

Sale and Service Matters Act 25 of 1964

(As amended)

The Act itself contains only one reference to advertising – in the definition of sell.

However, GN R722 and R723 promulgated in terms of the Act require that in advertisements in respect of certain goods for sale, where the purchase price is payable in instalments, the advertisement must, in regard to the conditions on which the retail dealer is prepared to sell, contain information about the selling price of the goods, the initial payment required to be made, the periodical payments and the period applicable to each such payment and the number of such periodical payments or the total period over which the periodical payments are to be made.

1. Definition of selling price

GN R2352 of 1989-11-03 changed the definition to read:

“Selling Price” means the price at which a retail dealer is prepared to sell goods to a purchaser.

(This notice also deleted clause 2(b) (see below) which required that whenever a discount is offered the selling price of each item should be stated. This has made claims like “20% discount on all goods” etc possible).

2. Display or marking of prices of goods

GN 413 of 1977-03-16 as amended by GN R9 of 1979-01-19 and R2352 of 1989-11-03 determines that–

- “2. Any retail dealer, whether or not he is licensed to sell goods, must–
- (a) in accordance with the provisions of this Notice, mark, indicate or keep available his selling price of goods, including goods kept behind or under a counter from where a purchaser can be served but excluding goods–
 - i. kept at a place to which a purchaser normally has no access and from which he is not normally served; or
 - ii. made or prepared at the specific request of the purchaser.”
 - (b) (Deleted by GN R2352).

6. Instalment sale advertisements
 1. Where the goods listed in Annexure A to the Credit Agreements Act are advertised for sale on instalment terms and are advertised otherwise than on the business premises of the retail dealer, the advertisement must, for the conditions on which the retail dealer is prepared to sell, contain the following information—
 - a) the selling price of those goods;
 - b) the initial payments;
 - c) the periodical payment and the period applicable to each such payment; and
 - d) the number of those periodical payments or the total period over which those periodical payments are to be made.
 2. Where goods under 6 (1) above are sold on instalment terms, no retail dealer may calculate the total price of those goods on the basis of any higher price than their selling price.

NOTE: Annexure A includes *inter alia* Household Furniture, Electrical and Non-Electrical Appliances, Camping Equipment, Jewellery, Photographic & Cinematographic Cameras, Television Receivers, Aerial Systems and accessories, Video Cassette Recorders, Players, Tapes etc.

Please consult the Act for the full list.