THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER of the Consumer Protection Act, 2010;

THE FAIR TRADING COMMISSION **Complainant**

VS.

SRIMUGA SHOPPING CENTER **Respondent**
(Rep herein by Mr. Sankar Sambandam)

CPA.INS.090513.2

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. Sankar Sambandam

RULING

[1]Pursuant to Section 33(1)(j) of the Fair Trading Commission Act, 2009 a routine inspection of goods was carried out at Srimuga Shopping Centre, a licensed retailer and registered company, on the 9th of May, 2013. During this exercise Srimuga Shopping Center, now respondent herein, was found to be displaying for sale sixteen 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. 250. 25/-. (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]The case against Srimuga Shopping Center appeared for hearing before the Board of Commissioners on Thursday 29th August, 2013. Mr. Sambandam made representations to the Board on behalf of the respondent. 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 also added that a common problem being faced by most retailers is having wholesalers selling them items that have short shelf life. Although he understood that it is his responsibility to check the goods he is purchasing but at times the sheer volume of goods being transacted it is not always feasible to check the goods at the point of delivery. Be that as it may he assured the Board that the items seized were disposed of and that they were in the process of acquiring a new digital system which will help them in the proper management of their business so this incident will not repeat itself.

[3]Ms. Emily Mousbe, Legal Officer, appeared on behalf of the Commission. She acknowledged the efforts of the respondent to rectify issues but this did not erase the current contravention especially given the fact that some items had been expired since 2012. Ms. Mousbe urged the Board to consider penalties as set out in Section 67(1) of the Consumer Protection Act, 2010 while having regard to Sections 67(3) and 68(1) of the same Act.

[4]The Board of Commissioners has taken into account all the evidence before it and hereby finds that Srimuga Shopping Center has contravened Section 24 of the Consumer Protection Act, 2010 which prohibits the sale of expired items. Consequently, in accordance with Section 67(1) the Board of Commissioners shall **impose a fine in the sum of SR. 1, 500/- 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.

[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	**Mrs. Jenna Thelermont**	**Mr. Michael Nalletamby**
Chairperson	**Commissioner**	**Commissioner**