

# ***11<sup>th</sup> Annual African Consumer Protection Dialogue***

**Virtual Conference  
13<sup>th</sup> – 14<sup>th</sup> October 2020**



**Eswatini  
Competition Commission**

# Disaster Management in Eswatini – Response to COVID-19


- Disaster Management Act, 2016 – gives powers to the Deputy Prime Minister (DPM) to declare state of emergency and disaster, and issuance of Regulations for the mitigation.
- DPM issued Regulations – Coronavirus (COVID-19) Regulations, 2020:
  - Excessive and unfair pricing
  - Misleading conduct in general
  - Stock control
  - Offenses liable, on conviction, to E500000.00 fine.

# COVID- 19 Regulations on product recall

- The Competition Act, 2007 instrumental, Regulations are silent;
- The Act Provides for functions of the Commission relative to Recall:
  - provide information for the guidance of consumers regarding their rights under this Act;
  - co-operate with and assist any association or body of persons to develop and promote the observance of the standards of conduct for the purpose of ensuring compliance with the provisions of this Act;
  - do all such acts and things as are necessary, incidental or conducive to the better carrying out of its functions under this Act.
- Collaborations:
  - Ministry of Health
  - Municipalities – Issuance of Condemnation orders

# Recent Product recalls

- 330m Grape juice cans, manufactured by Pioneer Foods in South Africa, suspected to contain glass shard.



**Eswatini  
Competition Commission**

**PRODUCT RECALL NOTICE  
LIQUI FRUIT RED GRAPE STILL 330ml CANS**

It has come to the attention of the Eswatini Competition Commission ("The Commission") that a batch of Pioneer Foods Liqui Fruit 330 ml grape flavoured can products has been reported to contain glass shards, which may be harmful to consumers. As a precautionary measure, Pioneer Foods, who are the manufacturers of the product, have taken the decision to recall a single batch of Liqui Fruit Red Grape 330ml cans with the following product and Best Before Date (BB) details:


- Pioneer foods product code : 27327
- Outer case barcode : 6001240225615
- Shrink pack barcode : 6001240225608
- Single unit bar code : 6001240225592 (printed on the side of the can)
- Date code : BB 01.04.2021 C TIME and BB 02.04.2021 C TIME (found at the bottom of the can)

Consumers are hereby advised to exercise caution and remain diligent by checking the batch numbers on cans of the product in order to ensure that they do not purchase or consume the identified product. Retailers should not supply this product until such time it has been cleared as safe for use.

The Competition Act, 2007 in Section 33(1) (e) provides that "a person shall not, in relation to a consumer supply any product which is likely to cause injury to health or physical harm to consumers, when properly used..." In this respect, it is recommended that where consumers have purchased the described product, retailers and suppliers should allow the return of the product with a full refund to the consumer. The Commission on 08 September 2020, conducted informal inspections to determine the availability of the product in the Eswatini market and confirm that the specific batch has yet to be found. The Commission will conduct further inspections to ensure the safety of consumers.

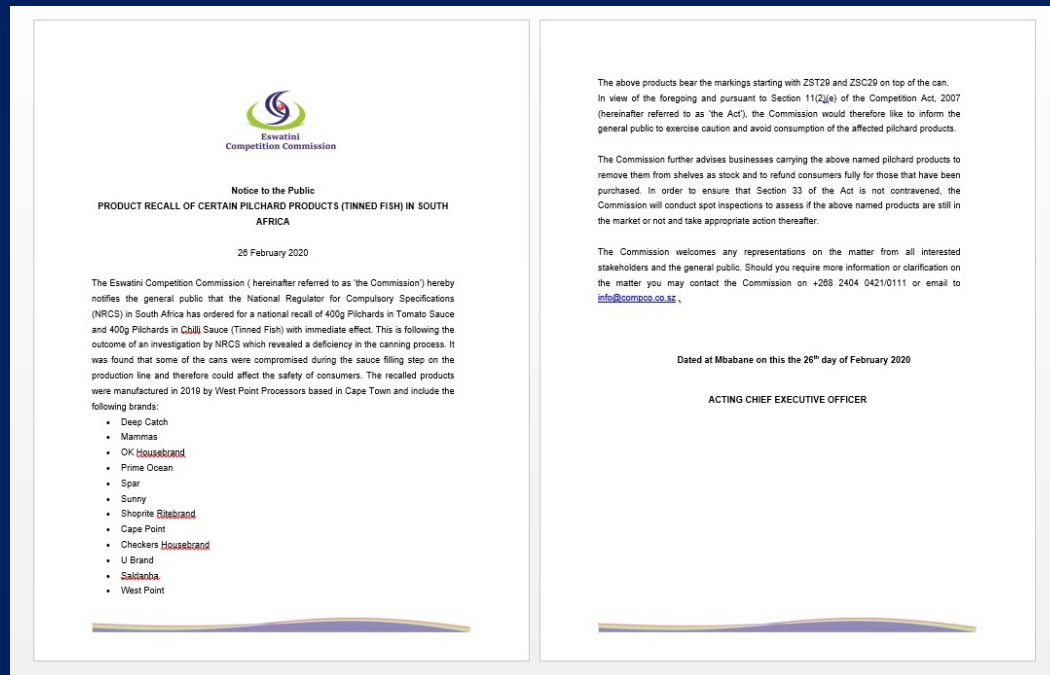
For any queries, retailers, suppliers and consumers may contact the Commission on +268 24040421/0111 or email to [info@comppo.co.sz](mailto:info@comppo.co.sz)


**ISSUED BY MANAGEMENT.**



# Recent Product recalls

- Canned Pilchards, with manufacturing deficiencies which lead to defective products



  
Eswatini  
Competition Commission

**Notice to the Public**  
**PRODUCT RECALL OF CERTAIN PILCHARD PRODUCTS (TINNED FISH) IN SOUTH AFRICA**

26 February 2020

The Eswatini Competition Commission ( hereinafter referred to as "the Commission") hereby notifies the general public that the National Regulator for Compulsory Specifications (NRCS) in South Africa has ordered for a national recall of 400g Pilchards in Tomato Sauce and 400g Pilchards in Chili Sauce (Tinned Fish) with immediate effect. This is following the outcome of an investigation by NRCS which revealed a deficiency in the canning process. It was found that some of the cans were compromised during the sauce filling step on the production line and therefore could affect the safety of consumers. The recalled products were manufactured in 2019 by West Point Processors based in Cape Town and include the following brands:

- Deep Catch
- Mammias
- OK ~~Housebrand~~
- Prime Ocean
- Spar
- Sunny
- Shoprite ~~Etsebrand~~
- Cape Point
- Checkers ~~Housebrand~~
- U Brand
- Saldiaoba
- West Point

The above products bear the markings starting with ZST20 and ZSC20 on top of the can. In view of the foregoing and pursuant to Section 11(2)(e) of the Competition Act, 2007 (hereinafter referred to as "the Act"), the Commission would therefore like to inform the general public to exercise caution and avoid consumption of the affected pilchard products.

The Commission further advises businesses carrying the above named pilchard products to remove them from shelves as stock and to refund consumers fully for those that have been purchased. In order to ensure that Section 33 of the Act is not contravened, the Commission will conduct spot inspections to assess if the above named products are still in the market or not and take appropriate action thereafter.

The Commission welcomes any representations on the matter from all interested stakeholders and the general public. Should you require more information or clarification on the matter you may contact the Commission on +268 2404 0421/0111 or email to [info@compcc.co.sz](mailto:info@compcc.co.sz).

Dated at Mbabane on this the 26<sup>th</sup> day of February 2020

ACTING CHIEF EXECUTIVE OFFICER

# COVID-19 consumer case enforcement

- COVID-19 Regulations relevant:
- Regulations 17 – 20
  - Excessive/ unfair price –
    - Direct increase as a result of unfair conduct
    - Detrimental to consumers
    - Does not correspond to increase in costs
    - Increase not relative to average mark-up of goods
  - unfair conduct
    - Offer unfair price to consumers
    - Unfair marketing tactics

# COVID-19 consumer case enforcement

- Enforcement based on criminal procedure:
  - Stakeholders
    - Police officers
    - Director of Public prosecutions – Prosecute alleged contraventions
    - Judiciary (magistrates Court) – Search warrant court orders
  - Process
    - Induction of stakeholders
    - Complaints investigations – lead by Police
    - Evidence collection – Court orders
      - Supplier invoices
      - Proof of purchase
      - History of prices (mark-up and percentage price increase)
    - Analysis
    - Hand-over DPP

# COVID-19 consumer case enforcement

- Major commodities (complaints received)
  - Eggs
  - Rice
  - Milk
  - Fresh garlic and ginger
  - Mealie-meal
- Other complaint
  - Refusal to return clothes
  - Tying and bundling
  - Unfair restrictions on supply



# COVID-19 consumer case enforcement

- Findings:

- Criminal process lengthy and involves too many stakeholders;
- Price increase of commodities up by average of 4.1% for food and 3.56% for overall commodities since March 2020;
- As of July 2020 prices began reducing;
- Supply chain at supplier indicates increase in price due to increased exchange rates.

# COVID-19 consumer case enforcement

- Next steps:
  - Amendment of Regulations
  - Make enforcement purely administrative (Competition Act and Fair Trading Act)
  - Continue with inspections to test market.

Questions and Answers  
THANK YOU