



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 delivered on the 30th of August 2018, in the case of the **Fair Trading Commission v Sue, Lin Johnston and Yidong, Antony Johnston (trading as Linro Global) (CPA /INS16/58)**, the Board Of Commissioners found the respondents to be in breach of **Section 19 (1) of the Consumer Protection Act 2010**, in that they offered or displayed for sale goods with labels or information that were not in plain language.

The facts as outlined and presented by the Fair Trading Commission (FTC) was that during an inspection conducted on the 04th August 2016, at the respondents business premises they were found to be in breach of Section 19 (1) of the Consumer Protection Act 2010(CPA 2010), by offering for sale goods with labels or information that were not in plain language and Section 20 (1) CPA 2010, by displaying goods without displaying prices to them.

The respondents were therefore issued with a compliance notice on the 30th August 2016 with directions to remedy the breaches no later than the 15th September, 2016. On the 30th November, 2016, the Commission conducted a follow-up visit to ensure compliance with the notice that was issued and it was observed that the respondents were still found to be in breach of Section 19 of the CPA 2010, in that they were still displaying or offering for sale goods with labels or information that were not in plain language.

Therefore the Commission filed a case before the Board of the Commissioners for the abovementioned contravention of the CPA, 2010. The hearing for the case took place between May 2017 to October 2017. The Fair Trading Commission called three witnesses in support of its case while counsel for the respondent called in two witnesses. At the conclusion of the hearing both parties opted to submit in writing. However, the Board only received the Fair Trading Commission's Submissions.

The senior legal officer for the Fair Trading Commission submitted that having information in clear and understandable language is important as it is the only way an ordinary consumer would be able to make an informed decision as to what he is purchasing. She further submitted that in Seychelles the basis of plain language has to be that of one of our national languages as provided by our constitution being Creole, English and French.

Based on all the above and considering Section 67 (3) of the CPA 2010, in determining a suitable penalty, the Board found the respondents to be in breach of Section 19 (1) of the CPA, 2010, and a fine of SCR 10,000 was imposed on them 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.