THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER of the Consumer Protection Act, 2010;

THE FAIR TRADING COMMISSION
VS.
SRI SAKTHI STORE
(Rep herein by Ms. Divya Pillay and Ms. Vidhyalakshmi Pillay)

CPA.INS12.021

Complainant: The Fair Trading Commission
Respondent: Sri Sakthi Store
(Rep by Ms. D. Pillay & Ms. V. Pillay)

QUORUM
Mrs. Vijaykumari (Dolly) Tirant – Commissioner (Chairperson)
Mr. Philippe Chong-Seng – Commissioner
Mrs. Annie Vidot – Commissioner

For the Complainant
Ms. Chantale Barallon – Senior Legal Advisor (FTC)
Ms. Aaishah Gerry – Assistant Legal Officer (FTC)
Ms. Lorraine Fred – Enforcement Officer (FTC)

For the Respondent
Ms. Divya Pillay
Ms. Vidhyalakshmi Pillay

Case presented on behalf of the complainant by Ms. Aaishah Gerry, the Assistant Legal Officer, FTC.

RULING

[1]As part of its routine operations the Fair Trading Commission (the Commission) conducts inspections to ensure compliance with provisions of the Consumer Protection Act, 2010. On the 22nd day of March, 2012 several shops on Praslin were inspected and

the respondent herein, Sri Sakthi Store, a registered business (See Annex 1), of Baie Ste Anne, Praslin, was found to be in possession of and offering to sell goods past their expiry dates (See Annex 3). The expired goods were seized and placed in a carton box for disposal. A list of those goods was made (Annex 3) which detailed their weights, quantities, the retail prices and the expiry dates. It should be noted that the expiry dates ranged as far back as 2008 to early March, 2012, with the combined retail price amounting to SR. 1, 779. 65/-.

[2]At the hearing of the matter on Wednesday 23rd May, 2012 before the Board of Commissioners the respondent was duly represented by Ms. Divya Pillay and Ms. Vidhyalakshmi Pillay who expressed their apologies for the incident and explained that at the time the shop was understaffed as both they and their parents were unwell with Ms. Vidhyalakshmi Pillay having to travel out of the country with her parents and Ms. Divya Pillay having recently given birth in February, 2012. They assured the Board that presently the shop is fully staffed thus ensuring that all goods are checked regularly to ensure non-repeat of the incident.

[3]We have given due consideration to all the evidence placed before us and we are of the view that the respondent is in clear contravention of Section 24(1) of the Consumer Protection Act, 2010 which provides that *"A person shall not supply, display or supply any particular goods at a date later than the expiry date of the goods"*. Further given that the said goods are also deemed to be unsafe for consumption the respondent is also found to have contravened Section 50(1) of the same Act which prohibits the possession and supply of unsafe goods. We shall therefore exercise the provisions of Section 67(1) and **impose a fine in the sum of SR. 6, 000/- on the respondent, Sri Sakthi Store, to be paid not later than thirty (30) days from the date of this ruling.** We so order.

[4]The respondent is free to appeal against this decision.

Ruling pronounced by us on this 14th day of November, 2012

Vijaykumari (Dolly) Tirant (Mrs.)	**Philippe Chong-Seng (Mr.)**	**Annie Vidot (Mrs.)**
Commissioner	**Commissioner**	**Commissioner**
(Chairperson)		