Block B, 3rd Floor
Room 301-306
Unity House
Victoria
Mahe
Seychelles

Fair Trading Commission
Seychelles

Tel: (+248 4 32 52 50)
PO Box 1207
Victoria
Mahe
Seychelles
Email: info@ftc.sc
Website: www.ftc.sc

ADVISORY NOTE 03 - 2023
Date: 29th August 2023

ADVISORY NOTE IN REGARDS TO FALSE REPRESENTATION

The information contained in this Advisory Note is a summary of some of the key aspects and obligations of suppliers under the Fair Trading Act, 2022, which relates to False Representation. This advisory note is issued as a general overview thereof to businesses. Due to limitations in length of this note, many parts of the Act have not been covered. Suppliers are advised to consult the Act itself. This note should not be treated as a substitute for legal advice.

Subject: Compliance with Section 86 of the Fair Trading Act 2022 (FTA, 2022)

Businesses should not make any false representations in relation to the supply or promotion of goods or services. Section 86 of the Fair Trading Act 2022 (FTA, 2022) prohibits *a* person *in trade or commerce, in connection with the supply or possible supply of goods or services or in connection with the promotion by any means of the supply or use of goods or services.*

Suppliers are responsible for making sure that the products they offer and sell to consumers are accurately described. It is important to ensure that consumers have the right information about the products they are being offered so they can decide whether or not they want to purchase them.

- Goods should not be promoted as having any specific characteristics which cannot be proven by any evidence.
- Suppliers should not mislead consumers by giving false or deceptive information about specific standards, quality, value or grade.
- They should also not omit information about a product that a consumer would need in order to make an informed decision.
- Descriptions should be accurate and be presented in a way that will not mislead consumers for example second hand goods should be promoted as such.
- Suppliers should not rely on or use false or misleading testimonials regarding the use of the goods or services. False testimonials may persuade consumers to make the wrong choices. Products should not be falsely associated with a third party or use any likeness to a particular person to give a false benefit from the use of the goods or services.
- Any promotions containing prices should display the full price or state whether it is exclusive of VAT (Value added Tax)
- Suppliers should not create repair restrictions which makes it difficult for consumers to exercise their right to repair for example making it difficult to obtain spare parts or accurate manuals.

Block B, 3rd Floor
Room 301-306
Unity House
Victoria
Mahe
Seychelles

Fair Trading Commission
Seychelles

Tel: (+248 4 32 52 50)
PO Box 1207
Victoria
Mahe
Seychelles
Email: info@ftc.sc
Website: www.ftc.sc

- Goods should clearly state their country of origin and must be able to be traced to where it was manufactured/created.
- Consumers should be informed of any policy changes that may impact them concerning the goods or services.

Suppliers are encouraged to carefully review activities and procedures to ensure compliance with the provisions of the FTA, 2022.

Advisory Note published in accordance to Section 6 (2) (b) of the Fair Trading Act, 2022

FAIR TRADING COMMISSION, AUGUST 2023

Fair Trading Commission
Seychelles