THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER of the Consumer Protection Act, 2010;

THE FAIR TRADING COMMISSION
VS.
LUCY'S TRADING
(Rep herein by Ms. Monica Payet)

Case No: CPA.INS.14.0088

Complainant – Fair Trading Commission
Respondent – Lucy's Trading

QUORUM:
Mr. Philippe Chong-Seng – Chairperson
Mrs. Jenna Thelermont – Commissioner
Mr. Michael Nalletamby – Commissioner

For the Complainant
Mr. Trevor Louise – Legal Officer (FTC)

For the Respondent
Ms. Monica Payet

RULING

[1]Pursuant to Section 4 and Section 33(1)(j)of the Fair Trading Commission Act, 2009 the Fair Trading Commission (the Commission) conducted a routine inspection at the business premises of Lucy's Trading, a licensed retailer, situated at La Passe La Digue (See CE1), on the 31st of July, 2014 (See CE2) whereby Lucy's Trading, now respondent herein, was found to be in contravention of Section 24(1) of the Consumer Protection Act, 2010 which states that *"A person shall not offer to supply, display or supply any particular goods at a date later than the expiry date of those goods"* by offering for sale two hundred and seventeen (217) items at a date later than the expiry date of those items. Those goods accumulated a retail value of SR. 5,313.50 (See CE3). The respondent was served with a prohibition notice (CE4) as well as a

compliance notice directing her to remove the expired goods for immediate disposal (See CE5). The Commission therefore deemed it necessary to file a case before the Board of Commissioners for the contravention of Section 24(1) of the Consumer Protection Act, 2010.

[2]The case was heard before the Board of Commissioners on Wednesday 15th October, 2014 duly attended by all parties. Mr. Trevor Louise, Legal Officer, presented the Commission's findings and urged the Board to consider penalties set out in Section 67(1) of the Consumer Protection Act, 2010 while having regards to Section 67(3) of the same Act and in addition to apply Section 68 where applicable.

[3]Ms. Monica Payet represented the respondent. She accepted that the incident happened and explained that it was due to lack of staff manning the shop. Ms. Payet also made mention of the issue of being supplied with goods that have short life span and this has contributed to the incident occurring but now she has new workers and assures the Board that this matter will not repeat itself.

[4]The Board of Commissioners deliberated on the matter and hereby finds the respondent, Lucy's Trading, represented herein by Ms. Monica Payet, to be in contravention of Section 24(1) of the Consumer Protection Act, 2010. Consequently, **the Board of Commissioners shall hereby impose a fine on the respondent in accordance with Section 67(1) of the Consumer Protection Act, 2010 in the sum of SR. 10,000 to be paid to the offices of the Fair Trading Commission not later than thirty (30) days from the date of this ruling.** The respondent is also directed pursuant to Section 68 of the Act to immediately cease this unlawful conduct and to undertake necessary measures to ensure compliance with the law.

[5]The parties are free to appeal against this ruling to the Appeal Tribunal *(See Section 44 of the Fair Trading Commission Act, 2009 and Section 77(1) of the Consumer Protection Act, 2010)*. We so order.

Pronounced by us on this .....14th..... day of January, 2015.

Mr. Philippe Chong-Seng	**Mrs. Jenna Thelermont**	**Mr. Michael Nalletamby**
Chairperson	**Commissioner**	**Commissioner**