

**NOTICE 2970 OF 2004****DEPARTMENT OF TRADE AND INDUSTRY  
CONSUMER AFFAIRS (UNFAIR BUSINESS PRACTICES) ACT, 1988**

I, Mandisi Mpahlwa, MP, Minister of Trade and Industry, after having considered a report by the Consumer Affairs Committee in relation to an investigation of which notice was given in Notice 2138 of 2004 published in Government Gazette 26884 of 23 September 2004, which report was published in Notice 2969 in Government Gazette No. 27126 of 20 December 2004, and being of the opinion that an unfair business practice exists which is not justify in the public interest, do hereby exercise my powers in terms of section 12(1)(b) and 12(1)(c) of the Consumer Affairs (Unfair Business Practices) Act, 1988 (Act No. 71 of 1988), as set out in the Schedule.

  
**M B M MPahlwa**  
**M B M MPahlwa****MINISTER OF TRADE AND INDUSTRY****SCHEDULE**

In this notice, unless the context indicates otherwise -

1. "The parties" means Financial Empowerment Network (Pty) Ltd and Johan Parsons.
2. "Unfair business practice" means the business practice whereby the parties, directly or indirectly,
  - (a) enter into any arrangement with any person the terms whereof includes any provision which has the effect that the participating person is obligated to make a payment of a financial consideration with the prospect of such participating person receiving payment or other money-related benefits, directly or indirectly, from his/her participation in the recruitment of other persons to enter into similar arrangements with any of the aforesaid persons.
  - (b) accept any financial consideration from any person in terms of any arrangement which financial consideration is used in part or in full to fulfil the obligations of either party to make payment to a third party who has entered into a similar arrangement with any of the aforesaid persons; and

- (c) make any payment of any financial consideration or give any money-related benefit, directly or indirectly, to any person in terms of any arrangement as prohibited in terms of paragraph (a) or (b) above.

**3.** The parties are hereby directed to:

- (a) cease to commit the unfair business practice;
- (b)** refrain from at any time applying the unfair business practice;
- (c) cease to have any interest in a business or type of business which applies the unfair business practice or derive any income therefrom;
- (d)** refrain from at any time obtaining any interest in or deriving any income from a business or type of business specified in the notice.

**4.** The unfair business practice is hereby declared unlawful in respect of the parties.

**5.** This notice shall come into operation upon the date of the publication hereof.

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