



An agency of the Ministry of Industry, Investment and Commerce

"Protecting Your Rights, Securing Our Future"

Consumer Matters

ISSUE 003 JUNE 2015

CAC secures \$11.47 million in refunds and compensation

The Consumer Affairs Commission (CAC) has secured **\$11.47 million** in refunds and compensation on behalf of aggrieved consumers during the first quarter of the 2015/2016 Financial Year.

During the quarter, the Commission handled **508** complaints, of which **227** were resolved and is in keeping with the general trend of the first quarter of each Financial Year. In addition, the Commission also responded to **168** requests for advice.

The top three complaints categories during the quarter were **Electrical Equipment and Appliances 29.59%**; **Utilities 16.67.5%** and **Other Services 11.56%**. However, the categories that garnered the most refunds and compensation were Motor Vehicles and Parts **\$8.2 million**; Utilities **\$1.3 million**; and, Other Services (including finance, laundry, hair, medical, education) **\$727,445.67**.

The remaining complaints categories comprised Computers; Hardware and Household Fixtures; Cable Services; Clothing, Food, Pharmaceuticals, Chemicals & Miscellaneous; Furniture; and Other.

The Motor Vehicle and Parts category was the largest contributor to the refunds and compensations obtained by the Commission on behalf of consumers. Consumers are therefore advised to do their due diligence prior to purchasing high value products. This includes shopping around to ascertain prices, reviewing the terms and conditions of the contract before making a purchase; and importantly, securing the services of a certified or experienced mechanic to examine vehicles and check for defects, or any other issues that may arise, before purchasing.

Further, consumers are encouraged to act quickly when they have an issue with a purchase of a good or service by reporting it immediately to the vendor. In so doing, problems or delays will be minimised in instances where requests are made for exchanges or refunds.



Did you know that YOU have a right to a SIX MONTH WARRANTY IN THE ABSENCE of ONE offered by the vendor upon purchase of all items?

This is so, under the LAW: Section 21 (6) of the Consumer Protection Act provides the consumer with an automatic six months on parts and labour.

This Issue

- **CAC secures \$11.47 million in refunds and compensation** 1
- **Be cautious of Same Day Loan offers to fund back-to-school expenses** 2
- **Jamaica Food Based Dietary Guidelines** 2
- **Independent Consumer Protection Tribunal holds first hearing** 3
- **Food Safety "Need to Know"** 3
- **Consumers: The Internet of Things and Big Data** 4
- **Children and Summer 2015 for consumers** 5
- **Stay cool this Summer** 6



Be cautious of same day loan offers to fund back to school expenses

All same day or pay day loan companies are not the same. Many are well established, operate above board and serve a segment of the Jamaican market that needs the facility they offer. More importantly however, this segment can pay back these entities without incurring extremely high interest rates.

Conversely, there are others which make enticing offers like same day or 24 hours loan approval without any collateral; flexible repayment options with a shorter repayment period; and less qualification requirements. These entities charge non-refundable processing fees to obtain the loan, but will never approve the loan as its seems the objective is to obtain the processing fee which will be utilised as part of the capital for the business.

The CAC is therefore advising parents and the public at large to be very cautious, as these same day loan entities when they provide loans, do so at high interest rates. Further, they are not regulated and if a dispute should arise, resolution may be difficult to obtain.

The CAC is recommending that if parents or students are having difficulties meeting payments for school fees or books, that they should approach the Students' Loan Bureau or other reputable institutions like credit unions and thrift societies for short-term loans to fund the cost of school expenses.

Jamaica food based dietary guidelines

In April 2015, Jamaica via the Ministry of Health launched its National Food Based Dietary Guidelines, with the aim of improving nutritional well-being, promoting health and the prevention of chronic diseases. In keeping with the Commission's Healthy Diets thrust, parents are being encouraged to ensure that their children eat a balanced diet at all times.

The Food Based Dietary Guidelines for Jamaica is a pictorial representation with a set of nutrition and health related recommendations intended to be used as a tool for nutrition education and behaviour change by health providers, teachers, media, students, researchers and others working directly with the public. The eight recommendations encourage healthy eating habits and physical activity. **See image to the right.**



Independent Consumer Protection Tribunal holds first hearing



The Consumer Protection Tribunal (CPT) held its first sitting on May 21, 2015 and had three hearings in June 2015. The CPT, chaired by former Director of Public Prosecution, Mr. Kent Pantry, will make judgements in cases brought by consumers about inferior products that were purchased on the Jamaican market.

The CPT is a quasi-judicial body, provided for under the Consumer Protection Act Amendment (2012), has the power to hear and determine matters in breach of the Consumer Protection Act, which were not settled through the routine mediation process. Unresolved matters may be referred to the Tribunal by either party to the dispute.

In determining whether certain practices are in breach of the provisions of the Consumer Protection Act (CPA), the Tribunal has been empowered to call and examine witnesses, call for and examine documents, and require that documents submitted to the Commission be verified by affidavit.

It is envisioned that the CPT will result in speedier resolution of cases at a lower cost, than utilising the Court facilities. Further, like the Resident Magistrate Court, the judgements will be binding.

Legal rules of administrative justice require that hearings should be placed before an independent and impartial arbiter. In addition, the authority of the arbiter should be separate from the administrative agency created to investigate, supervise and regulate that particular area of governmental concern. In keeping with this fundamental principle, the adjudicative functions of the Consumer Protection Tribunal are separate and distinct from the investigative and administrative arms of the Consumer Affairs Commission.

Food safety “Need to know”

An emergency food recall is to ensure that unsafe or unsuitable food/s is contained and either destroyed or made safe.

There is a distinction between a **food safety recall** and a **food safety withdrawal**.

A recall involves the removal of unsafe food from the distribution chain and extends to food sold to consumers and therefore involves communication with consumers.

A withdrawal however, does not affect the consumer, as unsafe food is removed from the distribution chain before it reaches the consumer.

If you are ever in doubt as to what to do after being alerted to unsafe food being present in the Jamaican market, immediately contact the Commission.

Do you know where TO find the lowest PETROL prices?
It's as easy as 1-2-3!

Go to www.cac.gov.jm

CLICK on the Consumers PET or Price Enquiry Tool.
Input the survey date, type of product and parish and
CLICK Add and you will get a list of results from which to
choose.

Price information at your fingertips. Share what you know.

Did you know?

Getting a lot of unwanted SMS messages? Did you know that you can opt out of receiving these messages from your Service Provider? Call them and make the request now! Remember, you will have to call again in another thirty days to make the same request.

Consumers: The Internet of Things and Big Data

Through every day actions, consumers, willingly and unwillingly, share personal data. This data is stored and retrieved and used for a variety of reasons. Soon the culmination of data, that is, Big Data, will mean that personal information will be widely shared and used. Consumers have a responsibility to be aware of the information they share, and if used, in an appropriate manner. All consumers have a stake in Big Data and it is critical that the rights of consumers are protected at all times.

More and more individuals are becoming more connected through the ordinary things they use on a daily basis, that is, the **Internet of Things** or the connectivity of the technological or electrical items. Connectivity or 'being connected' facilitates the transfer and storage of information at an alarming rate and volume. Information is captured from:

Health: Registration and use of hospital clinics; treatment of diseases, medication, frequencies, etc.	Technology: Smart phones, computers, laptops, etc., televisions, automobiles, security systems (anything using technology)
Financial: Banking, credit/debit cards (purchases), loans, investments, etc.	Lifestyle: Shopping/purchases, subscriptions, survey/polls, entertainment, social media, etc.

All information captured or recorded is uploaded into a database somewhere or stored manually for later upload. Databases are not all connected and not all information is or will be used. Big Data applications will change this scenario and allow for greater connectivity and therefore add more 'relevance' to stored data, which in turn will increase demand. (Data is the lifeblood of businesses that use supply and demand to determine strategy.)

As this information is captured and used, consumers should be concerned about Big Data and the following:

- The information willingly or unwillingly shared;
- Where and how the information is stored and who has access;
- The use of the information;
- The effects from use, that is, good, harm, legal, illegal;
- Individual permissions to capture, store and influence use; and,
- Having a say and questioning the infringement of rights, like privacy.

Children and Summer 2015

For children, summer is usually associated with long, lazy days, road trips, barbeques and lots of fun or boredom. For parents however, it simply means no school and making alternative arrangements.

Parents, do not despair! There are many activities this summer that will interest children. Among them, swimming, dancing, gymnastics, karate, cooking, sports, drama, teaching camps, flying, information technology (computer/robotics, animation), art and craft, among others. The good news is that there are options that also provide for a combination of several of the activities at affordable fees.

As a parent, one has to be mindful of the costs and timeframe of these camps. Most will begin the first full week of July and end the last week of July. A few will continue to the second or third week of August and this is usually dependent on demand. Some will start at 8:30 am and end at 4:30 pm. For most working parents, this will be the ideal choice. There are others that will end at 1:00 pm, so parents will have to consider aftercare and additional costs.

Residential camps are also another option where children are housed at a site mostly operated by a church or school for up to seven weeks. However, these are more suited for older children. If you have not yet decided what your child will be doing this summer, consider doing some research and discuss with your children what they find most appealing as well as what satisfies your concerns as a parent. In making the final decision, apart from safety and security, ask questions like:

What is the camp's objective?

What is the camp director's background?

Will he/she be on site for the duration?

What training do counsellors receive?

What is the counsellor-to-camper ratio?

What are the sleeping arrangements?

What are the ages of the counsellors?

What are desired qualities in camp staff?

Are parents allowed to visit?

What percentage of the counsellors returned from last year?

How are behavioural and disciplinary problems handled?





Staying cool this summer

The summer months of June through to August are unbearably hot and according to the weather predictions, it will not be getting much cooler any time soon. In the interim, here are a few tips to keep cool while we all weather the heat.

Limit exposure to the outdoors.

Drink plenty of cool water. During summer, you sweat more, and can become dehydrated. It is important to replenish the water in your body, so drink lots of water, and keep a bottle with you always. Choose water over sweet drinks during meals.

Turn off unnecessary electrical items like lights, TV, radio, etc. During the day, keep off the majority of your lights, since they produce energy and heat!

Shower or bathe frequently to stay refreshed. Take note of water restrictions.

Wear loose-fitting clothing, preferably of a light colour. Cotton clothing will keep you cooler than many synthetics.

Keep a large cooler with ice, water bottles and slightly sweetened lemonade. This will keep your energy bill down, while allowing the children free access to cool down.

Being active in the heat

If you are active in the heat, below are a few tips to help you cope. However, before trying them, consult your physician.

If an exercise enthusiast, alter your pattern of outdoor exercise to take advantage of cooler times (early morning or late evening). If you can't change the time of your workout, scale it down by doing fewer minutes, walking instead or running, or decreasing your level of exertion.

Keep plastic bottles of water in the freezer; grab one when you're ready to go outside. As the ice melts, you'll have a supply of cold water with you.

Fill a spray bottle with water. Keep it in the refrigerator for a quick refreshing spray to your face after being outdoors.

Look for inside activities to do. If you don't have air-conditioning, arrange to spend at least parts of the day in a public space that provides air-conditioning like a shopping mall, cinema or other public space that is cool. Alternatively, use a portable fan set at the desired setting to keep you at your own comfort zone, too.

Find a friend, and go for a swim or have a water fight.

Use common sense. Check the temperature. If the heat is intolerable, stay indoors. Avoid activities in direct sunlight or on hot asphalt surfaces. Pay special attention to the elderly, infants, and anyone with a chronic illness, as they may dehydrate more easily and are therefore more susceptible to heat-related emergencies.

CONSUMER AFFAIRS COMMISSION

Head Office

34 Trafalgar Road, Kingston 10
Tel: 1.876.906.5425 | 906.8568 | 906.0813 Toll Free: 1.888.991.4470

Montego Bay Branch

30 Market Street, Montego Bay, St. James
Tel: 1.876.940.6154 | Toll Free: 1.888.991.4470 Fax: 1.876.979.1036

Mandeville Branch

RADA Office
23 Caledonia Road, Mandeville
Tel: 1.876.625.0487 | Toll Free: 1.888.991.4470 |

"Protecting your Rights, Securing our Future"

Consumer Matters
ISSUE 003 JUNE 2015