

**IN THE NATIONAL CONSUMER TRIBUNAL
HELD IN CENTURION**

Case number: **NCT/451585/2026/73(2)(b)**

In the matter between:

NATIONAL CONSUMER COMMISSION

APPLICANT

And

ECONOMIC INNOVATIVE BAGS (PTY) LTD

T/A V29 SHOP

CIPC NO 2010/059971/23

RESPONDENT

Coram:

Mr S Mbhele - Presiding Tribunal member

Ms N Maseti - Tribunal member

Dr MC Peenze - Tribunal member

Date of hearing: 17 September 2026

Date of order: 19 September 2026

JUDGMENT AND REASONS

THE PARTIES

1. The applicant is the National Consumer Commission (the applicant), a juristic person established in terms of section 85(1) of the Consumer Protection Act 68 of 2008 (CPA). The applicant is responsible for enforcing the CPA by monitoring the consumer market to prevent or detect prohibited conduct and offences, and to prosecute them.

2. At the hearing, the applicant was represented by Bonginkosi Abenhezer Ramawa, its Junior Legal Advisor.
3. The respondent is Economic Innovative Bags (Pty) Ltd t/a V29 Shop (the respondent), a supplier as defined in section 1 of the CPA.
4. The respondent did not oppose this application and was not represented at the hearing.

TERMINOLOGY

5. Unless otherwise stated, a reference to a section or regulation in this judgment refers to a section of the CPA or the CPA regulations.
6. A reference to a rule refers to the Rules of the Tribunal.¹

TYPE OF APPLICATION

7. This is an unopposed application in terms of section 73(2)(b) in which the applicant alleges that the respondent has contravened certain provisions of the CPA and, in doing so, has engaged in prohibited conduct.

PROCEEDING ON A DEFAULT BASIS

8. On 14 April 2026, the applicant served a copy of the application on the respondent by hand.²
9. On 25 May 2026, the applicant filed the application with the Tribunal.
10. In terms of rule 13(2), the respondent had 15 business days from the date of receipt of the application to serve an answering affidavit and file the same with the Registrar. However, it failed to do so.
11. The applicant did not file an application for a default order in terms of rule 25(2).

¹ Published under GN 789 in GG 30225 on 28 August 2007 as amended by GN 428 in GG 34405 on 29 June 2011, GN R203 in GG 38557 on 13 March 2015 and GN 157 in GG 39663 on 4 February 2016.

² See page 3 of the Tribunal record.

12. Due to the pleadings being closed, the Registrar issued a notice of set down to all the parties on 26 August 2026, setting the matter down for a hearing on 17 September 2026.

BACKGROUND AND FACTS

13. This matter arises from proactive market monitoring inspections that the applicant conducted in the Western Cape Province, in accordance with its mandate under section 99(c). The applicant initiated this complaint in its own name under section 71(2), upon identifying ongoing conduct by the respondent that constitutes contraventions of the CPA.
14. On 13 November 2025, the applicant's duly authorised Inspectors inspected the premises of the respondent as part of its mandate to prevent, detect and address prohibited conduct and offences, in terms of the CPA and applicable public regulations.
15. The inspection was conducted in the presence of Ms Anita, who stated that she was in charge of the shop. The inspectors identified themselves and explained the purpose of the visit: to assess compliance with the provisions of the CPA and other relevant regulatory instruments governing the sale of goods.
16. During the inspection, the inspectors examined the goods available for sale and completed an Inventory Form. The form recorded the state and condition of the goods and their compliance with applicable standards under the CPA. According to the Inventory Form dated 13 November 2025, various non-compliances were recorded, giving rise to reasonable suspicion that the respondent was conducting its business in contravention of the CPA.³
17. According to the Inventory Form dated 13 November 2025, the following non-compliances were recorded:
- a. The respondent did not issue sales records or till slips to consumers after completing sales transactions.

³ See page 33 of the Tribunal record.

- b. The respondent displayed a conspicuous notice informing consumers that no refunds are permitted after purchase.
18. Upon completion of the inspection, the respondent acknowledged the findings and signed the Inventory Form. A signed copy was provided to the respondent as proof of the inspection and findings.
19. In addition, the inspectors further advised the respondent to immediately rectify all identified non-compliances, including the removal of the displayed "no refund" terms and conditions notice from the store.
20. On the strength of the above, the applicant formed a reasonable suspicion that the respondent had committed contraventions of the CPA and directed Mr Sthembiso Khuleni, who drafted the investigation report,⁴ and Mr Tebogo Motseta to investigate further non-compliance with the CPA and to determine whether the respondent had rectified the non-compliances previously identified during the inspection of 13 November 2025.
21. The second visit to the respondent's premises was conducted on 2 December 2025, again in the presence of Ms Anita. Upon arrival, the inspectors introduced themselves to the respondent, explained the purpose of the visit, and, before commencing the inspection of goods displayed for sale, issued the respondent with a copy of the official investigation certificate, thereby formalising the second inspection under the NCC's enforcement powers under the CPA.
22. The second inspection revealed that the respondent had removed the notice informing consumers that no refunds are permitted after purchase, but persisted in selling goods to consumers without issuing a sales record upon each transaction.
23. The applicant alleges that the respondent has thereby contravened section 26(2).
24. The applicant seeks several orders against the respondent, including an order declaring the respondent's contraventions as prohibited conduct, an

⁴ See page 21 of the Tribunal record.

administrative fine and any other appropriate order contemplated in section 4(2)(b)(ii).

APPLICABLE LEGISLATION

25. Section 26(2) compels a supplier of goods or services to provide a written record of each transaction to the consumer to whom any goods or services are supplied. As per section 26(3) of the CPA, this record must include at least the following information:

- (a) The supplier's full name, or registered business name, and VAT registration number, if any;
- (b) the address of the premises at which, or from which, the goods or services were supplied;
- (c) the date on which the transaction occurred;
- (d) a name or description of any goods or services supplied or to be supplied;
- (e) the unit price of any particular goods or services supplied or to be supplied;
- (f) the quantity of any particular goods or services supplied or to be supplied;
- (g) the total price of the transaction, before any applicable taxes;
- (h) the amount of any applicable taxes; and
- (i) the total price of the transaction, including any applicable taxes.

THE APPLICANT'S SUBMISSIONS

26. The applicant called a witness, Mr Sithembiso Khuleni, who confirmed under oath that, during the investigation visit to the respondent's premises, he observed how consumers purchased goods at the respondent's shop and that the respondent failed to provide such consumers with any transaction records following the sale.

27. The applicant argues that the respondent acknowledged that it is not issuing any transaction records and is persisting in doing so. According to the applicant, section 26(2) applies to all suppliers, regardless of size, and all consumers have

the right to a transaction record when they purchase goods. Failing to do so constitutes a transgression of section 26(2).

CONSIDERATION

28. Section 73(2)(b) provides that if the applicant believes a person has engaged in prohibited conduct, the applicant may refer the matter to the Tribunal for adjudication.
29. The Tribunal considered the applicant's written submissions and is satisfied that the applicant has provided sufficient argument and evidence to establish reasonable suspicion that the respondent's conduct should be investigated. The consequent investigation report confirmed a transgression of section 26(2).
30. Section 26 is concerned exclusively with sales records and receipts for goods or services actually bought, supplied, or agreed to. Section 26(2) explicitly requires a supplier to provide a written record of each transaction to the consumer "to whom any goods or services are supplied". Under the CPA, a "transaction" involves an agreement, performance, or exchange of goods or services for payment. If no deal, sale, or agreement to supply has been concluded, no transaction exists.
31. The Tribunal is seized only of the applicant's documentary evidence, witness testimony and oral arguments. Under rule 13(5), the Tribunal deems the facts alleged by the applicant to be admitted by the respondent. By failing to file an answering affidavit or to be represented at the hearing, the respondent has lost the opportunity to put forward a proper defence to the allegations levelled against it and has placed itself in the Tribunal's hands.
32. The Tribunal accepts the applicant's witness's testimony as credible. According to the witness, on 13 November 2025 and 2 December 2025, the respondent sold various goods to several consumers without issuing any transaction records. The witness, who is also the drafter of the inspection report, enquired of the respondent why no transaction records were issued in any instance he witnessed. The respondent replied that it is a small enterprise and therefore does not issue transaction records to consumers. Consequently, the respondent

could not furnish the applicant with any transaction record. The CPA Regulations confirm that the exemption to sections 26(2) and 26(3) applies only to hawkers or to cases where the consumer expressly does not require the record. The respondent does not qualify as a hawker because it operates its business inside a building. The Tribunal is persuaded that a supplier's size is not a justifiable reason for non-compliance with section 26(2).

33. The Tribunal is further persuaded that the respondent's witness provided adequate evidence, through his oral testimony, of an underlying sale on 2 December 2025, which necessitated the respondent's issuance of a transaction record. The respondent's failure to issue a transaction record in such circumstances, despite a previous warning from the applicant and a directive from the applicant to correct its practice of not issuing transaction records, constitutes a contravention of section 26(2).

34. The applicant's contravention of section 26(2) amounts to prohibited conduct.

RELIEF

35. The applicant requested the Tribunal to direct payment of an administrative penalty in the amount of R1 000 000,00 (one million rand).

36. The Tribunal is satisfied that the nature of the respondent's contravention is the type of conduct that the CPA seeks to prohibit and justifies the Tribunal's imposition of an administrative fine on the respondent. The rights afforded to consumers under the CPA exist to protect them, and any infringement of these rights can have serious consequences. The Tribunal must send a clear message to suppliers that consumers' rights cannot be violated for mere profit, and that if they do so, they will be penalised.

37. Section 112(3) outlines the factors the Tribunal must consider when determining an appropriate fine. These are listed and discussed under separate subheadings below.

The nature, duration, gravity, and extent of the contravention

The evidence shows that the respondent disregarded section 26(2) and prejudiced consumers in the ordinary course of business. As such, the

contraventions committed by the respondent are of a serious nature.

Any loss or damage suffered as a result of the contravention

In the absence of sales records, consumers are effectively deprived of practical access to many substantive rights guaranteed under the CPA.

The behaviour of the respondent

The respondent has shown blatant disregard for the CPA by failing to rectify their conduct and instead opting to remain in contravention. The respondent was informed of that obligation, was allowed to comply, and nevertheless continued to operate outside the statutory framework.

The market circumstances in which the contravention took place

The respondent's conduct illustrates that the market in which the contraventions occurred is one in which consumers are often not fully aware of their rights and expect suppliers to comply with the legislative requirements imposed on them.

The level of profit derived from the contravention

There exists a discernible benefit, pecuniary or otherwise, that the respondent may justifiably derive from their contravention of the applicable legislative provision.

The degree to which the respondent has cooperated with the applicant and the Tribunal

Whilst the respondent demonstrated compliance by engaging with the applicant's investigators, such co-operation has been purely perfunctory and devoid of any genuine effort to resolve the matter or remedy the contravention identified.

Whether the respondent has previously been found in contravention of the CPA

Apart from the two inspections conducted as per the Tribunal record, there is no evidence that any prior investigations or enforcement action were instituted against the respondent.

38. Regarding the abovementioned factors, the factual evidence, and the conduct displayed, it is in the interest of justice for an administrative fine to be imposed on the respondent. The purpose of the administrative fine is, in the

circumstances of this application, a punitive measure that is warranted. Regarding the quantum of the administrative fine, section 112(2) provides that an administrative fine imposed may not exceed the greater of 10% of the respondent's annual turnover during the preceding financial year or R1 000 000.00 (one million rand), whichever is greater.

39. The applicant has not provided any confirmation of the respondent's annual turnover during the preceding financial year. However, the Tribunal finds that a fine of R80 000.00 (eighty thousand rand) is appropriate in this instance and will serve as a deterrent to similar conduct in the future.

ORDER

40. Accordingly, the Tribunal makes the following order:

40.1 The respondent contravened section 26(2) of the Consumer Protection Act 68 of 2008.

40.2 The above contravention is declared prohibited conduct;

40.3 The respondent must, within sixty business days of this judgment being issued, pay an administrative fine of R80 000.00 (eighty thousand rand) into the National Revenue Fund referred to in section 213 of the Constitution⁵ using the following bank account details and reference number:

Bank: Nedbank Limited

Account holder: Department of Trade, Industry and Competition

Account type: Current account

Account number: 126 884 7941

Branch name: Telecoms and Fiscal

Branch code: 198765

Reference: NCT/451585/2026/73(2)(b) and the name of the person or business making the payment; and

40.4 There is no cost order.

⁵ Constitution of the Republic of South Africa, Act 108 of 1996.

Dr MC Peenze

the Tribunal member

Presiding Tribunal member Mr S Mbhele and Tribunal member Ms N Maseti concur.

Authorised for issue by The National Consumer Tribunal

National Consumer Tribunal

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national consumer tribunal