

Regulation 7

Where the supplier does not comply with the advertisement, consumers may-

- require the compulsory compliance with the obligations of the supplier according to general contract law;
- accept another good or rendering of an equivalent service; or
- cancel the contract if there has been an advance payment or otherwise claim compensation from the supplier.

Regulation 8

Where statements in an advertising message are considered false or misleading, the tribunal shall order an amendment of the content.

Regulation 9

In any dispute that may arise, the advertiser bears the burden of proving the truth of the statements contained in the advertising material.

Regulation 10

A supplier shall not advertise goods or services which he or she does not intend to offer for sale or provide in reasonable quantities at the price advertised.

Samples of Misleading Adverts



The Gambia Competition & Consumer Protection Commission

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KNOW
THE RULES



Advertisement Regulations

OBJECTIVE OF CONSUMER PROTECTION THE ACT

"To protect consumers from unfair and misleading market conduct..."



Preamble

The Consumer Protection Act 2014 seeks to protect consumers from unfair and misleading market practices. The Advertisement Regulation as enshrined in section 12 of the Consumer Protection Act 2014 sets minimum requirements and standards for advertisements and promotions by licensed companies, businesses and individuals. The advertisement regulation must be adhered to when a good or service is being advertised, failure to do so may give rise to investigation and prosecution.

Regulation 1

Advertisements shall conform to the rules of decency, sincerity and shall not exploit superstition, ignorance or fear.

Regulation 2

Any false or misleading offer, promotion or advertising of goods or services shall be subject to investigation and prosecution.

Regulation 3

False or misleading advertisements include any information or communication using text, dialogue, sounds, images or descriptions which, directly or indirectly, expressly or by omission, lead consumers to mistake, misunderstand, or confuse-

- The geographic, business or other origin of the offered goods or services;
- The components or ingredients of the goods offered;
- The benefits or repercussions of the use of such goods or hiring of services;
- The basic characteristics of the goods sold or services supplied;
- The correct date of manufacture or useful life of technology;
- The terms of warranties as offered;
- The official or private, domestic or foreign recognitions, approvals or distinctions licenses, such as patents, trademarks, medals, awards prizes or diplomas;
- The price of the offered goods or services and terms of payment; and
- Any other information material to the transaction.

Regulation 4

A person shall not engage in abusive advertising.

Regulation 5

For the purpose of sub-section (4) "abusive advertising" includes-

- Unfair or discriminatory advertising;
- Advertising likely to incite violence;
- Advertising exploitation fear;
- Advertising exploiting children;
- Advertising infringing environmental values; or
- Advertising capable of leading consumers to behave in a manner detrimental or hazardous to their health or safety.

Regulation 6

A person or entity engaged in promotional advertising shall indicate the duration, volume of goods or services offered as well as the general conditions, warranties and terms of the promotion.