

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

Inter Trade & Marketing (I. T. M.)
Limited,
Ground Floor, 71 Lower Baggot Street,
Co. Dublin,
Dublin,
Ireland,
D02 P593

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 ("CCPC"), duly appointed under section 35 of the Competition and Consumer Protection Commission Act 2014, hereby give you, Inter Trade & Marketing (I. T. M.) Limited notice pursuant to section 75(2) of the Consumer Protection Act 2007 (the "2007 Act") that I am of the opinion that you, Inter Trade & Marketing (I. T. M.) Limited have committed a prohibited act or practice as defined by section 67(a) of the 2007 Act. The alleged prohibited act or practice is contrary to section 42 as described in section 43(3)(j) of the 2007 Act.

A. Statement of alleged contravention.

1. It is alleged that Inter Trade & Marketing (I. T. M.) Limited, a trader for the purposes of the 2007 Act and the Consumer Rights Act 2022 (the "2022 Act"), on 29 January 2025, on the website www.avalondesign.ie engaged in a misleading commercial practice under section 43(2) of the 2007 Act as described in section 43(3)(j) by providing information in relation to the legal rights of a consumer (whether contractual or otherwise) or matters respecting when, how or in what circumstances those rights may be exercised, namely by providing information that would be likely to deceive or mislead consumers as to their cancellation rights in relation to distance contracts under the 2022 Act; and that information would be likely to cause the average consumer to make a transactional decision that the average consumer would not otherwise make.

B. My opinion

1. It is my opinion that Inter Trade & Marketing (I. T. M.) Limited has engaged in the misleading commercial practice outlined in the statement of alleged contravention, by providing information that would be likely to deceive or mislead consumers as to the circumstances in which they may exercise their cancellation rights under the 2022 Act.

C. The reasons for my opinion are as follows:

1. For the purpose of this notice, I am satisfied that Inter Trade & Marketing (I. T. M.) Limited enters into distance contracts with consumers. Section 2 of the 2022 Act defines distance contracts as:

“a contract concluded between a trader and a consumer under an organised distance sales or service-provision scheme without the simultaneous physical presence of the trader and the consumer, and with the exclusive use of one or more means of distance communication up to and including the time at which the contract is concluded;”

2. As of an inspection carried out on 29 January 2025 on the website www.avalondesign.ie, the following terms were found.
3. The “Terms & Conditions & Private Policy” available at <https://www.avalondesign.ie/en/content/3-Sales-conditions> contain the following term:

“Orders that have already been shipped cannot be cancelled.”

4. Section 112(1) of the 2022 Act states that:

“a consumer may cancel a distance contract or an off-premises contract before the expiry of the cancellation period in accordance with section 115 without giving any reason for the cancellation.”

5. Section 111 of the 2022 Act provides the exhaustive reasons a distance contract may be exempted from cancellation rights under Chapter 5 of Part 5 of the 2022 Act. The above quoted term listed on the website is likely to deceive or mislead

consumers as it incorrectly states that consumers do not have any legal right to cancel orders which have been shipped.

6. In doing so, Inter Trade & Marketing (I. T. M.) Limited are providing information that is likely to deceive or mislead consumers as to how they may exercise a legal right. This may lead the consumer to make a transactional decision that they otherwise would not make.
7. Under section 2(1) of the 2007 Act, “transactional decision” means:

“In relation to a consumer transaction, any decision by the consumer concerning whether, how or on what terms to do, or refrain from doing, any of the following:

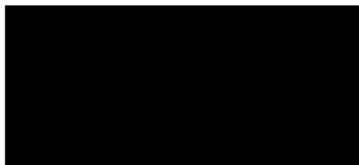
- (a) purchase the product.*
- (b) make payment in whole or in part for the product.*
- (c) retain or return the product after its purchase.*
- (d) dispose of the product.*
- (e) exercise a contractual right in relation to the product;”*

D. Compliance direction and requirements.

1. I hereby direct Intertrade & Marketing (I. T. M.) Limited to remedy this contravention by removing the above outlined misleading information from the website www.avalondesign.ie.
2. Intertrade & Marketing (I. T. M.) Limited must ensure that the information provided to consumers in any future terms and conditions regarding the legal rights of consumers (whether contractual or otherwise) or matters respecting when, how or in what circumstances those rights may be exercised accurately reflects that which is prescribed by legislation.
3. Inter Trade & Marketing (I. T. M.) Limited must comply with this notice by 9 April 2025

E. Appeal Procedure

1. Inter Trade & Marketing (I.T. M.) Limited may appeal this notice to the District Court in the district in which the notice is served within 14 days after its service.
2. The form and manner of such an appeal is that to be found in the District Court Rules. This is available from the registrar at your local District Court office or on the Courts Service website.
3. In the event that Inter Trade & Marketing (I. T. M.) Limited 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.
4. 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. Inter Trade & Marketing (I. T. M.) Limited will be deemed to have accepted the notice and have agreed to comply with the compliance direction and requirements and, any failure or refusal to comply with this notice is an offence and, on summary conviction you will be liable to the fine and penalties set out in Chapter 4 of the 2007 Act.



Authorised Officer,
Competition and Consumer Protection Commission

19 March 2025

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

Compliance Notice Notes

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 Competition and Consumer Protection Commission (“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: a) the day after the day on which the notice is confirmed or varied on appeal, b) if the appeal is withdrawn by the appellant the day after the day it is withdrawn, c) 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: a) 14 days after the notice is served. b) the day specified in the notice.
4.	An Authorised Officer may- a) withdraw a compliance notice at any time, or b) 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) a Class B fine not exceeding €4000 or up to 6 months imprisonment or both, b) on any subsequent summary conviction, a fine not exceeding €5000, or imprisonment for a term not exceeding 12 months or both. c) 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.
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.