



The **Consumer Affairs Commission** has relocated its Head Office to **34 Trafalgar Road, Kingston 10**. Our new landline telephone numbers are: **906-5425, 906-8568, 906-7351, 906-0813, 906-0890, 906-7537, 906-7540, 906-7308, 906-7525, 754-6843**.

## The “New Look” CAC

In our quest to better serve the Jamaican consumer, the Consumer Affairs Commission relocated its head office to 34 Trafalgar Road, Kingston 10. The move was to ensure that consumers could more readily feel our presence while having better access to our services. The Commission therefore recommits to doing all in its powers to ensure that Jamaican consumers – residing either downtown or uptown - are protected.

## Our Mission

*To foster ethical relations between providers and consumers of goods and services in the Jamaican marketplace through effective advocacy, public education and complaint resolution, utilising the available legal framework and professional staff.*

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## A message from the Chairman

Welcome to the first edition of the Consumer Affairs Commission (CAC) e-Publication “**Consumer Matters**”, (Vol. 1, Issue 1). This publication will be created on a quarterly basis and focus on consumer issues.

On February 1, 2013, the Commission was conferred with additional powers through amendments made to the Consumer Protection Act 2005 amended 2012 that will enable the CAC to better protect consumers. One of the tools that will enable the CAC to achieve this goal is the establishment of the Consumer Protection Tribunal where consumer-related disputes can be settled, especially in instances when mediation procedures fail.



Lorna Green, CAC Chairman

Many times, legitimate disputes are not pursued because of institutional bureaucracies and delays. The Tribunal’s establishment is expected to lead to the quicker resolution and disposal of matters – especially long-standing ones - and a reduction of costs to the parties involved. The Chairman for this new Consumer Tribunal is Mr Kent Pantry, CD, QC.

Despite the economic climate and the attendant budgetary policies, the Consumer Affairs Commission remains committed to meeting the needs of its clients—the Jamaican consumers. In this vein, the Commission will utilise all means at its disposal to assist consumers in their quest to ensure that their rights are upheld.

The mandated role and function of the CAC are driven by consumers’ rights and strategic objectives. As such, I encourage consumers who have had to be doing more with less disposable income, to utilise the services of the Commission to ensure that you get value for services and goods purchased. However, in so doing I also urge you to become more aware of your rights and responsibilities as a consumer.

## Consumer Rights

There are eight (8) basic consumer rights which are based upon the Charter of Rights of the Consumer and the United Nations Guidelines for Consumer Protection to which Jamaica became a signatory in 1985. These are:

- ◆ *The Right to Choose*
- ◆ *The Right to be Informed*
- ◆ *The Right to be Heard*
- ◆ *The Right to Redress*
- ◆ *The Right to the Satisfaction of Basic Needs*
- ◆ *The Right to a Healthy Environment*
- ◆ *The Right to Consumer Education*
- ◆ *The Right to Safety*



## Consumer Responsibilities

- ⇒ *Be aware*
- ⇒ *Gather all the information and facts*
- ⇒ *Think Independently*
- ⇒ *Speak Out*
- ⇒ *Complain*
- ⇒ *Be an Ethical Consumer*
- ⇒ *Respect the Environment*





**Just made a purchase?  
Where is your  
RECEIPT?**

## **Demand a Receipt, it is Your Right**

Some shops do not give you a receipt, but you have a right to get one, no matter where you shop. It is your proof of purchase and is required in the event you need to make a claim. **The Consumer Protection Act (CPA)** says that the receipt must have certain basic information, like:

- ◆ **The amount paid by the consumer**
- ◆ **The date on which the purchase is made**
- ◆ **A description of the goods or services sold**
- ◆ **Where applicable, the professional fee charged; and**
- ◆ **Such other information as may be prescribed.**

If this information is not there, then the vendor is not obeying the CPA, which clearly says that suppliers and service providers must give consumers a receipt for goods or services purchased. A vendor who fails to provide a receipt would have committed an offence and is therefore liable on summary conviction before a Resident Magistrate to a fine not exceeding Fifty Thousand Dollars (J\$50,000) or to imprisonment for a term of thirty (30) days or to both such fine and imprisonment.

**Vendor's Name  
and Address**

**Date of Purchase**

**Item(s) Description**  
(The information provided should clearly distinguish the product from any other example the use of a serial number)

**Amount Paid**

**Any additional Fees**  
(Example transportation, installation and prescription costs)

## **The 2012 Amendments to the Consumer Protection Act (2005): Strengthened Warranty Provisions**

The provisions relating to warranties have been strengthened, to provide for the following:

Section 21(2) places a duty on providers operating in Jamaica, to extend a manufacturer's warranty given for a good or service, to consumers. So as to remove any ambiguity concerning the obligations of providers, the provision has been amended to delete reference to the words "whether local or foreign" and to replace them with "whether the manufacturer operates from within Jamaica or outside of Jamaica."

Section 21(8) has been included as a new provision, allowing a Resident Magistrate to impose a maximum fine of \$2,000,000 or 2 years' imprisonment, or both such fine and imprisonment, on providers who fail to issue explicit warranties, and/or extend a manufacturer's warranty given to it, to consumers of goods sold, or services provided in Jamaica.



## How to Complain Successfully

### Assemble all your facts

You better your chance of winning when you are an **expert** in the situation. **Be prepared** with your receipt and other documents that are related to your complaint. Your receipt should contain the vender's name, address and telephone number, date of transaction, the description and cost of item or service.

### Complain promptly

Complain **immediately** when you realise that you have a defective good in your possession or received sub-standard service. Do not wait for a product warranty to expire or for extended periods during which an item might be sold out.

### Call, visit or write

Phone calls and letters are effective ways of getting the attention of the vendor. However, the vendor will find it harder to disregard you if you are sitting across from him/her, or to be disrespectful when you are face to face.

### Explain yourself clearly

Ensure that you have the necessary information for ease of reference. Speak precisely and with clarity when presenting your case. The vendor will realise that you are a 'no nonsense person'.

### Stay Cool

Go with an open mind. **Approach** the vendor calmly and **politely**, this will encourage him/her to listen and be attentive. If you storm in and lose your temper or raise your voice, you might be treated with contempt.

### Start with your Sales Representative

Yes, it is frustrating, but starting at the bottom gives you time to practise presenting your complaint. By the time you get to the top (if necessary), you will know your argument up, down and sideways. No one will be able to sway you.

## The 2012 Amendments to the Consumer Protection Act (2005): *The Powers of the CAC Redefined*

Section 6(3)(a) of the 2012 Amendments to the Consumer Protection Act (2005) states that the Commission may investigate on its own initiative, any breach by a provider of any provision of this Act. This provision empowers the CAC to investigate provider breaches of the CPA.

Formerly, the CPA empowered the CAC to investigate contraventions limited to a complaint being made by a consumer. With the new amendment, the CAC can now be more proactive in its investigations of contraventions of the CPA.

### *Did You Know*

#### *The Hire Purchase Act*

One law which enables Consumers to obtain redress is the **Hire Purchase Act**.

Among **the provisions** of which Consumers should be aware is that:

THE GOODS ARE NOT YOURS UNTIL YOU HAVE PAID FOR THEM.

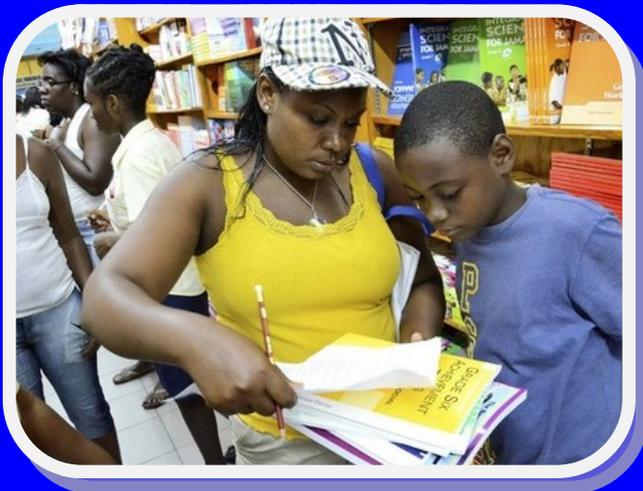
When a Consumer buys goods under a hire purchase agreement, the goods do not belong to him until they are fully paid for under the Agreement.

## Managing Back to School Expenses

Schools across the island have just given summer holidays and prior to their closure, parents were consumed with how to occupy their children's time during this period. Well, let us not forget that school will re-open in September, approximately two months away. Back to school of course always carries with it, its own expenses and there is no better time than the present to start planning and budgeting for this upcoming period.



### How soon should budgeting begin?



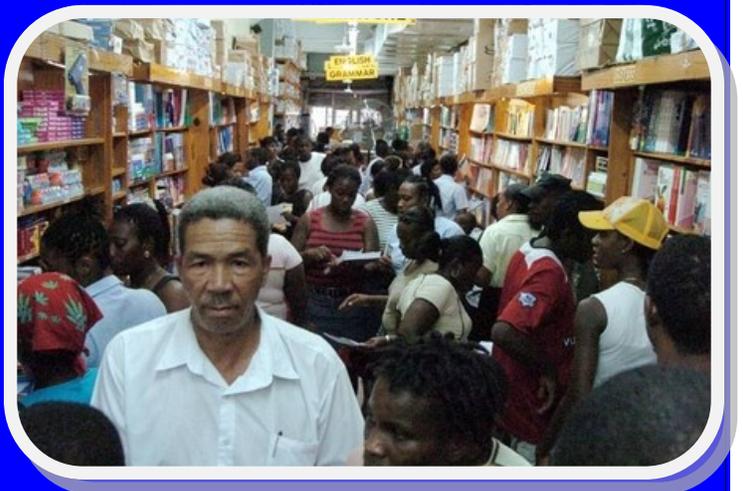
For parents with children who will be going to school for the first time, as well as those who will start a new grade in the upcoming school term, budgeting should begin at least two to three months prior to the new term or as soon as the last term ends. The reason for this is, everything the child needs to start school will take money. Parents have to spend some time to analyse their financial situation to determine where to source the funds to finance these needs or where to source the items themselves to minimise expenses, and therefore save.

### How will parents and caregivers know what to plan and budget for?

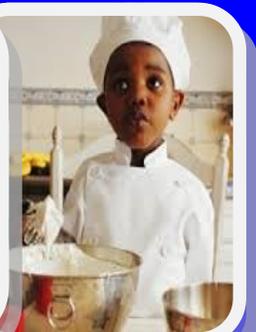
Normally, when a child registers at a new school, the parents are normally supplied with a booklist as well as a list of other needed supplies, including the style (fabric type and colour) and accessories needed for the school uniform, for example, ties, belts, badges, etc; gears for physical education. Also, parents are informed of the amount to be paid for school fees as well as the due date and where to pay it.

Notation is usually made on these lists of what is available at the school, on sale, on rental, or at no cost to the parent. Parents are encouraged to develop a close relationship with the school's guidance counsellor or principal, and to ask a lot of questions, especially when things are not expressly stated or outlined in any document provided by the child's school.

Usually, if the parent expresses any difficulty meeting any of the child's school expenses, school officials will offer advice as to what avenues are available to them to ease their financial burdens, whether by the school itself or by the Government.



## Summer Options for Children



Summer is a much anticipated time for children. School is out and children are usually eager for the fun and frolic to begin. Many parents however, are not as eager for the summer holidays as it means finding a place to leave the children while they go off to work or finding fun activities to entertain them at home. Either way it is a challenge. If you put some thought into it long before the summer, you will find that it is not as hard as it seems.

If you have to leave your children at a facility for the summer, here are some guidelines to assist you in the selection of a centre at which you will feel comfortable to leave your child.

- ◆ Check around for the best rates on the market
- ◆ Select a group of venues with rates which fit comfortably within your budget
- ◆ Check each facility to ensure that they conform to standards of hygiene and safety
- ◆ In the case of young children, take the child with you on your visit and note the child's response to the caregivers and vice versa
- ◆ Ensure that opening and closing hours allow you adequate time to get to and from work in time
- ◆ Check on the flexibility of the staff to work longer hours just in case you are running late one evening
- ◆ Choose the one which best satisfies all of the above and any other prerequisites you may have

### CONSUMER AFFAIRS COMMISSION Performance Summary 2013/14

- Refunds and compensation totalling **\$30.5 Million** secured on behalf of aggrieved consumers.
- **1,499** Consumer Complaints handled with **1,229** settled (**82%** average resolution rate).
- **119,853** consumers directly educated via **433** activities.
- Advice given to **937** consumers who sought advice prior to engaging in business transactions.
- **36** Surveys/Market Surveillance activities conducted.

**Consumer Matters**  
**ISSUE 001 JUNE 2014**

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