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RETAIL ALERT

DACO Creates Office Against Discrimination in Commerce

The Puerto Rico Department of Consumer Affairs (“DACO” by its Spanish acronym) issued on September 1, 2011, Administrative Order No. 2011-0006 requiring all entities doing business in Puerto Rico that offer goods, products and services to consumers through the Internet, direct sales, catalogs or any other mean, to offer the same or similar methods of access, sales, products, goods, services, warranties and delivery that are offered to citizens within the continental United States of America.

Any significant difference on access, sales, products, goods, services, warranties and deliveries will be deemed discriminatory by DACO unless it is justified due to tax requirements or limitations based on licensing, contracts, permits, patents, copyrights or any other aspect that is directly or indirectly out of the offering entity's control. Any business that limits access, sales, products, goods, services, warranties and deliveries must prove that such limitation is so justified.

The Administrative Order is based on DACO's belief that many of the aforementioned business practices do not conform to the Puerto Rico-United States constitutional relationship and are hence discriminatory and a violation of equal protection right under the U.S. and Puerto Rico Constitutions.

Through the Administrative Order, DACO created the Office Against Discrimination in Commerce (“OADC”), to enforce, publicize and make known in the business community the terms of the Administrative Order and the rights of consumers in Puerto Rico. The OADC will be empowered to receive complaints, which may be filed with any of DACO's regional offices throughout Puerto Rico. Any infringement to the Administrative Order will be punishable with an administrative fine of up to \$10,000.00.

The Administrative Order became effective immediately.

If you have any questions or comments, or wish additional information regarding this matter, please contact any of the following attorneys:

Dora M. Peñagaricano	787-250-5657	dmp@mcvpr.com
Anita Montaner	787-250-5652	ams@mcvpr.com
Samuel T. Céspedes, Jr.	787-250-2610	scs@mcvpr.com
Iván G. Marrero	787-250-2606	igm@mcvpr.com
Liz A. Pérez	787-250-2615	lap@mcvpr.com
José Nadal Power	787-250-2634	jnp@mcvpr.com

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