

MEDIA RELEASE

11 June 2008

CASE ENTERED JUDGEMENT AGAINST NAUGHTY BY NATURE PTE LTD

On 14 September 2007, the Consumers Association of Singapore (CASE) commenced an action in the District Court for a declaration and injunction against Naughty by Nature Pte Ltd (Naughty by Nature) and its two director-shareholders Raoul Martin Fenianos and Bupendra Ramason for having engaged in an unfair practice in breach of the Consumer Protection (Fair Trading) Act (CPFTA).

Naughty by Nature was incorporated on 28 August 2004 and conducts a business of professional photographic services. Among those cases that CASE received against the said business, the company had applied hard-selling pressure tactics to entice consumers into signing up for their packages, with the promise of free makeovers, photo shoots and photographs.

CASE's application for an interim injunction was granted by the District Court on 21 September 2007. This means that as of 21 September 2007 and pending the outcome of the action, Naughty by Nature and its directors were restrained from continuing with what CASE says was an unfair practice against consumers.

The matter was later resolved with parties entering consent judgement on 18 January 2008 without proceeding to trial. Under the terms of the consent judgement, CASE obtained a declaration that the practice Naughty by Nature and its directors had engaged in is an unfair practice, a permanent injunction against Naughty by Nature, its employees, servants and agents and its directors who are restrained from carrying out practices described in Schedule 1 (as attached), and an order for parties to agree on the costs of the declaration / injunction application or for costs to be taxed.

In addition, CASE had negotiated with Naughty by Nature for a Dispute Resolution Agreement for the consumers. Under this Agreement, the consumers who had filed complaints with CASE had the option of referring their unresolved claims to binding third party neutral evaluation, upon payment of a fee.

CASE has therefore achieved a favourable outcome from its action against Naughty by Nature. It effectively obtained all the remedies that it sought against Naughty by Nature without having to proceed to trial. This has saved considerable time and expense. Consumers who believe that they have been targets of “unfair trade practices” should seek legal advice to see if they may commence legal action against such businesses by lodging their complaints at the Small Claims Tribunal; such claims must be brought within one year from the date of the incident of the unfair trade practice. While CASE may apply to court for a declaration and/or injunction against a person engaging in an unfair practice under the Act, it is not empowered under the Act to seek monetary relief on behalf of any consumer – it remains the prerogative of the consumer to bring such a claim against the person engaging in the unfair practice.

CASE also wishes to emphasise that such tactics of exerting undue pressure are not unique and could be duplicated by businesses within or outside the industry. Consumers should be mindful and exercise prudence at all times to guard against such unfair practices.

Seah Seng Choon
Executive Director
CASE