# THE FAIR TRADING COMMISSION

## BEFORE THE BOARD OF COMMISSIONERS

**IN THE MATTER of the Consumer Protection Act, 2010;**

**THE FAIR TRADING COMMISSION**
**VS.**
**PORT-GLAUD SUPERMARKET**

CPA.INS13.003

**Complainant**: The Fair Trading Commission

**Respondent**: Port-Glaud Supermarket
(Rep herein by Mr. Somu Sekaar Pillay)

---

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

**For the Complainant**
Mrs. Aaishah Molle – Assistant Legal Officer (FTC)

**For the Respondent**
Mr. Sekaar Kumar Pillay
Mr. Mohamed Syed Malimary

Case presented on behalf of the complainant by Mrs. Aaishah Molle , Assistant Legal Officer (FTC).

---

## RULING

[1]Pursuant to Section 4(3)(a) of the Fair Trading Commission Act, 2009 the Fair Trading Commission is empowered to keep under review commercial activities to ensure that practices that may adversely or unfairly affect the interests of consumers are prevented or terminated. Accordingly, in accordance with Section 33(1)(j) inspections of goods were carried out on 25th February, 2013 by the Fair Trading Commission (the

complainant) at the business premises of Port-Glaud Supermarket of Port-Glaud, Mahe (the respondent). The Commission assembled their findings in five counts and presented it to the Board of Commissioners at the hearing of the matter held on the 8th of May, 2013.

[2]The particulars of those five counts outlined the following:-

*Count 1* – Contrary to Section 19(b) of the Consumer Protection Act, 2010 Port-Glaud Supermarket, on 25th February, 2013 at Port-Glaud, Mahe, displayed for sale 500ml bottles of nature vinegar of make Zhengjiang of which the trade descriptions on the label were not in an understandable language of Seychelles.

*Count 2* - Contrary to Section 20(1) of the Consumer Protection Act, 2010 Port-Glaud Supermarket, on 25th February, 2013 at Port-Glaud, Mahe, displayed for sale thirteen (13) types of goods without displaying to consumers a price in relation to those goods.

*Count 3* - Contrary to Section 21(1) of the Consumer Protection Act, 2010 Port-Glaud Supermarket, on 25th February, 2013 at Port-Glaud, Mahe, displayed for sale firstly 400ml tins of coconut milk of make Twin Valley for the price of SR.20/- and requiring customers to pay SR.23.05/- at the point of sale and secondly displayed for sale 250g boxes of Nesquick chocolate drink of make Nestle for the price of SR.44.85 and requiring customers to pay SR52.50 at the point of sale.

*Count 4* - Contrary to Section 24 of the Consumer Protection Act, 2010 Port-Glaud Supermarket, on 25th February, 2013 at Port-Glaud, Mahe, displayed for sale ten (10) different products at a date later than the expiry date of the products.

*Count 5* - Contrary to Section 50(1) of the Consumer Protection Act, 2010 Port-Glaud Supermarket, on 25th February, 2013 at Port-Glaud, Mahe, displayed for sale two (2) products which failed to comply with the general safety requirements of the Public Health Authority namely a 410g packet of spaghetti in cheese of make Rhodes and a 425g bottle of flavoured sauce of make Yeo's of which both packaging were damaged.

[3]Mrs. Aaishah Molle, the Assistant Legal Officer presented this information to the Board of Commissioners on behalf of the complainant. She concluded by urging the Board to provide remedies as set out in Section 67(1) of the Consumer Protection Act, 2010 while having regards to sub-section 3, as well as enforcing Section 68 of the same Act where applicable.

[4]The respondent contested none of the counts and admitted to all the contraventions.

[5]The Board went on to deliberate on the matter. Based on the evidence and there being no contest from the respondent the Board of Commissioners rules that case of the Fair Trading Commission, the complainant, is allowed and consequently fines Port-Glaud Supermarket, the respondent, in the following manner, while having regards of the provisions of Section 67(3);

- **For the contravention of Section 19(b) *(Count 1)* – SR. 3, 000/-;**
- **For the contravention of Section 20(1) *(Count 2)* –SR. 3, 000/-;**
- **For the contravention of Section 21(1) *(Count 3)* – SR. 3, 000/-;**
- **For the contravention of Section 24 *(Count 4)* – SR. 12, 000/-;**
- **For the contravention of Section 50(1) *(Count 5)* – SR. 1, 500/-;**

**All fines are to be paid to the Commission not later than thirty (30) days from the date of this ruling.**

[6]Taking note that the respondent herein has previously been found in contravention of the Consumer Protection Act, 2010 the Board at this juncture would wish to issue a strong warning to the respondent to ensure compliance with all relevant laws governing its lawful operation. It should be noted that repeat contraventions are subjected to escalating penalties.

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

[8]We so order.

Pronounced by us on this 4th day of July, 2013

**Mr. Colin Jean-Louis**
**Chairperson**

**Mrs. Jenna Thelermont**
**Commissioner**

**Mr. Michael Nalletamby**
**Commissioner**

**Mr. Victor Pool**
**Commissioner**