



Know your rights

Sometimes we are stuck with unwanted gifts because a shop won't accept returns. Or, lured by an eye-catching deal, we have signed on the dotted line only to regret it later. The new Consumer Protection Act is here to help

We've all done it before. We buy a product only to find out that it was the wrong colour or size but then we are obliged to keep the item after finding out the store has a "no returns" policy or something similar. A few weeks ago my husband lost his sunglasses. I decided we should buy him a new pair. We found some he liked at a store in Cape Town and because it offered a good deal we purchased them. The next day my husband found the glasses he had lost so we decided to return the new sunglasses. Unfortunately, the salesman informed us that the shop had a "no cash refund" policy and he pointed to a poster behind the counter with the rule written on it.

Under the new Consumer Protection Act (CPA), which is due to come into effect on October 25 this year, rules such as these may not be enforceable, particularly if you have a valid reason for returning something.

However, there are still grey areas. While consumers are well within their rights to return an item if it is faulty the Act does not protect the consumer if s/he suddenly has a change of heart, like we did. It's up to the

salesperson to evaluate the situation and use his/her discretion on whether or not to refund cash or to supply vouchers. Although the "no cash refunds" rule can be annoying, stores use them to shield themselves against unscrupulous consumers. "There is a lot of abuse," says Philip Gouws, the national head of sales of a leading retailer. "Sometimes teenagers will buy items and then want to return them, but you can see the clothes have been washed and worn."

Getting to grips with the law

One aim of the Act is to arm you with the power to get a fair deal from retailers. Under the CPA, health club Planet Fitness SA has illustrated how it will change the terms of its contracts so that consumers are aware of their rights. The club will inform members of Planet Fitness who wish to cancel their gym membership within the term of their contract that they may do so but will have to pay a cancellation fee. Prior to the Act, consumers were required to see out the minimum duration of the contract. "Customers will be able to release themselves from any further contractual obliga-

tions by paying a reasonable settlement fee. Gyms will be forced to credit members if they have paid in full for a contract," says Mark Lambert, head of customer services for Planet Fitness SA.

Bagging that bargain

To avoid problems you must ensure that you read the small print of every contract you sign. Contracts are there to protect the vendor but they, as well the Act, are there to protect you too. Knowing your rights and a company's rules will guarantee your satisfaction while at the same time provide you with recourse in the event that you don't get what you want. ☎

THE ACT CAN BE CONFUSING BUT HERE ARE FOUR WAYS IN WHICH IT CAN HELP TO EMPOWER YOU

- ▶ You can cancel a sale and receive a full refund if you did not have an opportunity to examine the goods before delivery and if you are not satisfied that they are of the type and quality that was agreed upon.
 - ▶ If the seller delivers more goods than what you settled on, you may either reject all of the delivered goods or accept and pay for the agreed quantity and rate, and return the rest.
 - ▶ If the seller delivers the goods or performs any services differently to what was agreed in terms of place, date, or time you may accept the new arrangement, insist that the original arrangement is stuck to, or cancel.
 - ▶ Upon receiving the returned goods, the supplier must refund you the price paid for the items, less any amount that may be charged.
 - ▶ Under section 55/56 of the Act you may return goods within six months at the supplier's risk and expense without penalty. This is for example on items such as toasters or vacuum cleaners. If they stop working before the six months is up you are entitled to return them.
- * For full details and conditions of the Act, visit www.dti.gov.za

The Consumer Protection Act is a minefield. But *Shape* has teamed up with consumer specialist Advocate Neville Melville, author of *The Consumer Protection Act Made Easy* (Crink) to explain the Act in plain terms. Go to www.shapemag.co.za for more.