Room 301 – 306
Block B
Unity House
Victoria
Mahe
Seychelles

Fair Trading Commission
Seychelles

Tel (+248) 4- 32 52 50)
PO Box 1207
Victoria
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Seychelles

THE BOARD OF COMMISSIONERS

24th May 2021

FCA78

Mr. Edmund Fanny
(Trading as Hot Bread Bakery)
Revolution Avenue
Victoria

Dear Mr. Fanny,

RE: Fair Trading Commission Vs Mr. Edmund Fanny (trading as Hot Bread Bakery) – FCA78

In accordance with Section 42(1) of the Fair-Trading Commission Act 2009, please find attached a signed copy of the ruling of the Board of Commissioners of the hearing conducted in the above-mentioned case. We trust in your expedient compliance as per the orders contained herein.

Also note that failure or refusal to comply with this ruling constitutes an offence under Section 53(1) of the Fair-Trading Act 2009. The same is reproduced below:

53 (1) A person which refuses or fails to comply with a direction or order of the commission commits and offence and is liable-

a) Where the person is an individual, to a fine not exceeding SCR 100,000 rupees or to imprisonment for a term not exceeding 2 years or to both
b) Where the person is a person other than the individual to a fine not exceeding SCR 400,000 rupees

Moreover, you have the right to appeal against this decision. To that effect you may, **within Fourteen (14) days of this receipt of this document,** submit a Notice of Appeal setting out your grounds of appeal to:

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THE BOARD OF COMMISSIONERS

Chairperson for the Appeal Tribunal
P O Box 216,
Allied Building
Francis Rachel Street,
Mahe, Seychelles
Telephone: (248)4224881 /
Facsimile: (248)4225044
Email: john.renaud@renaudchambers.sc

Yours Sincerely,

FAIR TRADING COMMISSION

Ms. Chrystal Loizeau
Assistant Registration Officer

For: Chairperson
Board of Commissioners
Fair Trading Commission

VISION 2033

THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

(Consumer Protection Act, 2010)

IN THE MATTER:

Fair Trading Commission
Vs
Edmund Fanny
(Trading as Hot Bread Bakery)

Case No: FCA78

Complainant –Fair Trading Commission

Respondent – Edmund Fanny

QUORUM:
Mr. Victor Pool – Commissioner
Mrs. Jenna Thelermont – Commissioner
Mr. Michael Nalletamby – Commissioner

For the Complainant
Ms. Priyanka Ramruchaya–Legal Officer (FTC)

For the Respondent
Mr. France Bonte

RULING

[1] The respondent has a business and/or enterprise as defined under section 2 of the Fair Competition Act 2009, establishing that he is a supplier of goods.

[2] That during a market inquiry carried in 2017, the Fair Trading Commission (the Commission), received information that Mr. Edmund Fanny (Trading as Hot Bakery) the respondent, was setting the retail price of his bread to retailers.

[3] Based on investigation carried by the Commission it was established that the respondent was setting retail price and that this was contrary to section 17 (1) and (2)(c) of the Fair Competition Act 2009 (the Act).

[4] The respondent through a meeting confirmed that he has been setting price for retailers who sell his bread.

[5] On the 14th December 2017, the Commission was sent a compliance letter asking the respondent to stop setting the retail price and he was explained that he may still place a recommended price on his products.

[6] On the 5th February 2018, the respondent through letter informed the Commission that he will not comply with the compliance notice.

[7] The Commission decided to forward the matter before the Board of Commissioners for a ruling.

[8] The matter was heard before the Board on the 19th March 2019. The respondent was represented by legal counsel Mr. Bonte. The Commission was represented by Ms. Ramruchaya.

[9] During the hearing Ms. Ramruchaya opened her case by stating the facts as mentioned above and tendered into evidence the bread enquiry report (see CE 1), the invitation form (see CE 2), the registration documents (see CE 3), notification letter (see CE 4), minutes of the meeting held (see CE 5), a letter dated the 31st July 2018 (see CE 6), summons served (see CE 7), a letter dated the 13th September 2017 (see CE 8), two surveys conducted by the Fair Trading Commission (see CE 9, CE 10). Thereafter she called a witness, being Ms. Natasha Jumaye, Analyst and case handler from the Fair-Trading Commission.

[10] On the second date set for hearing of the case, Mr. Bonte acting under the instructions of his client expressed his intention to give an undertaking to ensure that their practices where in line with the Fair Competition Act 2009.

[11] Mr. Bonte, counsel for the respondent stated that his client has agreed to stop the practice of setting price on his products for sale by retailers. He stated that this matter should be dealt with accordingly.

[12] Ms. Ramruchaya for the Commission asked if the respondent would be willing to sign an undertaking to that effect and it was agreed before the Board that an

undertaking will be drawn up and will be signed by the respondent to the effect that the respondent will stop setting the price on his products to retailers.

[13] Based on the above representation the Board hereby agrees with the agreement by the parties and will endorse such undertaking.

[14] The Board also recommends that a market surveillance be carried out to ensure that the respondent has desist from contravention of section 17 (1) and (2)(c) of the Fair Competition Act 2009.

[15] We rule accordingly.

Pronounced by us on this 24th. day of May, 2021.

Mr. Victor Pool
Commissioner
(Presiding)

Mr. Michael Nalletamby
Commissioner

Mrs. Jenna Thelermont
Commissioner