



# Alameda County Consumer Affairs Commission Newsletter

DECEMBER 2011 - JANUARY 2012

VOLUME 1, NUMBER 1

## Table Of Contents:

*Holiday Shopping...1-3*

*Winter Driving .....3-5*

*Referral Assistance...6*

*"Consumers who know their rights in the marketplace are better able to protect themselves and avoid losing money."*

California Department of  
Consumer Affairs Acting  
Director Brian Stiger

## DEPARTMENT OF CONSUMER AFFAIRS OFFERS HOLIDAY SHOPPING TIPS

*Advice for consumers on refunds, returns, rain checks, recalls, and more*

The holiday shopping season is upon us, and the California Department of Consumer Affairs wants to remind shoppers of their rights before they spend their hard-earned money.

"This time of year should be a time of joy, not marred by scams and fraud," said Department of Consumer Affairs Acting Director Brian Stiger. "Consumers who know their rights in the marketplace are better able to protect themselves and avoid losing money."

One thing that's new this holiday season is the resurgence of store layaway plans. Consumers should be aware that there could be handling charges and other fees, and should read the terms and conditions of a store's layaway plan before deciding if the plan is a good deal for them.

Here are some of the things consumers need to know before beginning their holiday shopping:

### Layaway Plans

- Don't assume store layaway plans are free – most have additional costs. Make sure you thoroughly understand the store's layaway plan.
- [California law\(Civil Code section 1749\)](#) requires stores to give you in writing all the details of the layaway plan, including all terms and conditions of the layaway agreement, a description of what you're buying, the amount of your deposit, the length of time the goods will be held on layaway, and the total purchase price – including a separate listing of any handling or processing charges.
- You could lose your payments if you change your mind about the purchase, if you don't make your payments as agreed, or if you don't pick up the merchandise. Check the terms of the layaway plan.
- If you complete the payments, you are entitled to a refund if the goods aren't available in the same condition as when you first placed them on layaway.



## Refunds and Returns ([Civil Code Section 1723](#))

- Stores are not required by law to accept returned items unless the items are defective.
- Those stores that do offer refunds are not required to give cash; they can also offer credits or exchanges.
- Retailers that do not provide cash refunds, credits or exchanges when an item is returned within seven days of purchase must conspicuously display notices informing consumers about their refund policies. Those notices must be in a language consumers can understand.
- A return policy printed only on a receipt is not acceptable.
- Notices are NOT required for some types of items, including:
  - Food, plants, flowers, and perishable goods.
  - Goods marked "as is," "no returns accepted," "all sales final," or with similar language.
  - Goods used or damaged after purchase.
  - Customized goods received as ordered.
  - Goods not returned with their original package.
  - Goods which cannot be resold due to health considerations.



## Gift Cards & Gift Certificates

- Most gift cards cannot have expiration dates, cannot have service fees (including dormancy fees), and must be redeemable in cash if they are \$10 or less in value.
- Gift cards that are for non-affiliated stores, such as a gift card for all of the stores in a mall, may have expiration dates.
- Pre-paid bank cards, like Visa or Mastercard, are not considered gift cards and are subject to federal law.
- It is always best to use gift cards and gift certificates as quickly as possible.

## Toy Safety and Toy Recalls

- The U.S. Consumer Product Safety Commission issues recalls for unsafe or dangerous toys and provides a [list of the most recent toy recalls](#).

## Rain Checks

- Stores may, but are not required to, offer rain checks for advertised merchandise.
- Stores are expected to have an adequate supply of advertised items on hand, available for sale.
- If only limited supplies of advertised specials are available, or if they are not available at all store locations, the retailer must disclose that.
- Sometimes consumer demand for an advertised special is greater than a retailer could have reasonably foreseen. Some retailers will offer rain checks, promising to provide the goods at the advertised price in the future. However, they are not required to do so.
- Rain checks are not an adequate substitute for a shortage of advertised goods.

## Charitable Giving

- Thoroughly check out charities before you give.
- Two key resources can help you review charities. One is the [Charitable Trusts](#) section of the California Attorney General's Web site and the other is the Better Business Bureau's [Wise Giving Alliance](#) Web site [www.give.org](http://www.give.org).
- Ask a lot of questions, such as who is the fundraiser and who benefits from the donation? How much of your gift or contribution goes to the charity mentioned in the appeal? How much goes towards administrative and fund-raising costs? (Generally, more than 50 percent of your contribution should go toward the charity.) Is the donation tax-deductible, and can you get a receipt? (Remember, donations to a tax-exempt organization may not be tax-deductible.)
- Use your head, not just your heart. Be wary of appeals that are long on emotion but short on details about what the charity will do to address the needs of recipients.
- Take your time. While you may feel a sense of urgency because of the holiday, don't give in to high-pressure solicitations. Legitimate charities will respect your right to take the time you need to make up your mind.



## Shopping Online

- Use just one credit card when buying online so that you can track your purchases. Using a card with a low credit limit can lower your risk and has the added benefit of helping you stay on-budget.
- Shop only on secure Web sites. Look for "https" at the beginning of the Web site address, especially when it comes time to pay.
- Use only reputable businesses. If you're not sure about a retailer, do some research or see if you can find the same item at a retailer more familiar to you. Be wary of businesses that list only a Post Office Box and do not list a street address or phone number.

For more information visit the California Department of Consumer Affairs:

[www.dca.ca.gov](http://www.dca.ca.gov)

Department of Consumer Affairs  
Consumer Information Division  
1625 North Market Blvd., Suite N 112  
Sacramento, CA 95834 (800) 952-5210

Email: [dca@dca.ca.gov](mailto:dca@dca.ca.gov)



## Get Ready For Winter...

Winter can be hard on cars and challenging for drivers. Is your vehicle ready for cold temperatures and difficult driving conditions?

Whether you're planning a weekend trip to the mountains or a road trip to visit relatives, winterizing your car is crucial to keeping you and your family safe and your vehicle running well. By taking a few simple precautions, you can reduce the chance of an accident or a breakdown.

Don't get caught in the cold!

California's Bureau of Automotive Repair (BAR) offers the following checklist of pre-trip inspections. While some of these tasks can be done easily, others may require the help of a qualified service professional. To find out tips on how to select a repair shop, visit the BAR Web site at [www.autorepair.ca.gov](http://www.autorepair.ca.gov).

Check your owner's manual and make sure your vehicle is up to date on its recommended maintenance schedule. If you're driving in the mountains or foothills, carry tire chains and learn how to install them, if possible.

Pack a winter safety kit in an old duffel bag or backpack and keep it in the trunk of your car. Items should include:

- Battery jumper cables
- Large flashlight and extra batteries
- Basic first aid supplies
- Extra blanket and warm clothing
- Battery-powered radio with spare batteries
- Tool kit (screwdriver, pliers, adjustable wrench)
- Bottled water and non-perishable food
- Highway safety flares in good condition
- Windshield ice scraper

Check the antifreeze/coolant level in your car's **cooling system**. A quality repair shop has a tool that can check your car's antifreeze/coolant to make sure it will provide adequate freeze protection.

Check your car's battery, especially if it's near the end of its warranty. Check the battery cables, which can affect the battery's performance. Make sure the battery cable connections are tight and corrosion-free.

Change the wiper blades if worn or cracked and refill the wiper fluid. Do not replace wiper fluid with water.

Check your car's interior and exterior lights, including turn signals and brake lights.

Have an automotive technician check the heater/defroster system.

Inspect the hoses and belts for cracks, soft spots, or bulges. If you find a problem, have the hose or belt replaced

Check tires for excessive wear, including the spare. Regularly check the air pressure in all tires, including the spare.

Have the brakes checked by a licensed adjuster. Visit the BAR Web site [www.autorepair.ca.gov](http://www.autorepair.ca.gov) to find a licensed brake station in your area.

If you carry a cell phone for emergencies, make sure it's fully charged.

By taking these simple precautions, your car should be ready for everything this winter—from a long drive in the mountains to a short trip to the grocery store.

CALIFORNIA DEPARTMENT OF CONSUMER AFFAIRS  
Bureau of Automotive Repair  
[www.autorepair.ca.gov](http://www.autorepair.ca.gov) • 1-800-952-5210

Coming Soon.... More Consumer Tips and Commission Meeting Summaries in our next issue.

---

### Alameda County Consumer Affairs Commission Mission Statement

The purpose of the commission is to promote and protect the best interests of the consumer public, to encourage the highest standards in the business community and to develop a higher level of consumer awareness.

---

Alameda County Consumer Affairs Commission  
Alameda County Administration Building  
1221 Oak Street, Suite 536  
Oakland, CA 94612

Check Out our Website: <http://www.acgov.org/bc/cac>

Alameda County  
Consumer Affairs  
Commission

Referral  
Assistance:

510-208-9672

[E-mail Us](#)

## Referral Assistance

(510) 208-9672

Whether you are a consumer of products or services, or a business providing products or services, the Alameda County Consumer Affairs Commission can provide you with information, education and community outreach.

### What To Do...

If you have a problem or complaint against a business or person providing a product or service, please direct your complaint to the business or person directly. Here are some helpful tips to assist you:

1. Avoid arguing or being confrontational. Though you may be angry and have a valid complaint, you will be better served if you remain calm.
2. You may send a letter or email detailing your complaint. Be sure to keep a copy for your records.
3. Stick to the facts – Be sure to include what you purchased, when, where, and why you are dissatisfied.
4. Be specific about what your expectations are regarding your complaint and be sure to give a date that you would like them to provide a solution.
5. Be sure to keep all letters and other correspondence from them and keep a log of all phone calls.

View the Alameda County Consumer Affairs Brochure at:

[www.acgov.org/board/CACBrochure.pdf](http://www.acgov.org/board/CACBrochure.pdf)

---

Disclaimer: This newsletter is for informational purposes only and is only intended to be a tool to inform you and help you understand the resources available to you. It does not include a comprehensive listing of all possible resources. It is not intended to substitute for informed professional advice (such as, for example, medical, legal, financial, etc.), and does not establish a professional-client relationship (such as, for example, an attorney client relationship). You should always seek the advice of a qualified attorney licensed in the appropriate jurisdiction before taking any course of action that may affect your legal rights. Because laws and resources change often, Alameda County and the Alameda County Consumer Affairs Commission do not guarantee or warrant the accuracy of the information contained herein and shall not be responsible for any losses resulting from your reliance on any content herein