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GENERAL NOTICE

NOTICE 246 OF 2007

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 between the Consumer Affairs Committee and Cuisine Select and its members on the result of a section 4(1)(c) investigation made by the Committee into the business practices of the entities involved.



M B M MPAHLWA

MINISTER OF TRADE AND INDUSTRY

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CONSUMER AND CORPORATE
REGULATIONS DIVISION
SOUTH AFRICA**UNDERTAKING****UNDERTAKING BY MR JOHAN PRINSLOO, SOLE MEMBER OF CUISINE SELECT IN TERMS OF SECTION 9 OF THE CONSUMER AFFAIRS (UNFAIR BUSINESS PRACTICES) ACT NO 71 OF 1988**

I, Mr. Johan Prinsloo, do hereby confirm: that I am a sole member of Central High Trading cc Registration No. 2003021418/33 t/a Cuisine Select. The said business enterprise has its principal place of business at 2 Pioneer Rd, Glenmarais, Kempton Park. The principal business of the said business enterprise is to sell Cuisine Select Ovens through direct selling.

I am aware that on May 18 2006 the Consumer Affairs Committee (the Committee) instituted an investigation in terms of section 4(1)(c) of the Consumer Affairs (Unfair Business Practices) Act no 71 of 1988 (the Act) into certain of my business practices. The Committee investigated a complaint, which related to my refusal to cancel an agreement within five working days of that agreement having been concluded between my business and certain consumers.

I am aware that the definition of an *unfair business practice* as contained in the Consumer Affairs (Unfair Business Practices) Act no 71 of 1988 (the Act), includes, *inter alia*:

“...Any agreement, accord, arrangement, understanding or undertaking whether legally enforceable or not, between two or more persons which, directly or indirectly, has or is likely to have the effect of harming the relations between business and consumers, unreasonably prejudicing any consumer and unfairly affecting any consumer.

I am also aware that the Committee determined that the business practice of my business enterprise is likely to have the effect of harming the relations between the business and the consumers, unreasonably prejudicing consumers and unfairly affecting consumers. This practice also contravenes the Direct Selling Association Code on cooling off period and constitutes a *prima facie* unfair business practice as defined in the Act.

I am also aware 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.

In view of the above I, Mr. Johan Prinsloo undertake to:

1. Make sure that all order forms contain a cooling off clause permitting the customers to add, reduce or withdraw from the order within a specified period of time, which shall not be less than 5 (Five) working days from receipt of products, and to obtain reimbursement of any payment.
2. Refund consumers provided the products have not been used.
3. Ensure that future business practices of my enterprise do not directly or indirectly have the effect of harming the relations between my business and consumers or unreasonably prejudicing any consumer and unfairly affecting any consumer."

I furthermore understand that any contravention of this undertaking shall lead to an investigation in terms of section 8 (1)(a) of the Act.


Mr Johan Prinsloo

Signed on the 19th of September 2006

(1) Witness:



Signed on the 19th of September 2006

(2) Witness:



Signed on the 19th of September 2006