

Monday, November 20, 2006

CONSUMER AFFAIRS KICKS OFF THE 2006 HOLIDAY SEASON BY DISTRIBUTING "GIFT CARDS" BEARING SMART SHOPPING TIPS

DCA Helps Ensure Consumers Shop Wisely and Know Their Rights

New York City Department of Consumer Affairs (DCA) Commissioner Jonathan Mintz today kicked off the holiday season by distributing pocket-size ["gift cards"](#) bearing shopping tips at the NYC & Company Official Visitor Information Center in Manhattan. The DCA wants consumers to shop smart and know their rights about gift cards, online shopping, refund policies, electronics purchases, and more. With these tip cards tucked into their wallets, consumers can make the most of their holiday shopping with the comfort of having important information at their fingertips.

"This season, the Department of Consumer Affairs is giving New Yorkers and visitors their own gift cards – with smart shopping tips," said DCA Commissioner Jonathan Mintz. "Stick this handy tip card in your wallet and you'll have what you need to know right at your fingertips – before, during, and even after the holidays."

Commissioner Mintz was joined by Patrick Condren, the Vice Chair of the New York City BID Managers Association. "The BIDs appreciate the Department of Consumer Affairs' focus on helping businesses know how to do right by their customers," said Patrick Condren, Vice Chair of the New York City BID Managers Association. "We are pleased to be part of DCA's campaign to distribute these informative tips throughout New York City."

In addition, the DCA has produced a [flyer](#) for businesses to distribute tips to their customers. The DCA is working with the City's Business Improvement Districts (BIDs) to distribute information. Materials are also available at the DCA Licensing Center, located at 42 Broadway in Manhattan, which serves more than 100,000 visitors yearly. A full list of holiday shopping tips and helpful information for visitors and residents is available on the DCA Web site www.nyc.gov/consumers. To request a DCA holiday shopping "gift card," click [here](#) or call 311 (212-NEW-YORK outside NYC). To file a complaint, call 311 or visit the DCA online.

GIFT CARDS

More than 56% of consumers plan to purchase gift cards this holiday season, according to the National Retail Federation. Gift cards have grown in popularity, partly due to the ease of purchase. New York laws protect consumers from hidden fees and unclear terms and conditions on gift cards.

- **Posting requirements.** If a store imposes any limitations, fees, expiration dates, etc. on gift cards, retailers must, by law, post a visible sign that says "Terms and Conditions Are Applied to Gift Certificates/Cards." In addition, the specific terms and conditions must be printed on the gift card. If the gift card or certificate includes a toll-free number, the retailer can instead print the terms and conditions on the packaging envelope or on an accompanying

printed document instead of on the gift card itself.

- **Illegal fees.** Retailers are prohibited from charging any retroactive fees for gift certificates/cards, or charging monthly fees on cards that are used within one year of their purchase.

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RETURNS / RECEIPTS

- **Know the refund or exchange policy.** Merchants can establish their own refund or exchange policy, so long as it is prominently displayed. If there is no policy posted, the retailer must give the consumer 20 days to get a refund in the manner in which the purchase was paid. Many merchants extend their refund periods to facilitate holiday returns.
- **All limitations and conditions to a retailer's return policy must be posted clearly and conspicuously.** Merchants that track returns to protect against abuse of their return policy must clearly post any reason why they would not accept a return.
- **Always get a receipt and save it.** Under New York City's Consumer Protection Law, you are entitled to a receipt for purchases over \$20. Upon request, you are also entitled to a receipt for purchases between \$5 and \$19.99. All receipts must include the total amount paid, date, business name and address, the make and model of the items you bought, and, if applicable, the business's DCA license number.
- **Ask for a gift receipt.** Some stores will issue gift receipts for purchases, allowing the person who receives the gift to make an exchange. The price is not listed on gift receipts, but the original sale is maintained in the store's computer.

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SHOPPING ONLINE

- **Shop with companies you know.** Be wary of companies that don't offer a phone number where you can get more information.
- **Learn a company's online privacy policy.** Many companies post their privacy policy on their site. It should disclose the information being collected on the site and how that information is being used – including account numbers and other personal information. If you can't find a policy, send an e-mail or written message to the site to ask about its policy and request that it be posted on the site.
- **Never give out your social security number, mother's maiden name, or former address online.** Avoid doing business with online retailers that insist upon any potentially compromising personal information.
- **Delivery and purchase protection.** By law, a company must ship your Internet purchase within the time stated or within 30 days if no time is specified. For consumers using their credit cards to make purchases, the Fair Credit Billing Act offers additional protection. The Act makes it easier to

challenge billing errors and dispute charges for unsatisfactory goods or services. If you feel uncomfortable giving out your credit card information over the Internet, browse online to choose what you want to purchase, and then order it over the phone.

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DECEPTIVE ADVERTISING/PROMOTIONS

- **Don't get tricked by bogus ads and sales offers.** Classic bait and switch and sale offers that promise "Big Savings!" that sound too good to be true – probably are. By law, advertisements or promotions that boast big savings must deliver by having the items available at the store. Special sales including "Going out of Business" or "Liquidation" sales are licensed by the DCA to ensure they're legitimate – so look for the posted license.

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PHOTOCOPYING CONSUMER IDENTIFICATION

- **Be wary of retailers that require a photocopy of your personal identification.** By law, if a retailer requires a copy of a consumer's personal identification, this demand must be clearly stated in the retailer's credit card policy and displayed clearly. While it is not illegal to photocopy identification, doing so can increase the risk of identity theft. DCA strongly advises consumers not to allow retailers to photocopy personal information from their driver's license while shopping, regardless of the type of purchase.

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BUYING ELECTRONICS

Stores selling or repairing electronics in NYC – computers, video/photo/audio equipment, cell phones, and more – must be licensed by the DCA.

- **Know the warranty.** If you are sold a defective product, you may be able to get a replacement or refund without having to buy expensive additional warranties. Credit card companies may already offer additional warranty protection. Also be aware that warranties for gray market goods especially – merchandise manufactured for sale outside the United States – are often worthless locally.
- **Avoid bait and switch.** If a store offers a special deal, they must supply what they advertise, at the advertised price. If the product isn't there or is "out of stock," beware.
- **Watch out for used items sold as new.** An item may look new, but it could be used or rebuilt. Any product that has been used must be marked "used," "floor model," "rebuilt" or "refurbished."

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BUYING JEWELRY

- **Requirements for jewelry items that cost over \$75.** Retailers that sell jewelry (i.e., rare gems, precious stones, and semi-precious stones) for more than \$75 must give purchasers a written sales slip that includes: price, carat/weight of diamond (if applicable), and a description of item with all materials, including whether it is imitation or synthetic.
- **Always verify quality of expensive jewelry by an independent, reputable appraiser.** Retailers and appraisers are prohibited by law from misleading consumers about any jewelry characteristics including size, grade, quality, substance, origin, prior ownership, price, value, etc.
- **Jewelers selling estate items must be licensed as secondhand dealers by the DCA.**