

**CONSUMER PROTECTION (TRADE DESCRIPTIONS AND SAFETY REQUIREMENTS)
ACT
(CHAPTER 53)**

(Original Enactment: Act 18 of 1975)

REVISED EDITION 1985

(30th March 1987)

An Act to make provisions prohibiting misdescriptions of goods supplied in the course of trade; to confer power to prescribe requirements relating to informative marking and advertisement of goods and to their safe composition, construction or design, and for purposes connected therewith.

[1st August 1975]

PART I
PRELIMINARY

Short title

1. This Act may be cited as the Consumer Protection (Trade Descriptions and Safety Requirements) Act.

Interpretation

2.

—(1) In this Act, unless the context otherwise requires —

“advertisement” includes a catalogue, a circular and a price list;

“Director” means the Director of Consumer Protection appointed under section 3;

“goods” includes ships, aircraft, vehicles, animals, plants and all kinds of movable property;

“premises” includes any place, stall, ship, aircraft or vehicle;

“supply”, with its grammatical variations and cognate expressions, includes offer to supply or having goods in possession for the purpose of supply;

“trade description” means any description, statement or indication which, directly or indirectly and by whatever means given, relates to any of the following matters:

quantity, length, width, height, area, volume, capacity or weight of any goods; (a)

method of manufacture, production, processing or reconditioning of any goods; (b)

composition of any goods; (c)

fitness for purpose (including expiry date), strength, performance, behaviour or accuracy of any goods; (d)

degree of fineness of gold and silver goods; (e)

physical characteristics of any goods not included in paragraphs (a) to (e); (f)

testing of any goods by any person and the results thereof; (g)

approval of any goods by any person or their conformity with a type approved by any person; (h)

place or date of manufacture, production, processing or reconditioning of any goods; (i)

person by whom any goods are manufactured, produced, processed or reconditioned; and (j)

other history, including previous ownership or use, of any goods. (k)

(2) Where any trade description is subject to the provisions of the written laws specified in the Schedule, the provisions of this Act shall not have effect in relation to any such description which is applied in accordance with the requirements of that written law; and the Minister may, by order published in the *Gazette*, amend the Schedule.

(3) For the purposes of this Act, a trade description published in any newspaper, book or periodical or in any film or sound or television broadcast shall not be deemed to be a trade description applied in the course of a trade or business unless it is or forms part of an advertisement.

Appointment of Director of Consumer Protection and other officers

3.

—(1) The Minister may appoint a Director of Consumer Protection, a Deputy Director of Consumer Protection, and such number of Assistant Directors of Consumer Protection and other officers as he may consider necessary or expedient for the purposes of this Act.

(2) The powers and duties of the Director under this Act may be exercised and discharged by the Deputy Director or an Assistant Director of Consumer Protection.

PART II PROHIBITION OF FALSE TRADE DESCRIPTIONS

Prohibition of false trade descriptions

4. Subject to the provisions of this Act, any person who in the course of a trade or business —

(a)

applies a false trade description to any goods; or

(b)

supplies any goods to which a false trade description is applied,
shall be guilty of an offence.

False trade descriptions

5. For the purposes of this Part —

(a)

a false trade description means a trade description which by reason of anything contained therein or omitted therefrom is false or likely to mislead in a material respect as regards the goods to which it is applied or in connection with which it is used, and includes every alteration of a trade description whether by way of addition, effacement or otherwise which makes the description false or likely to mislead in a material respect; and

(b)

a false indication, or anything likely to be taken as an indication which would be false, that any goods comply with a standard specified or recognised by any person or implied by the approval of any person shall be deemed to be a false trade description, if there is no such person or no standard as specified, recognised or implied.

Applying a trade description to goods

6.

—(1) A person applies a trade description to goods if he —

(a)

affixes or annexes it to or in any manner marks it on or incorporates it with —

(i)

the goods themselves; or

(ii)

anything in, on or with which the goods are supplied;

(b)
places the goods in, on or with anything which the trade description has been affixed or annexed to, marked on or incorporated with, or places any such thing with the goods; or

(c)
uses the trade description in any manner likely to be taken as referring to the goods.

(2) An oral statement may amount to the use of a trade description.

(3) Where goods are supplied in pursuance of a request in which a trade description is used and the circumstances are such as to make it reasonable to infer that the goods are supplied as goods corresponding to that description, the person supplying the goods shall be deemed to have applied that trade description to the goods.

Trade descriptions used in advertisements

7.

—(1) This section shall have effect where in an advertisement a trade description is used in relation to any class of goods.

(2) The trade description shall be taken as referring to all goods of the class, whether or not in existence at the time the advertisement is published —

(a)
for the purpose of determining whether an offence has been committed under section 4(a); and

(b)
where goods of the class are supplied by a person publishing or displaying the advertisement, also for the purpose of determining whether an offence has been committed under section 4(b).

(3) In determining for the purposes of this section whether any goods are of a class to which a trade description used in an advertisement relates, regard shall be had not only to the form and content of the advertisement but also to the time, place, manner and frequency of its publication and all other matters making it likely or unlikely that a person to whom the goods are supplied would think of the goods as belonging to the class in relation to which the trade description is used in the advertisement.

Trade marks containing trade descriptions

8. A trade description which is or is part of a trade mark within the meaning of the Trade Marks Act 1998 may be a false trade description when applied to any goods, except where all of the following conditions are satisfied:

(a)
it could have been lawfully applied to the goods if this Act had not been passed;

(b)
on the commencement of this Act the trade mark either is registered under the Trade Marks Act 1998 or is in use to indicate a connection in the course of trade between those goods and the proprietor of the trade mark;

(c)
the trade mark as applied is used to indicate such a connection between the goods and the proprietor of the trade mark or a registered user of the trade mark under the Trade Marks Act 1998; and

(d)
the person who is the proprietor of the trade mark is the same person as, or a successor in title of, the proprietor on 1st August 1975.

[46/1998 wef 15/01/1999]

PART III POWER TO REQUIRE INFORMATIVE MARKING AND TO IMPOSE SAFETY REQUIREMENTS

Informative marking, etc., of goods

9.

—(1) Where it appears to the Minister necessary or expedient in the interest of persons to whom any goods are supplied that the goods should be marked with or accompanied by any information (whether or not amounting to or including a trade description) or instruction relating to the goods, the Minister may by regulations impose requirements for securing that the goods are so marked or accompanied, and control or prohibit the supply of goods with respect to which those requirements are not complied with.

(2) Where any regulations made under this section are in force with respect to goods of any description, any person who, in the course of any trade or business, supplies goods of that description in contravention of those regulations shall, subject to the provisions of this Act, be guilty of an offence.

Information, etc., to be given in advertisements

10.

—(1) Where it appears to the Minister necessary or expedient in the interest of persons to whom any goods are to be supplied that any description of advertisements of the goods should contain or refer to any information (whether or not amounting to or including a trade description) relating to the goods, the Minister may by regulations impose requirements as to the inclusion of that information, or of an indication of the means by which it may be obtained, in such description of advertisements of the goods as may be specified in the regulations.

(2) Regulations made under this section may specify the form and manner in which any such information or indication is to be included in advertisements of any description and may make different provision for different circumstances.

(3) Where an advertisement of any goods to be supplied in the course of any trade or business fails to comply with any requirement imposed by regulations made under this section, any person who publishes the advertisement shall, subject to the provisions of this Act, be guilty of an offence.

Safety requirements

11.

—(1) The Minister may, if he considers it necessary or expedient for the purpose of protecting the safety of consumers, by regulations impose with respect to any prescribed class or description of goods —

(a) requirements for securing that goods of that class or description should comply with those requirements whether as to composition or contents, design, construction, finish or packing as the Minister thinks fit; and

(b) requirements for securing that goods of that class or description should be marked with or accompanied by any information, warning or instruction, and control or prohibit the supply of goods with respect to which those requirements are not complied with.

(2) Subject to the provisions of this Act, where regulations made under this section are in force with respect to any class or description of goods, any person who, in the course of any trade or business, supplies such goods in contravention of those regulations shall be guilty of an offence.

(3) A contravention of the regulations made under this section by a person referred to in subsection (2) shall be deemed to be a breach of a statutory duty for which action may be brought by any other person who may be affected by the contravention.

Regulations under sections 9 and 11

12. Regulations made under sections 9 and 11 may —

(a)

specify a class or description of goods notwithstanding that the goods are for use only as component parts of other goods;

(b)

make different provisions for different classes or descriptions of goods or for different circumstances;

(c)

provide for the form or manner in which information or instruction is to be given; and

(d)

contain such exemptions from the operation of those sections as may be provided.

Application of this Part

13. The provisions of this Part shall not apply to any goods which are subject to and regulated by the provisions of any of the written laws specified in the Schedule.

PART IV OTHER MIS-STATEMENTS

False representation as to supply or approval of goods

14.

—(1) If any person in the course of any trade or business gives by whatever means any false indication direct or indirect that any goods supplied by him or any methods adopted by him are or are of a kind supplied to or approved by any person including any government or government department or agency or any international body or agency whether in Singapore or abroad, he shall, subject to the provisions of this Act, be guilty of an offence.

(2) Subsection (1) shall have effect without prejudice to any written law prohibiting or restricting the use of any name, emblem, insignia, seal, flag, pennant, title, coat of arms, sign, words or letters or any other form of description.

PART V PROVISIONS AS TO OFFENCES

Penalty for offences

15. A person guilty of an offence under this Act for which no other penalty is specified shall be liable on conviction to a fine not exceeding \$10,000 or to imprisonment for a term not exceeding 2 years or to both.

Time limit for prosecution

16. No prosecution for an offence under this Act shall be commenced after the expiration of 3 years from the commission of the offence.

Offences by bodies corporate

17. Where an offence under this Act committed by a body corporate is proved to have been committed with the consent and connivance of, or be attributable to any neglect on the part of, any director, manager, secretary or any other similar officer of the body corporate, or any person who was purporting to act in any such capacity, he as well as the body corporate shall be guilty of that offence and shall be liable to be proceeded against and punished accordingly.

Offences due to fault of another person

18. Where the commission by any person of an offence under this Act is due to the act or default of some other person, that other person shall be guilty of the offence, and a person may be charged with and convicted of the offence by virtue of this section whether or not proceedings are taken against the first-mentioned person.

Defence of mistake, accident, etc.

19.

—(1) In any proceedings for an offence under this Act, it shall, subject to subsection (2), be a defence for the person charged to prove —

(a)
that the commission of the offence was due to a mistake on his part or to reliance on information supplied to him or to the act or default of another person, an accident or some other cause beyond his control; and

(b)
that he took all reasonable precautions and exercised all due diligence to avoid the commission of such an offence by himself or any person under his control.

(2) If in any case the defence provided by subsection (1) involves the allegation that the commission of the offence was due to the act or default of another person or to reliance on information supplied by another person, the person charged shall not, without leave of the court, be entitled to rely on that defence unless, within a period ending 7 clear days before the hearing, he has served on the prosecutor a notice in writing giving such information as was then in his possession identifying or assisting in the identification of that other person.

(3) In any proceedings for an offence under this Act of supplying goods to which a false trade description is applied, it shall be a defence for the person charged to prove that he did not know, and could not with reasonable diligence have ascertained, that the goods did not conform to the description or that the description had been applied to the goods.

Innocent publication of advertisement

20. In proceedings for an offence under this Act committed by the publication of an advertisement, it shall be a defence for the person charged to prove that he is a person whose business it is to publish or arrange for the publication of advertisements and that he received the advertisement for publication in the ordinary course of business and did not know and had no reason to suspect that its publication would amount to an offence under this Act.

Composition of offences

21. The Director may compound any offence under this Act by accepting from the person reasonably suspected of having committed that offence a sum not exceeding \$2,000.

PART VI MISCELLANEOUS AND SUPPLEMENTARY PROVISIONS

Power of Director to require goods for testing or analysis and furnishing of information

22. The Director may require any person carrying on a trade or business which consists of or includes the manufacture, assembly, production or importation of any goods in respect of which regulations made under section 11 are applicable —

(a)
to supply free of charge to the Director samples of goods for the purpose of testing or analysis; and
(b)
to furnish to the Director such information as he may require in respect of those goods.

Power to enter premises and inspect and seize goods and documents

23.

—(1) The Director or an officer authorised by him may, at all reasonable hours, exercise the following powers:

(a)
he may, for the purpose of ascertaining whether any offence under this Act has been committed, inspect any goods and enter any premises;

(b)
if he has reasonable cause to suspect that an offence under this Act has been committed, he may for the purpose of ascertaining whether it has been committed, require any person carrying on a trade or business or employed in connection with a trade or business to produce any books or documents relating to the trade or business and may take copies of, or of any entry in, any such books or documents;

(c)
if he has reasonable cause to believe that an offence under this Act has been committed, he may seize and detain any goods for the purpose of ascertaining, by testing or otherwise, whether the offence has been committed;

(d)
he may seize and detain any goods or documents which he has reason to believe may be required as evidence in proceedings for an offence under this Act; and

(e)
he may, for the purpose of exercising his powers under this subsection to seize goods, but only if and to the extent that it is reasonably necessary in order to secure that the provisions of this Act and of any regulations made thereunder are duly observed, require any person having authority to do so to break open any container or open any vending machine and, if that person does not comply with the requirement, he may do so himself.

(2) The Director or an officer authorised by him shall, on seizing any goods or documents in the exercise of his powers under this section, inform the person from whom they are seized and, in the case of goods seized from a vending machine, the person whose name and address are stated on the machine as being the proprietor or, if no name and address are so stated, the occupier of the premises on which the machine stands or to which it is affixed.

(3) The Director or an officer authorised by him entering any premises by virtue of this section may take with him such other persons and such equipment as may appear to him necessary.

(4) If any person discloses to any other person —

(a)
any information with respect to any manufacturing process or trade secret obtained by him in premises which he has entered by virtue of this section; or

(b)
any information obtained by him in pursuance of this Act,
he shall be guilty of an offence unless the disclosure was made in or for the purpose of the performance of functions under this Act.

Obstruction of officers

24.

—(1) Any person who —

(a)
wilfully obstructs the Director or an officer acting in pursuance of this Act;

(b)
wilfully fails to comply with any requirement under section 23 properly made to him by the Director or such an officer; or

(c)
without reasonable cause fails to give the Director or such an officer any other assistance or information which he may reasonably require for the purpose of the performance of his functions under this Act,
shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one year or to both.

(2) If any person, in giving any such information as is mentioned in subsection (1), makes any statement which he knows to be false, he shall be guilty of an offence and shall be liable on conviction to a fine not exceeding \$2,000 or to imprisonment for a term not exceeding one year or to both.

Notice of test and intended prosecution

25. Where any goods seized in pursuance of this Act are submitted to a test, then —

(a)
if the goods were seized, the Director shall inform the person mentioned in section 23(2) of the result of the test; or

(b)
if the goods were purchased and the test leads to the institution of proceedings for an offence under this Act, the Director shall inform the person from whom the goods were purchased, or, in the case of goods sold through a vending machine, the person mentioned in section 23(2), of the result of the test, and shall, where as a result of the test proceedings for an offence under this Act are instituted against any person, allow him to have the goods tested on his behalf if it is reasonably practicable to do so.

Forfeiture of goods

26.

—(1) All goods seized in exercise of any power conferred under this Act shall be liable to forfeiture.

(2) An order for the forfeiture or for the release of any goods seized in exercise of any power conferred by this Act shall be made by the court before which the prosecution with regard thereto has been held and an order for the forfeiture of the goods shall be made if it is proved to the satisfaction of the court that an offence under this Act has been committed and that the goods were the subject-matter of or were used in the commission of the offence notwithstanding that no person may have been convicted of that offence.

(3) In the absence of any prosecution with regard to any goods seized in the exercise of any power conferred by this Act, the goods shall be deemed to be forfeited at the expiration of one month from the date of the seizure unless a claim thereto is made before then in accordance with subsection (4).

(4) A person asserting that he is the owner of any goods seized and that they are not liable to forfeiture may personally or by his agent authorised in writing give written notice to the Director that he claims those goods.

(5) On receipt of such notice the Director may direct that such goods be released or may refer the matter to a court for decision.

(6) All things forfeited or deemed to be forfeited shall be delivered to the Director and shall be disposed of in accordance with the directions of the Minister.

(7) Where any goods seized in exercise of the powers conferred by this Act are of a perishable nature or where the custody of those goods involves unreasonable expense and inconvenience they may be sold at any time and the proceeds of the sale held to abide by the result of any prosecution or claim under this section.

Goods seized may be delivered to owner or other person

27. The Minister may upon application made to him in writing through the Director order any goods seized in exercise of the powers conferred by this Act whether forfeited or taken and deemed to be forfeited to be delivered to the owner or other person entitled thereto upon such terms and conditions as he may consider fit.

Protection of officers

28. No person shall be personally liable in respect of any act done by him in the execution or purported execution of this Act and within the scope of his employment if he did it in the honest belief that his duty under this Act required or entitled him to do it.

Savings for civil rights

29. A contract for the supply of any goods shall not be void or unenforceable by reason only of a contravention of any provision of this Act.

Jurisdiction of District and Magistrate's Courts

30. Notwithstanding anything to the contrary in the Criminal Procedure Code [Cap. 68], a District Court or Magistrate's Court shall have jurisdiction to try any offence under this Act and to impose the full penalty or punishment in respect of any such offence.

Compensation order

31.

—(1) The court before which a person is convicted of an offence under this Act may, on application or otherwise, make an order requiring him to pay such compensation, not exceeding \$1,000 as the court thinks just, for any loss or damage resulting from that offence to any person who has suffered such loss or damage; and section 360 of the Criminal Procedure Code 2010 shall be applicable to any order made under this section.

[15/2010 wef 02/01/2011]

(2) A compensation order made under this section shall not prejudice any right to a civil action for the recovery of damages beyond the amount of compensation paid under the order.

Regulations

32. The Minister may make regulations for any purpose for which regulations are authorised or required to be made under this Act and generally for carrying out the purposes and provisions of this Act.

THE SCHEDULE

Section 2(2)

SPECIFIED LAWS

1. The Sale of Food Act [Cap. 283].
2. The Health Products Act (Cap. 122D).

[S 433/2010 wef 10/08/2010]

LEGISLATIVE HISTORY

CONSUMER PROTECTION (TRADE DESCRIPTIONS AND SAFETY REQUIREMENTS) ACT (CHAPTER 53)

This Legislative History is provided for the convenience of users of the Consumer Protection (Trade Descriptions and Safety Requirements) Act. It is not part of this Act.

1. **Act 18 of 1975—Consumer Protection (Trade Descriptions and Safety Requirements) Act 1975**
 - Date of First Reading : 17 March 1975
(Bill No. 21/1975 published on 18 March 1975)
 - Date of Second and Third Readings : 27 March 1975
 - Date of commencement : 1 August 1975
2. **1985 Revised Edition—Consumer Protection (Trade Descriptions and Safety Requirements) Act 1985**
 - Date of operation : 1 January 1985
3. **1985 Revised Edition—Consumer Protection (Trade Descriptions and Safety Requirements) Act**
 - Date of operation : 30 March 1987
4. **Act 46 of 1998—Trade Marks Act 1998**
 - Date of First Reading : 12 October 1998
(Bill No. 42/1998 published on 13 October 1998)
 - Date of Second and Third Readings : 26 November 1998
 - Date of commencement : 15 January 1999
5. **G. N. No. S 433/2010—Consumer Protection (Trade Descriptions and Safety Requirements) Act (Amendment of Schedule) Order 2010**
 - Date of commencement : 10 August 2010
6. **Act 15 of 2010—Criminal Procedure Code 2010**
 - Date of First Reading : 26 April 2010
(Bill No. 11/2010 published on 26 April 2010)
 - Date of Second Reading : 19 May 2010
 - Date of commencement : 2 January 2011