



Government Gazette

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

GENERAL NOTICE

NOTICE 1619 OF 2005
DEPARTMENT OF TRADE AND INDUSTRY
CONSUMER AFFAIRS (UNFAIR BUSINESS PRACTICES) ACT, 1988

I, Mandisi Mpaahlw, 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), publish the arrangement dated 4 April 2005 entered into between the Consumer Affairs Committee and Edenvale Computer Supplies cc and its members.



MANDISI MPAHLWA, MP

MINISTER OF TRADE AND INDUSTRY

Date: 5 August 2005

SCHEDULE

AGREEMENT

Background: Edenvale Computer Suppliers CC (2004/034993/23), supply computer cartridges to consumers. It has been alleged by certain of the consumers that computer cartridges 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.

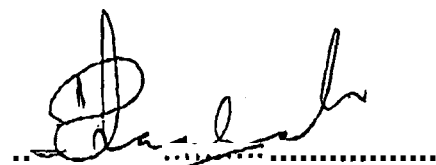
We have been informed that the Consumer Affairs Committee (the Committee), after undertaking a section 4(1)(c) investigation in terms of the Consumer Affairs (Unfair Business Practices) Act, 71 of 1988 (the Act), found that the business practices as applied by us, were likely to have the effect of (a) 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 the representatives of the Committee and/or to make 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.

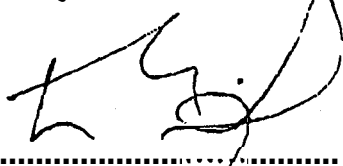
Undertaking: In view of the above and notwithstanding our denial that we have acted wrongfully and unlawfully in any way, Edenvale Computer Suppliers CC, and Lilvanathan Moonsamy Goyender and Pravin Ramlakhan by virtue of their association with Edenvale Computer Suppliers CC undertake:

- (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 cartridges;
- (c) not to make any representation to clients, which are not true;
- (d) to inform prospective clients prior to the delivery of the computer cartridges;
 - (i) the unit price of the cartridges as well as the total number of cartridges which are offered for sale;
 - (ii) the discount applicable to the bulk sale of cartridges;
 - (iii) that we only deliver the cartridges 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.



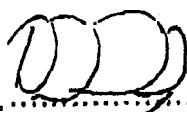
Edenvale Computer Suppliers CC
Represented by Radhakrishnan Baaliah
Identity N. 5711075135084

24 ?? ~ ... +
Date



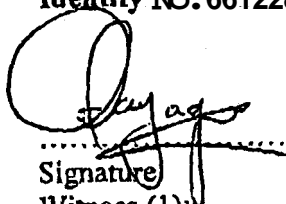
Lilvanathan Moonsamy Govender
Identity No. 6510135128058,

04/04/05
Date



Pravin Ramlakhan
Identity No. 6612285021081

04/04/05
Date



Signature

Witness (1):

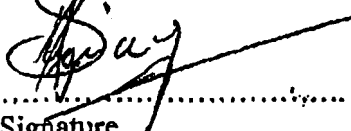
Name and surname in block letters:

Address:

NOLAN NAYER

945 AVE

HIGHWAY GARDENS EDENVALE



Signature

witness (2):

Name and surname in block letters:

Address:

16 JEWELL ST

KLOPPER PARK

GERMISTON