



Board of Commissioners Ruling

The following case was heard and adjudicated on by the Board of Commissioners in relation to the Consumer Protection Act 2010:

In a ruling pronounced on the 22nd of June 2018, in the case of the **Fair Trading Commission v. Vithiya Marimutthu and Sharmilla Marimutthu (trading as Amman Supermarket) (Case No. – CPA/INS17/75)**, the Board of Commissioners found the respondent to be in breach of the following sections of the Consumer Protection Act 2010; section 19(1) read with section 19(2)(a), section 20(1) read with section 20(3)(a), section 25(1) read with section 25(2)(a)(b)(e)(g) and (h), and section 32(f).

The facts as outlined and presented by the Fair Trading Commission (FTC) states that during an inspection carried out at Aaman Supermarket in August 2017, located at Plaisance, 4 products (32 items) were found in breach of section 19 as they did not have visual representations in plain languages; 121 products (149 items) were in breach of section 20 as no prices were displayed in relation to them; there were prices displayed in US dollars rather than Seychelles rupees hence a breach of section 32(f); and the receipt being given was in breach of section 25(1) read with section 25(2)(a)(b)(e)(g) and (h) as it lacked certain statutory requirements.

Representing themselves, the respondents admitted to the breaches and submitted that they were first time offenders and that these happened because they had sometimes left their shop under the supervision of their workers. They assured the Board that the breaches had now been rectified.

For the Fair Trading Commission, the Legal officer submitted that prior to the matter being brought before the Board, the respondents had been found in breach of section 20 and 25 and had been served with a compliance notice thus providing time to rectify the breaches. However, during the compliance visit in September 2017, they were still in breach of section 20 and 25 and there were then also breaches of section 32(f) and section 19. The Legal officer submitted that this shows a propensity to re-offend hence urged the Board to impose a deterrent fine under section 67(1) of the CPA, 2010.

Taking all of the above into consideration, including the fact that the respondents were first-time offenders and admitted to the breaches thus not wasting the Board's time, the Board of

Commissioners found the respondents in contravention of the Consumer Protection Act, 2010 and imposed the following fines: SCR. 1,500 for breach of section 19; SCR. 3,000 for breach of section 20; SCR. 5,000 for breach of section 25(1); and SCR. 1,500 for breach of section 32(f) hence, a total of SCR. 11,000 to be paid within 60 days from the date of the ruling.

The parties are free to appeal against this ruling to the Appeal tribunal as per Section 44 of the Fair Trading Act 2009 and Section 77(1) Consumer Protection Act 2010.

Complete rulings of the Board of Commissioner can be accessed via website (www.ftc.sc) or viewed at the FTC office.