

# Consumer advice book tackles online cases

Online shoppers not immune to issues



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The rise of self-service retailing and the intervention of computers in the relationship between consumers and suppliers necessitated the development of strict consumer protection.

The second edition of *Consumer Protection Law in South Africa* is a must-read for suppliers, consumers, enforcement institutions, students, practitioners, researchers and regulators.

This edition deals with con-

sumer rights in the e-commerce space, as consumers who transact online experience many of the same problems that offline consumers experience, such as delayed delivery, defective orders, mistakes in billing, warranty, misleading and deceptive or unconscionable conduct.

What I found interesting in this book is that a body of law (jurisprudence) around consumer protection is beginning to develop in SA. The two authors of this book, Evert van Eerden and Jacolien Barnard, have refined what the Act tries to achieve.

A number of consumers, myself included, thought the National Consumer Commission was sleeping on its mandate. But after reading Van Eerden and Barnard's work, my fears were allayed.

The National Consumer Commissioner is hard at work, making institutions



**Acting Consumer Goods and Services Ombud Maga Mphahlele says her office is receiving more complaints about online transactions.** / SUPPLIED

Like Vodacom, City of Johannesburg, Telkom, Toyota Financial Services, know there is a new enforcement regime in place. There are more cases emerging from courts, focusing on the issue of consumer rights and challenging accepted legal principles.

This edition includes discussions of decisions that have been handed down by the National Consumer Tribunal.

Section 6g (d) of the Consumer Protection Act (CPA) tells consumers that they must first address their problem with the service provider or to exhaust other remedies before approaching the courts.

Acting Consumer Goods and Services Ombud Maga Mphahlele said her office is beginning to receive more complaints against online suppliers.

She said South African consumers are fortunate in that online transactions are subject to the provisions of the Consumer Protection Act and the Electronic Communications and Transactions Act (ECT Act).

She gave the following tips to consumers who want to enjoy the convenience of transacting online but want their rights safeguarded too:

- Make sure you make use of trusted and familiarised online suppliers;

- Online transactions are mostly regulated by ECTA, and it provides for a cooling off period for online transactions. Make sure you are familiar with your rights and comply with the time frames to return the goods;

- Familiarise yourself with the terms and conditions of the supplier, especially their returns policies, to determine if they are in line with consumer rights in terms of ECTA and CPA;

- Familiarise yourself with the delivery period (some goods are special orders or imported and the waiting periods are long); and

- Keep all documents safe, and where the deal was telephonic, record the time, date, person you spoke to and reference numbers provided.