THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER of the Consumer Protection Act, 2010;

THE FAIR TRADING COMMISSION
VS.
KANNU'S SUPERMARKET – 5 (PTY) LTD
(Rep herein by Mr. S. Pillay)

CPA.INS.120613-1

Complainant – Fair Trading Commission
Respondent – Kannu's Supermarket - 5

QUORUM:
Mr. Colin Jean-Louis – Chairperson
Mrs. Jenna Thelermont – Commissioner
Mr. Victor Pool – Commissioner

For the Complainant
Mrs. Chantale Grange – Director for Legal Affairs (FTC)
Mr. Ziggy Adam – Legal Officer (FTC)
Ms. Nanet Bristol – Enforcement Officer (FTC)

For the Respondent
Mr. Pesi Pardiwalla – Attorney-At-Law
Mr. S. Pillay

RULING

[1]Pursuant to its powers under Section 33 (1)(j) of the Fair Trading Commission Act, 2009 the Fair Trading Commission conducted routine inspections of goods on the 12th of June, 2013 at the retail outlet Kannu's Supermarket – 5 (Pty) Ltd situated at Block B, Unity House, Victoria (See Annex 1). During the exercise, Kannu's Supermarket – 5 (Pty) Ltd now respondent herein, was found to be in contravention of Section 20(1) of the Consumer Protection Act, 2010 by offering for sale a total of 1637 items without displaying a price in relation to those items (See Annex 2).

[2]A case against Kannu's Supermarket – 5 (Pty) Ltd was heard before the Board of Commissioners on Wednesday 12th February, 2014. The Commission presented their

findings to the Board after withdrawing the alleged breach of Section 72(5) of the Consumer Protection Act, 2010 relating to non-compliance. The Commission proceeded only with the contravention of Section 20(1) of the same Act which provides that *"... a retailer shall not display any goods for sale without displaying to the consumer a price in relation to those goods."* It was prayed by representatives for the complainant that the Board allows the complaint and considers penalties set out in Section 67(1) of the Consumer Protection Act, 2010 while having regards to Section 67(3) of the same Act and enforces Section 68(1) of the Act where applicable.

[3]Mr. Pesi Padiwalla, Attorney-At-Law, represented the respondent and did not deny the said contravention. Counsel submitted that the breach was immediately set right after the Commission's visit and that the incident occurred due to factors that are sometimes out of their control. Counsel assured the Board that his client is doing his best to comply with the law and that there was no deliberate act to infringe such laws or cheat customers. Counsel urged the Board to be lenient while deliberating given the circumstances as to how the supermarket business operates and to give them a severe warning or a small fine.

[4]The Board of Commissioners deliberated on the matter and has considered all the circumstances of the case. Based on documentary evidence produced and the respondent not disputing the breach, the Board finds that the respondent, Kannu's Supermarket – 5 (Pty) Ltd, to be in breach of Section 20(1) of the Consumer Protection Act, 2010. In addition to the arguments of the Commission and mitigation of the respondent's counsel the Board of Commissioners having regards to Section 67(3) of the Consumer Protection Act, 2010, hence taking into account that the respondent is a first offender, has decided to enforce Section 68(1) of the Consumer Protection and hereby issues a strong warning to the respondent, Kannu's Supermarket – 5 (Pty) Ltd with regards to the said breach. Kannu's Supermarket – 5 (Pty) Ltd is ordered to immediately cease such prohibited conduct and to ensure compliance with the law. We rule accordingly.

[5]The parties are free to appeal against this ruling (See Section 44 of the Fair Trading Commission Act, 2009)

Pronounced by us on the 26th day of March, 2014.

Mr. Colin Jean-Louis	**Mrs. Jenna Thelermont**	**Mr. Victor Pool**
Chairperson	**Commissioner**	**Commissioner**