

CONSENT AGREEMENT

THIS AGREEMENT is made the *9th* day of *April*, Two Thousand and Eight **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 **JAMIL INTERNATIONAL LIMITED**, a Company duly registered under the Laws of Jamaica with registered offices at 30 Dunrobin Avenue, Kingston 10, in the parish of Saint Andrew (hereinafter referred to as the "the Respondent") of the **SECOND PART**.

WHEREAS:

1. On August 23, 2002 the Commission received a complaint against the Respondent.
2. The person who brought the complaint (the Informant) asserted that on August 16, 2002 she went to the Defendant's store where she saw a bath-size Jacuzzi on display with a mixer and a flexible shower tube (referred to as "the accessories") attached to and resting on it; and advertised for the price of \$28,000.00.
3. The Respondent represented to the Informant that the advertised price for the Jacuzzi included the price of the accessories which were displayed with the Jacuzzi.
4. Based on the Respondent's representation, the Informant purchased the Jacuzzi, but on its delivery discovered that the accessories had been excluded from the package.
5. The Respondent, on being informed that the accessories had been excluded from the package, required that the Informant pay for the accessories separately.

6. The Commission 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, but it insisted that the accessories did not form a part of the package and refused to provide the Informant with the accessories.
8. The Commission took the decision to file Suit against the Respondent. Suit was filed on May 3, 2006 contending that the Respondent had breached Section 37 of the Fair Competition Act. The Suit is numbered 06HCV01617.
9. Upon being served with the said Suit, the Respondent contacted the Informant and paid her the sum of Eighty Thousand Dollars (\$80,000.00).

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 One Hundred and Seventeen Thousand One Hundred and Forty-One Dollars and Twenty-Five Cents (\$117,141.25) by way of costs incurred in the investigation of the complaint.
2. Pursuant to Rules 5 and 9 of the ***Fair Competition (Notices and Procedures) Regulations 2000***, the Respondent has paid the sum of Eighty Thousand Dollars (\$80,000.00) to the Informant as compensation for the loss suffered by the Informant as a result of the breach.

3. The terms of this Consent Agreement shall be endorsed on the records of the aforesaid Suit 06HCV01617 in the Supreme Court of Judicature of Jamaica.
4. The Respondent shall not make any public reference to this Agreement without the prior consent of the Commission.
5. 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.
6. 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 either withdraw its acceptance of this Agreement and take such actions as it considers appropriate and so notify the Respondent.
7. The Respondent understands and accepts that the formal proceedings which have been instituted by the Commission will be pursued if it fails to abide by this Agreement.

EXECUTED UNDER THE COMMON SEAL OF)

JAMIL INTERNATIONAL LIMITED)

BY DIRECTOR)

AND DIRECTOR/SECRETARY)

IN THE PRESENCE OF)


DIRECTOR/SECRETARY)

.....)

WITNESS

ARLENE M. McLEOD
ATTORNEY-AT-LAW

[Handwritten Signature]
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DIRECTOR

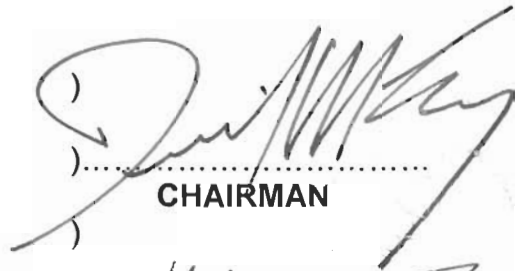


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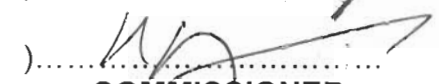
THE FAIR TRADING COMMISSION

BY CHAIRMAN, DERRICK McKOY (DR.)

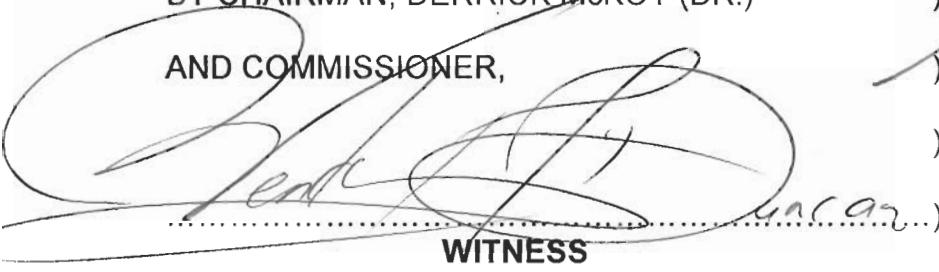
AND COMMISSIONER,

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CHAIRMAN

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COMMISSIONER


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WITNESS