



# Government Gazette

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**AIDS HELPLINE: 0800-0123-22 Prevention is the cure**

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## GENERAL NOTICE


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NOTICE 1614 OF 2005

DEPARTMENT OF TRADE AND INDUSTRY

**CONSUMER AFFAIRS (UNFAIR BUSINESS PRACTICES) ACT,  
1988**

I, **Mandisi Mpahlwa**, MP, Minister of Trade and Industry, do hereby, in terms of section 10(3) of the Consumer Affairs (Unfair Business Practices) Act, 1988 (Act No. 71 of 1988, the Act), publish *the* arrangement dated 4 March 2005 entered into between the Consumer Affairs Committee and Garland Systems (Pty) Ltd and its directors.

  
**M B M MPAHLWA**

**MINISTER OF TRADE AND INDUSTRY**

## AGREEMENT

**Background:** Garland Systems (Pty) Ltd (19971022136107) and the directors of this company, Garth John Hills (ID 720615 5036 086) and Kervindra Anil Naidoo (ID 710121 5155 085), supply computer cartridges, printer ribbons and toners (products) to consumers. It has been alleged by certain of the consumers that these products have been supplied to them without their unequivocal authorisation. The practice of supplying goods and services to consumers without their unequivocal authorisation is known as inertia selling.

We have been informed that the Consumer Affairs Committee (the Committee), after undertaking a section 4(1)(c) investigation in terms of the Consumer Affairs (Unfair Business Practices) Act, 71 of 1988 (the Act), found that the business practices as applied by us, were likely to have the effect of (a) harming the relations between us and our clients (the consumers), (b) unreasonably prejudicing the consumers, (c) deceiving the consumers and (d) unfairly affecting the consumers. In the opinion of the Committee, we were therefore involved in unfair business practices as defined in the Act.

Although we deny that we were involved in inertia selling or that we did not obtain the unequivocal authorisation from consumers, we are prepared to negotiate with representatives of the Committee and/or to make an arrangement regarding our future conduct,

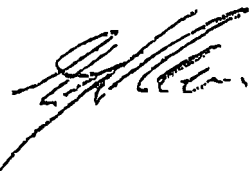
We have been informed that in terms of section 9 of the Act, the Committee may, at any time, negotiate with any person with a view to making an arrangement which, in the opinion of the Committee, will ensure the discontinuance of an unfair business practice which exists or may come into existence and which is the subject of an investigation,

**Undertaking:** In view of the above we, Garth John Hills and Kervindra Anil Naidoo undertake:

- (a) not to, directly or indirectly, apply inertia selling. Any supply, offer or other presentation of goods and services which places no obligation whatsoever on the recipient thereof, shall not be construed as inertia selling;
- (b) to forward invoices to the client buyers together with the products;
- (c) not to make any representation to clients which are not true;
- (d) to inform prospective clients prior to the delivery of the products:
  - (i) the unit price of the products as well as the total number of products which are offered for sale;
  - (ii) the discount applicable to the bulk sale of products;
  - (iii) that we will only deliver the products once we have received an offer from a prospective client, either orally, on condition that the order was recorded, or in writing.

- (e) cease to have **any** interest in a business or type **of** business which applies inertia selling or to derive **any** income **therefrom and** to refrain from at **any** time obtaining **any** interest in or deriving any income **from** a business or type **of** business **applying inertia selling**.

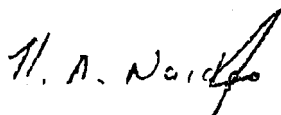
**We** furthermore **understand that** any contravention **of** this **undertaking** shall **immediately and** without further notification or discussion **lead to** an investigation in **terms of** section 8(1)(a) of the Act.



Garth John **Hills**

1-3-05

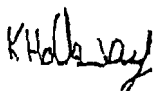
Date



Kervindra Anil **Naidoo**

4/03/05

Date



Signature

Witness (1):

Name and surname in **block letters**:

Address:

KERRY Holloway  
P.O. Box - 3164  
RIVONIA 2128



Signature

Witness (2):

Name and surname in **block letters**:

Address:

LYNDON Dunwett  
Box 3164  
RIVONIA 2128