



CONSUMER AFFAIRS COMMISSION

An agency of the Ministry of Industry, Commerce, Agriculture and Fisheries
"Protecting Your Rights, Securing Our Future"

Consumer Matters

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CAC nets over \$2.1 million on behalf of aggrieved consumers



In the first quarter of the 2016/17 Financial Year, the Consumer Affairs Commission secured **\$2,118,465.91 in refunds and compensation** on behalf of aggrieved consumers. This is due to the Commission's continued intervention in the marketplace which resulted in the handling of 417 complaints of which 262 were resolved representing a 61.1% resolution rate.

The Commission also responded to **146** requests for advice from both consumers and providers.

The top three (3) complaint categories were **Electrical Equipment and Appliances** which contributed **33.47%** of all complaints filed; **Utilities** – **11.86%**; and **Motor Vehicles &**

Parts – **11.02%**. However, as it relates to refund/compensation, Motor Vehicles & Parts reflected **27.95%**; Electrical Equipment & Appliances returned **21.50%**; and Other Services totalled **13.52%**.

Thinking of using your free credit report to conduct a financial transaction, think again...

The Consumer Affairs Commission sought to ascertain whether the free credit report that every Jamaican over 18 is entitled to each calendar year, could be used to conduct a financial transaction. In this quest, the Commission spoke with CRIF-NM Credit Assure Limited, one of two licensed credit bureaus in Jamaica.

According to CRIF-NM Credit Assure Limited, **"there is no law that forbids a consumer from using their free credit report from the credit bureau to conduct business with a financial entity. However, due to the fact that the Credit Information Providers (CIP) can pull their own credit reports, they might not accept the free copy from the client. (This is in a bid) to ensure the authenticity and integrity of the information"**.



So what is a credit report and what is it used for?

According to the Bank of Jamaica a credit report represents a comprehensive credit profile of a borrower. This includes, for example, personal information (e.g. borrower's name, ID number, date of birth etc.) and a credit

Cont'd on page 2

This Issue

Page

- CAC nets over \$2.1-M on behalf of aggrieved consumers 1
- Thinking of using your free credit report to conduct a financial transaction? 1
- Voluntary Code of practice 2
- Flash survey of textbooks 3
- Who ensures food safety in Jamaica? 4
- Purchasing an item "as is where is" 4
- International mobile banking standard develop: ISO 12812 5
- What is misleading or deceptive conduct? 5
- What are credit card ad-ons? 6
- World Consumer Rights Day 2017 7
- Back to school tips 8
- CAC Scorecard 8

Voluntary code of practice on safeguarding the open internet signed

Telecommunication providers Cable and Wireless and Digicel have signed a Voluntary Code of Practice on Safeguarding the Open Internet. The code was signed at the 32nd annual conference and trade exhibition (CANTO) held in Puerto Rico between July 31 and August 5, 2016. More specifically, the Code is applied to all countries where Cable and Wireless operates in the region; while for Digicel the Code will apply to St Kitts & Nevis, St Lucia, the British Virgin Islands, Antigua and Barbuda and Grenada.

The objective of the Code is to give customers confidence that the services they buy will be transparently sold and allow them to have an on-line experience that reflects their individual needs with access being possible to their choice of legal content. According to CANTO, the regional trade association for telecommunications providers, it will administer the Code and those Operators who become Signatories will be registered by CANTO.



John Reid Interim CEO of C&W Communications flanked by CEOs and Country Managers signs Code of Practice

Within this context, **CANTO and its members support the concept of the open internet and the general principle that legal content, applications and services, should not be blocked.**

To give effect to this position Signatories to this Code commit that:

1. within the terms, bandwidth limits and quality of service of their individual service plan, customers should have access to their choice of legal Internet content, services and applications;
2. any restrictions on use attached to a particular service plan are effectively communicated to customers;
3. save for objective and transparent reasons, traffic management will not selectively target the content or application(s) of specific providers within a class of content, service or application;
4. they will make available a range of service plans that provide customers with viable choices for accessing legal content, applications and services.

To read the full details of the Voluntary Code of Practice on Safeguarding the Open Internet, visit the CANTO website:

<http://canto.org/2016/05/27/canto-launches-code-of-practice-on-safeguarding-the-internet>

Thinking of using your free credit report to conduct a financial transaction...

Cont'd from page 1...

summary (e.g. credit accounts whether current/past due, a record of recent credit enquiries made about the borrower as well as a track record of utility bills payment).

However from a financial perspective, the Jamaica Bankers Association notes that among the benefits of the credit report are:

1. Controlled risk: reduction in loan losses and risk-based pricing;
2. Administrative savings: single source of information and of a standardised decision format;
3. Improved customer satisfaction: speed of credit approvals and greater number of approvals; and,
4. Increased Revenue and profit to credit providers.

Flash survey of textbook prices

The Consumer Affairs Commission (CAC) conducted a flash survey of the textbook industry between June 20 and 29, 2016 in nine parishes across Jamaica. The objective of the survey was to present consumers with researched evidence related to textbooks as a vital back to school item. In addition, the data would inform consumers, allowing for an economic advantage in respect of the purchase of books.

One hundred and eleven books were selected for observation from major franchise bookstores such as Sangster's Bookstore and Kingston Bookshop, as well as smaller/independent retailers. Of the books selected, 13 were infant school texts; 27 primary school texts; and 71 high school texts.

On average for the island, infant school books cost J\$1,073.94, primary school books J\$1,366.48, high school literature books cost J\$1,982.77 and CSEC/CAPE books cost J\$3,434.78.

Traditionally, textbook prices have had a close correlation with exchange rate fluctuations. The CAC survey to be conducted in July/August will again present price and availability observations and will compare these to the previous' years observations. The public will be informed about the price of texts, where they are available and also how these statistics compare to those from previous years.

Table showing price and availability observations by category of books and region

	Infant School Books			Primary School Books			High School Lit Books			CSEC/CAPE Books		
	KSAC	Other	Island	KSAC	Other	Island	KSAC	Other	Island	KSAC	Other	Island
Average number of stores with available stock	9	11	20	10	12	21	9	9	18	6	6	11
Average Price of Books in Category (\$)	1086.91	1063.53	1073.94	1384.57	1351.24	1366.48	2017.07	1951.75	1982.77	3320.42	3383.45	3434.78
Average Variation in Price of Books in Category (%)	2%	5%	4%	3%	6%	5%	6%	11%	10%	4%	14%	11%
Price of Most Expensive book (\$)	1320.00	1320.00	1320.00	2385.00	2650.00	2650.00	2770.00	2970.00	2970.00	9250.00	9250.00	9250.00
Price of Cheapest Book (\$)	735.00	650.00	650.00	1100.00	980.00	980.00	813.00	340.00	340.00	1150.00	800.00	800.00

For additional information on the Preliminary School Textbook Survey, visit the Consumer Affairs Commission website www.cac.gov.jm for the full report.

Who ensures food safety in Jamaica?

According to the National Food Safety Policy 2013, food safety is an issue of growing importance. This is due to several worldwide trends that contribute to increasing safety risks in food systems such as, the growing movement of people across borders; increased movement of agricultural and food products across borders; rapid urbanisation; changes in food processing and handling practices; and the re-emergence/emergence of diseases, pathogens, toxins and other issues. Emphasis is now being placed on the ability of all stakeholders in the food chain to be able to demonstrate adequate traceability of all food sources. Issues relating to food safety will therefore impact agricultural production, agro-processing, food service industry, trade and commerce, public health and overall economic development.

Today's global food market has placed the onus on Governments to undertake the regulatory responsibility of ensuring that the food being traded within or outside their borders is safe for consumption. In Jamaica, there is no single Ministry or Agency responsible for coordinating Jamaica's food safety programme. The responsibility for the food safety programme is shared by two main Ministries (Industry, Commerce, Agriculture & Fisheries and Health) and their respective departments/divisions and agencies.

The current food safety programme and activities are governed by over 20 Acts and Regulations. These Acts and their attendant regulations are administered by the Ministries of Industry, Commerce, Agriculture and Fisheries; Health; and Local Government and Community Development.

Further, the National Food Safety Council was established and charged with the responsibility and legal authority to coordinate food safety efforts aimed at safeguarding human, animal and plant health. This would be increased through the production of safe foods for both domestic and international trade and the implementation of policies which would ensure Jamaica's compliance with international trade agreements and standards.



Purchasing an item “as is, where is...”

What are your rights and responsibilities in these transactions?

What does it mean to purchase an item as is, where is? The term “as is, where is” gives notice to consumers that they are taking a risk on the quality of the goods that they buy.

It is commonly believed that if any defects are discovered after purchase in an “as is, where is sale” the buyer has no legal remedy against the vendor. This, however, is not the case as full disclosure is required. If:

- 1) The vendor knows the purpose for which the consumer will use goods;
- 2) The consumer relies on the skill and judgment of the vendor in making the purchase; and
- 3) The vendor normally sells these types of goods or products.

If these apply, the Consumer Protection Act grants protection to consumers; the “as is, where is” term is invalid and the goods must be fit to be sold.

International mobile banking standard developed: ISO 12812

It was not so long ago that a mobile phone was mainly used to make phone calls. These days, it is used for everything from navigating our way through the streets to paying our bills and managing our bank accounts. Mobile payments and banking are one of the fastest-growing areas of mobile use, but in order for the functions to work across the many platforms involved, harmonised processes and transparency are key. A new series of international standards have been developed and agreed on by the International Standards Organisation (ISO) working group which drafted international standard 12812 Core banking – mobile financial services.

Consumers International (CI), the global umbrella group for consumer organisations worldwide, played an integral role in the process especially as it related to better industry practices to be adopted. Among the areas addressed were limits on how much consumers would be liable for unauthorised or fraudulent use of their payment systems. More transparency in remittances sent between countries and safeguards on logging transactions and receipts, with electronic logs being kept available.

One specific issue that had not been considered until CI's intervention was the treatment of dormant assets, in particular in the event of the death of an account holder, a major issue where consumers do not have an individualised mobile phone contract.



The standards and technical specifications in the series include:

- ISO 12812-1, *Core banking – Mobile financial services – Part 1: General framework*
- ISO/TS 12812-2, *Core banking – Mobile financial services – Part 2: Security and data protection for mobile financial services*
- ISO/TS 12812-3, *Core banking – Mobile financial services – Part 3: Financial application lifecycle management*
- ISO/TS 12812-4, *Core banking – Mobile financial services – Part 4: Mobile payments-to-person*
- ISO/TS 12812-5, *Core banking – Mobile financial services – Part 5: Mobile payments to business*

The standard will be reviewed periodically.

The draft versions of the ISO 12812 suite of standards are available for purchase from the Bureau of Standards Jamaica - the national ISO member, while the final versions will be published later this year.

What is misleading or deceptive conduct?

Misleading or deceptive conduct is when a vendor's actions or statements are false. This is, for example, a statement made in an advertisement to promote a product that is untrue. It is illegal for vendors to make false statements when advertising or promoting their goods or services.

What are credit card “add-on products”?



When you call to activate a new credit card or interact with credit card companies in other ways, like through customer service inquiries, you may be routed to representatives who try to sell you things like “credit protection” or “adding an authorised user” to your account. These services, or “add-on products,” are additional, optional services. These products will cost you money, generally through a monthly or annual subscription fee. They may be sold by the bank itself or through a third-party vendor authorised by the bank. In some cases, the sales tactics may be high-pressure and confusing. In addition, the benefits you receive from the product may not match the benefits that you thought you were offered.

You do not have to buy these or other extra products or services from the credit card company to activate your credit card.

It is a good idea to wait to purchase any add-on product until you review the terms, costs and benefits in writing. When requesting written information, be clear that you do not want to sign up for anything until you have the written information and decide that you want to try the product. It is also a good idea to avoid “trial periods” until you have read the terms of the trial period in writing. The terms of some trial periods allow the company to begin automatically charging you for the product at the end of the trial period, unless you call or write to the company.

**Historical snapshot—late
1950s...**

*Did you know that bread
used to be delivered by the
“bread van”?*



Photograph courtesy of Historic Jamaica: Will Robson

**Look out for the results of the
Consumer Affairs Commission’s
Annual School Textbook Survey in August 2016.
The full details will be published on the website at
www.cac.gov.jm**



World Consumer Rights Day 2017:

Consumer rights in the digital age

Consumers International, the world federation of consumer rights groups that serves as the independent and authoritative global voice for consumers, has announced that the **theme for World Consumer Rights Day 2017** will be **'Consumer Rights in the Digital Age'**. CI will be working with its 240 member organisations in 120 countries to develop campaign and advocacy ideas that will form the basis for World Consumer Rights Day 2017 activities.

Rapid change

Well over 3 billion, or 40% of the world's population is now online, compared with just 1% in 1995, with all projections suggesting this number will continue to rise.

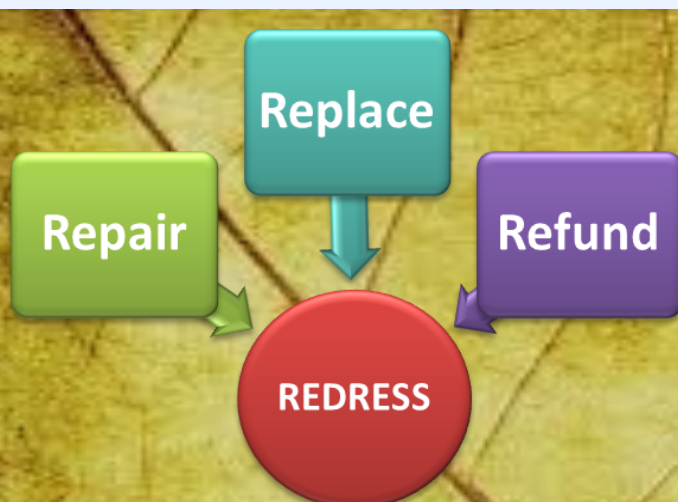
Although this still leaves many consumers struggling to access these technologies, the rapid growth of the internet, mobile phones and other digital technologies has created opportunities and challenges for millions of consumers around the world.

Whilst consumers undoubtedly benefit from the increased access, choice and convenience that these technologies deliver, questions remain about how to improve the quality of services, which online services consumers can trust, what happens to the data they share online and what consumers' rights are in relation to digital products.

The sheer pace of change is also a challenge. Whereas the telephone took 75 years to reach an audience of 50 million, Facebook took one year, and Instagram took just 6 months. A 2015 poll of CI Members suggested that in many countries regulation was failing to respond fast enough.

Consumer summit

As part of the activities for WCRD 2017, CI will be co-hosting a consumer summit that will be part of the official G20 agenda. The event will be co-hosted with German member VZBV (***the Federation of German Consumer Organisations - vzbv - is a non-governmental organisation acting as an umbrella for 41 German consumer associations***) as part of Germany's presidency of the G20, and will be a major contribution to CI's WCRD activities next year.



Your rights under the Consumer Protection Act are against the retailer – the vendor/provider that sold you the product or service – not the manufacturer, so the complaint must be against retailer.

The Consumer Protection Act states that redress is a three step process. If goods or services are purchased and prove unsatisfactory, the opportunity must be given to the vendor to first repair it. If that does not resolve the issue, then it should be replaced. If the goods or services are still unsatisfactory, then a refund must be given.

Back to school tips...



- ➔ Parents/Guardians, teach children their full names, i.e., the parents' names and the child's own name. Make a special effort not to use pet names, as this may confuse your child.
- ➔ Teach children the name of their street and full address.
- ➔ Teach them the route to and from school.
- ➔ Have a specific person or persons who pick up your child. Someone you both know and trust. Introduce these persons to your child's teacher. If someone else other than these persons is to pick your child, inform the child and his or her teacher.
- ➔ Write emergency information in the child's bag and in certain books, including your contact numbers, address and any other important details, for example, the child's allergies or special illness.
- ➔ Develop a good relationship with the child's teacher, and discuss these details with him or her, so that they will know exactly what you want them to do in case of an emergency.
- ➔ Teach your child safety tips such safe routes, the road code, i.e., how to cross the street using the pedestrian crossing, not running across the road, walking and facing oncoming traffic, not playing in the road, etc.
- ➔ Teach your child whom they can trust to ask for assistance. Help them to develop a healthy perspective of and a good relationship with the Police.



Immunisation, and your child...

In the upcoming school year, parents need to recognise the importance of immunisation and how it can protect children against diseases like Tetanus, Tuberculosis, Diphtheria, Whooping Cough, Measles, Poliomyelitis, Rubella and Mumps.

The CAC urges parents to inform themselves about immunisation, by asking questions, such as what will the vaccine do, what are the side effects if any, how might your child be affected. Parents need to know that while the benefits of vaccine outweigh the risks, for some children, there is still some level of risks that you still need to discuss with your child's doctor. Find out how vaccines work, what are the risks and choices.

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