

Federal law No. (4) of 1979

On Combating fraudulence and Cheating in Trading Dealings

We, **Zayed bin Sultan Al Nahyan**, President of the United Arab Emirates.

Having considered the temporary constitution,

- The federal law No. (1) of 1972 concerning the competencies of the ministries and the powers of the ministers and the amending laws,

And according to the submissions of the minister of economy and commerce, the consent of the cabinet and approval of the supreme Council of the federation,

We issued the following law:

Article 1

Each one cheated or began cheating the contracting party, in any way, for any of the following, shall be punished with jail for a term not exceeding two years and a fine not less than 500 Dirhams and not exceeding 10000 Dirhams or one of the two penalties:

1. Number, amount, measurement, weight, capacity or specifications of the sold commodities.
2. The commodities, if what is delivered is different from what is contracted
3. The reality of the commodities and its nature or its vital description or the content

of the useful elements and the elements involved in its composition in general.

4. Its type, origin or source in the conditions in which the type, the origin or source of the commodities has remarkable consideration when making the contract.

5. Procedures of unreal decreases in prices of the commodities presented for sale in seasonal or unseasonable sales.

The jail shall be for a term not exceeding 3 years and the fine not less than 4000 Dirhams and not exceeding 20000 Dirhams, or one of the two penalties if the crime was committed or began by using standards, measurements, weights, seals or other forged or different examination tools or by using methods or ways that could make the process of weighing, measuring or inspecting the commodities is not correct.

Article 2

Each one committed the following, shall be punished with jail for a term not exceeding two years and a fine not less than 500 Dirhams and not exceeding 10000 Dirhams or one of the two penalties:

1. Everyone cheated or began cheating man or animal food, medical drugs, agricultural products, natural products or any other materials prepared for sale.

2. Everyone presented for sale or sold man or animal food, medical drugs, agricultural products, natural products or any other materials, knowing that they are cheated or bad. It is supposed that the violator knows that they are cheated or bad if he works in trading or as street seller, unless his good faith is proved and he disclosed the source of the materials, subject of the crime.

3. Everyone prepared, presented for sale or sold substances for use in cheating man or animal food, medical drugs; agricultural products, natural products or other materials, as well as any one used such substances in fraudulence by any means of publication

Each one committed the following, shall be punished The jail punishment shall be for a term not exceeding three years and a fine not less than 1000 Dirhams and not exceeding 20000 Dirhams or one of the two penalties, if the food, medical drugs, agricultural products, natural products or other materials, referred to in the two preceding paragraphs are harmful to the health of man or animal and applying the punishments mentioned in the preceding paragraph if the purchaser or consumer knows that the commodities are cheated or bad.

Article 3

Any one possessed food, medical drugs, agricultural products, natural products or other materials food, medical drugs, agricultural products, natural products or other materials indicated in paragraph 1 of the previous article, knowing that they are cheated or bad shall be punished with jail for a term not exceeding six months and a fine not exceeding 500 Dirhams or one of the two penalties, otherwise it is proved that he possessed them for legal purpose.

The jail punishment shall be for a term not exceeding one year and a fine not exceeding 2000 Dirhams or one of the two penalties, if the food, medical drugs, agricultural products, natural products or other materials existing in his possession are harmful to the health of man or animal.

Article 4

It is not permitted to import anything cheated or bad as man or animal food, medical drugs, agricultural products, natural products or other materials.

The minister of economy and commerce shall order to re-export such commodities to their source on the date he fixes. If the re-export was not completed in that date the minister may order destroy them on the importer's cost.

The minister of economy and commerce may allow entering and trading of such commodities for use in any other suitable purpose according to the conditions

determined in a decree issued by him.

Article 5

The following issues shall be organized by decrees from the minister of economy and commerce:

First: Using certain containers, boxes or packets in preparing the food stuff, medical drugs, agricultural products, natural products or other materials and the method of packing, keeping ,distributing or transporting them for presenting them for sale or for selling them and indicating the method of using them, the methods of keeping and possessing them and the cases in which they are or become not good for use and indicating their names, source, place of manufacturing or name of their manufacturer and other data necessary for identifying them.

Second: Keeping the records and books related to such commodities and the method of reviewing them and giving their certificates and certifying them.

Third: Determining the elements or percentages that should be provided in the structure of the above-mentioned substances for the possibility of selling or presenting them for selling.

Fourth: The issues related to importing, exporting, manufacturing, selling, possessing and trading the commodities which are governed by the terms of this law.

Without prejudice to the punishments mentioned in this law for breaching the terms of such decrees, which necessitate jail for a term not exceeding six months and imposing fine not less than 500 Dirhams and not exceeding 5000 Dirhams or one of the two penalties.

Article 6

Proving the crimes which result from breaching the terms of this law and the issued

regulations according to it shall be conducted by the officers who are assigned for that by the minister of economy and commerce in agreement with the concerned authorities in the member emirates of the federation.

Such officer shall have the authority of judicial control and for detecting the breaches of the terms of this law they can enter all places in which the food stuff, the medical drugs, agricultural products and other products which are subject to its terms, which are presented or sold.

They may take samples of such materials according to the provision of this law and the issued regulations for executing it.

Article 7

If the officer indicated in the previous paragraph found strong reasons to believe that there are some violations to the terms of this law they could seize the suspected materials temporarily.

In such a case the concerned persons shall be called to attend and at least three samples of the seized materials shall be taken to be analyzed and determining if they comply with the conditioned elements and specifications or not, and to be sealed with red wax and one of such samples shall be delivered to the concerned body and a report shall be made including all data necessary to verify the samples and the materials that have been taken before. The analysis of the materials and commodities that could be destroyed should be made fast. A decree shall be issued by the minister of economy and commerce on organizing taking, analyzing and keeping the samples.

Without prejudice to the right of the violator to request releasing the seized commodities from the concerned court, they shall be released according to law if no order has been issued from the court supporting the seize during the 15 days following the day of seizure.

The concerned body shall be rehabilitated and compensated in a just manner for the harms occurred to him if it has been proved that the charges attributed to him are incorrect.

Article 8

A penalty shall be punished with jail for a term not exceeding six months and a fine not less than 500 Dirhams and not exceeding 5000 Dirhams or one of the two penalties shall be imposed upon any one who prevents the officers referred to in article 6 of this law in performing their jobs whether by preventing them from entering the factories, stores or warehouses or other places in which the materials, subject of the violation, exist, or from obtaining samples in any other way.

Article 9

Whenever it judges in any of the crimes mentioned in the two articles 2 and 3 of this law, the court shall confiscate the food stuff, the medical drugs, agricultural products and other natural products, which represent the body of the crime.

Also in this case the court may order publishing the judgment in one or two local papers on the accused' cost.

Article 10

Whenever it judges on the owner of the trading shop, the establishment, the profession in any of the crimes mentioned in the two articles 2 and 3 of this law, the court may order closing the place for a period not exceeding 6 months. In case he returned, it may withdraw the license.

If the license holder is not UAE national it may depart him from the state.

Article 11

In case of return of the accused person, he shall be sentenced to jail and fine. The crimes mentioned in the preceding articles and those mentioned in other law

concerning combating fraudulence and cheating are considered similar for the return.

Article 12

The minister of economy and commerce may issue the decrees necessary for executing the terms of this law.

Article 13

The ministers, each according to his competency and the concerned authorities in the member emirates of the federation shall execute the terms of this law, and be published in the official gazette and applied three month after the date of publication.

Zayed bin Sultan Al Nahyan

President of the United Arab Emirate

Issued by us in the presidential palace in Abu Dhabi:

Dated: 30/4/ 1399H,

Corresponding to: 19/3/1979A.D.