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## **RETURNING XMAS GIFTS – KNOW YOUR RIGHTS**

As the hype of Christmas spending dies down and people contemplate returning unwanted gifts from family and friends over the festive season, Acting Minister for Consumer Affairs, Paul Caica, said consumers should be aware of their entitlements in regard to obtaining refunds.

“Fair trading laws do provide a high level of protection for consumers, but can’t always help those who make decisions, which they end up regretting,” Mr Caica said.

People should know they are **not** legally entitled to a refund if they simply change their mind, find the same item cheaper elsewhere, don’t like the gift that was bought for them, or the item is the wrong size or colour. However, should the store have a more generous refund or exchange policy, a refund or credit note for the goods may be available.

“Shoppers may be disappointed if their request for a refund is refused, but need to understand that they are only entitled to get their money back if the goods are faulty, do not match the description or are not fit for purpose, irrespective of the price paid.”

Consumer Affairs has received a number of calls in recent days from people who:

- Have tried to return goods that don't fit, are disliked or are simply not wanted.
- Have attempted to return presents that have been given to them and don't have a receipt or any other proof of purchase.
- Had complaints about electronic products and MP3 players and have been told by retailers to directly contact the manufacturers of the items themselves.

In one case a consumer claimed she had purchased a bowl, and later tried to get a refund on the basis that it was “too big” for her use and she now preferred a smaller one. The trader declined the refund on the ground that the bowl was a merchantable product and free of any defect. The consumer had simply changed her mind.

“As part of a pre-Christmas monitoring program, **41 traders** were identified by Consumer Affairs staff as having incorrect refund signs or for displaying misleading statements. When questioned they had an inaccurate view of consumer rights, which was certainly disappointing,” Mr Caica said.

“Officers will be re-visiting these traders to ensure they are meeting their legal obligations. Should they continue to deny shoppers their rights, they face prosecution under the *Fair Trading Act*.”

People who’ve opted for interest free terms arrangements over the festive season are also being reminded of the overall costs of such schemes. Normally, a fee will be charged for the service and often the penalties for being late with a repayment can be quite high.

“Credit card purchases can also end up being extremely expensive if people don’t pay off the balance in full,” Mr Caica said.

Ensure that you always:

- Ask the trader about their refund policy.
- Check out all offers carefully and compare prices.
- Focus on the real price, not just the percentage off figure, when deciding to buy.
- Don’t over spend on credit and try to pay the balance off in full each month.
- Set a budget and stick to it.

More smart shopping advice is available from the Office of Consumer and Business Affairs at [www.ocba.sa.gov.au](http://www.ocba.sa.gov.au) or telephone 8204 9777 or 131 882 for country callers.