

## CONSENT AGREEMENT

**THIS AGREEMENT** is made the 18<sup>th</sup> day of **March, Two Thousand and Eleven** BETWEEN the **FAIR TRADING COMMISSION**, a Body Corporate with offices at 52 Grenada Crescent, Kingston 5, in the parish of Saint Andrew (hereinafter referred to as "the Commission") of the FIRST PART and **APPLIANCE TRADERS LIMITED**, a limited liability company incorporated under the laws of Jamaica and having its registered offices at 3 Haughton Avenue, Kingston 10 in the parish of Saint Andrew (hereinafter referred to as "the Respondent") of the SECOND PART.

### **WHEREAS:**

1. It came to the attention of the staff of the Commission that the Respondent advertised a Pre-Valentine's Day Sale in the daily newspapers which was scheduled to run from the 10<sup>th</sup> to the 13<sup>th</sup> February, 2010.
2. Various items were advertised as being available for special sale prices in the said Pre-valentine's Day Sale.
3. The Informants attended at the Ocho Rios Branch of the Respondent to purchase a Maytag Washing machine model number 2DTW5705 and the Half-Way-Tree Road branch to purchase a Canon Image Runner IR-10231F respectively, at the advertised sale prices.
4. The Informants were advised that the advertised sale prices were no longer available.
5. The Respondent had thereby failed to sell the Maytag Washing machine model number 2DTW5705 and the Canon Image Runner IR-10231F respectively, at the advertised sale prices.

6. The Informants complained to the Commission who investigated the complaint and concluded that the Respondent's conduct constituted a breach of Section 37 of the Fair Competition Act which prohibits businesses from making to the public, representations that are false, misleading or likely to be misleading.
7. The Commission informed the Respondent of the breach.
8. The Respondent, without any admission of liability, agreed to settle the claims as provided in Rule 5(2) (a) (i) of the **Fair Competition (Notices and Procedures) Regulations 2000**. Consequently, the Commission exercised its discretion to discontinue the investigation and settle the matter in accordance with the said Regulations.

**IT IS HEREBY AGREED BETWEEN THE PARTIES THAT:**

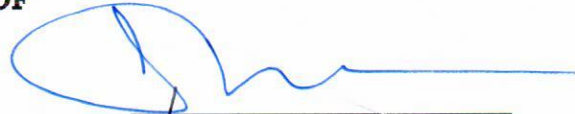
1. Pursuant to Rules 5 and 9 of the **Fair Competition (Notices and Procedures) Regulations 2000**, the Respondent will pay the Commission within thirty (30) days of the date hereof the sum of **One Hundred and Twenty-Five Thousand Dollars (\$125,000.00)** by way of costs incurred in the investigation of the complaints.
2. The Respondent shall not make any public reference to this Agreement without the prior consent of the Commission.
3. The Commission reserves the right to use the facts of this complaint referred to herein, in its public education programme, without recourse to the Respondent.
4. The parties hereto will waive any and all further procedural steps, all rights to seek judicial review or otherwise to challenge or contest the validity of the Agreement. Should the Respondent fail to implement the terms herein agreed, however, the Commission may thereafter withdraw its acceptance of

this Agreement and take such actions as it considers appropriate and so notify the Respondent.

5. The Respondent understands and accepts that formal proceedings will be instituted by the Commission if it fails to abide by this Agreement.

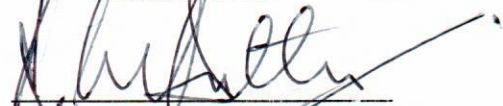
**EXECUTED UNDER THE COMMON SEAL OF  
APPLIANCE TRADERS LIMITED**

**BY DIRECTOR**



**DIRECTOR**

**AND DIRECTOR/SECRETARY**



**DIRECTOR/SECRETARY**

**IN THE PRESENCE OF:**

  
**WITNESS**

**SIGNED BY:  
THE FAIR TRADING COMMISSION**

**BY CHAIRMAN, DR. DERRICK MCKOY**




**CHAIRMAN**

**AND COMMISSIONER**



**COMMISSIONER**

**IN THE PRESENCE OF:**

  
**WITNESS**

