

# **Consumer Information Act 1989**

**CONSOLIDATED ACTS OF SAMOA 2008**

## **CONSUMER INFORMATION ACT 1989**

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**THE CONSUMER INFORMATION ACT 1989**

**1989 No.5**

**AN ACT** to make provision for informative labelling and marking of goods and for the prevention of deceptive or misleading packaging, labelling and advertising.

*(20 September 1989)*

*(Commencement date 20 September 1989)*

**BE IT ENACTED** by the Legislative Assembly of Samoa in Parliament assembled as follows:

**1. Short title** - This Act may be cited as the [Consumer Information Act 1989](#).

**2. Interpretation** - In this Act, unless the context otherwise requires:

**"Advertisement"** means any words, whether written, printed, or spoken or any picture, drawing, or figure, used or appearing to be used to explain the use or notify the availability or promote the sale of any goods:

(a) Inserted in any newspaper, trade journal, or other periodical publication printed, published, or distributed in Samoa; or

(b) Brought to the notice of the public in Samoa in other manner whatsoever.

**"drug"** has the same meaning as in the Food and Drugs Act 1967.

**"Goods"** means any article or product of any type or class that is intended for sale to any person for use or consumption; and includes services.

**"food"** has the same meaning as "Food" in the Food and Drugs Act 1967.

**"Inspector"** means an officer exercising powers of inspection under the Trade, Commerce and Industry Act 1990.

**"Label"** means any written, printed, pictorial, or other descriptive matter that is attached to, or forms part of, or appears on the exterior of, any goods or any package containing goods, or that is visible through any transparent outer cover or wrapper enclosing such a package; and includes any band or ticket.

**"Medical device"** means any device, instrument, apparatus or contrivance, including component parts and accessories thereof, used or represented for use for any of the purposes specified in paragraphs (a), (b) or (c) of the definition of "Drug" in the Food and Drugs Act 1967.

**"Minister"** means the Minister of Commerce, Industry and Labour.

**"Package"** means:

- (a) The outermost receptacle, container, or wrapper in which any goods are encased, covered, enclosed, contained, or packed for the purpose of sale by retail to the public; or
  - (b) If for that purpose there is a transparent outer cover or wrapper enclosing or covering a receptacle or container or wrapper, that is enclosed or covered,-
- but does not include a receptacle, container, or wrapper in which goods are encased, covered, enclosed contained, or packed in the presence of a person purchasing the goods; and "to package", "packager", and "packaged" have corresponding meanings.

**"Prescribed"** means prescribed by this Act or by regulations or notices for the time being in force under this Act.

**"Quantity"** in relation to any goods, includes size, length, width, height, area, volume, weight, capacity, and number.

**"Sale"** includes barter; and also includes offering or attempting to sell, or exposing for sale, or sending or delivering for sale, or causing or allowing to be sold, offered, or exposed for sale; but does not include a sale of goods for consignment by the vendor to a person outside Samoa; and "to sell" has a corresponding meaning.

**3. Name and address of packager to be shown on packaged goods** - (1) All packagers of goods shall cause the packages to bear a label showing the name and address of the packager or the person on whose behalf the goods were packaged.

(2) The Minister may from time to time, by notice in the Gazette or Savali, prohibit the

distribution of such imported packaged goods or class or classes of imported packaged goods as may be specified in the notice unless the package bear a label showing the name and address of the packager or the person on whose behalf of the goods were packaged.

(3) Subsections (1) and (2) shall not apply in respect of packages that, by virtue of their small size, cannot readily accommodate the information required by those subsections.

(4) Any notice made under subsection (2) may at any time in a like manner be revoked in whole or in part or amended.

(5) Every notice made under subsection (2) shall specify the date on which it shall come into force, being a date not earlier than 6 months after the date of its publication in the Gazette or Savali in respect of some of the goods to which the previous notice relates.

(6) A telegraphic address or code address or post office address shall not be a sufficient address for the purposes of this section.

(7) In respect of an incorporated body, the name of the place in which the registered office of the body is situated shall be a sufficient address for the purposes of this section.

(8) This section shall not apply to:

(a) Any food, drug, or medical device;

(b) Any packaged goods that the packager sells by retail from the premises on which they were packaged.

**4. Quantity of goods to be shown in respect of specified goods** - (1) The Minister may from time to time, by notice in the Gazette or Savali:

(a) Require packagers of such goods or class or classes of goods as may be specified in the notice to cause the packages to bear a label showing the quantity of the goods in the package expressed in such manner as may be specified in the notice;

(b) Prohibit the distribution of such imported packaged goods or classes of imported packaged goods as may be specified in the notice, unless the packages bear a label showing the quantity of the goods in the package expressed in such manner as may be specified in the notice.

(2) Any notice made under subsection (1) may at any time in a like manner be revoked in whole or in part or amended.

(3) Every notice made under subsection (1) shall specify the date on which it shall come into force, being a date not earlier than 6 months after the date of its publication in the Gazette or Savali, except in the case of a notice revoking a previous notice either in whole or in respect of some of the goods to which the previous notice relates.

(4) This section shall not apply to any food, drug, or medical device.

**5. Further particulars to be included in labels in respect of specified goods - (1)**

Without limiting the provisions of section 24, the Head of State may from time to time, acting on the advice of Cabinet, make regulations:

(a) Requiring packagers of such goods or class or classes of goods as may be specified in the regulations to cause the packages to bear a label showing such of the particulars set out in subsection (2) as the Head of State acting on the advice of Cabinet prescribes;

(b) Prohibiting the distribution of such imported packaged goods or class or classes of imported goods as may be specified in the regulations, unless the packages bear a label showing such of the said particulars as the Head of State thinks fit to prescribe.

(2) The particulars that may be prescribed by regulations made under subsection (1) shall be:

(a) The name by which the goods are commonly known or, if there is no such name, the generic name or other appropriate descriptive term;

(b) A list specifying every ingredient that equals or exceeds such percentage of the total weight or volume of the goods as may be specified in the regulations, together with the

amount of each such ingredient comprised in the goods expressed in descending order of magnitude as a percentage of the total weight or volume of the goods, and indicating whether the expressed percentage is by weight or volume;

(c) A list specifying the percentage by weight or volume of the total weight or volume of the goods of every ingredient in respect of which any representation has been or is to be made;

(d) Directions or information as to how to use, keep, maintain, store, preserve, or clean the goods;

(e) If the label bears any statement to the effect that the goods in the package have a specified number of applications or uses, such particulars as may be specified in the regulations relating to the purported number of use or applications;

(f) If the label bears any representation relating to the performance of the goods in the package, such particulars as may be specified in the regulations relating to the purported performance; and

(g) The date on which the goods were packaged or the date before which the goods should be used to ensure maximum use or effectiveness.

(3) All regulations made under this section shall specify the date on which they shall come into force, being a date not earlier than 6 months after the date of their notification in the Gazette, except in the case of regulations revoking previous regulations either in whole or in respect of some of the goods to which the previous regulations relate.

(4) Nothing in subsection (2) (a) or (b) shall require any person to show on a label, or otherwise divulge, any information that would not otherwise be available to trade competitors.

(5) This section shall not apply to any food, drug, or medical device.

**6. Method of labelling** - (1) Every prescribed particular required to be included in a label in accordance with this Act shall be printed or indelibly marked on the label in easily legible lettering.

(2) Every label that includes prescribed particulars shall:

(a) Be firmly affixed or branded to the package containing the goods to which the label relates;

(b) Be of such a nature and material that it will not readily fade or become detached before sale by the action of light or climatic conditions;

(c) Be of such a nature and material and in such a position that it cannot be readily defaced during normal handling and use;

(d) Be in such a position on the package that it cannot be readily damaged, defaced, or destroyed when the package is opened for inspection by a prospective purchaser; and

(e) Be affixed or branded to such part or parts of the package that the particulars may be readily examined by prospective purchasers.

(3) Without limiting the provisions of section 24 the Head of State acting on the advice of Cabinet may make regulations requiring prescribed particulars on labels to be printed or marked in lettering of such height as may be specified, and providing for such other matters as the Head of State thinks appropriate in relation to the method of displaying prescribed particulars on labels.

**7. Deceptive or misleading labelling** - (1) Where any prescribed particulars are required to be included in a label in accordance with this Act, no person shall include in the label any comment, reference, or explanation that expressly or by implication contradicts or is inconsistent with any prescribed particular.

(2) The inclusion in a label to which subsection (1) applies of any descriptive term relating to the quantity of any goods to which the label relates shall constitute a breach of that subsection unless:

(a) The prescribed particular relating to the quantity of the goods and the descriptive term are equally prominent; and

(b) The said prescribed particular and the descriptive term are on the same panel of the label and are not contiguous.

(3) No person shall include in a label any statement, word, brand, picture, or make purporting to indicate the nature, suitability, quantity, quality, strength, composition, origin, age, or effects of any goods to which the label relates, if the person knows or ought to know that the statement, word, brand, picture, or mark is false or misleading in a material respect.

(4) This section shall not apply to any food, drug, or medical device.

**8. Deceptive or misleading packaging** - (1) No person shall package any goods or distribute any imported packaged goods if the package is of such a size, shape, or design, or has included thereon such printed, pictorial, or other matter, that is misleading as to the nature or quantity of the goods in the package, notwithstanding that the actual quantity, or the actual nature of the goods, is also shown or indicated on the package.

(2) Without limiting the provisions of section 24, the Head of State, acting on the advice of Cabinet may make regulations requiring packages of such goods or class or classes of goods as may be specified in the regulations to so fill the packages that the goods will, at such time as may be specified in the regulations, occupy such percentage of the exterior volume of the package as may be specified in the regulations. Different percentages may be specified in respect of different goods or classes of goods.

(3) For the purposes of subsection (2), any normal air space between the component parts of goods in a package shall be deemed to be occupied by the goods.

(4) No regulations made under subsection (2) shall apply in respect of any packaged goods if:

(a) The level of the goods in the package is clearly visible or easily ascertainable without opening the package; or



(b) The package bears an easily distinguishable mark showing the level of the goods in the package and the goods in fact occupy the indicated space or more than that space at the time of sale by retail.

(5) Subsection (2) shall not apply to any drug.

**9. Deceptive or misleading advertising** - (1) Where, in accordance with this Act, any packaged goods are required to bear a label showing any prescribed particular, no person shall publish or cause to be published any advertisement in which the goods are referred to, described, or depicted, if the advertisement contains any comment, reference, or explanation that expressly or by implication contradicts or is inconsistent with the prescribed particular.

(2) Without limiting the provisions of section 24, the Head of State, acting on the advice of Cabinet may make regulations requiring, in respect of any goods or class or classes of goods specified in the regulations, that any visual advertisement relating to the goods or class or classes of goods shall contain all or any of the particulars specified in sections 3, 4, and 5.

(3) Every person who publishes or causes to be published any visual advertisement to which subsection (1) or subsection (2) applies and in which is included any descriptive term relating to the quantity of the goods in any package to which the advertisement relates shall be deemed to have committed a breach of the said subsection (1) or the said subsection (2), as the case may be, unless:

(a) The prescribed particular relating to the quantity of the goods is included in the advertisement and is of equal prominence with the descriptive term; and

(b) The said prescribed particular and the descriptive term are not contiguous.

(4) No person shall publish or cause to be published any advertisement that contains an express or implied representation relating to the nature, suitability, quantity, quality,

strength, composition, origin, age, or effects of any goods if the person knows or ought to know that the representation is false or misleading in a material respect.

(5) No person shall publish or cause to be published any advertisement that contains a representation to the effect that any goods have been approved, endorsed, or recommended by any person whom, or organisation that, members of the public might reasonably expect to be technically qualified to give an authoritative opinion in respect of the goods, unless the person or organisation is in fact so qualified and has stated that he, she or it in fact approves, endorses, or recommends the goods. In any prosecution for an offence against this subsection, it shall be for the defendant to prove that the person or organisation is so qualified and has stated that he, she or it approves, endorses, or recommends the goods.

(6) No person shall send or deliver to another person any invoice, or document that has the appearance of an invoice, in respect of goods that have not been ordered or requested by the person to whom the invoice or document has been sent or delivered, unless the words "no payment due unless you buy or order" appear on the face of the invoice or document in easily legible lettering of a height of not less than one-eighth of an inch.

(7) Subsections (1) to (4) shall not apply to any food, drug, or medical device; and subsection (5) shall not apply to any drug or medical device.

**10. Representations regarding prices** - (1) No person shall include in a label any statement, word, brand, or mark that purports to indicate the price of any goods to which the label relates, if the person knows or ought to know that the statement, word, brand, or mark is false or misleading in a material respect.

(2) No person shall publish or cause to be published any advertisement that contains any express or implied representation relating to the price of any goods, if the person knows or ought to know that the representation is false or misleading in a material respect.

(3) No person shall, either expressly or by implication, represent in an advertisement that he or she has goods available for sale below the normal or usual price or price rate unless in fact the person has, at the time when the goods would first be available for sale, a reasonable quantity of the goods available for sale to the public at the reduced price or price rate:

**PROVIDED THAT** this subsection shall not apply if the advertisement states the quantity of goods available for sale and there is in fact that quantity available for sale to the public.

(4) If any person represents in an advertisement that he or she has goods available for sale below the normal or usual price the person shall, if the reduced price per unit of the goods is more than \$30, state in the advertisement the number of units available for sale to the public at the reduced price.

(5) No person shall publish or cause to be published any advertisement that contains an express or implied representation to the effect that a price advantage will be gained by a purchaser by virtue of the size of a package or the quantity of goods in a package, unless there is in fact a price advantage to be gained in purchasing the goods in the package in respect of which the representation is made instead of purchasing from the same source a smaller package containing the same kind of goods of like quality.

**11. Minister may refer matters to Prices Board** - (1) The Minister may from time to time refer to the Prices Board constituted under the [Fair Trading Act 1998](#), for investigation and report to the Minister, any matter relating to this Act or to its administration.

(2) For the purpose of making any investigation under this section, the Prices Board shall have all the powers conferred on it under the [Fair Trading Act 1998](#) for the purposes of conducting an inquiry under that Act.

**12. Advisory Committees** - The Minister may from time to time appoint or discharge or alter or continue or reconstitute such advisory committees, consisting of one or more persons, as the Minister thinks fit to advise on such matters concerning the implementation of the provisions of this Act as are referred to them by the Minister.

**13. Powers of investigation** - (1) For the purposes of this Act the Minister may conduct such investigations as the Minister thinks fit.

(2) For the purposes of any investigation conducted under subsection (1), any person authorised either generally or specially in writing by the Minister may require any person to produce any books or documents in his or her possession and allow the authorised person to inspect them and to take copies of or extracts from them.

(3) All information obtained by an authorised person under subsection (2) shall be treated as confidential except for purposes connected with the administration or implementation of the provisions of this Act; and every person who, otherwise than for such purposes, directly or indirectly divulges any such information commits an offence against this Act.

**14. Exemption of goods, etc., from Act** - (1) The Minister may, by notice in the Gazette, or Savali make orders exempting, under such conditions (if any) as may be specified class or classes of persons, or any goods or any specified class or classes of goods, from all or any of the provisions of this Act or of any regulations or notices for the time being in force under this Act.

(2) Any order made under subsection (1) may at any time in a like manner be revoked in whole or in part or amended.

**15. Delegation of powers by Minister** - (1) The Minister may delegate any of the powers conferred by this Act in such manner and to such person or committee or to the Commerce Board subject to such conditions as the Minister sees fit, but not including the power to delegate under this section.

(2) Every delegation made under subsection (1) of this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Minister.

**16. Delegation of powers by Inspector** - (1) An inspector may from time to time, by writing under his or her hand either generally or particularly, delegate to such officer or officers of the Customs Department as the inspector thinks fit all or any of the powers exercisable under this Act, including the power to give leave for the commencement of a prosecution under section 19(1) of this Act, but not including this present power of delegation.

(2) Subject to any general or special directions given or conditions attached by the Inspector, any officer to whom any powers are delegated under this section may exercise them in the same manner and with the same effect as if they had been conferred on him or her directly by this Act and not by delegation.

(3) Every person purporting to act pursuant to any delegation under this section shall be presumed to be acting in accordance with the terms of the delegation in the absence of proof to the contrary.

(4) Every delegation under this section shall be revocable at will, and no such delegation shall prevent the exercise of any power by the Inspector.

(5) Every delegation under this section shall, until it is revoked, continue in force according to its tenor, notwithstanding the fact that the Inspector by whom it was made may have ceased to hold office, and shall continue to have effect as if made by the successor in office of that Inspector.

**17. Obstructing or assaulting authorised person** - Every person commits an offence against this Act and is liable on conviction to a fine not exceeding 5 penalty units who:

(a) Wilfully obstructs, hinders, or deceives, or wilfully causes to be obstructed, hindered, or deceived, any person authorised to exercise any power or perform any functions or duty under this Act, in the exercise or performance of any such power, function, or duty; and

(b) Threatens or assaults any person so authorised while that person is engaged in the exercise or performance of any such power, function, or duty.

**18. Offences and penalties** - (1) Every person commits an offence against this Act who acts in contravention of or fails to comply in any respect with any provision of this Act or of any regulations or notices for the time being in force under this Act.

(2) Every person who commits an offence against this Act for which no penalty is provided elsewhere than in this section shall be liable on conviction to a fine not exceeding 5 penalty units or, if the offence is knowingly committed, to a fine not exceeding 10 penalty units and, if the offence is a continuing one, to a further fine not exceeding 5 penalty units for every day or part of a day during which the offence has continued.

(3) If any body corporate is convicted of an offence against this Act, every director and every officer concerned in the management of the body corporate shall be guilty of the offence if it is proved that the act or omission that constituted the offence took place with his or her authority, permission, or consent.

(4) For the purposes of this section, the continued existence of anything in a state contrary to any provision of this Act or of any regulations or notices for the time being in force under this Act shall be deemed to be a continuing offence.

(5) In any prosecution for an offence against this Act relating to a package or label, it shall be a defence if the defendant proves that the particular goods concerned were packaged or labelled before the date of commencement of this Act, or of the regulations or notice alleged to have been contravened, as the case may require.

**19. Consultation procedure** - (1) No prosecution for an offence against this Act relating to a package, label, or advertisement shall be commenced except with the leave of the Inspector given in accordance with this section.

(2) Subject to section 20, before the Inspector gives leave under subsection (1) for the prosecution of any person, a notice in writing shall be served on that person:

(a) Informing the person of the alleged offence and the facts alleged to constitute an offence; and

(b) Inviting the person to make his or her views in respect of the alleged offence known to the Inspector by serving on the Inspector, within a period of not less than 14 days after the service of the notice on that person, a written reply:

(i) Setting out those views;

(ii) Stating whether or not the person admits that if the offence alleged was committed he or she is a proper defendant; and

(iii) Stating whether or not he or she is prepared to confer with the Inspector.

(3) If any such person serves a written reply in accordance with subsection (2)(b) in which the person both admits that if the offence alleged was committed he or she is a proper defendant and states that he or she is prepared to confer with the Inspector, the Inspector shall, unless he or she is then satisfied that it is not a proper case for a prosecution, serve on that person a notice in writing inviting that person, within a period to be specified in the notice (being a period of not less than 14 days after the service of the notice on him or her), to confer with the Inspector for the purpose of discussing the views set out in the reply and, if appropriate, entering into an agreement whereby the consequences of the offence, if any, will be mitigated as far as practicable and the repetition of the facts alleged to constitute an offence will be avoided.

(4) If any agreement entered into pursuant to subsection (3) relates to an alleged offence relating to a package or label and includes a condition requiring goods to be withdrawn from sale, the Inspector shall cause particulars of the agreement, of the goods, and of the

facts alleged to constitute an offence to be published in the Gazette or Savali, and thereupon that condition shall have the effect of an order under section 22(1) and subsections (2) and (3) of that section shall apply accordingly with all necessary modifications.

(5) The Inspector may give leave under subsection (1) of this section if:

(a) Any person on whom a notice has been served under subsection (2) of this section does not:

(i) Serve on the Inspector within the period specified in the notice, or within such further period as the Inspector may allow, a written reply complying with paragraph (b)(i) to (iii) of that subsection; or

(ii) Include in his or her reply both an admission that if the offence alleged was committed he or she is a proper defendant and an offer to confer with the Inspector; or

(b) Any such person, fails to confer with the Inspector within the period specified in the notice served on that person under subsection (3) inviting that person to do so, or within such further period as the Inspector may allow; or

(c) After the Inspector has conferred with any person who has accepted an invitation under subsection (3), the Inspector considers that:

(i) A satisfactory agreement cannot be entered into under that subsection; or

(ii) There has been an undue delay in entering into an agreement and an agreement is not entered into within 14 days after the Inspector has served on the person written notice of his intention to give leave for the commencement of a prosecution; or

(iii) Having regard to all the circumstances, the person should be prosecuted; or

(d) Any person with whom an agreement has been entered into under subsection (3) has failed to comply with the terms of the agreement.

(6) In any proceedings involving a prosecution for an offence to which subsection (1) applies, no question shall be raised as to whether any condition set out in section 20 or in subsections (2) to (5) of this section has been satisfied, or as to whether any requirement set out in that section or those subsections has been complied with; and no reference shall be made to the fact any negotiations have or have not taken place, or to the nature and



content of any such negotiations, or to any admission made for the purposes of any such negotiations, or to any refusal or failure to confer with the Inspector, or to the application of any other provisions of subsections (2) to (5).

(7) Any notice under this section may be served on any person, other than the Inspector, by delivering it personally to the person on whom it is to be served; or by leaving it, or sending it by post in a registered letter addressed to the person, at his or her usual or last known place of abode or business in Samoa.

(8) Any notice under this section may be served on the Inspector by delivering it personally to the Inspector; or by leaving it, or sending it by post if a registered letter addressed to the Inspector, at his or her office.

(9) If a notice is sent by post in the manner prescribed by subsection (7) or subsection (8), it shall be deemed to be served at the time at which the letter would have been delivered in the ordinary course of post; and in proving service of any such notice it shall be sufficient to prove that it was properly directed, and that it was duly put into the Post Office as a registered letter.

**20 Minister may authorise immediate prosecution** - (1) The Minister may authorise the Inspector to give leave under section 19(1) without complying with subsections (2) and (3) of that section, if the Minister considers that an immediate prosecution is justified or necessary.

(2) Notwithstanding anything to the contrary in this Act or in any other Act, the Minister shall not delegate the power conferred on the Minister by subsection (1).

**21. Innocent publication of advertisement a defence** - In any prosecution for an offence relating to the publication of an advertisement, it shall be a defence if the defendant proves that:

(a) He or she is a person whose business it is to publish advertisements;

(b) He or she received the advertisement for publication in the ordinary course of business; and

(c) He or she did not know and had no reason to suspect that its publication would constitute an offence against this Act.

**22. Court may order withdrawal of goods from circulation, etc.** - (1) If any person is convicted under this Act of an offence relating to a package or a label, the Court may in its discretion, if it is satisfied that the continued sale of the goods would adversely affect the interests of consumers to a serious degree, order the withdrawal from sale of all goods in packages, or bearing labels, as the case may be that are materially the same as the package or label in respect of which the offence was committed.

(2) If the Court makes an order under subsection (1) the Inspector shall cause particulars of the order and of the offence in relation to which the order was made to be published in the Gazette or Savali and thereupon every distributor, trader, or retailer who has in his or her possession any of the goods in relation to which the offence was committed shall withdraw them from sale and may:

(a) Return the goods to the person who supplied them; or

(b) Remedy the matter in relation to which the offence was committed.

(3) Every distributor, trader, or retailer who takes action in accordance with subsection (2) (a) or (b) of this section may recover all the costs and expenses incurred by him or her in so acting (including, if action is taken under the said paragraph (a), the purchase price of the goods) from the person who supplied the goods as a debt due by that person to the distributor, trader, or retailer.

(4) If any person is convicted of an offence against this Act relating to a package or label, the Minister may cause particulars of the offence and a description of the goods in relation to which the offence was committed to be published in the Gazette or Savali, and in any such case no person shall, after the date of publication in the Gazette or Savali, sell

any goods in packages, or bearing labels, as the case may be, that are materially the same as the package or label in respect of which the offence was committed, unless the matter in relation to which the offence was committed has been remedied.

(5) Notwithstanding anything to the contrary in this Act or in any other Act, the Minister shall not delegate the power conferred on the Minister by subsection (4).

**23. Time for laying information** - Notwithstanding anything in any other enactment, information in respect of an offence against this Act may be laid at any time within 2 years after the time when the matter of the information arose.

**24. Regulations** - The Head of State, acting on the advice of Cabinet may from time to time, make regulations providing for such matters as are contemplated by or necessary for giving full effect to this Act and for its due administration.

### **REVISION NOTES 2008**

This law has been generally edited as provided for by section 5 of the Revision and Publication of Laws Act 2008. The following general revisions have been made –

- (a) References to Western Samoa have been amended to Samoa in accordance with an amendment to the Constitution of Samoa in 1997.
- (b) The fines have been amended and are stated as penalty units as provided for by the Fines (Review and Amendment) Act 1998.
- (c) All references to the male gender have been made gender neutral.
- (d) Amendments have been made to conform to modern drafting styles and to use modern language as applied in the laws of Samoa.
- (e) Amendments have been made to up-date references to offices, officers and statutes.
- (f) Other minor editing has been done in accordance with the lawful powers of the Attorney General.

The following amendments have been made to specific sections of the Act to incorporate

amendments made by Act of Parliament passed since the publication of the Western Samoa Statutes Reprint 1978-1996 –

*By the Fair Trading Act 1998 (No. 6) -*

<b>Section 2</b>	The definition of "Commerce Officer" was deleted.
	The definition of Minister was deleted and replaced with "the Minister of Trade, Commerce and Industry" (which has been changed to "Minister of Commerce, Industry and Labour" to reflect the Ministerial and Departmental Arrangements Act 2003 (No. 3).
	A definition of "Inspector" was inserted

All references to "Commerce Officer" in the Act were replaced by "Inspector".

Revised and consolidated by Graham Bruce Powell

Under the supervision of Lalotoa Mulitalo (Parliamentary Counsel)

## **REVISION NOTES 2008 No. 2**

Section 4 (general powers of the Attorney General) of the [Revision and Publication of Laws Act 2008](#) is used to insert the commencement date. By virtue of [section 8](#) of the [Acts Interpretation Act 1974](#), in the absence of a expressed commencement date, the date of assent is the commencement date.

There were no amendments made to this law since the publication of the *Consolidated and Revised Statutes of Samoa 2007*.

Revised and consolidated by the Legislative Drafting Division under the supervision of Teleiai Lalotoa Sinaalamaimaleula Mulitalo (Parliamentary Counsel)

**The [Consumer Information Act 1989](#) is administered  
in the Ministry of Commerce, Industry and Labour.**

