THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER of the Consumer Protection Act, 2010;

THE FAIR TRADING COMMISSION
VS.
THE VICTORY SHOP
(Rep herein by Ms. Nicole Houareau)

CPA.INS12.P007

Complainant: The Fair Trading Commission
Respondent: The Victory Shop
(Rep by Ms. Nicole Houareau)

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

For the Complainant
Mr. Georges Tirant – Director for Consumer Protection Affairs (FTC)
Mr. Jude Bistoquet – Enforcement Officer (FTC)

For the Respondent
Ms. Nicole Houareau

Case presented on behalf of the complainant by Mr. Georges Tirant – Director for Consumer Protection Affairs (FTC)

RULING

[1]In accordance with Section 33(1)(j) of the Fair Trading Commission Act, 2009 routine inspections of goods were carried out in Belvedere on the 17th July, 2012 with the objective of ensuring compliance with the provisions of the Consumer Protection Act, 2010. During this exercise a total of six shops were inspected at Belvedere out of which two were served with Prohibition Notice, the respondent herein, The Victory Shop, a

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registered business (See Annex 1), being one of them (See Annex 4). The respondent was found to be in contravention of Section 24(1) of the Consumer Protection Act, 2010 by being in possession of and offering to sell a total of fifty-seven different products past their expiry dates (See Annexes 2). Those goods, amounting to a combined retail value of SR.4, 184.50/-, were listed (See Annex 3), seized, placed in a carton box for immediate disposal.

[2]At the hearing of the case before the Board of Commissioners on Wednesday 24th October, 2012 and Mr. Georges Tirant, the Director for Consumer Protection Affairs presented the findings of the Fair Trading Commission to be Board and recommended that the Board imposed penalties as set under Section 67(1) of the Consumer Protection Act, 2010. Ms. Nicole Houareau represented the respondent and accepted that the goods were indeed on display and admitted that it was a mistake on their part by not checking the goods thoroughly. Ms. Houareau also produced a copy of the receipt of disposal dated 31st July, 2012 as proof of her prompt compliance with the Prohibition Notice served on her. Ms. Houareau concluded her testimony by assuring the Board that this incident will not repeat itself.

[3]We have taken due consideration of the evidence placed before us as well as the recommendations of the Commission and the testimony of the respondent herein and find that the respondent has contravened Section 24(1) of the Consumer Protection Act, 2010 by being in possession of and offering to sell goods past their expiry dates. At this juncture it is necessary to say that although the respondent has been co-operative towards the Commission this does not diminish the fact that the law has been contravened. Consequently, in accordance with Section 67(1), we shall impose **a fine in the sum SR.10, 000/- as penalty for the above contravention 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 28th day of November, 2012.

Vijaykumari D. Tirant (Mrs.)	**Philippe Chong-Seng (Mr.)**	**Jenna Thelermont (Mrs.)**
Commissioner (Chairperson)	**Commissioner**	**Commissioner**