

SUPREME COURT OF APPEAL OF SOUTH AFRICA

PRESS RELEASE

4 February 2010

STATUS: Immediate

CSARS v Fascination Wigs (204/09) [2010] ZASCA 6 (4 March 2010)

Please note that the media summary is intended for the benefit of the media and does not form part of the judgment of the Supreme Court of Appeal

The Supreme Court of Appeal today upheld an appeal by the Commissioner of the South African Revenue Services against a decision of the North Gauteng High Court concerning the correct tariff classification for customs duty purposes of synthetic fibres, stitched as wefts, and used to adorn hair.

The high court held that the particular products, imported from China, were used in the making of wigs and were therefore not dutiable, not being finished products. The SCA considered, however, that the wefts in question, which are used to create the appearance of a wig by attaching them to a person's own hair or to the scalp, were not components of a wig, or the like, but finished articles: the fact that expertise and time was needed to attach them to hair or to a scalp did not entail that a new product was made when the final appearance of a wig was achieved.

The SCA thus upheld the Commissioner's contention that the particular wefts should be classified under a tariff heading that attracts customs duty.