

Consumer Protection Act 2007

Compliance Notice (Section 75)

Dunnes Stores (George's Street) Unlimited Company
46-50 South Great Georges Street
Dublin 2.

Competition and Consumer
Protection Commission
Bloom House,
Railway Street,
Dublin 1.

I, [REDACTED], an authorised officer of the Competition and Consumer Protection Commission, duly authorised under Sections 35 of the Competition and Consumer Protection Commission Act 2014, hereby give you, Dunnes Stores (George's Street) Unlimited Company notice, pursuant to Section 75(2) of the Consumer Protection Act 2007 that I am of the opinion that you, Dunnes Stores (George's Street) Unlimited Company have committed a prohibited act. The alleged prohibited act is contrary to Section 42 as described in Section 43(3)(c) of the Consumer Protection Act 2007.

A. Statement of alleged contravention

1. It is my opinion that you, Dunnes Stores (George's Street) Unlimited Company, on August 20th, 2024, engaged in a prohibited act by misleading consumers as to the actual price of the listed product below.
2. This constitutes a misleading commercial practice which would be likely to cause the average consumer to make a transactional decision that the average consumer would not otherwise make.
3. Section 42(1) of the 2007 Act provides that a trader shall not engage in a misleading commercial practice.
4. Section 43(1) of the 2007 Act provides that a commercial practice is misleading if it includes the provision of false information in relation to any matter set out in subsection (3) and that information would be likely to cause the average consumer to make a transactional decision that the average consumer would not otherwise make.
5. Section 43(3)(c) provides for the purposes of Section 43(1) that a commercial practice is misleading if the trader provides false information about the price of the product, the manner in which that price is calculated or the existence or nature of a specific price advantage.

B. My opinion

It is my opinion that Dunnes Stores (Georges' Street) Unlimited has engaged in a misleading commercial practice, by providing false information in respect of the price of the listed product. Such a practice is a misleading commercial practice for the purposes of the 2007 Act.

C. The reason for my opinion is as follows:

That on 20th August 2024 at 19-20 South Great George's Street, Dublin 2, D02 FN76, the product identified below, was displayed for sale to consumers at a certain price but when scanned through the till was priced at a higher price:

Product	Price advertised	Price Charged
Miwadi 1L Blackcurrant drink	€2.50	€3.50

I believe the price information displayed is likely to deceive or mislead an average consumer with regard to the price of the product and cause the average consumer to make a transactional decision that the average consumer would not otherwise make.

D. Compliance direction and requirements

1. I hereby direct you, Dunnes Stores (George's Street) Unlimited Company to remedy this contravention by altering the price displayed for product identified above to match the price on the till.
2. You, Dunnes Stores (George's Street) Unlimited Company must comply with this notice by the 12th of November 2024
3. This compliance notice in no way impacts your obligation to fully comply with all legal obligations between the date of this compliance notice and the date on which this compliance notice takes effect.

E. Appeal Procedure

1. You, Dunnes Stores (George's Street) Unlimited Company may appeal this notice to the District Court within 14 days after its service.
2. The form and manner of such an appeal is that to be found in the District Court Rules. This is available from the registrar at your local District Court office or on the Courts Service website



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3. In the event that you, Dunnes Stores (George's Street) Unlimited Company decide to appeal the Compliance Notice, you must, at the same time, notify the Competition and Consumer Protection Commission at the above address. You must also notify the Commission of the grounds for the appeal.
4. If an appeal is not made in accordance with Section 75 Consumer Protection Act 2007 and within 14 days after service of the notice, this notice will be treated as not disputed, you, Dunnes Stores (George's Street) Unlimited Company will be deemed to have accepted the notice and have agreed to comply with the compliance direction and requirements and any failure or refusal to comply with this notice, is an offence and, on summary conviction, you will be liable to the fine and penalties set out in Chapter 4 Consumer Protection Act 2007.

[REDACTED]
Authorised Officer
Competition and Consumer Protection Commission

22nd October 2024

This information is intended for information purposes only and does not constitute part of the Compliance Notice.

Compliance Notice Notes - Consumer Protection Act 2007 (“CPA”)

1.	Section 75(6) CPA requires a person, when lodging an appeal, to, at the same time, notify the Competition and Consumer Protection Commission of the appeal and the grounds for the appeal. The Commission is entitled to appear, be heard and adduce evidence on the hearing of the appeal.
2.	on appeal the compliance notice is not cancelled, the notice takes effect on the later of the following <ol style="list-style-type: none"> the day after the day on which the notice is confirmed or varied on appeal, if the appeal is withdrawn by the appellant the day after the day it is withdrawn, the day specified in the notice.
3.	If there is no appeal under Section 75(5) CPA, the compliance notice takes effect on the later of the following: <ol style="list-style-type: none"> 14 days after the notice is served. the day specified in the notice.
4.	An Authorised Officer may- <ol style="list-style-type: none"> withdraw a compliance notice at any time, or if no appeal is made or pending under Section 75(5) CPA, extend the date by which the recipient is to comply with the compliance direction and requirements.
5.	Withdrawal of a compliance notice does not prevent the service of another compliance direction or requirement specified in a compliance notice, whether it relates to the same matter or a different matter.
6.	Under Section 75(13) CPA, if a compliance notice takes effect, the Commission is required to publish the compliance notice or cause it to be published in any form or manner it considers appropriate.
7.	Section 86 CPA requires the Commission to maintain a “Consumer Protection List” of names and addresses together with a description of their trade, business or profession in respect of any enforcement actions taken by the Commission. This includes persons against whom compliance notices have taken effect.
8.	Any person who, without a reasonable excuse, fails to comply with a direction or requirement specified in a compliance notice, commits an offence and, on summary conviction, is liable to the fines and penalties set out in section 79 CPA.
9.	Section 79(1) CPA provides that a person guilty of an offence under the Consumer Protection Act 2007 is liable on summary conviction to the following fines and penalties: <ol style="list-style-type: none"> a fine not exceeding €3000 or up to 6 months imprisonment or both, on any subsequent summary conviction, a fine not exceeding €5000, or imprisonment for a term not exceeding 12 months or both. If, after being convicted of an offence, a person continues to contravene the requirement or prohibition to which the offence relates, the person is guilty of



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	a further offence on each day the contravention continues and for each such offence is liable on summary conviction to a fine not exceeding €500.
10.	According to section 75(14) CPA the issuing of this notice does not prevent the commencement of proceedings for an offence.