

Court reaffirms non-compliant imported goods not allowed to enter SA

The National Consumer Commission (NCC) has welcomed the decision by the Gauteng High Court, Pretoria, reiterating that non-compliant imported clothing, textile, footwear, and leather (CTFL) goods cannot enter the Republic.



Image source: ttatty – 123RF.com

“We welcome this judgment and we believe that it clears up the confusion that surrounded both the compliance notice where and when the goods can be labelled,” Acting National Consumer Commissioner Thezi Mabuza said on Tuesday.

The NCC said the proliferation of non-compliant clothing, textiles, footwear and leather imported goods destroys the South African textile industry.

During the last financial year, the Commission issued more than 50 non-compliance notices to importers of CTFL goods. Non-compliant goods to a value of just above R18m were either returned to the country of origin or destroyed.

The High Court also confirmed that the Commission is within its mandate to exercise its power bestowed to it by the

Consumer Protection Act (CPA) by issuing a compliance notice where an investigation by the NCC revealed that the consignment does not comply with the provisions of the Act.

“I want to remind importers that it is their responsibility to ensure that their goods do comply with the CPA. Where the goods are non-compliant, we will not hesitate to issue non-compliances instructing Importers to either return non-compliant goods to the country of origin or destroy them,” Mabuza said.

Following an investigation into the importation of non-compliant goods by Scoop Clothing, the NCC issued a compliance notice against Scoop Clothing.

In response, Scoop Clothing CC applied to the National Consumer Tribunal for the review of the compliance notice.

The review by Scoop Clothing was successful and the National Consumer Tribunal ordered the NCC to allow Scoop Clothing to apply compliant labels to the imported goods.

The NCC appealed the Scoop Clothing CC judgment handed down by the National Consumer Tribunal allowing the supplier to label non-compliant goods in the country.

“It has always been the NCC’s view that non-compliance cannot be rectified by allowing the importer to attach labels within the Republic.

“The High Court agreed with the NCC that imported goods can only be allowed into the Republic if they comply with the provisions of section 24, failure to comply means that goods must be returned to the country of origin or be destroyed.

“A compliance notice does not mean that a supplier can label non-compliant goods within the republic,” the Commission said.

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