
CONTENTS

<i>No.</i>	<i>Page No.</i>	<i>Gazette No.</i>
GENERAL NOTICE		
Trade and Industry, Department of		
<i>General Notice</i>		
474 Consumer Affairs (Unfair Business Practices) Act (71/1988): Notice in terms of section 12 (6).....	2	29823

GENERAL NOTICE

NOTICE 474 OF 2007**DEPARTMENT OF TRADE AND INDUSTRY****NOTICE IN TERMS OF SECTION 12 (6) OF THE CONSUMER AFFAIRS
(UNFAIR BUSINESS PRACTICES) ACT, ACT No. 71 OF 1988**

I, Mandisi Mpahlwa, Minister of Trade and Industry, by virtue of the powers vested in me by section 12(6) of the Consumer Affairs (Unfair Business Practices) Act, 1988 (Act No 71 of 1988), and after having considered a report by the Consumer Affairs Committee in relation to an investigation of which notice was given in Notice 1067 of 2005 published in Government Gazette No 27753 dated 1 July 2005, which report was published in Notice 460 in Government Gazette No 28691 of 30 March 2006, and being of the opinion that an unfair business practice exists which is not in the public interest, promulgate the notice in the Schedule.

SCHEDULE

1. In this notice, unless the context indicates otherwise -

"Business practice" means any advertisement in which a **work from home opportunity** is offered in newspapers, magazines, other print media and electronic media and any other advertising method.

A work from home opportunity includes

- (a) typing work and/or
- (b) addressing (typing or writing) envelopes of any kind whatsoever and/or
- (c) addressing (typing or writing) labels of any kind whatsoever and/or
- (d) the filling of envelopes of any kind whatsoever and/or
- (e) administrative opportunities and/or
- (f) the gathering of names and addresses and/or
- (g) the compiling of data.
- (h) the direct sellers of consumer goods who do not truthfully identify themselves, the firm and their products in any advertisements.

"Direct sellers" mean the members of the sales organisation of a business who are involved in direct selling. They may be independent commercial agents, independent contractors, independent dealers and distributors, employed or self-employed representatives, franchisees or the like.

Work from home opportunities exclude:

- (a) Typing work requested by the purchaser of such a service, such as the typing of assignments required by learners and students.
- (b) The direct selling of consumer goods in which a sales person either:
 - (i) Demonstrates the product or presents a product catalogue in homes, the workplace or similar places away from shops
 - (ii) Collects an order;

- (iii) Subsequently delivers the goods personally or arranges delivery;
- (iv) Collects payment for goods or arranges for payment or credit transactions;
- (v) Applies "person to person" selling, "party plan" selling, "multilevel marketing" and "network marketing".

provided that, direct sellers truthfully identify themselves, the firm and their products in advertisements.

(c) Mail-order entities such as manufacturers, wholesalers or retailers who contact buyers through direct mail, catalogues, television, radio, magazines, and newspapers and deliver the goods ordered by their to a post office or a physical address nominated by clients.

2. The ***business practice*** is hereby declared unfair and therefore unlawful and persons are hereby directed to:
 - (a) Refrain from applying the unfair business practice;
 - (b) Refrain at any time from applying the unfair business practice.
3. Any person who perpetrates the unfair business practice commits a criminal offence and shall be liable on conviction, to a fine not exceeding R200 000 or to imprisonment for a period not exceeding five years or to both that fine and that imprisonment.
4. On the recommendation of the Consumer Affairs Committee I may, in a particular case, in terms of section 12(6)(c) of the Act, grant exemption from a condition or requirement contemplated in this notice to such an extent and for such period and subject to such conditions as may be specified in the exemption. Such application for exemption must be directed to:

The Chief Director
Office of Consumer Protection
Consumer Affairs Committee
Private Bag X84
PRETORIA
0001
For attention: Ms TT Mashikinya
Tel: 012-394-1586
Fax: 012-394-2586
E-mail: theresiam@thedti.gov.za



MANDISI MPAHLWA, MP

Minister of Trade and Industry

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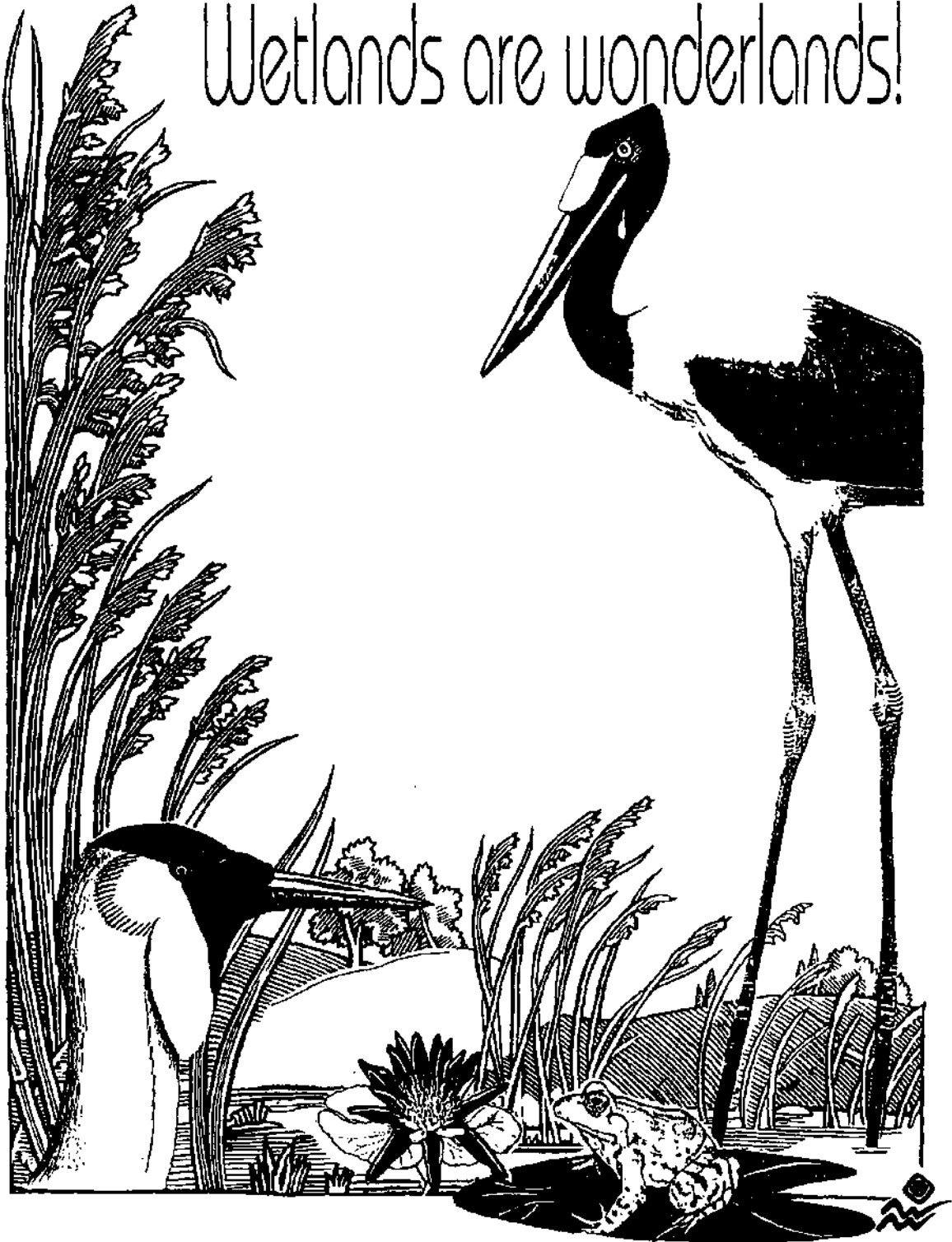
Physical address

C/o Andries and Vermeulen Streets
Entrance in Andries Street

Contact details

Tel: (012) 321-8931
Fax: (012) 325-5984
E-mail: infodesk@nlsa.ac.za

Wetlands are wonderlands!



Department of Environmental Affairs and Tourism

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