THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER of the Consumer Protection Act, 2010;

THE FAIR TRADING COMMISSION **Complainant**

VS.

RTK TRADING **Respondent**
(Rep herein by Mr. Veera Pandiyan Pillay)

CPA.INS.090513.3

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. Veera Pandiyan Pillay

RULING

[1]Pursuant to Section 33(1)(j) of the Fair Trading Commission Act, 2009 a routine inspection of goods was carried out at RTK Trading of Port-Launay on the 9th of May, 2013. During this exercise RTK Trading, a licensed retailer and registered company, now respondent herein, was duly inspected and found to be displaying for sale twenty-two items at a date later than the expiry date of those items contrary to Section 24 of the Consumer Protection Act, 2010. Those expired items would have accumulated a retail value of approximately SR. 589. 50/-. (See Exhibits 1, 2, 3 and 4). The respondent was served with a prohibition notice prohibiting the premises to supply, offer or agree to supply, exposing or possessing for supply those expired items (See Exhibit 5).

[2]Mr. Pillay ably represented the respondent, RTK Trading before the Board of Commissioners during the hearing of the matter on Thursday 29th August, 2013. He admitted to offering for sale those prohibited items but explained that he is sometimes alone in the shop and this incident happened because of an oversight on his part. He added that the goods were disposed of and he is making sure that this incident does not repeat itself. Given that he is a first offender he prayed for leniency. Ms. Emily Mousbe, Legal Officer, appeared on behalf of the Commission/complainant. She outlined the contravention and urged the Board to consider penalties as set out in Section 67(1) of the Consumer Protection Act, 2010 while having regards to Sections 67(3) and 68(1) of the same Act.

[4]The Board of Commissioners has gone through all the evidence before it and hereby rules that RTK Trading is in contravention of Section 24 of the Consumer Protection Act, 2010 and thus **is fined in accordance with Section 67(3) in the sum of SR.3,000/- as penalty to be paid to the Commission 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