

CONSUMER GUIDE TO SHOPPING BY PHONE OR MAIL

The New York City Department of Consumer Affairs

Shopping by telephone or mail can be a convenient alternative to shopping in stores – if you know how to avoid the risks. There are federal laws that protect consumers who shop by telephone or mail order, and you should be aware of them.

The Federal Trade Commission Mail or Telephone Order Rule protects consumers when they purchase goods by mail, telephone, computer, or fax machine. Consumers are guaranteed additional protection if they pay by credit card under the provisions of the **Fair Credit Billing Act**.

Before you order by phone or mail, take these steps:

- ❑ Check whether the company includes a street address, not just a post office box number, in its catalog or sales literature. When you only have a P.O. Box number, you may not be able to locate the company if there are problems with the merchandise or service, or non-delivery.
- ❑ Compare your experience and the experiences of your friends and relatives with the company and its general reputation.
- ❑ Find out the company's refund and return policies.
- ❑ Be sure of the product availability.
- ❑ Tally the total cost of the order, including shipping and handling charges and additional taxes.

FTC Mail or Telephone Order Rule

Under the **Federal Trade Commission Rule**, a company must ship a consumer's order within the time stated in its advertisements. If no time is specified, the company must ship the consumer's order within 30 days after receiving it.

If the company is unable to ship the ordered goods within the required time, it must give consumers an option notice. This offers them the choice of agreeing to the delay, or canceling the order and receiving a prompt refund.

The only exception to the 30-day provision is if a company does not guarantee a shipping date, and the consumer applies for credit to pay for the purchase. The company has 50 days to ship the goods from the date it received the order.

Fair Credit Billing Act

For consumers using their credit cards to make purchases, the **Fair Credit Billing Act** offers additional protection. The act makes it easier to challenge billing errors and dispute charges for unsatisfactory goods or services.

If you find a billing error on a monthly credit account statement for an incorrect amount or for a product that was not delivered, you may dispute the charge and withhold payment while it is investigated. To dispute the charge and be protected by the **Fair Credit Billing Act**, a consumer must:

- ❑ Pay for the undisputed portion of the bill, including finance charges.
- ❑ Write to the creditor at the address shown on the monthly statement for billing inquiries. Describe the billing error and include copies of any documents that support the claim, such as credit card and store receipts. Be sure to include your name, address, and credit card number in your letter.

- ❑ Act quickly! Your letter must reach the creditor **within 60 days** after the first bill containing the error was mailed to you. The creditor must acknowledge receipt of your letter within 30 days of receiving it, and resolve the dispute within two (2) billing cycles, but not more than 90 days, after receiving your letter. To track correspondence and for proof of what the creditor received, send your letter by certified mail, return receipt requested.

If you are dissatisfied with a product or service, you can also dispute the charge and withhold payment on the disputed amount while it is investigated. The specific procedures for a billing error do not apply; however, to take advantage of the federal law's protection:

- ❑ You have to pay for all merchandise and services on the statement with which you are satisfied, including finance charges covering undisputed items.
- ❑ You must have bought the item in your home state or within 100 miles of your current billing address for an amount greater than \$50. The distance and dollar limitations do not apply when the seller is also the card issuer, or if a special relationship exists between the seller and card issuer.
- ❑ You must first make a good faith effort to **resolve the complaint** with the seller. Send a letter explaining your complaint to the seller right away. Keep copies of all correspondence to show the credit card issuer that you have grounds for your complaint.

***Resolving
complaints***

To file a Consumer Affairs complaint about mail- or phone-order purchases from New York City-based firms, call the Citizen Service hotline at **3-1-1**. Outside the five boroughs, call **(212) NEW-YORK**.

To file complaints involving POSSIBLE MAIL FRAUD OR OBSCENE MAIL, or to find out the street address for a merchant operating from a post office box, write to:

United State Postal Inspection Service
James A. Farley Building
P.O. Box 2762
New York, NY 10116-2762
(212) 330-3900, fax: (212) 330-3355.

Complaints involving the NON-DELIVERY OF MERCHANDISE FROM OUT-OF-STATE COMPANIES should be directed to:

CONSUMERLINE, DIRECT MARKETING ASSOCIATION
1111 19th Street, NW, Suite 1100
Washington, DC 20036

or to the Office of the New York State Attorney General at (212) 416-8345.

*Michael R.
Bloomberg
Mayor*

*Jonathan
Mintz
Commissioner*



The New York City Department of Consumer Affairs works to ensure that consumers and businesses benefit from a fair and vibrant marketplace.

If you would like more information about the work of the agency or our new strategic initiatives, please call **3-I-I** or contact:

The New York City Department of Consumer Affairs
42 Broadway
New York, NY
10004-1617

www.nyc.gov/consumers

If you have a consumer-related complaint, call DCA at 311 or (212) NEW-YORK.

New York City employees are not allowed to ask for or accept anything of value, such as money, gifts, or tips for doing their job. To report corruption, contact the NYC Department of Investigation at www.nyc.gov/doi.