

Lodging complaints in terms of CPA

Under the Consumer Protection Act (CPA), customers maybe entitled to compensation in the case of a bad customer experience; Consumer Goods and Services Ombud (CGSO), Adv Neville Melville, points out five common areas of consumer complaints and how to make these complaints.



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1. Poor quality

Consumers may purchase goods only to find that they are of poor quality or downright defective.

Under the CPA, consumers are entitled to ask for the goods to be repaired, replaced or refunded if they are defective. The choice is the consumer's - the retailer cannot force the consumer to have the goods repaired if he or she wants a refund or replacement.

He adds that the consumer can also insist on a cash refund instead of a store credit, but they must return the goods within six months of purchasing.

When buying online, be sure to read the small print. However, whatever the suppliers return policy, if the goods are defective, the consumer is entitled to have them replaced, returned or refunded and the supplier must cover the expenses of this.

"Make sure you keep your paperwork in order, including your receipts if possible to make the process easier."

2. The shop won't let me return my purchase

Loved that handbag yesterday, but changed your mind today? That may not be enough to lodge a complaint against a retailer.

"It's a misnomer to think that a company must take back goods you purchased if there's nothing wrong with them. The Act

only requires a supplier to accept a return if there was something wrong with the goods."

However, a 'cooling off period' of five days applies to direct marketing sales or to credit transactions, such as purchasing a car, where there is a written agreement in place. Purchasing goods using your credit card counts as a cash sale.

"If there is nothing wrong with the goods, the retailer can also insist on a till slip as proof of purchase or for the original packaging in order to accept a return. Most reputable retailers have a returns policy in place, which may specify a time limit for returns, usually up to about a month."

3. Caught in marketer's trap

Companies use marketing tactics such as sales and promotions to get customers through the door. However, if you arrive, only to be told they have run out of the advertised stock, you may have grounds for a complaint. Under the CPA, retailers must ensure that they have sufficient stock to meet reasonably anticipated demand for any products that are promoted or advertised.

"If a company advertises goods at a specific price and runs out of stock, they can be held liable for 'baiting' consumers. If the consumer can show this, they have grounds for complaint or can demand goods of a comparable quality and value."

4. Contaminated foodstuff

If you have suffered from food poisoning after eating contaminated food, then you may be entitled to claim compensation under the CPA.

"You may be able to claim expenses such as those related to hospitalisation, other medical costs and loss of income while you are ill."

However, a doctor's note saying you have had an upset stomach is unlikely to get you far.

"Again keep your till slip and collect as much evidence as possible, including laboratory tested specimens and if possible, freeze any left food so it can be tested for bacteria." Check the CGSO.org.za website for more details if you suspect you have been the victim of food poisoning.

5. Late delivery

You paid upfront for that lounge suite, but it still has not been delivered months later? Consumers are entitled to receive their goods within a reasonable timeframe. If you are buying groceries online, this may mean within a day - while purchasing furniture may require a longer lead-time of up to about six weeks.

"If your bank account is being debited for goods you have not yet received, don't simply stop paying as this could have a negative impact on your credit rating, but rather lodge a complaint first."

He explains that most complaints that come through to the CGSO are the result of poor complaints resolution by companies. This includes consumers not being able to contact the company; being kept waiting for an unreasonable period for an answer; rude or unhelpful customer service staff; and being given conflicting advice on the status of the complaint.

"If handled correctly at store-level, there would be far fewer formal complaints. Companies should really focus on the complaints as much as the sales. Great companies should view complaints not as a nuisance, but as an opportunity to put things right," he concludes.

If you need help resolving a consumer complaint, visit www.cgso.org.za, call 0860 000 272 (CPA) or email info@cgso.org.za.

For more, visit: <https://www.bizcommunity.com>