THE FAIR TRADING COMMISSION

BEFORE THE BOARD OF COMMISSIONERS

IN THE MATTER of the Consumer Protection Act, 2010;

THE FAIR TRADING COMMISSION
VS.
SSP IMPORTS (PTY) LTD
(Rep herein by Mr. Somu Sekaar Pillay)

CPA.11.207.99-4

Complainant – Fair Trading Commission
Respondent – SSP Imports (Pty) Ltd

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

For the Complainant
Ms. Emily Mousbé – Legal Officer (FTC)

For the Respondent
Mr. S. Rajasundaram – Attorney-At- Law

RULING

[1]Pursuant to its power to inspect goods pursuant Section 33(1)(j) of the Fair Trading Commission Act, 2009 the Fair Trading Commission conducted a routine inspection of goods on the 22nd July, 2011 at the retail outlet of SSP Imports (Pty) Ltd, a company incorporated on the 6th of February, 1995 of Forêt Noire (See Annex 1). The inspection revealed that SSP Import (Pty) Ltd, now the respondent, was in contravention of Section 24(1) of the Consumer Protection Act, 2010 by displaying and offering for sale 289 items at a date later than the expiry date of those items (See Annexes 2 & 4). Those items were seized and boxed for disposal. The Commission therefore deemed it necessary for a case against SSP Imports (Pty) Ltd to be brought before the Board of Commissioners.

[2]All relevant parties convened before the Board of Commissioners on Wednesday 9th April, 2014 for a formal hearing. Ms. Emily Mousbé, the Legal Officer of the Fair Trading Commission presented the Commission's findings to the Board. Ms. Mousbé prayed that the Board considers Section 67(1) of the Consumer Protection Act, 2010 and impose appropriate penalties while having regards to Section 67(3) of the same Act while mentioning that the respondent has disposed of the expired goods (See Annex 5) and was a first time offender. Ms. Mousbé also urged the Board to enforce Section 68(1) of the Act where applicable.

[3]Mr. Rajasundaram, Counsel for the respondent accepted liability for the said breach of the Consumer Protection Act, 2010 and mitigated that the respondent has shown remorse and has disposed the said expired goods therefore not profited from the breach. Mr. Rajasundaram prayed the Board to consider imposing the minimum financial penalty.

[4]The Board of Commissioners deliberated on the matter and has taken into account evidence produced and submissions from both sides. Bearing in mind that the respondent has admitted to the breach, the Board finds SSP Imports (Pty) Ltd to be in contravention of Section 24(1) of the Consumer Protection Act, 2010 and hereby imposes a fine in accordance with Section 67(1) of the same Act in the sum of **SR.10,000 on the respondent to be paid to the office of the Fair Trading Commission not later than thirty (30) days from the date of this ruling.**

[5]The parties are free to appeal against this ruling (See Section 44 of the Fair Trading Commission Act, 2009 and Section 77 of the Consumer Protection Act, 2010).

[6]We so order.

Pronounced by us on this 11th day of June, 2014.

Mr. Colin Jean-Louis
Chairperson

Mr. Philippe Chong-Seng
Commissioner

Mrs. Jenna Thelermont
Commissioner

Mr. Michael Nalletamby
Commissioner

Mr. Victor Pool
Commissioner