

Implementing Regulations of the Law of Commercial Data

Article 1:

Commercial data are the clarifications which must be affixed, directly or indirectly, to the goods or products to identify them or their distinctive features.

Article 2:

The producer or importer undertakes to write the mandatory commercial data on each unit of the goods or products he produces or imports, on the package of that unit and on the container that contains more than one unit, in an indelible manner.

Article 3:

The following data are considered mandatory:

- (a) Number of goods, their quantity, size, volume, capacity, weight, and production or expiry dates.
- (b) Place or country where they were manufactured or produced.
- (c) Components.
- (d) Name of producer or manufacturer.

Article 4:

If the commodity affects or relates to the health of humans, animals or the environment, the clarification relating to the components of their composition shall include the following:

- (a) Clarification as to whether the product is genetically modified altered or includes some of the same.
- (b) Clarification as to whether the commodity contains hazardous materials and the extent to which it is hazardous.

- (c) Clarification as to whether the product was treated by radiation.

Article 5:

All mandatory and optional commercial data shall be written in Arabic, in a clear manner, and shall be true in all aspects. It may be written in another language in addition to Arabic, but the Arabic version shall be overriding.

Article 6:

In accordance with provisions of Article Six of the Law of Commercial Data it is prohibited to import or sell products that do not carry any of the mandatory data provided for in Articles Three and Four of these Regulations.

Article 7:

It is prohibited to affix any data to a product including trademarks, which imply that the geographical area of origin of the product is other than its real origin.

Article 8:

If the manufacturer owns more than one factory in more than one country, he and the importer must state the name of the country where the commodity was produced, and if the stages of production are carried out in more than one country, this must be given in detail by stating the stages of production in each country. It is not sufficient to state the name of the place where the main factory is located.

Article 9:

The seller, the person to whose account the goods are distributed, the managers of companies, co-operatives, establishments and stores are liable,

along with the producer or the importer, for all violations of this Law that occur within their authority. Each of them shall be subject to the penalties prescribed for the violator, and each shall be assumed to be aware of the violation, but he is entitled to deny this by all means of proof.

Article 10:

The General Department for Combating Commercial Fraud and the branches of the Ministry shall receive complaints and reports relating to violations of the provisions of this Law.

Article 11:

Detecting inspectors appointed by the Minister of Commerce shall be entrusted, jointly or severally, with detecting violations of the provisions of the Law and the decisions issued for its implementation, protective seizure of goods subject of the violation, the documents relating to them, taking of samples, seizure of the items strongly suspected to be in violation of the Law, and investigating the violators. They may, for this purpose, enter places, stores and warehouses where the commodities governed by the provisions of this Law are found, in addition to annexed warehouses and means of transport, whether these places are wholly or partially designated for said commodities.

Article 12:

Officials appointed pursuant to a decision by the Minister of Commerce shall have the capacity of judicial detection officers with regards to the application of the provisions of this Law, and they may seek the assistance of police departments and coordinate with municipalities and relevant agencies.

Article 13:

Detection of violations, collection of samples, seizure and handover of goods, lifting of seizure and protective seizure of documents shall be in

accordance with official records, on the forms prepared by the General Department for Combating Commercial Fraud, provided that they indicate the place and date of detection, the name of the violator, the type of violation, a list and description of items detected. The records shall be signed by the detecting officer and the owner of the store, the manager or the person in charge of the place where the detection occurred. If he refuses to sign, this shall be indicated in the record.

Article 14:

The General Department for Combating Commercial Fraud and the competent branch of the Ministry shall, within two days from the date of detecting the violation, send the sample for analysis to the competent authority and keep two other samples identical to the sample sent.

Article 15:

The goods or products seized in accordance with this Law shall be dealt with as follows:

- (a) If the violation is not related to the goods or products themselves and does not affect human, animal or environmental safety and health and the correction conforms to the Saudi standard for the commodity, it shall be corrected by removing the causes of the violation, through mentioning the missing clarification or correcting the faulty clarification in a clear manner that does not allow alteration or tampering with it, whether these data are mentioned in its label, description, the methods of advertisement, promotion or otherwise.
- (b) If the violation affects the safety and health of humans, animals or the environment, or the correction does not conform to the standard of the commodity, it shall be

disposed of in accordance with the directives of the Board of Grievances.

- (c) Completing or correcting of the data shall not prevent infliction of the punishment set by law in case the violation is proved.

Article 16:

The General Department for Combating Commercial Fraud and the competent branch of the Ministry shall, within two weeks from the date of detecting the violation, complete the investigation thereon, prepare a memorandum on the facts of the subject-matter and lift the seizure, if its purposes are fulfilled, or confirm its continuity and specify the violation, the grounds for conviction and specify the articles of the Law violated; then, refer the file of the violation with a sample of the product, subject of the violation, to the Bureau of Investigation and Public Prosecution or its competent branch to take charge of the investigation and prosecution before the Board of Grievances.