

Ministry of Commerce and Industry
Ministerial Decree
No. 239/2013
On the Promulgation of a Regulation for Promotional Offers

By virtue of Commercial Registration Law No. 3/74; and

The Commercial Law issued by the Royal Decree No. 55/90; and

The Ministerial Decree No. 76/2008 on Regulating Promotional Offers; and

In accordance with the public interest,

It is Decreed that

Article One

The attached Regulation shall be applicable in regulating promotional offers.

Article Two

The Above-mentioned Ministerial Decree No. 76/2008 shall be annulled, as well as whatever violates the Regulation or contradicts the provisions thereof.

Article Three

This Decree shall be published in the Official Gazette and shall come into force as of the day following the date of its publication.

Issued on 23 Safar 1435 H.

Corresponding to 26 December 2013

Dr. Ali bin Masoud bin Ali Al Sunaidy

Minister of Commerce and Industry

Regulation of Promotional Offers

Article (1)

The following words and phrases, unless the context requires otherwise, shall mean:

– **The Ministry:**

The Ministry of Commerce and Industry

– **Promotional Offers:**

Promotions set up for a certain product or service for a specific period of time that offers consumers a reward, gift, service, or other benefits, including:

1. **Instant Reward Offers:** Offers under which the consumer is given an instant reward, gift, or service for buying a product or receiving a service.
2. **Raffle Offers:** Offers that are held on a draw basis by giving the consumers numbered raffle coupons of two parts: the first part includes the participant information and their full address in Arabic and English, and it is the part to be dropped in the raffle box; the other part is to be kept by the participant to claim their reward in case they win.
3. **Scratch and Win Offers:** Offers that give consumers a chance to win instant rewards upon buying a product or receiving a service.

Article (2)

The provisions thereof are applicable to all kinds of promotional offers organized by commercial, industrial and service institutions, with the exception of those organized by fast-food restaurants throughout the year, promotional offers of shopping centers, and the gifts accompanying products that are in one package, provided that the advertisements and posters of such promotions shall be approved by the Ministry before commencing them.

The promotional offers that are offered by shopping centers during festivals or by commercial, industrial and service institutions on the occasion of opening a new branch and for one day are exempt from the provisions of this Regulation, provided their being approved by the Ministry before commencing them.

Article (3)

The commercial, industrial and service institutions shall not set up any promotional offer or advertise it unless the required license is obtained from the Ministry.

Article (4)

A license request to set up a promotional offer shall be submitted before commencing it by at least (15) fifteen days; this request shall include:

- A. Specify the promotion's type and its conduct method.
- B. Specify the promotion's duration and venues.
- C. Attach a list of the number and kinds of rewards and gifts allocated to winners and their purchase bills.
- D. Specify the venue, date and mechanism (draw by lot or automated draw) of the raffle.

Article (5)

The licensee to set up a promotion shall:

- A. Ensure that the product is still within its validity period making it safe to use.
- B. Not to raise the price of the product or service from its price before the promotion.
- C. Collect all raffle coupons in the allocated box.

Article (6)

Promotional offers shall not be offered more than (4) four times a year, the period of each shall be (2) months. It shall be permitted to grant one license for two periods.

Article (7)

The branches of commercial, industrial and service institutions that carry out the same business in the same governorate shall be considered as one place upon licensing the conduct promotional offers.

Article (8)

Without prejudice to the provision of Article (6) hereof, the commercial, industrial and service institutions, that have more than one department or product, shall hold separate promotional offers, provided that each shall have an independent and separate commercial agency registered in the Ministry.

Article (9)

The license to make a promotional offer shall be shown in a prominent place in the business so that consumers and competent employees could easily view it.

Article (10)

No change in a promotional offers' conduct method, time-periods, draw venues, and date shall be made unless a written approval is obtained from the Ministry.

Article (11)

The collected-coupon box shall be:

- A. Transparent; its size fits the number of coupons.
- B. Rotatable; the coupons can be easily mixed inside it.
- C. With a draw hole that suits its size.
- D. Tightly locked throughout the promotion period.

Article (12)

The Ministry shall assign some of its employees to monitor promotions, and attend by-lot or automated draw operations. In the case of automated draw, the draw's integrity shall be assured by conducting a trial draw just before the actual draw.

Article (13)

Reward and gifts allocated to the winners shall be available before conducting the draw, flawless, and subject to the guarantees granted to their counterparts. In case of cash rewards of more than (5000) five thousand OMR, a payable, certified-by-bank check of the amount shall be submitted.

Article (14)

The winning coupon numbers and their holders' names shall be published in two daily newspapers, one is published in Arabic, and the Ministry shall be notified thereof.

Article (15)

A period of (3) three months shall be given to the winners to receive their rewards as of the date of announcing the winning coupons and names in newspapers; if a winner does not show up to receive their reward during the above-mentioned period, they lose their right to claim it.

Article (16)

The rewards whose winners lost their right to claim them, and those that have not been won by anybody throughout the promotion's period, shall be allocated to Non-Governmental Organizations (NGOs) in the Sultanate under the supervision of the Ministry.

Article (17)

The licensees, their relatives to the fourth degree, their employees, or distributors of the promoted product shall not participate in the promotional offer or conduct the draws.

Article (18)

It is prohibited to, directly or indirectly, make promotional offers for tobacco, its products, or its derivatives.

Article (19)

The Ministry may deprive whoever violates the provisions hereof from making promotional offers for a year as of the date of the proven violation, upon the decision of the Deputy Minister of Commerce and Industry; the violator may appeal this decision to the Minister of Commerce and industry within (60) sixty days from the date of being notified of the violation. A decision on the appeal shall be taken within (30) thirty days from the date of its submission, and if no decision is taken during this period, the appeal shall be considered rejected.