



CONSUMER AFFAIRS COMMISSION

An agency of the Ministry of Industry, Commerce, Agriculture and Fisheries

“Protecting Your Rights, Securing Our Future”

Consumer Matters

ISSUE 008 SEPTEMBER 2016

CAC secures over \$2.5 million in refunds/compensation

For the first half of the financial year (April 1, 2016 – September 30, 2016), the Consumer Affairs Commission handled a total of 874 complaints cases. Of this number, 542 or 62% of the cases were resolved resulting in the Commission securing **\$2,573,644.50 in refund and compensation** on behalf of aggrieved consumers.

The top three (3) complaint categories for the period under review were as follows – **Electrical Equipment & Appliances**, which contributed **29.08%**; next was **Motor Vehicles and Parts as well as the Other Services** category which both contributed **10.59% each**, and the Utilities category followed with **9.34%** of all complaints filed.

With respect to refund / compensation for the April – September 2016 period – Motor Vehicles & Parts – **26.44%**; Electrical Equipment & Appliances- **20.18%** and the Other Services category rounded out the top three (3) refund / compensation categories with **13.86%**.

The Commission also responded to **305** requests for advice from both consumers and providers.

Consumers MUST get 45 days notice ...



Deposit Taking Institutions (DTIs) have to provide consumers with reasonable notice before making any changes to their products or services. According to the Bank of Jamaica’s recently enacted Banking Services Code of Conduct:

“A deposit taking institution shall provide a customer with reasonable notice (not less than 45 days) in writing of any variation to the terms and conditions including fees and charges, and interest rate applicable to any of its products or services that is to be, is being, or has been used, acquired or accessed by the customer.”

Source: Banking Services Act: The Banking Services (Deposit Taking Institutions) (Customer Related Matters) Code of Conduct, 2016 Section 9

See Page 2 for more on Banking Services Act

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ADVOCACY

Greater protection for consumers doing business with banks

Mrs Dolsie Allen, Chief Executive Officer at the Consumer Affairs Commission has lauded the efforts of the CAC and its regional partners in Barbados and St. Lucia who have been advocating for greater consumer protection in the banking industry since 2009, due to the many concerns that were raised by consumers about the unfair and non-transparent practices being experienced in regional banks. The Commission is therefore pleased to have been a part of the process since 2010 in developing the Banking Services Code of Conduct for Jamaica. "It can only bode well for consumers as it relates to accountability and transparency when conducting business with banks in Jamaica," Mrs Allen said.

The Consumer Affairs Commission (CAC) therefore endorses the Bank of Jamaica's enforceable Banking Services (Deposit Taking Institutions) (Customer Related Matters) Code of Conduct to which deposit taking institutions must adhere when addressing customer related matters.

The effective date of the Code is August 30, 2016.

The Code of Conduct covers matters relating to disclosure, notification, advisories, access to information, complaints, complaints resolution, confidentiality and record keeping. These are key areas that consumers must not only be aware of when conducting business with banks in Jamaica, but must also be protected against should unfair practices arise.

"The CAC will continue its advocacy within the industry as it relates to consumer concerns as well as collaborating with the Bank of Jamaica," Mrs Allen concluded.

For details of the Banking Services (Deposit Taking Institutions) (Customer Related Matters) Code of Conduct, visit the Consumer Affairs Commission's website at www.cac.gov.jm or click on the following link <http://bit.ly/2ccy0E1>

They must work and not fall apart after an hour's use!

Fit for purpose AND last a reasonable length of time

Have you ever heard the term fit for purpose and last a reasonable length of time?

When goods are purchased, the purpose for which they are advertised must be what they are used to accomplish. In other words, they must work and not fall apart after an hour's use. This might sound like basic common sense, but without it, you can find yourself exposed.

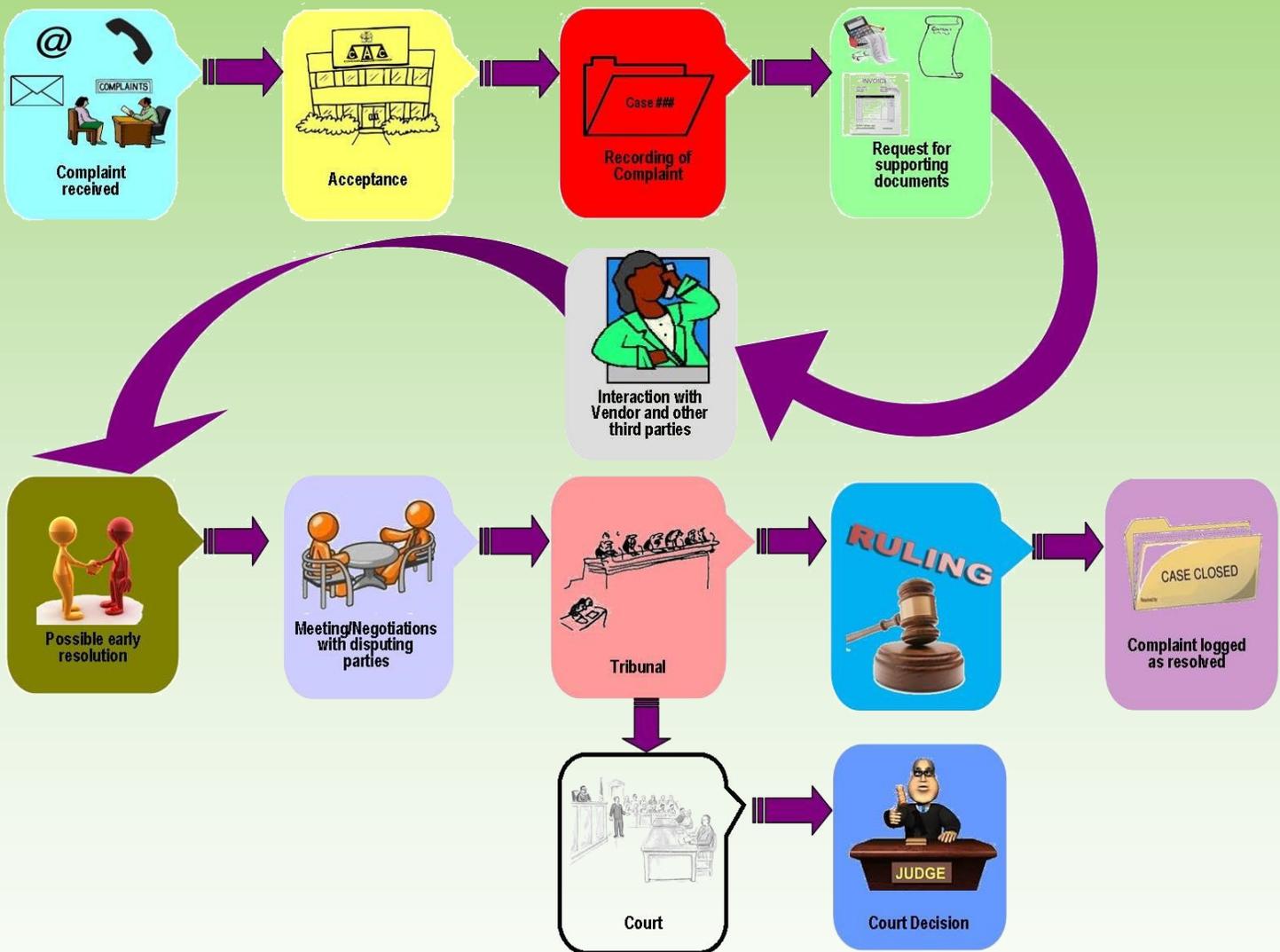
Example, if you purchase a refrigerator for home use and decide to use it for commercial purposes (example storing more meat in the freezer than is recommended by manufacturer) and become disappointed that it does not function like a commercial grade refrigerator, that doesn't make it faulty. Yet if you bought it on the premise that it functions as a commercial grade refrigerator – even though the box didn't say yes or no – then it is not 'fit for purpose' and you can get your money back.

CONSUMER PROTECTION

CAC complaints process illustrated...



COMPLAINTS Process Diagram



The 'Eat Jamaican' Campaign was launched by the late Governor General of Jamaica, Sir Howard Cooke, through a Proclamation that was issued on November 25, 2003 declaring November 25th annually as 'Eat Jamaican' Day.

For details about the 2016 celebration, contact the Jamaica Agricultural Society (JAS).



FOOD SAFETY

What is a food recall?

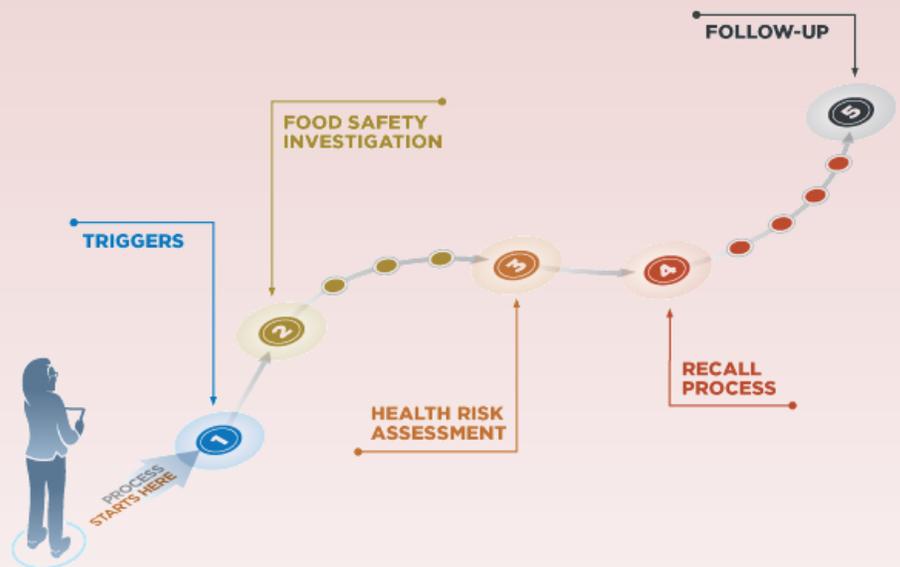
Have you ever been listening to the radio, watching TV or reading a newspaper and the information given is that there is a food recall? What does this mean?

A food recall is defined as: **'Action taken to remove from sale, distribution and consumption foods which may pose a safety risk to consumers'**.

A food recall may be initiated as a result of a report or complaint from a variety of sources – manufacturers, wholesalers, retailers, government agencies and consumers. It may also occur as a result of a food business's internal testing and/or auditing. Recalls are conducted by food businesses to ensure that potentially hazardous or unsafe foods are not consumed.

Recalls occur in consultation between regulatory authorities and the product's distributor, manufacturer or the importer.

Recalls can be conducted at either the distributive trade or consumer level.



Distributive/Trade level recall

A trade recall is conducted when the food **has not** been sold directly to consumers. It involves recovery of the product from port, storage, distribution centres and wholesalers. It may also involve recovery of product from restaurants and other catering establishments.

Consumer level recall

A consumer recall is the most extensive type of recall. It involves recovery of the food product from all points in the production and distribution chain including recovery of product in the possession of consumers. The recall and instructions to consumers about how to access redress must be published.

Food withdrawal

A food can also be withdrawn from sale. A withdrawal, which is quite separate from a food recall, is action taken to remove food from the supply chain where there is no public health and safety issue. A withdrawal may occur in two circumstances:

1. When the food product is below the desired standard: quality, is underweight or is labeled incorrectly or inadequately, but do not pose a potential risk to public health and safety; or,
2. As a precaution, pending further investigation of a potential public health and safety risk. However if a risk to public health and safety is established, **the food must be recalled**.

IDENTITY THEFT

October is international Cyber Security Awareness Month

A big part of being a smart consumer is being an informed one. October has been designated as International Cyber Security Awareness month. **STOP.THINK.CONNECT.** is a global call to action - **STOP:** make sure security measures are in place. **THINK:** about the consequences of your actions and behaviours online. **CONNECT:** and enjoy the Internet.

Whether banking, shopping, social networking, or downloading the latest app, in today's inter-connected world, practicing good cybersecurity is critical. All digital citizens must learn to stay safer and more secure in their ever expanding digital lives, including by preventing and responding to queries about your identity and scams, ensuring that home networks are secure, managing the security of mobile devices and teaching children to use the Internet safely, securely and responsibly. In this vein, the Consumer Affairs Commission has outlined some very basic cyber security tips to assist in the quest of being a responsible digital citizen:

- Be sure to use unique passwords for all financial online accounts. Never share your password, account number, PIN or answers to security questions.
- Do not save credit or debit card, banking account or routing numbers, or other financial information, on your computer, phone or tablet.
- Be careful about using a password on mobile devices. Be sure to set your devices to automatically lock after a selected period of time to ensure no one can access your smartphone, tablet or laptop.
- Do not provide your secure financial information over the phone or Internet if you are unsure of who is asking for it. Contact your bank directly by using the phone number on the back of your debit or credit card, or stop in your bank to speak with someone in person. Remember, your bank will never contact or text you asking for personal or banking information. Assume any unsolicited text request is fraudulent. Call your bank or visit to confirm the request.
- Be aware of the location of your mobile devices (smartphones, tablets) at all times. Only log on financial websites when you have a secure, safe and trusted Internet connection. This means [www.https](https://) or if there is an icon of a lock.
- When using Automated Banking Machines and Point of Sales, ensure that you cover the pin pad while inputting your pin.



For more information, contact <https://www.stopthinkconnect.org/>

CONSUMER RIGHTS

What are my consumer rights and responsibilities?



You have the right to expect the marketplace to be fair. You also have the responsibility to be fair and deal with problems quickly.

As a consumer, you have rights which are outlined in the Consumer Protection Act 2005 (Amended 2012) as well as the Charter of Rights of the Consumer and the United Nations Guidelines for Consumer Protection which Jamaica became a signatory in 1985. There are eight (8) basic Consumer Rights which are the right to:



With rights, come responsibilities. Therefore as a consumer, your responsibilities are to:



Historical snapshot—Kingston, 1899...

Street vendors selling their wares.



BUYER BEWARE

Shopping for a car?
Be alert for flood damage!

With the recent passing of Hurricane Matthew in parts of the Caribbean and the United States of America, the possibility exists that damaged cars are cleaned up and placed on the market for sale. Quite often, many consumers in Jamaica purchase cars from the United States. If you intend to do so in the near future, be careful as you might not know a vehicle is damaged until you take a closer look or have a mechanic check it out. Here's what to do:

- **Look for** water stains, mildew, sand or silt under the carpet, floor mats, and dashboard, and in the wheel well where the spare is stored. Look for fogging inside the headlights and taillights.
- **Do a smell test.** A heavy aroma of cleaners and disinfectants is a sign that someone's trying to mask a mold or odour problem
- **Have your mechanic inspect the car's** mechanical and electrical components, and systems that contain fluids, for water contamination.
- **Know the difference between a "salvage" and a "flood" vehicle.** A "salvage" means the car was declared a total loss by an insurance company because of a serious accident or some other problems. A "flood" means the car has damage from sitting in water deep enough to fill the engine compartment. It is therefore very important that any used car you intend on purchasing be inspected and given Hurricane Matthew's recent visit, you need to be extra careful.
- **Ascertain if there is a national database for vehicles and check the history of the vehicle before purchase.**

Remember in Jamaica, when you approach an insurance company to insure your vehicle, it is based on the information you provide. Therefore, if negative information is discovered thereafter, the consumer is liable.

Pass it on...Tex' mi NOW!! CAC Alert



CONSUMER AFFAIRS COMMISSION

CONSUMER LAW

Laws that protect consumers

PHYSICAL SAFETY	PROMOTION AND PROTECTION OF CONSUMERS' ECONOMIC INTERESTS	STANDARDS FOR SAFETY AND QUALITY OF CONSUMER GOODS AND SERVICES	FACILITATE DISTRIBUTION OF ESSENTIAL GOODS AND SERVICES	MEASURES ENABLING CONSUMERS TO OBTAIN REDRESS	MEASURES RELATING TO SPECIFIC AREAS	INSTITUTIONS WHICH OFFER CONSUMER EDUCATION AND INFORMATION
Consumer Protection Act	Consumer Protection Act	Consumer Protection Act	Consumer Protection Act	Consumer Protection Act	Consumer Protection Act	The Consumer Affairs Commission
- The Food Storage and Prevention of Infestation Act	- The Sale of Goods Act - The Hire Purchase Act	- The Weights and Measures Act - The Standards Act	- The Trade Act - The Public Health Act	- The Ombudsman Act - The Trade Act	- The Pharmacy Act - The Underground Water Control Act	The National Consumers' League
- The Standards Act - The Public Health Act	- The Trade Act - The Fair Competition Act	The Processed Food Act	The Pharmacy Act	The Hire Purchase Act	The National Water Commission Act	The Fair Trading Commission
- The Food and Drugs Act - The Processed Food Act	- Securities Act - Pensions Act - Deposit Insurance Act	Food Storage & Prevention of Infestation Act	The Food and Drugs Act	The Standards Act	The Natural Resources Conservation Act	Individual Ministries, Departments and Agencies
- Weights and Measures Act - Petroleum Quality Control Act	- Insurance Act - Financial Services Commission Act			- The Rent Restriction Act - The Fair Competition Act	- The Parishes Water Supply Act - The Broadcasting and Rediffusion Act	Bureau of Standards Jamaica

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SCORECARD APRIL 2016 - SEPTEMBER 2016

J\$2.5 Million obtained in refunds/compensation

874
Cases
Handled

542
Complaints
Resolved

62%
Resolution
Rate

40
Requests for
Advice

21,895
Website
Visits

14
Price Surveys
Conducted

Participated
in
198 activities
reaching
58,297
persons
directly

402
Traditional
and
2,343 New
Media
Exposures