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Consumer Protection Guide To Filing A Complaint

Family Circle Articles

"I Can't Take It Anymore"

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Published September 24, 1985 - Family Circle Magazine

Updated July 28, 2005

Have you ever bought shoddy goods that didn't last 10 minutes? Or been made to wait-and wait-for a repair that somehow never got completed? Chances are you have, but did nothing about it.. except fume, because you either felt helpless or didn't know how to get action.

To help turn your gripes into victories, FAMILY CIRCLE consulted dozens of "expert complainers": customer service representatives who know how to get a company's attention, & Ralph Charell, listed in the *Guinness Book of World Records* as the world's "champion complainer." Their advice tells you how to make your grievances pay off.



Product Breakdown Blues

Question: "The toaster I bought two weeks ago doesn't toast bread, it burns it-and has me feeling burned up, too! How can I get my money back?"

Answer: When you've got a problem with any product, you must first decide whether you want a repair, a replacement or a refund. Since you've already made that decision, the next five steps will help you get your money back.

- Gather all the necessary documents-warranties, receipts, canceled checks, repair orders, etc. Have a pen and paper ready to jot down the names and titles of the people you will speak with, as well as telephone numbers and dates.
- Make an initial phone call to or visit the store or individual who sold you the product or service. If that person is not available, ask for the customer service department. Get the person's name and title before you begin the conversation. Explain the problem clearly. Refer to any appropriate documents (bills, receipts, contracts) by name, number and date. If the person says he cannot help you, ask to talk to his superior. If you're still not satisfied, aim for the top. insist on speaking to the store manager or the president of the company. Don't threaten, but be firm. Let the person know you will not allow the matter to drop until it is resolved. At whatever level your official complaint is received, be sure to verify what will happen next. "So, I can expect the new toaster to be delivered next Tuesday." Or, "A refund will be mailed to me within a week."
- WRITE! Follow up every meeting or phone call with a letter. Type your letter. The more business-like it looks, the better your chance of obtaining a satisfactory response. Avoid angry statements. Most customer service experts suggest that you write to the regional director (if the company has a local office); send one copy to the president of the national company and another copy to the local Better Business Bureau and/or the state or local consumer protection office (check your phone book for state and city listings). Be sure to include the following information in your letter: your name, address, home and work telephone numbers; name, model and serial number of the product; date and place of purchase, with a specific description of your complaint, including a brief history of the problem and copies of all pertinent documents-sales slip, warranty (you keep the originals).
- End your letter by requesting a response within a reasonable time (two weeks). If you don't get a response within two weeks, send a follow-up registered letter, requesting details on what is being done about your complaint. Attach a copy of your original letter.
- If the second letter still doesn't produce results, register a formal complaint with your local or state consumer protection agency. You might also consider taking your case to Small Claims Court, or hiring a lawyer if your claim is for a large amount of money.

- If your complaint involves a product or service you know is disappointing others, too, try to enlist the help of a consumer organization, the media and local politicians.

Utility Company Grievances

Question: "The electric company overestimated our bill while we were away on vacation. I wrote and asked them to make the adjustment on subsequent bills, but they haven't. I've refused to pay any more bills until they straighten out the problem, but now they're threatening to cut off our electricity. What can I do?"

Answer: Since you've already tried calling and writing to the company, your next step is to contact your local or state *Public Service Commission* (sometimes called *State Utility Commission*). Send them copies of all your letters, responses from the utility company and duplicates of any documentation (bills, meter readings, etc.) This should prompt a member of the commission to investigate. To find out if your state has a Consumer Advocacy Office for utility complaints, contact the National Association of State Utility Consumer Advocates, c/o Florida Public Counsel, 202 Blount St., Rm. 624, Crown Bldg., Tallahassee, FL 32301; 904-488-9330.

If they can't help, your next step is to request a Utility Commission hearing to mediate the issue. If this "informal" hearing doesn't resolve the matter, you may be able to get a formal hearing with a referee assigned by the commission. Most complaints are settled, however, before this level is reached.

Mail Order Rip-Offs

Question: "Three months ago, I ordered a set of dishes from a mail order catalog. I received the canceled check, but the dishes never arrived. My follow-up letters to the mail order company came back stamped "ADDRESSEE UNKNOWN" and the phone company has no listing for them. Will I ever get my dishes -or my money-back?"

Answer: Ralph Charell, the "Clark Kent of consumerism," knows the ins and outs of the mail order business. These tips from his latest book, **Satisfaction Guaranteed: The Ultimate Guide to Consumer Self-Defense** (Linden Press/ Simon & Schuster, 1985), should help you get results.

While most mail order firms are reputable and strive to keep their customers happy, other, less scrupulous firms can hide behind a post office box number and/or a fabricated business name. Some deliver inferior merchandise or no merchandise at all. Others disregard consumer complaints, and when things get too uncomfortable, they file for bankruptcy.

However, the law is on your side. The *Mail Order Merchandising Rule* specifies that the seller must ship your goods no later than 30 days after receiving your order, unless otherwise indicated. If the seller does not ship when promised, you have the right to cancel your order and get a prompt refund within seven business days. If you charged your purchase, your account must be adjusted within one billing period. The Fair Credit Billing Act provides protection if you charge your purchase to a credit card company. Under this law, you have the right to withhold payment from the seller for undelivered or misrepresented goods; you also have the right to refuse to pay the credit card company. By knowing your rights and taking these precautions, you can protect yourself from mail fraud.

Consumer Tips

If you've never heard of the company or if it doesn't advertise a street address or telephone number, check out its reputation with your local consumer protection office or with a consumer protection office near the seller's mailing address. Also check with the *Better Business Bureau* or the *Direct Marketing Association* (6 East 43 St., New York, NY 10017) to see if any legal actions are pending against the company.

When you are dealing with a company that has furnished only a post office box number, request the actual address by writing to the postmaster of the city in which the box is located.

Read the product description carefully. Don't rely on a photograph, which may make the product appear larger than it is. One recent mail order scam offered a set of wicker furniture that was said to be "exactly as pictured." Although most buyers expected to receive porch or patio furniture, what they got was tiny dollhouse furniture that was, indeed, the same size as pictured in the ad.

Never send cash through the mail. In addition to the possibility of theft or loss, cash payments leave you with no proof of

payment if a dispute arises. A canceled check, money order receipt or credit card statement is your best proof.

Be sure you make note of the seller's name, address and the date you mailed your order. If the advertisement appeared in a magazine or newspaper, note the name and the date. If you respond to a radio or television offer, jot down the name of the station, date and time the offer was broadcast. Very often the publication, radio or TV station will intervene on your behalf if there is a problem with one of their advertisers.

If you are told to return the merchandise to the mail order company, make sure you get a receipt from the shipper with the date you returned the item clearly marked on the receipt.

If you have a complaint against a mail order company with which you are not familiar, contact top management at the beginning, instead of working your way up to the top. You can usually get the names and home addresses of top management by requesting this information from the Secretary of State at the State Capitol in which the post office box of the business is located.

In your correspondence and conversations, use the phrase, "I'm not alleging mail fraud, but..." The words "mail fraud" are about as welcome to a mail order company as the word "botulism" is to a food vendor. "Alleging" and "mail fraud" are both terms that signal you are serious about your complaint.

If your initial complaint doesn't bring satisfaction, send copies of your letter not only to the president of the company, but also to your local postmaster, local and state consumer protection office, the Chief Postal Inspector (U.S. Postal Service, Washington, D.C. 20260-2161), the magazine, news paper, radio or television station that carried the advertisement, the Direct Marketing Association, your state Attorney General and your local *Better Business Bureau*. This should spur the company to act quickly, rather than spread bad will from a disappointed customer.

For help with your mail-order complaints, contact: Mail Order Action Line, 6 East 43 St., New York, NY 10017; 212-689-4977.

Consumer Affairs, Industry Regulations & Associations

To improve customer relations, many industries have created self-regulating panels to handle consumer complaints. These experts review the details of the complaint and then offer suggestions on how the problem can be resolved. Here's a list of such agencies that may help you settle your complaint.

BBB - Council of Better Business Bureaus, Inc. 4200 Wilson Blvd., Suite 800 Arlington, VA 22203-1838

www.bbb.org

AUTOCAP - Automotive Consumer Action Program (National Automobile Dealers Association), 8400 Westpark Drive, McLean, VA 22102, 703-821-7144

www.nada.org

FICAP - Furniture Industry Consumer Action Panel, P.O. Box HP7, High Point, NC 27261; 919-884-5000

MACAP - Major Appliance Consumer Action Panel, 20 North Wacker Dr., Chicago, IL 60606; 800-621-0477

Photo Marketing Association International - 3000 Picture Place, Jackson, MI 49201, Phone 517-788-8100

www.pmai.org

American Society of Travel Agents - 1101 King Street, Ste. 200, Alexandria, VA 22314, 703-739-2782

www.asta.org

FSCAP - Funeral Service Consumer Assistance Program, PO Box 486, Elm Grove, WI 53122-0486, 1-800-662-7666



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