THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER of the Consumer Protection Act, 2010;

THE FAIR TRADING COMMISSION **Complainant**

VS.

SUN SHOPPING CENTRE **Respondent**
(Rep herein by Mr. Thangavelu Pillay)

CPA.INS.090713.2

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. Thangavelu Pillay

RULING

[1]Pursuant to Section 33(1)(j) of the Fair Trading Commission Act, 2009 the licensed retail outlet, Sun Shopping Centre situated at Belvedere was inspected on the 9th of July, 2013 to ensure compliance with the provision of the Consumer Protection Act, 2010 (See Exhibits 1 and 2). During the said inspection Sun Shopping Centre was found 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"* by displaying for sale thirty-eight different products without disclosing the price in relation to those goods (See Exhibit 3).

[2]A case against Sun Shopping Centre was heard by the Board of Commissioners on Wednesday 11th September, 2013. Ms. Emily Mousbe, representing the complainant presented the findings of the Commission and 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. Thangavelu Pillay appearing for the respondent admitted to the facts of the case but explained that he had been out of the country for a while and he had recently reopened the shop when the inspection was carried out. That the items which did not have an affixed price were in the chiller and that it was a mistake on his part which has since then been rectified. Mr. Pillay concluded by asking for leniency being that 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, Sun Shopping Centre, to be in contravention of Section 20 of the Consumer Protection Act, 2010. In deciding on a suitable penalty the Board takes note of the respondent's clear record and efforts to repair the infringement. Thus having regard to Sections 67(3) and 68(1) the Board shall impose on the respondent, Sun Shopping Centre **a fine of SR. 3, 000/- 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

Mr. Philippe Chong-Seng
Commissioner

Mrs. Jenna Thelermont
Commissioner

Mr. Michael Nalletamby
Commissioner