

LOLO MATALASI MOLIGA
Governor

LEMANU PELETI MAUGA
Lieutenant Governor



Office of the Attorney General
Department of Legal Affairs
American Samoa Government

MITZIE JESSOP-TAASE
Acting Attorney General

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To the Businesses of American Samoa:

American Samoa law prohibits the practice of price gouging on certain items once a state of emergency has been declared. On November 13, 2019, issued a Declaration of Public Health Emergency. Although the focus of the declaration has shifted from a measles outbreak to a Covid-19 pandemic, we are still in a continued state of emergency. During a state of emergency, A.S.C.A. 27.0903 states that it is illegal to:

“[S]ell, rent or offer to sell or rent any consumer food items or goods, emergency supplies, medical supplies, building materials, housing, gasoline, or any other goods or services necessary in an emergency response for a price of more than ten percent (10%) above the price charged by that person, contractor, business or other entity for those goods or services immediately prior to the declaration of a state of emergency.”

Price gouging can include changes in pricing policies. For example: Prior to the declaration, a store sold water by the bottle and by the case. Then after the declaration, the store sold cases of water using the per bottle cost and that increased the price of a case by more than 10%, that would be price gouging.

There is an exception to this rule if a business can prove that the cost of the product has gone up due to a suppliers rise in cost such as air freight versus sea freight.

You are hereby on notice that violations will be prosecuted and each offense is a Class A Misdemeanor with a civil penalty of up to \$1000 per violation. Subsequent violations can result in the suspension of your business license. If you have questions about this law and its requirements, please contact us at the Bureau of Consumer Protection at consumer@la.as.gov.

Sincerely,

Jason Mitchell
Director, Bureau of Consumer Protection
Assistant Attorney General