

- **EFSA TrustMark Article for Lexis Nexis COVID 19 Resource Centre – 6 April 2020:**
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“Trusting Online Merchants in the days of COVID-19”

The COVID-19 lockdown has moved individual households online as never before. Retailers like PnP, Clicks and Makro are reporting that they are receiving more online orders (for essentials only of course) than ever before. Standing in long queues in front of the shops is no one's idea of fun, especially when it rains! Consumers are also buying services online - games, downloadable music and films, mobile apps, and other entertainment, and they are roaming the internet planning purchases of non-essential goods when the lockdown is lifted. Commentators foresee a permanent change in the way South Africans will buy in the future, post COVID-19. Shopping malls will remain an important part of our lives, but much more purchasing will be done online. It is quick, convenient and often cheaper than buying in a traditional shopping mall.

We can rest assured that the online big brands, like Woolworths, Massmart, PnP, the Foschini Group and Edgars and so on have excellent customer relations, that they will apply the various laws, and if we do not like a product or if it is defective that they will either replace it or return the purchase price. But there is always the question at the back of the mind when buying from a new online store: How trustworthy are they?

To combat this uncertainty and help consumers rest assured that they are buying from a trustworthy source, the Ecommerce Forum of South Africa (EFSA) has introduced the Safe.Shop trustmark.

- Trustmarks were introduced in the 1990s in the USA (e.g. VeriSign) and Europe as ecommerce started to grow. They are now very popular in Europe and research has shown that a trustmark would be welcomed in South Africa.
- An ecommerce trustmark is a seal, image or logo found on an electronic commerce website that shows customers that the e-shop is a member of a professional accreditation organization and that they have passed security and privacy tests.
- When an e-merchant displays a trustmark, it gives customers confidence and encourages them to do business with the website in the knowledge that the relevant laws are being followed and that there is an alternative dispute system in place in the case that the buyer and seller disagree over the sale of a product (for example that the buyer refuses to replace a broken product, or there is an argument over the cost and charges related to the product).

The EFSA works with a well-established European trustmark, Safe.Shop. Safe.Shop was set up to deal with cross-border online sales in Europe but it has now been taken as a national trustmark in a number of countries outside Europe, including Brazil and Hong Kong.

EFSA took the Safe.Shop code and amended it to take into account all South Africa's relevant laws pertaining to ecommerce – the Consumer Protection Act, Electronic and Transactions Act and the Protection of Personal Information Act. EFSA then produced its own Code to govern the awarding of the [Safe.Shop trustmark in SA](#).

In order to ensure that an applicant's e-shop is compliant with the EFSA's SA Code of Conduct, qualified attorneys and online specialists [Legalese](#) legal advisory verifies the website on the EFSA's behalf. As part of the verification, Legalese checks each applicant's platform against the requirements of the SA Code of Conduct, and then drafts a report for EFSA to decide whether the platform is entitled to carry the Trustmark, or not. The applicant platform is then informed about the outcome by the EFSA, and is advised to make changes in order to be compliant if it is not applying all the laws or the Code. Further, EFSA is in discussion with the Consumer Goods Ombuds to act as the final arbitrator in the case of a serious disagreement between buyer and seller.

Legalese is delighted to be part of this process to ensure that online sales will be trustworthy in post-COVID-19 South Africa.

If you are keen to obtain your EFSA Trustmark, or find out more about it, please see contact [EFSA](#) or [Legalese](#) who will gladly assist.