

**ATTENTION HOLIDAY SHOPPERS!  
KNOW YOUR RIGHTS & PROTECT YOURSELF  
FROM ILLEGAL GIFT CARD FEES, ONLINE TRAPS, AND MORE**

FOR IMMEDIATE RELEASE  
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The New York City Department of Consumer Affairs (DCA) wants to remind New Yorkers looking to beat the holiday rush to be careful when purchasing gift certificates or gift cards, shopping online, and more.

To protect consumers and help make informed choices, the DCA offers the following tips along the sometimes bumpy road to holiday gift shopping. The DCA urges New Yorkers to file complaints by calling 311, the City's 24-hour hotline, or online at [www.nyc.gov/consumers](http://www.nyc.gov/consumers).

To file a complaint, check if a business is licensed, or request a free copy of What You Need to Know About Employment Agencies, call 311 or visit the DCA online at [www.nyc.gov/consumers](http://www.nyc.gov/consumers)

**GIFT CERTIFICATES / GIFT CARDS**

Last year consumers nationwide purchased an estimated \$45 billion worth of gift certificates and gift cards. That number is sure to increase this year due to its growing popularity and ease of purchase. New York laws protect consumers from the pitfalls of hidden fees and unclear terms and conditions.

- Posting requirements. By law, retailers - including online - must disclose all terms and conditions (i.e. limitations, fees, expiration dates, etc.) for gift certificates or gift cards with conspicuously posted signs. Retailers have the option to list terms and conditions on the gift certificate/card envelope or a separate piece of paper, but only if there is also a toll-free number on the gift certificate or card.
- Illegal fees. Retailers are prohibited from charging any retroactive fees for gift certificates/cards, and any monthly fees on cards that are used within one year.

**RECEIPTS / RETURNS**

- 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 can also get a receipt for purchases between \$5 and \$20. All receipts must include the total amount paid, date, business name and address, the make and model of the item you bought, and license number if applicable. Saving receipts is only way to guarantee an exchange or return can be made for the full price.
- 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.
- Know the Refund or Exchange Policy. Merchants can establish their own policies, so long as it is prominently displayed. If no policy is posted, the retailer must give the consumer 20 days to get a refund in the manner in which the purchase was paid. Some merchants extend their refund periods to facilitate holiday returns.

## **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 email 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.
- 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, shop online to choose what you want, and then order it over the phone.

## **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.

## **POSTING CREDIT CARD LIMITATIONS**

- By law retailers must post any credit card limitations, including purchase minimums.

## **BUYING ELECTRONICS**

Stores selling 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 if the warranty says so. Always think before buying expensive additional warranties. Warranties for gray market goods especially - merchandise manufactured for sale outside the United States - are often worthless.
- Avoid bait and switch. If a store offers a special deal, they must supply what they advertise, at the advertised price.
- 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."

- Look for the Manufacturer's Suggested Retail Price (MSRP). Electronics stores must inform customers if they are charging more than the price suggested by the manufacturer of the item. You can check the MSRP for most items ahead of time by calling the manufacturer's toll-free number. If you shop around you should find prices at or below the MSRP.

### **BUYING JEWELRY**

- Requirements for jewelry items that cost \$75 or more. Retailers that sell jewelry (i.e. rare gems, precious stones, and semi-precious stones) for more than \$75 must give consumers a written sales slip that includes: price, weight of diamond (if applicable), and a description of item with all materials including whether it is imitation or synthetic.
- Laws protecting against deceptive practices. 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 second-hand dealers by the DCA.