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Iomaíocht agus  
Cosaint Tomhaltóirí

Competition and  
Consumer Protection  
Commission

## Compliance Notice

### Section 75 of the Consumer Protection Act 2007

J D Wetherspoon PLC  
T/A Keavan's Port Hotel  
Care of William Fry LLP  
6th Floor,  
2 Grand Canal Square,  
Dublin  
Ireland

Competition and Consumer  
Protection Commission  
Bloom House  
Railway Street  
Dublin 1  
D01 C576

I, [REDACTED], an authorised officer of the Competition and Consumer Protection Commission, duly authorised under section 35 of the Competition and Consumer Protection Act 2014, hereby give you, J D Wetherspoon PLC, notice, pursuant to section 75(2) of the Consumer Protection Act 2007, that I am of the opinion that you are engaging in a prohibited act or practice, namely a misleading commercial practice under Part 3 of the Consumer Protection Act 2007, such a misleading commercial practice being a prohibited act or practice as defined by section 67(a) of the Consumer Protection Act 2007.

The contravention herein relates to the display of the prices of specified drinks at your premises at Keavan's Port Hotel, Camden Street, Dublin 2.

#### **A. Statement of alleged contravention:**

That you, J D Wetherspoon PLC, a trader, for the purposes of the Consumer Protection Act 2007 (hereinafter the "2007 Act"), as of 20 August 2024, engaged in a misleading commercial practice by providing false information regarding the price of drinks. The displayed price of specified drinks (listed below) at the entrance of the licenced premises was lower than the price displayed on the drink's menu within the premises. That 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.

**Bloom House,  
Railway Street,  
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+353 1 402 5500**



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1. Section 42(1) of the 2007 Act provides that a trader shall not engage in a misleading commercial practice;
2. 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;
3. 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***

I am of the opinion that you, J D Wetherspoon PLC, has committed or engaged in a misleading commercial practice, by providing false information in respect of the price of specified drinks on display at the entrance of the licensed premises. Such a practice is a misleading commercial practice for the purposes of the 2007 Act.

**C: *The reasons for my opinion:***

1. You, J D Wetherspoon PLC, can be described as a “trader” for the purposes of the 2007 Act.
2. That you, J D Wetherspoon PLC at your premises at Keavan’s Port Hotel, Camden Street, Dublin 2, as of 20 August 2024, displayed a lower price of specified drinks (listed below) at the entrance to the licenced premises than what was displayed on the drink's menus. The drinks signage at the entrance was visible to consumers intending to purchase drinks. The price display at the entrance of the licenced premises displayed drinks prices at a lower price, whereas the price of drinks on the menu within the premises were displayed at a higher price. The following infringements were identified:



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| Price display at entrance               | Price display on menu                   |
|---|---|
| Abbot Ale - €2.50                       | Abbot Ale - €2.60                       |
| Budweiser (330ml) – Bottle €4.65        | Budweiser – Bottle €4.85                |
| Cork Dry Gin + Mixer (35.5ML) - €5.05   | Cork Dry Gin + Mixer - €5.25            |
| Jameson + Mixer (35.5ml) - €5.05        | Jameson + Mixer (35.5ml) - €5.25        |
| Huzzar Vodka + Miker - (35.5ml) - €5.05 | Huzzar Vodka + Miker - (35.5ml) - €5.25 |

- I believe therefore that you JD Wetherspoon PLC, provided false information in respect of the price display of drinks, and that information would be likely to cause the average consumer to make a transactional decision that an average consumer would not otherwise make.
- Section 2 of the 2007 Act defines 'transactional decision' as:

“means, in relation to a consumer transaction, any decision by the consumer concerning whether, how or on what terms to do, or refrain from doing, any of the following:

- purchase the product;
- make payment in whole or in part for the product;
- retain or return the product after its purchase;
- dispose of the product;
- exercise a contractual right in relation to the product;

In my view, the average consumer would be likely to make a transactional decision that the average consumer would not otherwise make where the price displayed at the entrance of the licensed premises is lower than the higher price displayed on the drink's menu.

**D: Compliance direction and requirements**

- J D Wetherspoon, a trader, is hereby directed to remedy the contraventions identified in this notice, namely, to remedy the prohibited acts or practices described above under Sections A, B and C of this notice by ensuring that the price displayed on all signage at its premises at Keavan's Port Hotel, Camden Street, Dublin 2 is correct.
- You must comply with this compliance direction and requirements by **2 December 2024**.

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**E: Appeal Procedure**

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1. You may appeal this Compliance Notice to the District Court in the district court district in which the notice is served **within 14 days after its service**.
2. The form and manner of such an appeal is 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.
3. In the event that you decide to appeal the Compliance Notice, you must, at the same time, notify the Competition and Consumer Protection Commission of the appeal at, Bloom House, Railway Street, Dublin 1, D01 C576. You must also notify the Competition and Consumer Protection Commission of the grounds for the appeal.
4. If an appeal is not made in accordance with Section 75 of the Consumer Protection Act 2007 and within 14 days after service of the notice, this notice will be treated as not disputed, you will be deemed to have accepted the notice and have agreed to comply with the compliance direction and requirements. Any failure or refusal to comply with this notice, is an offence and, on summary conviction, you will be liable to the fines and penalties set out in Chapter 4 of the Consumer Protection Act 2007.

Signature: \_\_\_\_\_

\_\_\_\_\_  
Authorised Officer  
Competition and Consumer Protection Commission  
11 November 2024

Bloom House,  
Railway Street,  
Dublin 1, Ireland.  
+353 1 402 5500

[www.cpc.ie](http://www.cpc.ie)





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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 2007)

|    |   |
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| 1. | Section 75(6) of the CPA 2007 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. | If on appeal the compliance notice is not cancelled, the notice takes effect on the later of the following:<br><ul style="list-style-type: none"><li>a) the day after the day on which the notice is confirmed or varied on appeal,</li><li>b) if the appeal is withdrawn by the appellant the day after the day it is withdrawn,</li><li>c) the day specified in the notice.</li></ul> |
| 3. | If there is no appeal under section 75(5) of the CPA 2007, the compliance notice takes effect on the later of the following:<br><ul style="list-style-type: none"><li>a) 14 days after the notice is served.</li><li>b) the day specified in the notice.</li></ul>  |
| 4. | An Authorised Officer may:<br><ul style="list-style-type: none"><li>a) withdraw a compliance notice at any time, or</li><li>b) if no appeal is made or pending under section 75(5) of the CPA 2007, extend the date by which the recipient is to comply with the compliance direction and requirements.</li></ul>   |
| 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. | In accordance with section 75(13) of the CPA 2007, 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.  |



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| 7.  | Section 86 of the CPA 2007 requires the Commission to maintain a “Consumer Protection List” of names and addresses of persons together with a description of their trade, business or profession and the particulars of the matter occasioning 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 of the CPA 2007.   |
| 9.  | <p>Section 79(1) of the CPA 2007 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:</p> <ul style="list-style-type: none"><li>a) a Class B fine not exceeding €4000 or up to 6 months imprisonment or both,</li><li>b) on any subsequent summary conviction a fine not exceeding €5000, or imprisonment for a term not exceeding 12 months or both.</li></ul> <p>If, after being convicted for an offence, a person continues to contravene the requirement or prohibition to which the offence relates, the person is guilty of 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.</p> |
| 10. | According to section 75(14) of the CPA 2007 the issuing of this notice does not prevent the commencement of proceedings for an offence.  |