

Transparency in Consumer Enforcement Cases – CMA Consultation

September 2020

Comment from the BRC

The BRC represents over 70% of the retail industry by turnover, including online pure players, marketplaces, omnichannel retailers and bricks and mortar retailers.

Members are generally satisfied with the proposed change to naming businesses at the beginning of an investigation.

They believe this would provide greater transparency both for those included and indeed those not part of the investigation.

However, they would suggest that it would be appropriate when naming the businesses to state very clearly in any press release in bold that the investigations are at a preliminary stage and no conclusions should be drawn about the businesses named. No assumption should be made that they are in any way in breach of the regulations.

Members believe this would be less likely to lead to reputational risk – the main negative possibility of such a change – and false assumptions.

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