

Compliance Notice

Section 75 of the Consumer Protection Act 2007

Towering Leisure Limited t/a The Shire,
C/o Oliver Favier,
Curraglass,
Glenflesk,
Killarney,
Kerry,
Ireland

Competition and Consumer
Protection Commission
Bloom House, Railway Street
Dublin 1
D01 C576

I, [REDACTED] an authorised officer of the Competition and Consumer Protection Commission ('the CCPC'), duly authorised under section 35 of the Competition and Consumer Protection Act 2014, hereby give you, Towering Leisure Limited trading as the Shire ('**Towering Leisure Limited**'), notice, pursuant to section 75(2) of the Consumer Protection Act 2007, as amended ('the **2007 Act**'), that I am of the opinion that you engaged in a prohibited act or practice as defined in section 67(e) of the 2007 Act, namely a contravention of Article 4(1) of the Retail Price (Beverages in Licensed Premises) Display Order 1999 (S.I. No. 263 of 1999) ('the **1999 Order**'), and hereby direct Towering Leisure Limited to remedy that contravention in the manner set out in Section D below.

A. Statement of Alleged Contravention

For the reasons outlined in Section C below, it is alleged that you, Towering Leisure Limited, a trader for the purposes of the 2007 Act, engaged in a prohibited act or practice (as defined in section 67(e) of the 2007 Act) constituted by a contravention of Article 4(1) of the 1999 Order by failing to display, immediately outside or immediately inside each entrance to the premises at The Shire, Michaels Collins Place, Killarney, Co. Kerry ('the **Premises**'), a notice specifying the price charged:

- per pint or 568 millilitres of at least one kind of draught stout, ale, lager and cider.
- per bottle of a capacity of 330 millilitres of at least one kind of stout, ale, lager and cider.
- per 35.5 millilitres of at least one kind of whiskey, vodka, and gin.
- per bottle of at least one kind of carbonated beverage in bottles of a capacity of 200 millilitres.



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- per bottle of at least one kind of carbonated beverage having a cola base in bottles of a capacity of 200 millilitres.
- per bottle of at least one kind of mixer in bottles of a capacity of 113 millilitres.
- per bottle of at least one kind of bottled water in bottles of a capacity of 250 millilitres, and
- per bottle of at least one kind of wine in bottles of a capacity of 187 millilitres.

Article 4(5) of the 1999 Order states:

- a) Article 4 does not apply in relation to premises in which none of the beverages specified in Article 4(1) are on sale, and
- b) Article 4 does apply in relation to premises in which some, but not all, of the beverages specified in Article 4(1) are on sale as if the beverages aforesaid that are not on sale in the premises were not so specified.

B. My Opinion

I am of the opinion that you, Towering Leisure Limited, engaged in the prohibited act or practice outlined in the statement of alleged contravention above by failing to display on the Premises the notice set forth in Article 4(1) of the 1999 Order, which requires information on the price of specified alcoholic and non-alcoholic beverages, subject to Article 4(5) in respect of beverages that are not on sale.

The 1999 Order requires premises selling intoxicating liquor to display the price information of at least the 16 types of alcoholic and non-alcoholic beverages listed in Article 4(1) ('the **16-item list**') (subject to Article 4(5) of the 1999 Order). Article 4(5)(b) of the 1999 Order provides that this requirement still applies where some but not all of the drinks in the 16-item list are on sale. As such, a notice specifying the prices charged for any items on the 16-item list sold within the Premises must be displayed.

C. The Reasons for My Opinion

The reasons for my opinion are based on the following:

1. Towering Leisure Limited can be described as a 'trader' for the purposes of the 2007 Act. 'Trader' is defined in section 2 of the 2007 Act.
2. Section 67(e) of the 2007 Act states that a prohibited act or practice is any contravention of an order referred to in section 92 of the 2007 Act, one of which is the 1999 Order, which requires every person who carries on in the State the business of selling intoxicating liquor by retail in any premises for consumption on the premises to display certain information on the beverages

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sold and their respective quantities and prices, including the 16-item list, in accordance with Article 4 (1) and (5) of the 1999 Order.

3. I conducted an inspection of the Premises on 19 September 2024 and found that, in contravention of Article 4(1) of the 1999 Order, no notice was displayed on the Premises listing the aforesaid specified beverages, such a contravention being a prohibited act or practice as defined in section 67(e) of the 2007 Act.

D. Compliance Direction and Requirement

You, Towering Leisure Limited, a trader, are hereby directed to display, in a clearly visible and legible form, a notice to be displayed immediately outside or immediately inside each entrance to the Premises specifying at least the beverages listed in the 16-item list in Article 4(1) of the 1999 Order are sold for consumption on the Premises together with their respective quantities and price, without prejudice to the exceptions provided for by Article 4(5) of the 1999 Order.

You must comply with this compliance direction and requirement by 21 April 2025.

E. Appeal Procedure

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

The form and manner of such an appeal can be found in the District Court Rules. This form is available from the registrar at the local District Court office or on the Courts Service website www.courts.ie.

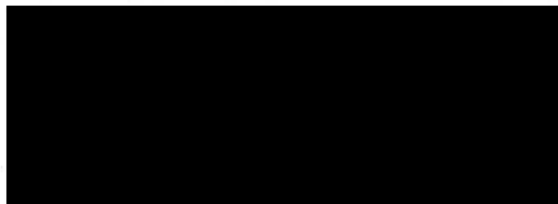
In the event that Towering Leisure Limited decide to appeal the Compliance Notice, Towering Leisure Limited must, at the same time, notify the CCPC of the appeal at Bloom House, Railway Street, Dublin 1, D01 C576. Towering Leisure Limited must also notify the CCPC of the grounds for the appeal.



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



Authorised Officer
Competition and Consumer Protection Commission
31 March 2025



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This information is intended for information purposes only and does not constitute part of the Compliance Notice.

Consumer Protection Act 2007 (2007 Act)

1.	Section 75(6) of the 2007 Act requires a person, when lodging an appeal, to, at the same time, notify the CCPC of the appeal and the grounds for the appeal. The CCPC is entitled to appear, be heard and adduce evidence on the hearing of the appeal.
2.	If on appeal the compliance notice is not cancelled, the notice takes effect on the later of the following: the day after the day on which the notice is confirmed or varied on appeal, if the appeal is withdrawn by the appellant the day after the day it is withdrawn, the day specified in the notice.
3.	If there is no appeal under section 75(5) of the 2007 Act, the compliance notice takes effect on the later of the following: 14 days after the notice is served. the day specified in the notice.
4.	An Authorised Officer may- withdraw a compliance notice at any time, or if no appeal is made or pending under section 75(5) of the 2007 Act, extend the date by which the recipient is to comply with the compliance direction and requirements.
5.	Withdrawal of a compliance notice does not prevent the service of another compliance direction or requirement specified in a compliance notice, whether it relates to the same matter or a different matter.
6.	In accordance with section 75(13) of the 2007 Act, if a compliance notice takes effect, the CCPC is required to publish the compliance notice, or cause it to be published in any form or manner it considers appropriate.
7.	Section 86 of the 2007 Act requires the CCPC to maintain a 'Consumer Protection List' of names and addresses of persons together with a description of their trade, business or profession and the particulars of the matter occasioning any enforcement actions taken by the CCPC. This includes persons against whom compliance notices have taken effect.
8.	Any person who, without a reasonable excuse, fails to comply with a direction or requirement specified in a compliance notice, commits an offence and, on summary conviction, is liable to the fines and penalties set out in section 79 of the 2007 Act.
9.	Section 79(1) of the 2007 Act provides that a person guilty of an offence under the 2007 Act is liable on summary conviction to the following fines and penalties: a Class B fine not exceeding €4000 or up to 6 months imprisonment or both, on any subsequent summary conviction, a fine not exceeding €5000, or imprisonment for a term not exceeding 12 months or both. If, after being convicted of an offence, a person continues to contravene the requirement or prohibition to which the offence relates, the person is guilty of a further offence on each day the contravention continues and for each such offence is liable on summary conviction to a fine not exceeding €500.

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| 10. | According to section 75(14) of the 2007 Act, the issuing of this notice does not prevent the commencement of proceedings for an offence. |
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