THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER of the Consumer Protection Act, 2010;

THE FAIR TRADING COMMISSION **Complainant**

VS.

SARO MINI MARKET **Respondent**
(Rep herein by Mr. Cholarajan Karumbaiyan)

CPA.INS.090513.1

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. Cholarajan Karumbaiyan

RULING

[1]Pursuant to Section 33(1)(j) of the Fair Trading Commission Act, 2009 a routine inspection of goods was carried out at Saro Mini Market, a licensed retailer of Port-Glaud, on the 9th of May, 2013. During this exercise Saro Mini Market, now respondent herein, found to be displaying for sale eighty-five 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 SR. 468.90/-. (See Exhibits 1, 2 and 3). Through a prohibition notice served Saro Mini Market was prohibited to supply, offer or agree to supply, exposing or possessing for supply those expired items (See Exhibit 4).

[2]When appearing before the Board on Thursday 29th August, 2013 to hear the matter Mr. Cholarajan Karumbaiyan, for the Respondent, readily admitted to the facts of the case by simply stating that they did not see those items. He apologized for this first time contravention and assured the Board that the items had been disposed of, although he provided no proof to corroborate this statement. Ms. Emily Mousbe, on behalf Commission/Complainant was adamant *vis a vis* her stance and urged the Board to impose penalties as set out in Section 67(1) of the Consumer Protection Act, 2010 as a deterrent to the respondent's disturbing behaviour given that one particular product had been expired since 2011 and another since 2012.

[3]The Board of Commissioners has taken into account all the evidence before it. There is no doubt that the respondent has contravened Section 24 of the Consumer Protection Act, 2010 and the Board hereby enters such a finding. Pursuant to Section 67(1) **a fine in the sum of SR. 1, 500/- is hereby imposed on Saro Mini Market as penalty for the above contravention, to be paid to the Commission not later than thirty (30) days from the date of this ruling.** We rule accordingly.

[4]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