



Official Gazette - Issue No. 125 – Dated: 18 September 1941

Law No. 48 of The Year 1941  
On Suppression of Fraud and Deception  
As Amended By Laws Nos. 106/1980 & 281/1994

We, Farouk I, King of Egypt;

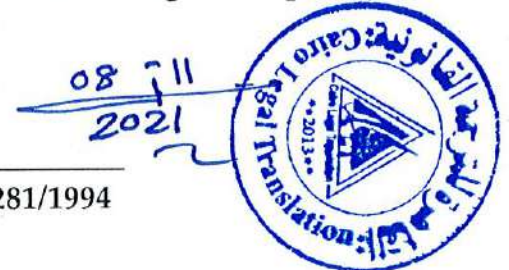
The senate and the People's Assembly have approved and passed the following Law, and accordingly, we have ratified the same and it is hereby promulgated.

Article (1)<sup>1</sup>

Whoever deceives or sets about deceiving the contractor in any manner, in any of the matters contemplated hereinbelow, shall be liable to punishment with imprisonment for a period of not less than one year, and a fine of not less than five thousand pounds and not exceeding twenty thousand pounds, or the equivalent of the value of the commodity subject of the crime, whichever is bigger, or either penalty:

- 1) The goods themselves, if those delivered are different from the goods for which the contract was signed.
- 2) The reality, nature, or essential quality of goods, or the useful elements contained therein, and in general the elements included in their composition.
- 3) Type, origin, or source of goods in the cases where - by agreement or custom - the type, origin, or source which is fraudulently ascribed to the goods, is considered a basic cause for signing the contract.
- 4) The number, size, measurement, volume, weight, capacity, or gauge and standard of the goods.

<sup>1</sup> Substituted as per law No. 106/1980, then law No. 281/1994



The penalty shall be limited to imprisonment for a period of not less than one year and not exceeding five years, and a fine of not less ten thousand pounds and not exceeding thirty thousand pounds, or the equivalent of the value of the commodity subject of the crime, whichever is bigger, or either penalty, if the crime referred to in the previous paragraph is committed, or initiated with the use of measurement tools , weights, imprints , or other different or forged scrutinizing machines, or by using ways, methods, or documents which in their nature would render the process of weighing, measuring, or examining process incorrect.

#### Article (2)<sup>1</sup>

Whoever commits any of the following crimes, shall be liable to imprisonment for a period of not less than one year and not exceeding five years, and a fine of not less than ten thousand pounds and not exceeding thirty thousand pounds, or the equivalent of the value of the commodity subject of the crime, whichever is bigger:

- 1) Whoever adulterated or sets out to adulterate any of man's food or animal feed, drugs, medicinal plants, pharmaceuticals, agricultural crops, natural products, or industrial products which are prepared for sale, and also whoever presents, and displays for sale, or sells any of these foodstuffs, drugs, medicinal plants, pharmaceutical products, agricultural crops, which are adulterated, corrupted, or expired and proved to be aware thereof.



<sup>1</sup> Substituted as per Law No. 281/1994.

- 2) Whoever makes, offers or displays for sale, or sells materials, packages, or covers and wrappings which are provided for use in adulterating man's food or animal feeds, drugs, medicinal plants, pharmaceutical Products, agricultural crops, or natural or industrial products, in a way inconsistent with using them in a legitimate way, or with the purpose of fraudulence, and also whoever incites or assists for using them in fraudulent practices by means of brochures, publications, or any other means whatever the kinds of the nature thereof.

The penalty shall be the imprisonment for a period of not less than two years, and not exceeding seven years, and with a fine of not less than twenty thousand pounds and not exceeding forty thousand pounds, or the equivalent of the value of the commodity subject of the crime, whichever is bigger, if the foodstuffs, drugs, medicinal plants, pharmaceutical products, crops or products which are adulterated ,corrupted or expired, or which are used in fraudulence are harmful and noxious to man's or animal's health.

The penalties prescribed in the present article shall apply even if the buyer or consumer is aware of the adulteration, corruption, or expiry of the goods.

### Article (3)<sup>1</sup>

Whoever possesses for purposes of illegal trading any of the foodstuffs, crops, products, or materials referred to in the previous article, shall be liable to imprisonment for a period of not less than six months and with a fine of not less than three thousand pounds and not exceeding ten thousand pounds, or the equivalent of the value of the commodity subject of the crime, whichever is bigger, or either penalty

<sup>1</sup> Substituted as per Law No. 281/1994.



The penalty shall be imprisonment for a period of not less than one year and with a fine of not less than five thousand pounds and not exceeding twenty thousand pounds or equivalent to the value of the commodity subject of the crime, whichever is bigger, if what he possesses are drugs, medicinal plants or medicines of those used for treatment of man or animals for such illegal purposes.

The penalty shall be the imprisonment for a period of not less than one year and not exceeding five years, and with a fine of not less than ten thousand pounds and not exceeding thirty thousand pounds, or the equivalent of the value of the commodity subject of the crime, whichever is bigger, if the foodstuffs, crops, products, drugs, medicinal plants, medicines, or materials referred to in the previous article are noxious to man's or animal's health.

### Article (3) Bis<sup>2</sup>

Whoever imports or brings into the country any human foodstuffs or animal feeds, or drugs, medicinal plants, pharmaceutical products, agricultural crops, natural or industrial products which are adulterated, corrupted or expired, while he knows that, shall be liable to imprisonment for a period of not less than one year and not exceeding five years, and with a fine of not less than twenty five thousand pounds and not exceeding one hundred thousand pounds, or the equivalent of the value of the commodity subject of the crime, whichever is bigger. The authority concerned shall, execute these materials at the expense of the consignee. If he is unaware of that fact, the authority concerned shall then determine for him a date to re-export the adulterated, corrupted, or expired materials abroad. If he do not execute them within the date determined therefore, these materials shall then be destroyed at his expense.

2 Added as per Law No. 106/1980 then substituted as per Law No. 281/1994.



Article (4)<sup>1</sup>

If committing any of the crimes prescribed in articles (1), (2), (3), and (3-Bis) of that Law results in causing a person a permanent disability, the penalty shall be limited to imprisonment and with a fine of not less than twenty-five thousand pounds and not exceeding forty thousand pounds, or the equivalent of the value of the commodity subject of the crime, whichever is bigger. If the court applies the provision of article (17) of the Penal Code, in this case, the penalty cannot be reduced to less than imprisonment for a period of one year.

If the crime results in the death of one or more persons, the penalty shall be hard labor sentence for life and with a fine of not less than fifty thousand pounds and not exceeding one hundred thousand pounds, or the equivalent of the value of the commodity subject of the crime, whichever is bigger.

Article (5)<sup>2</sup>

The Minister concerned may issue a decree imposing a minimum or specific limit of elements in the preparation of medical drugs or pharmaceutical products, in the substances and materials used in man's food or animal feed, in the materials prepared for sale under a specified name, or in any other goods or products.



1 Substituted as per Law No. 281/1994.

2 Added as per Law No. 106/1980. Then substituted as per Law No. 281/1994.

Whoever prepared, made or produced for the purpose of selling, or already is sold, offered, or displayed for sale, possessed, or acquired for the purpose of selling, or imported materials prepared, processed, manufactured or produced in violation of the provisions of this decree while he is aware of that , shall be liable to imprisonment for a period of not less than one year and with a fine of not less than ten thousand pounds and not exceeding twenty thousand pounds, or the equivalent of the value of the commodity subject of the crime, whichever is bigger, or either penalty.

**Article (6)<sup>1</sup>**

The use of utensils, containers or others may be dictated by virtue of a decree from the minister concerned for the purpose of preparing, manufacturing, weighing, packing, preserving, possessing, distributing, transporting, offering for sale or selling the medical drugs, foodstuffs and other products which are to be sold. The indication of the conditions of consuming, denominating, preserving or possessing such medical drugs or foodstuffs, the determination of the cases where they are invalid for use, or the indication of their quantity, place of manufacture, manufacturer's name or any other data may also be dictated by virtue of a decree from the minister concerned.

The restrictions or conditions of the use of goods and products of whatever type may be imposed by virtue of a decree from the minister concerned.

In order to curb, suppress or deter any fraudulent or deceptive practices in respect of the sold goods, the importation, exportation, manufacture, sale, offer-for-sale or sale-oriented possession of the goods subject to the present Law may be regulated by virtue of a decree from the minister concerned.

<sup>1</sup> Amended as per Law No. 153/1949



A ministerial decree may be rendered to define the method of inscribing the above-mentioned data, or the method of organizing, holding and revising the books and records or issuing and endorsing the certificates, or for determining the period required for disposing of the products and goods which involve a violation of the Law at hand or the decrees issued in enforcement hereof. Whoever violates the provisions of the aforesaid decrees shall be liable to the penalties prescribed under the previous article.

#### Article (6) Bis<sup>1</sup>

Without prejudice to any stricter penalty prescribed by the Penal Code or any other Law, in case any act in violation of the provisions of articles nos. (2, 3, and 3-bis) of the present Law was committed by way of negligence, lack of precaution or non-fulfillment of the supervisory duty, then the penalty inflicted shall be imprisonment for a term not exceeding one (1) year and with a fine of not less than one thousand Egyptian pounds and not more than half of the maximum amount of the fine prescribed in the aforementioned articles, or either penalty.

#### Article (6) Bis-1<sup>2</sup>

Without prejudice to the natural person's liability provided for in the present Law, the juridical person shall be held accountable from the criminal point of view for the crimes mentioned in the present Law in case such crimes were committed for the account or in the name of that juridical person by means of any of the agencies, representatives or workers thereof.

1 Amended as per Law No. 281/1994

2 Added as per Law No. 281/1994



The juridical person shall be liable to a fine which is equivalent to the fine inflicted in respect of the committed crime. The court may order to suspend the activity of the juridical person involved in the crime for a period not exceeding one (1) year. In case of recurrence, the court may order to suspend the juridical person's activity for a period not exceeding five (5) years or to cancel the activity practice license thereof irrevocably.

### Article (7)<sup>3</sup>

Crimes committed against the provisions of Articles 2, 3 and 5 are considered infractions if the accused is in good faith however the court judgment shall at all events dictate the confiscation of the materials, drugs or crops subject of the crime. In case no criminal Lawsuit is brought for any reason, the confiscation order shall be issued by the Public Prosecution.

### Article (8)<sup>1</sup>

In case of conviction in one of the crimes prescribed in the foregoing articles, the court shall order publishing the verdict in two daily newspapers at the expense of the convict.

### Article (9)<sup>2</sup>

The provisions of Article (55) of the Penal Code shall not apply to the fine penalty in the cases mentioned in this law.

<sup>73</sup> Amended as per Law No. 80/1961.

<sup>81</sup> Substituted as per Law No. 281/1994.

<sup>92</sup> The High Constitutional Court rendered its ruling in case No. 124 of the judicial year 18 - a constitutional case - in its session held on 15/11/1997 on the unconstitutionality of Article (9) of Law No. 48/1941 on suppression of Fraud and Deception.



**Article (10)<sup>3</sup>**

Without prejudice to the provisions of articles (49) and (50) of the Penal Code, the penalty in case of recidivism into committing any of the crime prescribed in articles (2), (3), and (3-Bis) of this Law, shall be limited to the imprisonment for a period of not less than five years and with a fine of not less than thirty thousand pounds and not exceeding sixty thousand pounds, or the equivalent of twice the value of the commodity subject of the crime, whichever is bigger. In case the court applies the provision of article (17) of the penal code, in this case, the penalty may not be reduced to less than imprisonment for a period of one year. The court may order the closure of the violating establishment for a period not exceeding one year. It may also pass a ruling canceling the license of the establishment with subject to the rights of the workers in these establishments.

Similar to recidivism shall be the crime prescribed in this Law, and those prescribed in Law No. 57 of the year 1939 concerning trademarks and trade data, as well as articles (18) and (19) of Law No. 1 of the year 1994 concerning weight, measurement, and volumetric measurements, and also the crimes prescribed in any other Law on suppression of fraud and deception.

**Article (11)**

The violations of the provisions of the Law at hand as well as the stipulations of the regulations issued in enforcement hereof and the decrees prescribed by articles Nos. (5 & 6) hereof shall be detected by the employees especially appointed for this purpose.

<sup>103/</sup> Substituted as per Law No. 281/1994.



The Judicial officers shall be entitled to take samples of those materials so as to examine and analyze them at the laboratories specified under the regulations and decrees rendered in enforcement of the present Law in pursuance of the procedures prescribed by such regulations and decrees<sup>1</sup>.

Those employees shall be deemed as judicial officers and may - in such capacity - have access to all the places where the materials subject to the present Law are lodged or offered for sale, with the exception of the parts appropriated out of such places for housing purposes only.

### Article (12)

In case the employees referred to in the previous article have strong reasons to believe that there is a violation of that Law, then they may seize the suspected materials temporarily.

In this case, the parties concerned shall be called to attend and five (5) samples at least shall be taken for the analysis purpose, with two (2) samples thereof to be handed over to the concerned party. A report is issued with this process comprising all the data required for ascertaining the nature of the samples and the materials from which they were taken shall be drawn up in this respect.

Without prejudice to the accused person's right to request the district judge or investigation judge - as the case may be - to release the seized goods, such goods shall be released by the force of Law in case no order is rendered by the judge in support of the seizure procedure within the seven (7) days following the seizure day.

<sup>1</sup> Substituted as per Law No. 281/1994.



**Article (12) Bis<sup>1</sup>**

A penalty of imprisonment for a term not exceeding one (1) year and with a fine of not less than five Egyptian pounds and not more than one hundred Egyptian pounds, or either penalty shall be inflicted on any person who prevent the investigation officers referred to in article-11 from performing their work duties whether by way of preventing them from accessing the factories, warehouses or trade shops or obtaining the samples, or by any other means.

**Article (13)**

Articles Nos. (266, 347 & 383) of the Penal Code shall be annulled.

**Article (14)**

In case of committing a new violation of the decrees rendered in enforcement of the Law at hand during the three years following the date of issuing the penalty-inflicting judgment in respect of a former violation, then the judge may inflict a fine not exceeding ten pounds on the violator & the foregoing provision shall also apply to the violations mentioned in article (7).



<sup>1</sup> Added as per Law No. 83/1948.

Article (15)

The Ministries of Health, Trade, Industry, Finance, Justice and Agriculture shall give effect to and enforce the Law at hand; each as far as it is concerned. The present Law shall be enforced with effect from the date of its publication in the Official gazette.

The present Law shall be stamped with the seal of the State, published in the Official Gazette and be enforced as one of the State's Laws.

Issued at Abdeen's Palace on the 24<sup>th</sup> of Sha'ban, 1360 (Hijri Calendar) corresponding to the 16<sup>th</sup> of September, 1941 (Gregorian Calendar).

