

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

TO

DAVID POW operating as VORTECH OF ALBERTA

AND TO

ANY EMPLOYEE, REPRESENTATIVE, OR AGENT OF VORTECH OF ALBERTA

Issues

- David Pow operating as Vortech of Alberta moved business locations without notifying the Director as required under section 134(1)(a) of the *Fair Trading Act* (the Act).
- David Pow operating as Vortech of Alberta operated without a direct selling license contrary to section 104 of the Act, from December 31, 2006 to October 9, 2007. The contract utilized for the direct sale did not comply with section 35 of the Act.
- Consumers exercised their extended cancellation rights, but Vortech of Alberta did not meet the refund requirements under 31(2) of the Act.
- The representation (Booking Spiel) used by Vortech of Alberta refers to the Vortech vacuum mainly as an air purifier and not a vacuum contrary to section 6(4)(a) of the Act.
- A market analysis was used for the purpose of establishing a sales list. The implication made to consumers with this representation, is that they are conducting air quality surveys, which is contrary to section 6(4)(q) of the Act.

Order

David Pow, Vortech of Alberta and any employee, representative, or agent of Vortech of Alberta must immediately:

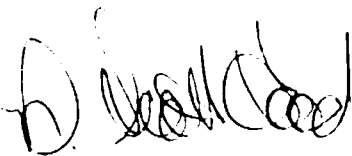
- Ensure that you maintain your direct sellers license as per section 104 of the Act, so long as you choose to operate as a Direct Seller as defined by section 3(2) of the *Designation of Trades and Businesses Regulation*.
- Provide a copy of a sales contract that complies with section 35 of the *Fair Trading Act* within 30 days from the date of this Order to the Director of Fair Trading, as delegated.

- Amend the representation (booking spiel) to consumers to ensure no misrepresentations are made to the consumers under section 6(4)(a) of the Act. Specifically, ensure consumers are aware and understand that the Vortech is a vacuum and not an air purifier.
- Vortech of Alberta will not imply to consumers that they are conducting air quality surveys in their homes, when the intent is to establish a buyers list, contrary to section 6(4)(q) of the Act.
- Provide a copy of the booking spiel that is used to solicit new customers within 30 days from the date of this Order to the Director of Fair Trading, as delegated.
- Ensure that section 31(2) of the Act is complied with and therefore, within 15 days after a direct sales contract is cancelled, Vortech of Alberta refunds all money paid by the consumer and sees that the consumer's trade-in, if applicable, is returned to their residence. If you are unable to return the trade-in an amount equal to the trade-in allowance must be provided.
- Advise the Director, within 15 days as required under section 134(1)(a), if there is a change in the address of the business office.

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*.

FAILURE TO ABIDE BY THE ABOVE ORDERS WILL RESULT IN THE REVIEW OF THE DIRECT SELLING BUSINESS LICENSE STATUS AND MAY LEAD TO CANCELLATION OR SUSPENSION OF THE LICENSE.



Scott Hood
Director of Fair Trading (as delegated)
December 5, 2008