



Board of Commissioners Ruling

The following case was heard and adjudicated on by the Board of Commissioners in relation to the Consumer Protection Act 2010:

In a ruling delivered on the 22nd of June 2018, in the case of the ***Fair Trading Commission v Vimalathithan Vairasamy (Trading as South Mini Market)***, the Board Of Commissioners found the respondent to be in breach of the following Sections of the Consumer Protection Act, 2010; ***Section 19 (1)*** in that he displayed or offered for sale goods with labels or information that were not in plain language; ***Section 20 (1)*** in that he displayed goods for sale without displaying prices in relation to those goods, ***Section 24 (1)*** in that he displayed or offered for sale goods that were past their expiry dates, ***Section 50 (1)*** for supplying consumer goods which failed to comply with the general safety requirements and ***Section 25 (1)*** by failing to meet the requirements of the CPA 2010, in relation to receipts.

The facts as outlined and presented by the Fair Trading Commission (FTC) was that during an inspection on the 09th of November 2017, carried out at Mr. Vimalathithan Vairasamy's shop, South Mini market, located at Takamaka, the respondent was found to be in breach of **Section 19 ,20 ,24, 50 and 25 of the Consumer Protection Act, 2010.**

The case was heard on the 20th of March, 2018. The respondent's representative informed the Board that he admits to the breaches and will not be contesting the findings of the above inspection. He further submitted that the breaches of the law was due to negligence on the part of the employees. He lastly stated that they are now more vigilant to ensure that such issues do not reoccur.

For the Fair Trading Commission- the legal officer, Ms. Priyanka Ramruchaya, submitted that the Board should impose a deterrent penalty on the respondent, in line with **Section 67 (3) CPA 2010**, by taking into account the nature and gravity of the contravention. She further submitted that the expired goods found during inspection were mostly food and drinks and that therefore the Board should consider the potential health risks involved had consumers purchased and consumed these goods.

Taking all of the above into consideration, namely the respondent's own admission and the factors under Section 67 (3) CPA 2010, a fine of, **SCR 1500** - for the breach of ***Section 19 CPA 2010***, **SCR 6, 000** for the breach of ***Section 20 CPA 2010***, **SCR- 3000**- for the breach of ***Section 24 (1)***, **SCR 5000** for the breach of ***Section 25 (1) CPA 2010***, and **SCR 3000** for the breach of ***Section 50 (1)***, were imposed on the respondent, to be paid within 60 days from the date of ruling.

The parties are free to appeal against this ruling to the Appeal tribunal as per Section 44 of the Fair Trading Act 2009 and Section 77(1) Consumer Protection Act 2010.

Complete rulings of the Board of Commissioner can be accessed via website (www.ftc.sc) or viewed at the FTC Office at the above address.