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ISPC – Resale Price Maintenance

Case Number: FCA59

Date: December 2016

Complaint:

The Commission had taken note of an advert published in the TODAY newspaper on Saturday 20th June 2015 by ISPC Seychelles with regards to the prices of Heineken lager beer in 25cl bottles. According to the advert Heineken beers in 25cl bottles are available in different outlets at the price of SR28. In addition, the advert was affixed on several retail outlets.

The commission is of the opinion that ISPC through its advert was indirectly imposing/dictating a price on the retailers.

Commission's Assessment:

Following inspections at 12 retail outlets, the commission has established that the majority of retailers whose shops were inspected were obliged to charge the retail price advertised by ISPC Seychelles. This clearly shows that they had engaged in resale price maintenance thus maintaining that price of the Heineken beer will be the same across Mahe.

Furthermore, during the meeting held with the representatives from ISPC Seychelles, they did not dispute the fact that the Commission perceived them to be in contravention of the FCA 2009. On the contrary, they opted to an undertaking with the Commission.

Conclusion:

It was therefore concluded that ISPC Seychelles has contravened the Fair Competition Act 2009.

The Board of Commissioners endorsed the Undertaking with the terms and conditions as a behavioural remedy of the breach of FCA 2009 Section 17.