

Press Distribution Charter

Stage 3 - Independent Arbitration Decision

PDC Reference Number:

PDC/120941/270413

Date First Issued:

24/04/2013

Name of Arbitrator:

Neil Robinson

Date complaint sent to Arbitrator:

14th June 2013

Independent Arbitration Decision

In the matter of the Arbitration Act 1996 and in the matter of a dispute between Mr Retailer and Menzies Distribution, Bow.

Mr. Retailer claims that Menzies Distribution (MD) failed to respond to a Customer Complaint Form sent to it by him with regard to repeated instances of tote boxes being received with water in them resulting in unsaleable product.

In response, Menzies Distribution maintain that there was discussion with Mr. Retailer concerning the wet tote boxes during the course of which he was informed that there had been a space planning review of the warehouse itself and that, as a result, there was a covered storage area for all packed tote boxes and for product arriving in bulk. In view of this, Menzies Distribution understood the issue to be closed. Following a request from its Customer Service Centre on 5/6/2013, Menzies Distribution had tried to return a call from Mr. Retailer, but had been unable to get through and had therefore decided that he was unavailable. It had entered a diary note to call Mr. Retailer back on 6/6/2013, but a Stage 3 request was made before that call could be made.

Having considered this matter I am of the opinion that:

1. Retailers are entitled to receive titles in a saleable condition and indeed this responsibility is detailed in Menzies Distribution's 'Our Service Pledge'.
2. For Mr. Retailer to receive tote boxes with water in them is a result of the poor design of the boxes and/or operational failure. In either case Menzies Distribution has a responsibility to rectify the problem.
3. From the evidence submitted, Menzies Distribution has taken operational steps to ensure that tote boxes are stored within the warehouse which should have rectified the problem.
4. Mr. Retailer will doubtless be monitoring his supply and should not hesitate to make a complaint to Menzies Distribution should water still enter his tote boxes.
5. I accept that Menzies Distribution did try and respond to Mr. Retailer's telephone call to the Customer Service Centre on 5th June but, due to a failure in communications, contact was not made.
6. When a retailer makes a formal Stage 2 Complaint it is essential that the wholesaler concerned serve formal notice on the complainant to the effect that it considers the matter to have been resolved.
7. Menzies Distribution did fail to respond to the Stage 2 Complaint.

Signature of Arbitrator: Neil Robinson (email)

Date: 15/6/2013

Seat of Arbitration: London, England.

Date form returned to PDC Administrator:

16/6/2013

Date Independent Arbitration Decision
sent to Wholesaler & Retailer:

16/06/2013