

1108915 ALBERTA LTD. O/A STAR INDUSTRIES
DEAN MARSHALL, DIRECTOR

This Director's Order was issued under s. 157 of the *Fair Trading Act* in response to, in the opinion of the Director, contraventions of the Act. As mandated by s. 157.1 of the *Fair Trading Act*, this Director's Order is part of the public record.

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DIRECTOR'S ORDER UNDER SECTION 157 OF THE FAIR TRADING ACT

TO

1108915 ALBERTA LTD. operating as STAR INDUSTRIES

AND TO

DEAN MARSHALL, DIRECTOR

AND TO

**ANY EMPLOYEE, REPRESENTATIVE, AGENT OR ASSOCIATE OF
1108915 ALBERTA LTD. operating as STAR INDUSTRIES AND DEAN
MARSHALL**

Issues

Dean Marshall, sole director of 1108915 Alberta Ltd. operating as Star Industries, was issued a conditional Direct Selling Business Licence authorized to sell vacuum cleaners in Alberta, on September 25, 2007, on the agreed upon condition that he will not mislead or deceive potential consumers of the true purpose of a survey or gift promotion in an attempt to make in-home presentations.

The Director is of the opinion that Mr. Marshall, in the ordinary course of business, through his agents, employees or representatives, has committed unfair practices against consumers, as follows.

A consumer located in Brooks, Alberta purchased a Tristar vacuum on February 25, 2009 from Star Industries. The Sales consultant advised the consumer that he would receive two free round trip airline tickets to Orlando, Florida with the purchase of the vacuum. After receiving the airline ticket vouchers from TriplePlayTrips.com, the consumer discovered that in order to receive the airline tickets, he would have to stay at a specific resort at a cost of \$199.00 per night for a minimum seven consecutive nights. In a statement provided by the sales consultant, he advised that he was unaware of the requirement for the consumer to stay at a specific resort for a minimum number of nights. On April 6, 2009, the consumer sent a letter to Star Industries requesting cancellation of his contract because of the misrepresentations made by Mr. McLeod. On May 28, 2009, Mr. Marshall visited the consumer and

honoured his contract cancellation by refunding the \$1100.00 paid in exchange for the return of the vacuum.

A consumer located in Claresholm, Alberta purchased a Tristar vacuum on May 24, 2008 from Star Industries. The Sales consultant advised the consumer that he would receive four free round trip airline tickets to the Dominican Republic with the purchase of the vacuum. After receiving the airline ticket vouchers from TriplePlayTrips.com, the consumer discovered that in order to receive the airline tickets, he would have to stay at a specific resort at a cost of \$299.00 per night for a minimum seven consecutive nights. On August 31, 2009, Mr. Marshall cancelled the consumer's contract and issued a full \$2,898.00 refund for the return of the TriStar vacuum.

The sales consultants mentioned are two different individuals.

Legislation

These activities constitute unfair practices including but not restricted to:

The *Fair Trading Act*, Section 6(4) The following are unfair practices if they are directed at one or more potential consumers:

- (a) a supplier's doing or saying anything that might reasonably deceive or mislead a consumer;
- (l) a supplier's representation involving a voucher that another supplier will provide goods or a service or will provide goods or a service at a discounted or reduced price if the first-mentioned supplier knows or ought to know that the second-mentioned supplier will not; and
- (o) a supplier's representation that a specific price benefit or advantage exists if it does not.

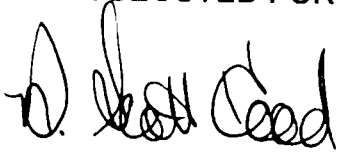
The Director was advised that Mr. Marshall has stopped using the supplier, TriplePlayTrips.com, and their promotional travel program, in association with the sale of TriStar vacuums.

Order

- Dean Marshall and 1108915 Alberta Ltd., operating as Star Industries, and any employee, representative, agent or associate, must immediately stop engaging in any misleading activities with customers or potential customers.

NON COMPLIANCE WITH ORDER

ANY PERSON WHO FAILS TO COMPLY WITH AN ORDER OF THE DIRECTOR UNDER SECTION 157 OF THE *FAIR TRADING ACT* CONTRAVENES THIS ACT AND IS GUILTY OF AN OFFENCE AND MAY BE PROSECUTED PURSUANT TO SECTION 163 OF THE *FAIR TRADING ACT*.

A handwritten signature in black ink, appearing to read "S. Hood". The signature is written in a cursive, somewhat stylized font.

Scott Hood
Director of Fair Trading (as delegated)
October 27, 2009