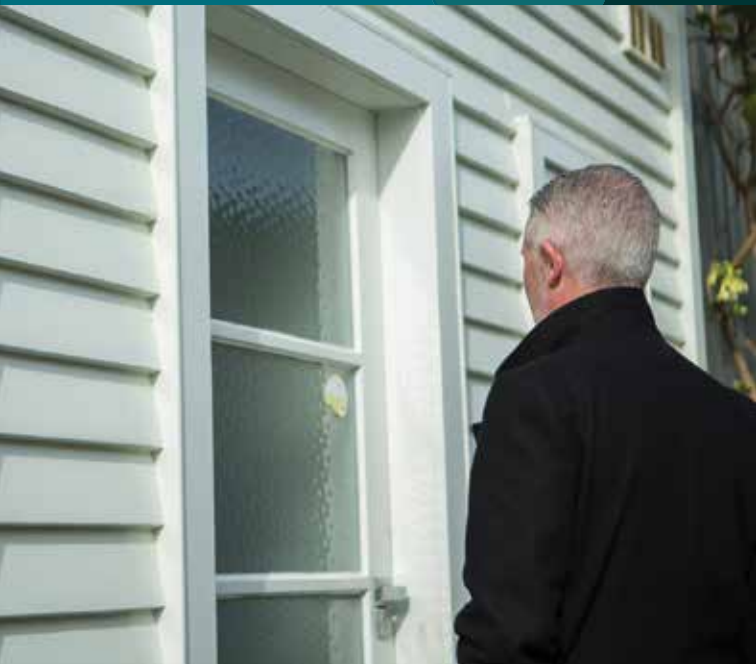


# Consumer Protection

## Factsheet

# Door to door sales under the Fair Trading Act



The Act covers sales where the seller approaches you first in your home or workplace. It covers sales of both goods and services.

Door to door sales are now known as uninvited direct sales under the Fair Trading Act. There are special rules to protect you when:

- › a trader sells you consumer products or services over \$100 for personal, domestic or household use
- › the sale is negotiated at your home or workplace, or by phone
- › you didn't invite the trader to visit or call for that reason.

It's still an uninvited direct sale if:

- › the seller had your contact details for something else and later they try to contact you to sell you products or services
- › you respond to an unsuccessful attempt by a business to contact you – eg returned a missed call
- › you negotiate with a business after you receive an unsolicited quote or estimate
- › you are approached by a seller who you've bought something from before whether or not you invited them to phone you or come to your home or workplace that previous time.

### **Other consumer rights**

You may have rights under the Fair Trading Act, such as if the seller was deceptive or misleading. If there are faults with goods or services you may also have rights under the Consumer Guarantees Act.

For more information on these laws see

**[www.consumerprotection.govt.nz](http://www.consumerprotection.govt.nz)** or our booklets

*Your consumer rights (Goods)* and *Your consumer rights (Services)*.



## **Before the sale**

Before the agreement starts, you must be told of your right to cancel it (within five working days), and how to cancel it.

## **The paperwork is important!**

The agreement must be in writing and given to you at the time you agree to it. If the agreement is made over the phone you must be given a copy of it within five working days from making the agreement.

The contract must be clear, easy to understand and set out:

- > the products or services
- > both your name and that of the business
- > both your contact details and those of the business
- > a summary of your right to cancel
- > the total price or how it will be calculated.

Don't feel pressured to sign the agreement straightaway, you can take it away and get some advice.

## **Cancelling the contract**

Once the seller has left, you have a chance to rethink the purchase. You have five working days, from the day after you receive a copy of the agreement, to cancel it and get a refund.

## **If the seller does not give you the required paperwork**

The agreement cannot be enforced against you and the seller would have committed an offence. However, this doesn't apply if the seller provided you with the agreement at a later time and your position wasn't materially affected.

## **How do I cancel?**

You can cancel in writing, or by calling the seller or any way of contact that shows you intend to cancel or withdraw from the agreement.

## **What happens to the goods after I cancel?**

You must take reasonable care of the goods for ten working days after you cancel. If you don't, you may have to pay for them if they are lost, destroyed or damaged.

Once you have been repaid you must allow the seller to take any goods that you bought under the agreement from your address at any reasonable time that the seller requests.



# Checklist to minimise your risk



- › Record the date and the time of your purchase and keep any confirmation of your order
- › Use your credit card to make purchases, so you can apply to your bank for a chargeback if there are problems with the sale. A chargeback can reverse the transaction.
- › Make sure the terms and conditions are clear, including: price, delivery costs, date of delivery, returns and any warranties.

# Want more information or help?

For more information about your consumer rights visit [www.consumerprotection.govt.nz](http://www.consumerprotection.govt.nz) or contact your local Citizens Advice Bureau.

Contact details of your local Citizens Advice Bureau are in the White Pages or online at [www.cab.org.nz](http://www.cab.org.nz). You can call **0800 FOR CAB** (0800 367 222).

You can get free legal advice from a Community Law Centre. Contact details are in the White Pages or online at [www.communitylaw.org.nz](http://www.communitylaw.org.nz).

Contact details of a local Budget Advice Service are in the White Pages or online at [www.familybudgeting.org.nz](http://www.familybudgeting.org.nz).

Or call **0508 BUDGETLINE** (0508 283438) to talk with a trained budget adviser.

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