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Fair Trading Commission v/s Stone Mill Bakery (PTY) LTD

Case Number: FCA 91

Date: September 2018

Complaint: In October 2017, the Fair Trading Commission (hereinafter referred to as “the Commission”) was notified that Stone Mill Bakery (Pty) Ltd (“the Respondent”) might have engaged in resale price maintenance as a result of a notice it had sent to retailers notifying them of the new price to resell Stone Mill bread.

Commission’s Assessment: Following the above, the Commission initiated an investigation to determine whether the respondent’s actions were contrary to Section 17 of the Fair Competition Act 2009 which prohibits resale price maintenance. The Commission conducted a meeting with the respondent to advise them that their actions contravened the Fair Competition Act 2009. During the meeting, the respondent accepted that they were in breach.

Conclusion: As such, the Commission was satisfied that the respondent’s conduct amounted to resale price maintenance and the respondent signed an undertaking with the purpose of remedying the situation. Subsequent compliance visits by the Commission confirmed that the respondent was following the terms of the undertaking. The case was discontinued in September 2018 in view that reasonable redress had been provided.