



## PURCHASE PROTECTIONS

### Money-back Guarantees

When a product has a money-back guarantee, the retailer must return the entire purchase price if you return the product, or you can get a prorated refund if the product does not last for a set period of time.

### Maintenance Agreements

A retailer must honor a maintenance agreement until its expiration date. If services noted in the warranty are not provided, you can contact the holder of the retail installment credit agreement and request that all future payments be held in an interest bearing escrow account until the matter is cleared up. But these rights don't hold up if you fail to make payments. If you continue not to make payments, the retailer can cancel the maintenance agreement, but must notify you in writing that the services have been stopped.

### Returned Merchandise

If a store offers a credit or refund for returned merchandise, you can choose either the credit or the refund, unless you are informed differently when you buy. Retailers must post their refund policies conspicuously in the store.

### Warranties

Your warranty rights don't run out at the end of the warranty period for problems you complained about that were not fixed during that time. If a product is not fixed after repeated efforts by the dealer, you can get a refund or free replacement. Product warranties remain in effect even if a retailer goes out of business or stops selling an item. And the warranty applies to any person expected to use the product.

### Layaway Plans

When a merchant offers a layaway plan, the following information must be provided: if a layaway is for more than \$50 and has four or more installments; charges for using the plan; total cost with tax; delivery and installation charges; length of the plan; payment schedule; and refund policy.

### Sales Presentations

Businesses must make certain disclosures if you are required to submit to a sales presentation to receive an advertised prize. To avoid this mandate, many businesses do not require but offer submission to a sales presentation. Under the law, you have three business days from the date on which you sign an agreement to purchase certain merchandise, memberships or property following a prize award solicitation sales presentation or to cancel that agreement.

## Consumer Protection Websites



### FEDERAL TRADE COMMISSION

[www.ftc.gov](http://www.ftc.gov)

This site is the federal government's web portal to consumer protection resources and provides links to other government consumer protection websites.

### CONSUMER PRODUCT SAFETY COMMISSION

[www.cpsc.gov](http://www.cpsc.gov)

This site has safety information for just about every consumer product, except for automobiles.

### FDA CONSUMER HEALTH ADMINISTRATION

[www.fda.gov](http://www.fda.gov)

This is the Food and Drug Administration's site for information on foods, drugs and medical devices.

### NEW YORK STATE DIVISION OF CONSUMER PROTECTION

[www.dos.ny.gov/consumerprotection](http://www.dos.ny.gov/consumerprotection)

This site informs New Yorkers by publicizing unscrupulous and questionable business practices and product recalls.

### NEW YORK CITY DEPARTMENT OF CONSUMER AFFAIRS

[www.nyc.gov/html/dca](http://www.nyc.gov/html/dca)

This site has resources for consumers including publications, an online complaint form and business license search.

### NEW YORK BETTER BUSINESS BUREAU

[www.newyork.bbb.org](http://www.newyork.bbb.org)

This site allows consumers to check out a business or charity, file a complaint and access a resource library.



NEW YORK  
STATE SENATE  
[WWW.NYSENATE.GOV](http://WWW.NYSENATE.GOV)



Dear Consumer,

Now more than ever, getting the most for our money is an important consideration for us when we shop. From groceries, to clothing, to things for our home, we all need to be responsible when making purchasing decisions.

Knowing your consumer rights is one way to be sure that you are getting your money's worth in the marketplace. Whether you shop by mail, by phone, on the Internet, or at your favorite local store, this brochure is designed to help familiarize you with the state laws that help protect you and your purchasing decisions.

As you contemplate your next purchase, be it big or small, I hope that you will find this information both helpful and valuable.

Sincerely,

*Brad Hoylman*

Senator Brad Hoylman  
27th Senate District

# BUYER BEWARE

THE NEW YORK SENATE  
WANTS YOU TO KNOW  
YOUR CONSUMER RIGHTS



**District Office**  
322 8th Ave., Suite 1700  
New York, NY 10001  
Tel: (212) 633-8052

**Albany Office**  
413 Legislative Office Building  
Albany, NY 12247  
Tel: (518) 455-2451

**Website:**  
[www.hoylman.nysenate.gov](http://www.hoylman.nysenate.gov)  
**E-mail:**  
[hoylman@nysenate.gov](mailto:hoylman@nysenate.gov)



SHOPPING AT HOME

Door-to-Door Sales

State law allows you a “cooling off” period in which you can cancel any door-to-door purchase costing \$25 or more within three business days of purchase. Door-to-door sales contracts also must state the seller’s refund policy. Even those who fail to state a refund policy must still provide you with a cash refund or credit if the merchandise is returned in reasonably good condition within 20 days after delivery.



Mail or Telephone Orders

Companies must mail goods within 30 days of the mailed order, unless a longer time is clearly advertised. When an order is placed by phone, the merchandise must be delivered within 30 days from the date the seller makes the charge to your account. If you receive a product through the mail that you did not order, you do not have to pay for it. If you are pressured to pay for it, you can bring the sender to court to stop billing you.

To help clarify such situations, state law requires unsolicited mailed items to be clearly marked: **“THIS IS A GIFT. PAYMENT NOT REQUIRED FOR THIS ITEM.”**

As a buyer, the law gives you the right to cancel a telephone sale within three business days of the receipt of a notice of cancellation rights from the seller. The law prohibits the seller from assigning any obligation until the fifth business day after you are sent a written notice detailing your right to cancel.



Club Memberships

Once you cancel a membership by certified mail, return receipt requested, in a club that sells products by mail, such as a music or book club, you do not have to buy any more from it. Anything the club sends you more than 30 days after you get the return receipt is a gift. However, you first have to fulfill the agreement before you can cancel your membership.

SHOPPING AT THE STORE OR ONLINE

Store Purchases

Retailers are required to disclose in advertisements both the actual selling price and the after-rebate price of an item, along with clear and conspicuous notice in the advertisement that a mail-in rebate is needed to obtain the lower price. This helps prevent consumers from being misled by retailers who advertise a selling price for an item that can only be obtained after the purchaser pays a higher in-store price and then receives a manufacturer’s rebate.



Internet

With increased use of the Internet for e-commerce, it is important to keep the following recommendations in mind when going online:

- Make sure your connection is secure. BEFORE entering your personal information, check to see that the “https” precedes the internet address AND a closed lock or an unbroken key symbol is present in the lower portion of your web browser.
- Don’t transmit sensitive information in a public wi-fi hotspot you don’t trust, even if the transmission is encrypted.
- Do not disclose personal information unless you know who is collecting it, why, and how it is going to be used.
- Be wary of any company that makes a product or performance claim that is unlikely or just plain hard to believe.
- Verify the online security or encryption capability before providing a credit card number for an online purchase.
- Be wary of secret programs which may exist in files that are downloaded from the Internet — especially “.exe” files. Such files could ruin your hard drive, seize your modem or collect information about you without your knowledge.

A person may file an e-commerce complaint by calling the Federal Trade Commission (FTC) toll-free at 1-877-382-4357 or online at [www.ftc.gov](http://www.ftc.gov).

TELEPHONES

Residential Phone Service

Your telephone company must release its rates and inform you of the lowest possible price for phone service at home. These companies also must offer installment payment plans to pay for maintenance service. Charges for central office lines, premises visits, inside wires and jacks rented from the telephone company and any related services can be paid in installments over a period of time of up to one year.



Long Distance Phone Service

Every local telephone company is required to provide an alphabetical list of interexchange carriers and their respective identification code in its telephone directory. This gives you the information to place long-distance calls when your primary long-distance carrier cannot provide service.

Automatic Dialing Marketers

The rapid growth of the telemarketing industry has raised new problems for consumers. State law provides protection against deceptive and annoying practices. You can now avoid these phone calls by joining the “Do Not Call” telemarketing registry at [www.donotcall.gov](http://www.donotcall.gov).

Buying a Phone

Telephone manufacturers and dealers are required to label and provide warranties of one year for “new,” six months for “rebuilt” and 90 days for “used” telephones. Equipment that does not live up to the warranty can be replaced or repaired without charge.

calling from . . .

...a hotel phone

All hotels, motels and inns must post conspicuously near each telephone in each guest room any surcharges imposed for telephone calls.

...a pay phone

In an emergency, you should be able to use a phone without worrying about whether you have correct change. State law requires that all telephone companies in the state allow pay phone calls to the operator without inserting coins.

...privately owned phones

Customer-owned currency operated telephones (COCOT) are privately owned telephones, often found in bars, restaurants, hotels, and some neighborhoods. The law regulates the COCOT industry to deter these service providers from engaging in anti-consumer practices. The “Truth in Dialing Act” authorizes the use of alternate operator services to provide competition with long-established telecommunications companies. Phones operated by AOS providers conspicuously display a notice that includes the name of the AOS provider and other billing and service information. In addition, an AOS provider that cannot complete a phone call from its point of origin, or transfer a call so that it is billed from its point of origin, must tell the caller that there are two options: to be transferred to another operator service at no charge or to terminate the call without charge.

FOOD AND DRUGS

Unit Pricing

Unit pricing helps you know the exact cost of items because the products are labeled by their cost per ounce, pound, quart, foot, etc. depending on the item. This unit price is generally displayed on the supermarket shelf below or above the item. A law allows stores to exempt a small percentage of their items, such as fresh produce, from the unit pricing requirement.

Electronic Scanners

State laws regulate the use of laser scanners to assure that you pay the correct price for the items you purchase. If something

you buy scans at a higher price than marked, or if more than one selling price is marked on an item, the store is required to sell you the item at the lowest selling price.

Food Safety

State law helps to assure that the food you buy is fresh and the processing can be traced in cases of contamination. The law makes it illegal to willfully alter or remove food processors’ “use by” dates and other information regarding shelf life, or manufacturing information that is essential in tracking food products. For more information, visit the Food and Drug Administration on the Internet at: [www.FDA.gov](http://www.FDA.gov).

Sales and Use Tax

Another way to assure that you are getting your money’s worth at the cash register is to become familiar with how the state’s sales tax is applied to common grocery store and pharmacy items. In general, food, diet foods, health supplements and beverages such as coffee, tea, cocoa and fruit juice are exempt from state sales tax. Prepared or heated food sold in restaurants, candy, alcoholic beverages, fruit drinks containing less than 70% natural fruit juice and soft drinks are taxable. If you want clarification about the taxable status of an item, you should ask the store manager, or contact the New York State Taxpayer Assistance Bureau. Other items and services on which you do not have to pay state sales tax include:

- goods sold by persons under 16 years of age at their homes, if the total amount sold during one year is not more than \$600;
- goods sold by persons at their own homes (such as at garage or tag sales) under certain conditions;
- newspapers and periodicals; and
- motor vehicles sold by spouses to each other, or by a parent to a child, or by a child to a parent (unless the seller is a registered motor vehicle dealer).

