

**CONSUMER PROTECTION ACT 2000
(Section 36)**

CONSUMER PROTECTION REGULATIONS 2006

Arrangement of Regulations

1. Short title
2. Interpretation
3. Approved Standards
4. Complaints Procedure
5. Orders
6. Right of Review
7. Issuance and effectiveness of order

Schedule 1 – Product safety standard & Product labeling standard

Schedule 2 – Consumer complaint form

Schedule 3 – Notice of complaint

Schedule 4 – Order to pay compensation, replace goods and refund costs

Schedule 5 – Order for product recall and public notification

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CONSUMER PROTECTION ACT 2000
(Section 36)

CONSUMER PROTECTION REGULATIONS 2006

In exercise of the powers conferred by section 36 of the Consumer Protection Act 2000, the Minister with the consent of Cabinet hereby makes the following regulations -

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| Short title | 1. | These regulations may be cited as the Consumer Protection Regulations 2006. |
| Interpretation | 2. | In these regulations, unless the context otherwise requires –

“Act” means the Consumer Protection Act 2000; and

“Complaint” means any complaint filed in the form prescribed in Schedule 2 by consumers, representatives of consumers, enterprises or representative of enterprises under the Act; and

“Respondent” means any person who a complaint is filed against under the Act. |
| Approved Standards | 3. | The Minister shall prescribe the following approved standards to apply to all goods imported, manufactured or traded in Tonga -

(a) in relation to product safety standards, as prescribed in Part I of Schedule 1; and
(b) in relation to product labeling standard, as prescribed in Part II of Schedule 1. |
| Complaints Procedure | 4. | <ol style="list-style-type: none">(1) A complaint made under section 14(2) of the Act shall be made to the Division in the form prescribed in Part I of Schedule 2.(2) A complaint made under any other provisions of the Act shall be made to the Division in the prescribed form in Part II of Schedule 2.(3) Where a complaint is made pursuant to s 14(2) of the Act, the complaint shall be received by the Division within 14 days from the date of sale.(4) Where the Division receives a complaint under any other provisions of the Act, the Division shall within 10 working days either commence the investigation of the complaint or refer the complaint to be investigated by a body appointed by the Director of the Division. |

- (5) The Division shall within 3 working days prior to the commencement of the investigation advise the respondent in the prescribed form in Schedule 3 of the complaint made against them.
 - (6) The respondent may within 7 working days of receiving the complaint notice, make a written submission to the Division in respect of the complaint made against them.
 - (7) The Division or the Appointed Investigation Body shall prior to making a ruling on the outcome of the investigation, consider any submission made by the respondent.
 - (8) The Division or the Appointed Investigating Body shall within 30 working days from the date the complaint was received complete the investigation and advise the complainant and the respondent in writing of the outcome and the reason for the outcome [outcome notice].
- Orders**
5. (1) An order issued under section 14(4) of the Act shall be made in the form prescribed in Schedule 4.
 - (2) An order issued under section 16 of the Act shall be made in the form prescribed in Schedule 5.
- Right of Review**
6. (1) An application for review made under section 35 of the Act shall be made in writing to the Minister within 14 working days from the date of the outcome notice.
 - (2) The application for review shall set out the grounds for reviewing the order.
 - (3) The Minister shall within 14 working days review all relevant information and shall either confirm, modify or reverse the order.
 - (4) The Minister shall within 7 working days of deciding the review advise the respondent in writing of the outcome of the review.
- Issuance and effectiveness of order**
7. (1) Where the Director of the Division or the Minister issues an order pursuant to section 14(4) or section 16 of the Act, the Director shall -
 - (a) serve the order on the respondent together with the outcome notice; and
 - (b) advise the respondent in the outcome notice of the respondent's right of review under the Act.
 - (2) An order issued under section 14(4) of the Act shall not come into effect until, in the case of a respondent who -

- (a) does not exercise a right of review within the time prescribed under regulation 6(1), the date the 14 working day right of review expires;
- (b) who exercises a right of review within the time prescribed under regulation 6(1), the date of the notice advising the respondent of the outcome of the review if the outcome is to confirm the order.

Made at Nuku'alofa this day of 2006.

Hon. Feleti Sevele
Minister of Labour, Commerce and Industries

**SCHEDULE 1
(Regulation 3)**

PART I

PRODUCT SAFETY STANDARD

General Safety Standard

- a. Capable of use for the purpose claimed;
- b. Safe, for the intended use and for any reasonable use made;
- c. Durable, reliable and offer satisfactory level of utility and suitability in accordance to any applicable standard prescribed by legislation or as construed reasonable by an ordinary person;
- d. Designed or manufactured in accordance with generally accepted international standards.

The following goods shall not be supplied, distributed or traded for consumer consumption -

- a. Defective goods
- b. Goods that have exceeded its "use by date", "best before date" or "expiry date".
- c. Goods with labelling which do not comply with the Product Labelling Standard prescribed in Part II of this Schedule.
- d. Goods that have been banned for human consumption in Tonga.

PART II

PRODUCT LABELLING STANDARD

Interpretation

In this standard, unless the context otherwise requires -

"food" means any substance, whether processed, semi-processed or raw, which is intended for human consumption, and includes drinks, chewing gum and any substance which has been used in the manufacture, preparation or treatment of "food" but does not include cosmetics, tobacco or substances used only as drugs.

"label" means any tag, brand, mark, pictorial or other descriptive matter, written, printed, stencilled, marked, or impressed on, or attached to the packaging of goods.

"labelling" includes written, printed or graphic matter that is present on the label.

"pre-packaged" means packaged or made up in advance in a container, ready for offer to the consumer, or for catering purposes.

General Labelling Standard

- a) Shall not be described or presented on any label or in any labeling in a manner that is false, misleading or deceptive or is likely to create erroneous impression regarding its character in any respects.
- b) Shall not be described or presented on any label or in any labeling by words, pictorial or other devices which refer to or are suggestive either directly, of any other product with which such goods may be confused, or in such a manner as to lead the consumer to suppose that the goods is connected with such other product.
- c) Shall declare the following information on the label or labeling -
 - i. Name and address of the local manufacturer, but where the goods are imported from overseas, the name and address of the local distributor, supplier or trader;
 - ii. The country of origin, where its omission may mislead or deceive the consumer;
 - iii. Information on product use, content, maintenance, storage and disposal where appropriate.
 - iv. Information relating to possible misuse of the product.
 - v. Information advising of any potential harms resulting from use of the product.
- d) The information required to appear on the label or labelling pursuant to this Standard, shall be written in the English or Tongan language, and shall be clear, legible and displayed in a visible position on the product.

Pre-Packaged Food Labelling Standard

All pre-packaged food products imported, manufactured or traded within Tonga for consumer consumption shall comply with the requirements of the Codex General Standard for the Labelling of Pre-packaged Food (CODEX STAN 1-1985, Rev. 1-1991).

Comment [u1]: Consult Food Division, if have copy of code available for inspection or web address.