THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER of the Consumer Protection Act, 2010;

THE FAIR TRADING COMMISSION **Complainant**

VS.

G. T. PILLAY GENERAL MERCHANT **Respondent**
(Rep herein by Mr. T. Ravichandran Pillay)

CPA.INS.110613.1

QUORUM:
Mr. Colin Jean-Louis – Chairperson
Mrs. Jenna Thelermont – Commissioner
Mr. Michael Nalletamby – Commissioner

For the Complainant
Ms. Emily Mousbe – Legal Officer (FTC)

For the Respondent
Mr. T. Ravichandran Pillay

RULING

[1]As part of its mandated operations pursuant to Section 33(1)(j) Fair Trading Commission Act, 2009, the Commission conducts routine inspections to ensure compliance with provisions of the Consumer Protection Act, 2010. On the 11th of June, 2013 the retail outlet of G.T. Pillay General Merchant, a licensed retailer and now respondent herein, was found to be displaying for sale seventy-two items which labels did not contain any understandable language and two hundred and sixty-three items at a date later than the expiry date of those items (See Exhibits 1 and 2). Both acts are prohibited by the Consumer Protection Act, 2013. The relevant sections are reproduced below:-

*"**19.** Where a person is required in terms of this Act or any other written law to produce, provide or display a notice, document or other visual representation to a consumer, that person shall produce, provide or display such notice, documentation or visual representation – (b) in plain language, if no form has been prescribed"*

***24(1).** A person shall not offer to supply, display or supply any particular goods at a date later than the expiry date of the goods."*

[2]The matter was before the Board of Commissioners for hearing on Wednesday 29th August, 2013. Ms. Emily Mousbé, Legal Officer, presented the case on behalf of the Commission. She summarized the findings of the inspection, outlined the relevant contraventions and drew the Board's attention to the fact that some items had been expired since February, 2013 and even as far back as May and November, 2012. Ms. Mousbé concluded by stating that although the respondent was a first offender the Board should consider a suitable penalty as set out in Section 67(1) of the Consumer Protection Act, 2010 while having regards to Sections 67(3) and 68 of the same Act to act as deterrent to such behaviour.

[3]Mr. T. Ravichandran Pillay appeared on behalf of the respondent and explained that he had been out of the country for two months for overseas medical treatment and his son was charged with running the shop in his absence. That his son was not fully acquainted with the day to day running of the premises and failed to check the goods properly. Mr. Pillay added that since his return everything that been put back in order and this incident will not be repeated.

[4]The Board of Commissioners has considered all the evidence adduced before it and hereby finds the respondent, G.T. Pillay General Merchant, to be in contravention of Section 19 and 24 of the Consumer Protection Act, 2010 and **hereby imposes a fine of SR. 3, 000/- and SR. 6, 000/- as penalty for the above contravention respectively. All fines are to be paid not later than thirty (30) days from the date of this ruling.** We so order.

[5]The parties are free to appeal against this ruling (See Section 44 of the Fair Trading Commission Act, 2009).

Pronounced by us on this 16th day of October, 2013.

Mr. Colin Jean-Louis
Chairperson

Mrs. Jenna Thelermont
Commissioner

Mr. Michael Nalletamby
Commissioner