

**Caveat emptor**

**Consumer advocacy needs more government concern**

By JULIAN REED, M.P.P. (Halton-Burlington)

There has been considerable discussion recently on the subject of consumer protection. Here in Ontario, the provincial government seems to adhere to the principle that the consumer should be the main policing force in the marketplace, and that the consumer should be provided with the wherewithal to carry out that function. The government's role appears to consist of providing certain statutes and supplying information for the consumer, particularly with respect to legal rights.

One area in which the Ministry of Consumer and Commercial Relations has become involved is in the investigation of suspected fraudulent practices through the Business Practices Division.

There seems to have been a long-standing campaign against auto transmission and repair shops.

The idea that the consumer should be the main policing agent in the marketplace only makes sense when allowance is made for a) the realities of the marketplace, b) the difficulties inherent in a public information distribution process, and c) the barriers which prevent consumers from exercising their legal rights.

Frequently these problems call for a positive government response. This is the case, not because the consumer cannot protect his or her own interests, but because the nature of the marketplace and our legal processes are such that it is

often not worth his or her while to take action to assert a consumer right.

Let's take a look at the realities of the marketplace. The original approach in contract law to resolving a dispute between two parties was the legal maxim "caveat emptor" - "Let the buyer beware". Today we rarely hear that saying raised to the level of a principle. This is because the conditions of the marketplace have changed. Years ago when this rule was originated, the buyer and the seller were usually on an equal footing. Nowadays, the consumer is in a far weaker position vis-a-vis the seller: the consumer has no ability to negotiate either as to the price or to the quality of the goods being sold. The fact that the seller is several stages removed from the manufacturer means that the seller is rarely intimately familiar with the peculiarities of the product or the particulars of the manufacturing process which went into its production.

The nature of advertising and marketing practices are such that little valuable information is relayed to the consumer. With the great diversity of manufacturers and retailers, the consumer stands little chance of becoming better informed, and his or her individual protestations will have little impact on the marketplace as a whole.

The other problem with the marketplace is that at the stage of buying a product or service, the consumer receives very little information about his or her contractual rights,

and such rights of which he/she is informed are non-negotiable. Standard-form sales contracts and warranties are unintelligible to the average consumer, and even when deciphered cannot be changed because that's either "store policy" or because that contract has been adopted industry-wide and there's no relief to be had from any seller.

Then there are the difficulties which hinder information-dissemination programs. A study carried out under the auspices of the Ministry of Consumer and Commercial Relations entitled A Survey of Consumer Issues among the People of Ontario was released in August 1978. It indicated that most Ontarians cannot name a single consumer protection law. The actual figure was 62 per cent. On the other side of the ledger, among those who knew something of consumer protection, not one of the laws was well-known by a large percentage. Ten per cent of the respondents of the survey could name the protection offered by the cooling-off period. That provision of the Consumer Protection Act received the highest recognition. Let's face it, ten per cent is an embarrassingly low figure!

Marketplace processes need to be made more understandable. Many vendors use standard form contracts. The government could require that these be written in plain English. In addition, the applicability of penalties could be extended to breaches of specific provisions of consumer protection legislation.



Joe Hofstede of Wigo TV and Appliances is announcing extended hours at the store. The store will now be open Monday to Wednesday, 9 a.m. to 5:30 p.m., Thursday and Friday till 9 p.m., and Saturday to 3:30 p.m. The change in hours will be accompanied by a Monday special each week. Mr. Hofstede said he hoped the additional store hours will provide still better service to his customers.

**DOLLAR SENSE**

**Consider credit card as time bomb**

By Alan Gunn, CA

Credit cards can be plastic explosives if abused -- time bombs waiting to blow you out of the water and sink you into deep financial trouble.

They are marvelously convenient, of course, and you wouldn't want to give them up altogether. But remember this: credit cards -- or rather, the abuse of them -- is by far the largest single cause of personal bankruptcies in Canada, and those are spiralling out of sight. Also, credit card interest rates -- always severe -- have now risen to as much as 2 per cent per month, or 24 per cent per annum, on overdue amounts. That's a high price to pay for convenience.

Are you really financially responsible when it comes

Dollar Sense offers general financial advice by members of The Institute of Chartered Accountants of Ontario.

to buying on credit and managing a credit account? If you are not sure, here is how you can be. First -- and most important -- never use a credit card to buy anything you can't afford to pay for at the end of the month. Convenience is the only justification for having the card, and you must avoid the interest penalties. If you have to borrow to buy, borrow from a bank -- you'll pay much less in interest.

Next, plan your expenditures. This goes beyond merely not buying on impulse. It means drawing up a realistic budget that allows for a certain amount of impulse-spending. You can't resist it forever, so plan for it. Never, ever throw away a credit receipt or a monthly statement. You should know at all times exactly how much you owe. Don't wait for the monthly bill to remind you of that late-night dinner you couldn't even remember the next morning.

Every six months, do an analysis of your spending on credit. Nothing fancy -- just so much for clothes, so much for entertainment, and so on. You might be surprised to learn where your money went.

When it comes to paying your credit bills consider paying on the last day before the payment is due. This may seem like surprising advice, but why shouldn't you gain interest on your money (especially if it is in a daily-interest account) for as long as you can without penalty. Do you have a desk calendar, or a calendar on the kitchen wall? The day you receive a credit bill, make a note to pay it on the day before it falls due -- and don't forget.

Finally, paying the bill at the bank is simply the safest route, because your receipt is date-stamped and the payment goes directly to your account, whereas mail can go astray. The most vital key,

however, is to know precisely how much money you owe at all times. If you lose track of that, you're in trouble -- and that's about as plain as I can put it. Mr. Gunn is with Deloitte Haskins & Sells, Chartered Accountants, Toronto.

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**Union Gas no longer selling appliances**

The Union Gas office in Georgetown will no longer sell any gas appliances once its present stock is sold, regional manager Jack Hobbs said last week.

Union Gas Limited is phasing out of retail sales of gas appliances in all its offices in order to concentrate on the sale of home heating and water heating equipment, and the conversion of many consumers from oil to gas heat.

Union Gas will continue to service gas appliances whether they were purchased from a dealer or from a Union Gas office, Mr. Hobbs said. Guarantees on appliances will continue to be honored.

While stock lasts, ranges, dryers, barbecues and other white goods will be for sale at Union Gas offices, but these items are going quickly, Mr. Hobbs said.

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