



NATIONAL CONSUMER COMMISSION

a member of **the dti** group

Message by Commissioner Ebrahim Mohamed
at the occasion of the Safe Paraffin Appliance Campaign
held at Kwadukuza, Kwazulu-Natal,
on 26 November 2018

Programme director, Ms Phumeza Mlungu;
Minister of Trade and Industry, Dr. Rob Davies;
Executive Mayor of Kwadukuza Local Municipality, Councillor Ricardo Mthembu;
CEO of the National Regulator for Compulsory Specifications, Mr Edward Mamadise
Community and religious leaders present;
Residents of Kwadukuza and neighbouring communities;
Officials from government;
Distinguished guests;
Ladies and gentlemen;

Sanibonani, good morning!

It is always such a pleasure to engage our communities on the work we do as government.

The National Consumer Commission or NCC as we are commonly known, is an agency of the Department of Trade and Industry that was established in terms of an Act of Parliament, known as the Consumer Protection Act or CPA. We have a very vast mandate, which if summarised simply mean that we are responsible for regulating transactions between consumers and business, like a referee in a soccer match, and by doing that effectively, we promote and protect the rights of consumers. These rights are granted by the CPA on all citizens—young, old, privileged and less privileged.

The CPA is the highest consumer protection law in the country, and it covers nearly all transactions across sectors and industries. The Act provides eight fundamental consumer rights that are in keeping with the human rights that are rooted in our Constitution. In no particular order of importance these rights are:

- **The right to equality in the consumer market.** (relating to protection against discriminatory marketing - access to goods and services, especially for people in remote parts of the country. Protection against price discrimination based on social class, exclusion of certain parts of the population or market segment).

- **The right to privacy** (relating to the right to restrict unwanted and direct marketing. The CPA prescribes a restriction on direct marketing contact times. These are: consumers. Weekdays 08:00 – 20:00, Saturdays 09:00-13:00, no contact on Sundays and Public holidays).

- **The right to choose**
(Relating to bundling of services. If a supplier can prove that there is economic benefit for a consumer, and if the bundled items can be bought individually. Consumers have a right to examine goods that are purchased through direct marketing (telephone or online), and are entitled to a 5day cooling-off period without incurring any penalties).

- **The right to disclosure and information**
(Relating to contracts and other transaction related documents and information in plain and understandable language. Product labeling - ingredient information, trade descriptions, must be informed of grey or reconditioned goods).

- **The right to fair and responsible marketing**
(Relating to consumers' right to protection against bait marketing, negative option marketing / inertia marketing).

- **The right to fair and honest dealing**

(Consumer have a right to protection against unconscionable conduct such as in the case of fraudulent schemes and offers, pyramid schemes or over-selling and over booking).

- **The right to fair, just and reasonable terms and conditions**

(Consumers have a right to protection against unfair contract terms. The CPA sets out what prohibited contract terms are, and has precluded the NCT from ruling on such matters. Prohibited contract terms may only be ruled upon by a High Court. and lastly;

- **The right to fair value, good quality and safety**

(Which relates to consumers' right to a six month statutory warranty on any goods. Consumers have a right to have defective goods repaired, replaced or refunded. There is a three-month warranty on all repairs. If a supplier repairs goods or any component of any such goods, and within three months after repair the failure, defect or unsafe feature has not been remedied or further failure of goods is discovered, then the supplier must replace the goods or refund the consumer the price paid by the consumer for the goods).

Most relevant to the purpose of today's event, is the latter mentioned consumer right. Further to what I already mentioned about this right, consumers have a right to receive goods that are of good value, of good quality, and that are safe to use at any time. In terms of the CPA such goods must be usable and durable for a reasonable period of time, and they must comply with requirements prescribed by the Standards Act of the country.

Through experience gathered over time the NCC has found that non-compliant paraffin and electrical appliances are widely sold unto consumers, and because our people are not empowered with information and knowledge to differentiate the non-compliant appliances from the legally compliant ones, we often just buy what our personal budgets can afford.

By non-compliant we mean that the appliances do not meet the minimum safety standards that are prescribed by relevant South African laws, and that they have the potential to cause harm unto you as consumers thereof.

Working closely with the National Regulator for Compulsory Specifications, our inspectors have found that in particular non-compliant heating appliances, are not manufactured locally. They are manufactured elsewhere and illegally brought into the country, and then sold unto our people.

It is such appliances that often contribute to the high number of accidental fires in informal settlements around the country each year, and they have devastating and tragic consequences for our people.

As the NCC we are here today to educate you, but more importantly to warn and discourage you from buying non-compliant paraffin appliances. We are also here to deter businesses from stocking and selling such appliances to our people. We are telling them today that they could face criminal prosecution if they sell non-compliant appliances.

With the support of the South African Police Services, municipal law enforcement officials, the NRCS and other relevant government organisations, our inspectors will conduct unannounced inspections at retailers around KwaZulu-Natal, and we will

confiscate all non-compliant appliances to ensure that we keep you, our people safe. We have been doing this for some time, and have held similar events in other parts of the country.

In conclusion, I would like to encourage you, to blow the whistle if you become aware of any business in your area that sells non-compliant appliances after today. Officials from the NCC and the NRCS will provide you with our contact details before we depart from this community today. Please do feel free to visit our exhibition stands for such and other important information.

Let us be agents of change. Let us make our country a better place, together.

I thank you.