



## **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 27<sup>th</sup> of February 2018, in the case of the ***Fair Trading Commission v Shri Ramajayam Supermarket Pty Ltd***, 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 it displayed products for sale with labels or information which were not in plain language; ***Section 20 (1)*** in that it displayed products for sale without displaying prices in relation to these products.

The facts as outlined and presented by the Fair Trading Commission (FTC) was that during an inspection on the 18<sup>th</sup> August 2016 , carried out at Shri Ramajayam Supermarket Pty Ltd , Praslin , the respondent was found to be in breach of **Section 19, 20,21 and 24 of the Consumer Protection Act 2010**. On the 17<sup>th</sup> of November, 2016, a follow up inspection was then conducted at Shri Ramajayam supermarket Pty Ltd and it was still found to be in breach of Section 19 and 20 of the Consumer Protection Act 2010.

The case was heard on the 23<sup>rd</sup> January 2018, but the respondent was absent. This, was despite having been served a summon at the main office on the 19<sup>th</sup> of January 2018. The Legal Officer for the Fair Trading Commission – Ms. Priyanka Ramruchaya – therefore moved that the matter proceeds ex-parte. The Board granted her application. The Legal Officer then called in two witnesses, who were officers of the Commission, to give evidence in regards to their findings during the inspections.

In written submissions filed, Ms. Ramruchaya re-iterated the evidence in support of the Commission's case and prayed that the Board imposes a deterrent penalty on the respondent, in line with **Section 67 (3) CPA 2010**, by taking into account the amount of time that the respondent was given to rectify its prohibited conduct but failed to do so , the amount of items still found to be in contravention of Section 20 CPA 2010, and the fact that the respondent may have benefitted from the contravention as less items were found to be in contravention of Section 19 of the CPA 2010, during the second inspection, implying that it may have been sold. Lastly, that the Board should have regard to the behavior of the respondent, namely the fact that the respondent did not show up on the date set for hearing despite being served a summon.

Taking all of the above into consideration, and having regard to Section 67 (3) of the Consumer Protection Act 2010, namely the behavior of the respondent vis a vis the continued breach of the Consumer Protection Act 2010, and the failure to appear for hearing, the Board found the respondent to be in breach of Section 19 and Section 20 of the CPA 2010.

Based on the above a fine of , SCR - 6, 000- for the breach of **Section 19 CPA 2010**, and SCR - 6, 000 for the breach of **Section 20 CPA 2010** was 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](http://www.ftc.sc) ) or viewed at the FTC office.**