Sam Campbell after an investigation established the trader had provided false information to the consumer in relation the motor vehicle's mileage, and caused the consumer to make a transactional decision that they would not otherwise have made, thereby engaging in a misleading commercial practice which is a prohibited act or practice within the meaning of section 67 of the Consumer Protection Act 2007. The Compliance Notice directed them to:

- Comply with the prohibition on engaging in a misleading commercial practice provided by section 42(1) of the Consumer Protection Act 2007.
- Cease engaging in misleading commercial practices contrary to section 47 and as described by section 43 of the Consumer Protection Act 2007.

- Provide true and accurate information in all communications, including advertisements, with or to consumers with respect to the usage and prior history of every motor vehicle advertised or offered for sale.
- Ensure that appropriate due diligence is carried out on the history and usage of every motor vehicle offered for sale.
- Ensure that a record of the due diligence carried out on the history and usage referred to in paragraph 4) above is maintained 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.

**Mybrook Motors Limited, 13 Kilgarron Park, Enniskerry, Co. Wicklow**

On 9 April 2019, the CCPC served a Compliance Notice on Mybrook Motors Limited after an investigation established the trader had provided false information to the consumer in relation to the motor vehicle's mileage, and caused the consumer to make a transactional decision that they would not otherwise have made, thereby engaging in a misleading commercial practice which is a prohibited act or practice within the meaning of section 67 of the Consumer Protection Act 2007.

The Compliance Notice directed them to:

- Comply with the prohibition on engaging in a misleading commercial practice provided by section 42(1) of the Consumer Protection Act 2007.
- Cease engaging in misleading commercial practices contrary to section 47 and as described by section 43 of the Consumer Protection Act 2007.
- Provide true and accurate information in all Mybrook Motors Limited communications, including advertisements, with or to consumers with respect to the usage and prior history of every motor vehicle advertised or offered for sale by Mybrook Motors Limited.
- Ensure that appropriate due diligence is carried out on the history and usage of every motor vehicle offered for sale by Mybrook Motors Limited.
- Ensure that a record of the due diligence carried out on the history and usage referred to in paragraph 4) above is maintained 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 Mybrook Motors Limited.

**Legislation breached**

Engaging in a misleading commercial practice as described by section 43(1) and 43(3)(c) and thus committing an offence contrary to section 47 of the Consumer Protection Act 2007.

**Carlow**

**The Range (Ireland) Limited, trading at The Range, Four Lakes Retail Park, Carlow, Co. Carlow**

On 31 October 2019, the CCPC served a Compliance Notice on The Range (Ireland) Limited in relation to their premises at The Range, Four Lakes Retail Park, Carlow, Co. Carlow, directing it to do the following:

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

## **Cork**

### **DSG Retail Ireland Limited, trading at Currys PC World and Carphone Warehouse, Unit 6, Mahon Point Retail Park, Cork**

On 31 October 2019, the CCPC served a Compliance Notice on DSG Retail Ireland Limited in relation to their premises at Currys PC World and Carphone Warehouse, Unit 6 Mahon Point Retail Park, Cork, directing it to do the following:

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

### **Lidl Ireland GmbH, trading at Lidl, Ballyvolane, Cork**

On 31 October 2019, the CCPC served a Compliance Notice on Lidl Ireland GmbH in relation to their premises at Lidl, Ballyvolane, Cork, directing it to do the following:

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

## **Dublin**

### **DSG Retail Ireland Limited, trading at Currys PC World, Unit 11, Airside Retail Park, Swords, Co. Dublin, K67 FY06**

On 4 November 2019, the CCPC served a Compliance Notice on DSG Retail Ireland Limited in relation to their premises at Currys PC World, Unit 11, Airside Retail Park, Swords, Co. Dublin, K67 FY06, directing it to do the following:

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

### **DSG Retail Ireland Limited, trading at Currys, Unit 15, Liffey Valley Retail Park, Clondalkin, Dublin 22**

On 5 November 2019, the CCPC served a Compliance Notice on DSG Retail Ireland Limited in relation to their premises at Currys, Unit 15, Liffey Valley Retail Park, Clondalkin, Dublin 22, directing it to do the following:

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

**McDonald's Restaurants of Ireland Limited, trading at McDonalds Restaurant, Omni Park Shopping Centre, Swords Road, Whitehall, Dublin 9**

On 4 November 2019, the CCPC served a Compliance Notice on McDonald's Restaurants of Ireland Limited, trading at McDonalds Restaurant, Omni Park Shopping Centre, Swords Road, Whitehall, Dublin 9, directing it to do the following:

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

**Only Stores Ireland Limited, trading at ONLY, Unit 37, Omni Park Shopping Centre, Santry, Dublin 9**

On 5 November 2019, the CCPC served a Compliance Notice on Only Stores Ireland Limited, in relation to their premises at ONLY, Unit 37, Omni Park Shopping Centre, Santry, Dublin 9, directing it to do the following:

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

**Panabase Limited, trading at FX Buckley, 2 Crow St, Temple Bar, Dublin 2**

On 4 November 2019, the CCPC served a Compliance Notice on Panabase Limited, in relation to their premises at FX Buckley, 2 Crow St, Temple Bar, Dublin 2, directing it to do the following:

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

**The Range (Ireland) Limited, trading at The Range, 5 Clonshaugh Road, Priorswoods, Northside, Dublin, D17 TY30**

On 29 October 2019, the CCPC served a Compliance Notice on The Range (Ireland) Limited in relation to their premises at The Range, 5 Clonshaugh Road, Priorswoods, Northside, Dublin, D17 TY30, directing it to do the following:

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

## **Limerick**

### **John Gleeson Newsagents Limited, trading at Gleesons Spar, Castletroy Retail Park, Castletroy, Limerick, County Limerick, V94K821**

On 29 October 2019, the CCPC served a Compliance Notice on John Gleeson Newsagents Limited, trading at Gleesons Spar, Castletroy Retail Park, Castletroy, Limerick, County Limerick, V94K821, directing it to do the following:

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

### **The Range (Ireland) Limited, trading at The Range, Unit 1 Childers Retail Park, Childers Road, Limerick**

On 31 October 2019, the CCPC served a Compliance Notice on The Range (Ireland) Limited, trading at The Range, Unit 1 Childers Retail Park, Childers Road, Limerick, directing it to do the following:

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

## **Offaly**

### **Argos Distributors (Ireland) Ltd, trading at Argos, Tullamore Retail Park, Cloncollog, Tullamore, Co. Offaly**

On 31 October 2019, the CCPC served a Compliance Notice on Argos Distributors (Ireland) Ltd, trading at Argos, Tullamore Retail Park, Cloncollog, Tullamore, Co. Offaly, directing it to do the following:

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

### **Heatons Unlimited Company, trading at Sports Direct, Tesco Shopping Centre, Dublin Road, Edenderry, Co. Offaly**

On 31 October 2019, the CCPC served a Compliance Notice on Heatons Unlimited Company, trading at Sports Direct, Tesco Shopping Centre, Dublin Road, Edenderry, Co. Offaly, directing it to do the following:

- 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.

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

## **Tipperary**

**Blessen Sebastian, trading at Al-Baraka Foods Store, 6/7 Marystone Centre, Gladstone Street, Clonmel, Co. Tipperary, E91 A2C8**

On 7 November 2019, the CCPC served a Compliance Notice on Blessen Sebastian, trading at Al-Baraka Foods Store, 6/7 Marystone Centre, Gladstone Street, Clonmel, Co. Tipperary, E91 A2C8, directing it to do the following:

- 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.

## **Westmeath**

**Argos Distributors Ireland Limited, trading at Argos, Golden Island Shopping Centre, Athlone, Co. Westmeath**

On 5 November 2019, the CCPC served a Compliance Notice on Argos Distributors Ireland Limited, trading at Argos, Golden Island Shopping Centre, Athlone, Co. Westmeath, directing it to do the following:

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

## **Wicklow**

**John Pettitt & Son Limited, trading at Pettitt's Supervalu, Wexford Road, Arklow, Co. Wicklow**

On 4 November 2019, the CCPC served a Compliance Notice on John Pettitt & Son Limited, trading at Pettitt's Supervalu, Wexford Road, Arklow, Co. Wicklow, directing it to do the following:

- 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.
- 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: 32

### Legislation breached

Failing to indicate the selling price of a product, in contravention of Regulation 4(1) and thus committing an offence contrary to Regulation 4(3) of the European Communities (Requirements to Indicate Product Prices) Regulations 2002.

**Total number of FPNs: 29 (these are listed alphabetically by county).**

### Clare

- Umar Anwar trading at Innovate, 12 Parnell Street, Ennis, Co Clare, V95XE13 – **received two FPNs.**

### Dublin

- Arnotts Limited trading at Arnotts, 7-15 Henry Street, Dublin, D01 C3Y9.
- Ballyowen Stores Ltd trading at Eurospar, Ballyowen Castle Shopping Centre, Lucan, Co. Dublin.
- Beshoffs The Market Limited trading at Beshoffs The Market, 17-18 West Pier, Howth, Co. Dublin, D13 V9V0 – **received two FPNs.**
- C&C Retail Ltd trading at Eurospar, 19-20 Dame Street, Dublin 2 – **received two FPNs.**
- Circle K Ireland Retail Limited trading at Circle K, Kennelsfort Road Upper, Palmerstown, Dublin 20.
- Dealz Retailers Ireland Limited trading at Dealz, 13-14 Liffey Street Lower, Dublin 1 – **received two FPNs.**
- DSG Retail Ireland Limited trading at Currys PC World, Unit 11, Airside Retail Park, Swords, Co. Dublin, K67 FY06.
- Euro General Retail Limited trading at Euro Giant Express, Unit 103, Level 1, The Square, Belgard Square East, Dublin 24, D24 XAW7.
- Heatons Unlimited Company trading at Heatons, 39 Northside Shopping Centre, Oscar Traynor Road, Coolock, Kilmore, Dublin 17, D17 K244.
- Nandan Trading Limited trading at World of Spices, 17 Talbot Street, Dublin 1.
- Shir Brothers Limited trading at Asian Food Co., 54-55 Mary Street, Dublin 1, D01 DH76.
- The Range (Ireland) Limited trading at The Range, 5 Clonshaugh Road, Priorswoods, Northside, Dublin, D17 TY30 – **received two FPNs.**
- The Range (Ireland) Limited trading at The Range, The Retail Park, Liffey Valley, Dublin 22 – **received two FPNs.**

### Galway

- Ganly's Hardware & Heating Limited trading at Ganly's, Mountbellew, Co Galway – **received two FPNs.**

## **Kildare**

- Tridaned Ltd trading at Daniels Today's Extra, Derrinturn, Carbury, Co. Kildare.

## **Limerick**

- John Gleeson Newsagents Limited trading at Gleesons Spar, Castletroy Retail Park, Castletroy, Limerick, County Limerick, V94K821.

## **Tipperary**

- Kathleen Donlon trading at Tony's Tipp Top Shop, Ballycommon, Nenagh, Co. Tipperary – **received two FPNs.**

## **Wexford**

- Heatons Unlimited Company trading at Sports Direct, 56-60 South Main Street, Wexford, Co. Wexford.
- Umar Anwar trading at Innovate, Unit 5 Key West, Wexford, Co Wexford, Y35K802.

## **Wicklow**

- Gamestop Limited trading at Gamestop, 8 Main Street, Bray, Co. Wicklow, A98 A4A0.

### **Legislation breached**

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

#### **Total number of FPNs: 1**

- Edward Donnelly trading at Donnelly's, Clogherstown, Clonalvy, Garristown, Co Meath.

### **Legislation breached**

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

#### **Total number of FPNs: 1**

- Winnah Rose Hairdressing Limited trading at Ní Lásaigh Hairdressing, 47 Main Street, Carrick-on-Suir, Co. Tipperary.

### **Legislation breached**

Failing to display a notice as required by Article 3 of the Retail Prices (Food in Catering Establishments) Display Order, 1984.

#### **Total number of FPNs: 1**

- Belfry Hospitality Services Ltd trading at Toughers Steakhouse, Newhall, Naas, Co. Kildare.