THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER of the Consumer Protection Act, 2010;

THE FAIR TRADING COMMISSION **Complainant**

VS.

R. P. SHOPPING **Respondent**
(Rep herein by Mr. Ramachandran Naidoo)

CPA.INS.250613.3

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

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

For the Respondent
Mr. Ramachandran Naidoo

RULING

[1]Pursuant to Section 33(1)(j) of the Fair Trading Commission Act, 2009 a routine inspection of goods was carried out at the retail outlet of R. P. Shopping of Rochon, a licensed retailer (See Exhibits 1 and 2) and now respondent herein on the 25th of June, 2013 whereby R. P. Shopping was found to be displaying for sale, seventy-nine different products without disclosing the price in relation to those goods and displaying for sale fifty-eight items at a date later than the expiry date of those items contrary to Section 20 and Section 24 respectively (See Exhibits 3 and 4). Those expired items would have accumulated a retail value of SR. 615/-. Through a compliance notice and prohibition notice served R.P. Shopping was directed to cease such behaviour and immediately remove and dispose of the expired goods (See Exhibits 5 and 6).

[2]A case against R.P. Shopping was heard by the Board of Commissioners on Wednesday 11th September, 2013. Ms. Emily Mousbe, representing the Commission/complainant requested the Board to impose penalties as set out in Section 67(1) of the Consumer Protection Act while having regard to Sections 67(3) and 68(1) of the same Act. Mr. Ramachandran Naidoo appeared on behalf of the respondent admitted to the facts but explained that most of the goods displayed without an affixed price were chilled and frozen good so it was not feasible to display the price of on those goods but upon the advice of officers of the Commission the issue of disclosure of prices has been rectified (See photographs marked RE1). With regards to the expired goods the respondent apologized for this omission and assured the Board that these items were immediately disposed of and that this incident will not repeat itself. Mr. Naidoo went on to ask for leniency since he was a first time offender.

[3]The Board has taken into account the submissions of the complainant and the respondent as well as all the evidence adduced before it. The Board of Commissioners finds the respondent, R. P. Shopping, to be in contravention of Section 20 which provides that *"... a retailer shall not display any goods for sale without displaying to the consumer a price in relation to those goods"*, and Section 24 of the Consumer Protection Act, 2010 which states that *"A person shall not offer to supply, display or supply any particular goods at a later date other than the expiry date of the goods"*. Having regard to Sections 67(3) and 68(1) the Board shall impose on R. P. Shopping **a fine of SR. 3, 000/- for the contravention of Section 20 and SR.3, 000/- for the contravention of Section 24 to be paid to the Commission not later than thirty (30) days from the date of this ruling.**

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

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

Mr. Colin Jean-Louis
Chairperson

Mr. Philippe Chong-Seng
Commissioner

Mrs. Jenna Thelermont
Commissioner

Mr. Michael Nalletamby
Commissioner