FAIR TRADING COMMISSION

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ADVISORY NOTE TO ALL SUPPLIERS OF GOODS & SERVICES

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 (FTA, 2022) and is issued as a general overview thereof. 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 and this Note should not be treated as a substitute for legal advice.

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

1. Disclosure of prices of goods and services

Suppliers offering goods and services for sale shall adequately display to the consumer a price in relation to those goods and services. The price displayed to consumers in relation to the goods or services shall be expressed in the currency of the Republic of Seychelles. The price is adequately displayed if affixed, annexed, written, printed, stamped or listed in a catalogue readily available to consumers or in any other way represented as long as it is clear that it is the price applicable. Selling goods without a displayed price is a contravention of Section 72 of the FTA, 2022.

2. Selling above displayed price and multiple pricing

Suppliers shall honour any displayed price and shall not require a consumer to pay a price higher than the displayed price. Any change in price should be fully covered or obscured, otherwise the visible price shall apply. Prices displayed in relation to goods/services should therefore be the same price charged to customers. Selling above displayed price is a contravention of Section 73 of the FTA, 2022.

3. Product Labeling and Trade description

1) Any goods sold in Seychelles shall have a label applied to clearly indicate the trade description, in English Creole or French.
2) A supplier shall not knowingly apply to any goods a trade description (e.g. description of number, quantity, measure, weight, ingredients, expiry date, place of origin of goods) that is likely to mislead consumer as to any matter implied or expressed in that trade description.
3) A trade description shall not be altered, defaced, covered, removed or obscured in a manner calculated to mislead consumers.
4) A person shall not supply any goods with a trade description that indicate that the goods are intended for sale only in a country of jurisdiction other than Seychelles.

If the above provisions are not complied to, they amount to contraventions of Section 74 of the FTA, 2022.

4. Prohibition of supply without displaying shelf life

A supplier shall not offer to supply, display or supply any goods without displaying their shelf-life or at a later date than the indicated shelf-life of the goods. This is a breach of Section 76 of the FTA, 2022. Shelf life includes but is not limited to Expiry date, Use-by-date, best before date etc....

5. Receipt for each transaction to be provided to consumers

In accordance with Section 77 (1) of the Fair Trading Act 2022, a supplier of goods and services shall provide a receipt of each transaction to a consumer to whom any goods or services are supplied.

Section 77 (2) stipulates that the receipt shall also serve as proof for the purchase of the goods or services and may be used for the purpose of a refund.

Under Section 77 (3), requires that receipts shall include the following details:

(a) Supplier's full name or registered business name;
(b) The address of your premises at which the goods or services were supplied;
(c) The date on which the transaction occurred;
(d) The name or description of any goods or services supplied;
(e) The unit price as per the displayed price (Inclusive of VAT – if business is VAT registered);
(f) The quantity of any particular goods or services supplied;
(g) The total price of the transaction exclusive of VAT
(h) The amount of any applicable VAT (Applicable to VAT registered businesses)
(i) The total price of the transaction inclusive of VAT (Applicable to VAT registered businesses)

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

Where the Commission during an investigation of a complaint or on search or inspection of any premises has reasonable grounds to believe that the enterprise or person has committed a prohibited conduct in respect of Section 72, 73, 74, 76 or 77, the Commission may issue the enterprise or person a Fixed Penalty Notice not less than SCR 1500 and not exceeding SCR 20,000 per section breached.

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

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