

Attention Shoppers! : New Consumer Protection

Most of the provisions of the Consumer Protection Act 2007 have been commenced with effect from 1 May 2007. The Act establishes a new office, the National Consumer Agency (“NCA”) and brings into effect European Law on unfair commercial practices.

As the name suggests the Act is designed to protect consumers. The Act prohibits what are referred to as unfair, misleading or aggressive commercial practices and outlines a range of 23 blacklisted “misleading commercial practices” and 8 “aggressive commercial practices” that are to be regarded as unfair in all circumstances. The Act tackles previously unregulated areas such as prize draw scams, pyramid selling, persistent and unwanted cold calling and making false claims about a product or service.

Perhaps the best way for a consumer to have his or her complaint heard is through the NCA’s website www.irishconsumer.ie. The website carries helpful headings in relation to which the consumer can make a complaint. The complaint can be made by filling out a straightforward online complaint form or for technophobes the NCA has a dedicated consumer helpline. Should you have a complaint in relation to pricing in your local garage, an online purchase you have made or even your broadband service then the NCA may be your most effective first port of call.

The NCA has to date brought a number of successful prosecutions under the 2007 Act against “rogue traders” including the conviction of a Waterford retailer on 39 counts of failure to display prices. A fine of almost €9000 was imposed and in that light retailers should think twice about lazy or misleading pricing. From a litigant’s perspective the 2007 Act also permits a disgruntled consumer to sue an unscrupulous trader where that consumer has suffered damages within the parameters of the Act.

Traders are now faced with the possibility of investigation, fines and even imprisonment and now the consumer can employ the NCA to take errant traders to task where they step out of line.

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