

**S.I. 98 of 2022**

**FAIR TRADING ACT, 2022**

*(Act 12 of 2022)*

**FAIR TRADING (CONSUMER PROTECTION) (PRODUCT LABELLING AND TRADE DESCRIPTION) REGULATIONS, 2022**

**ARRANGEMENT OF REGULATIONS**

**REGULATIONS**

1. Citation
2. Definitions
3. Goods to comply with labeling requirement
4. The form and manner of label and trade description
5. Genetically modified ingredients
6. Exemption from these regulations

**SCHEDULE**

**S.I. 98 of 2022**

## FAIR TRADING ACT, 2022

*(Act 12 of 2022)***Fair Trading (Consumer Protection) (Product Labelling and Trade Description) Regulations, 2022**

In exercise of the powers conferred by section 74 of the Fair Trading Act, 2022, the Minister responsible for trade, hereby makes the following regulations —

**Citation**

1. These Regulations may be cited as Fair Trading (Consumer Protection) (Product Labelling and Trade Description) Regulations, 2022.

**Definitions**

2. In these Regulations, unless the context otherwise requires —

“sale” means any products or goods which are placed or made available on the market intended to be sold to consumers;

“pre-packaged food” means food that is packaged before being offered for sale to consumers or other businesses and does not include food packaged upon request or at the counters;

“processed food” means any food that has been altered in some way during preparation either through freezing, canning, baking, drying and includes but is not limited to, breakfast cereals, cheese, tinned vegetables, bread, savory snacks; such as crisps, fish products; such as sardines, meat products; such as bacon, sausage, ham, salami and paté, convenience foods such as microwave meals or ready meals, cakes and biscuits;

“beverage” means any liquid intended for human consumption and includes but is not limited to plain water, milk, juices, coffee,

tea, soft drinks and alcoholic drinks such as wine, beer, and liquor;

“health and beauty product” includes products in the categories of over-the counter remedies and medicines, personal care items, such as toothpaste, shaving cream, and mouthwash; hair care items, such as shampoo, conditioners, setting lotions, and home permanents; body care items, such as body lotion, skin moisturizer, and facial applications; and cosmetics, including face makeup and perfume;

“household cleaning product” means substances usually liquids, powders, sprays, or granules used to remove dirt, including dust, stains, bad smells, contaminant and clutter on surfaces and includes but is not limited to aerosol spray products, air fresheners, chlorine bleach, detergent and dishwashing liquid, dry cleaning chemicals, rug and upholstery cleaners, furniture and floor polish, and oven cleaners.

### **Goods to comply with labeling requirement**

3. All goods intended to be imported into the Republic for the purposes of sale shall comply with the labelling and trade description requirements in the categories as specified in the Schedule.

### **Requirements of label and trade description**

4. The label and trade description applied to goods shall —
- (a) be in a conspicuous and legible manner;
  - (b) be in a reasonable font size that is clearly readable;
  - (c) include mandatory information indicated with words and numbers or shown using pictograms and symbols;
  - (d) provide mandatory information in a manner that —
    - (i) is legible;

- (ii) is difficult to remove where appropriate;
  - (iii) is not hidden, obscured, detracted from or interrupted by any other written or pictorial matter;
  - (iv) does not require consumers to open the product to access the information;
- (e) for pre-packed food, processed food, beverages and alcohol disclosed the information —
- (i) on the container or on a label attached to the food; or
  - (ii) on a notice, ticket or label that is readily discernable by an intending purchaser at the place where the intending purchaser chooses that food.

### **Genetically modified ingredients**

5.(1) For purposes of section 74 (13) of the Act, goods which contain at least 5 percent of genetically modified organisms, shall be labeled in a legible manner and size stating, *mutatis mutandis*, that the good or ingredient or component “contains Genetically Modified Organisms”.

(2) For the purposes of section 74(13) of the Act, goods that are intentionally and directly produced using genetic modification processes, the goods or marketing material, as the case may be, shall be labeled, meeting the requirements of section 74 of the Act, without change, as “produced using genetic modification”.

(3) If it is scientifically impractical or not feasible to test goods contemplated in for the presence of genetically modified organisms or ingredients, a notice meeting the requirements of section 74 of the Act shall be applied to such goods or marketing material, as the case may be, in a conspicuous and easily legible manner and size, stating “may contain genetically modified ingredients”.

### **Exemption from regulations**

6. These Regulations do not apply to —

- (a) goods so small in size that labelling is not reasonably possible;
- (b) foods consisting of a single ingredient, where the name of the food is identical to the ingredient;
- (c) name or the name of the food that enables the nature of the ingredient to be clearly identified;
- (d) fresh fruit, vegetables and fish which have not been processed, peeled, cut or similarly treated;
- (e) goods that are packaged in such a manner that the product contents are visible and identifiable;
- (f) goods exempted under any other written law.

## SCHEDULE

### *[Regulation 3]*

#### **1. Pre-Packed Food, Processed Food, Beverages and Alcohol —**

- (i) Name of the food;
- (ii) List of ingredients;
- (iii) Any substitute ingredients;
- (iv) Allergen information;
- (v) Quantitative declaration;
- (vi) Net Quantity;
- (vii) Shelf Life;
- (viii) Storage conditions;
- (ix) Name and address of manufacturer/supplier;
- (x) Preparation instructions (if applicable);

- (xi) The country in which they were manufactured, produced or adapted\*;
- (xii) Additional labelling information may be required under the Food Labelling Regulation.

## 2. Non-Pre-Packaged

- (i) Name of the food;
- (ii) Presence of any allergens which includes **celery, cereals containing gluten** (such as barley and oats), **crustaceans** (such as prawns, crabs and lobsters), **eggs, fish, lupin, milk, molluscs** (such as mussels and oysters), **mustard, peanuts, sesame, soybeans, sulphur dioxide and sulphites** (if they are at a concentration of more than ten parts per million) and **tree nuts** (such as almonds, hazelnuts, walnuts, brazil nuts, cashews, pecans, pistachios and macadamia nuts).

## 3. Non-Food products

- (i) Name of the good;
- (ii) The composition or contents of any goods;
- (iii) Name and address of manufacturer/supplier;
- (iv) Instructions for use (if applicable);
- (v) Any goods being the subject of any patent, privilege or copyright;
- (vi) Safety instructions;
- (xiii) The country in which they were manufactured, produced or adapted\*

\*The country in which they were manufactured, produced or adapted;

- (1) that a locally manufactured product using imported material must state “Made in Seychelles from imported materials”;
- (2) if after such goods have been reconditioned, adapted, rebuilt or remade, whether in the Republic or elsewhere, a trade description is applied to such goods stating clearly that such goods have so been reconditioned, adapted, rebuilt or remade, as the case maybe;
- (3) if the goods were wholly assembled or made in the Republic, a trade description is applied to such goods stating “Made in Seychelles.”

**MADE this 15<sup>th</sup> day of September, 2022.**

**NAADIR HASSAN  
MINISTER OF FINANCE,  
NATIONAL PLANNING AND TRADE**

---