

CONSUMER NEWS UPDATE MARCH 2007

FROM THE NATIONAL CONSUMER FEDERATION

HOW WAS IT FOR YOU?

You've booked the table, ordered the flowers and bought the expensive engagement ring, but how do you get your money back if she says no?

Last year, Consumer Direct received numerous calls from spurned lovers asking how they could get a refund on engagement rings that were no longer needed after February 14th.

Michele Shambrook, Contact Centre Manager for Consumer Direct, explains: 'If you take an unwanted engagement ring back to the shop, I'm sorry to say you have no rights to an automatic refund or exchange unless you have made an agreement with the jeweller, so you could lose a lot of money. We'd recommend getting this in writing or making sure that it's written on the receipt.'

Those carries away by a rush of romantic feeling are not likely to go to such unromantic lengths. Nor are they likely to consider the extra consumer protection available when buying online, but it is there nevertheless should their dreams prove empty. Legally, people buying goods online normally have a right to return unwanted items for up to seven days after delivery. But remember that there are exemptions for goods that are made to order, engraved, or altered.

Tips for those considering buying jewellery:

* Shop around and compare quality, price, and service. Shop with well-known or reputable companies and if you don't, do your homework to make sure they're legitimate. This is particularly important if you're shopping online.

* Ask for the store's refund or returns policy before buying. And keep your receipt in case of any problems.

* Check for the appropriate hallmark on metal

jewellery or for diamond purchases (usually for diamonds of half a carat or more) and make sure you are given a certificate.

* Make sure the jeweller writes on the sales receipt any information you relied on when making your purchase, such as the gem's weight or size.

* If you're buying jewellery costing over £100, consider using a credit card, as this may offer you extra protection should problems arise.

* If you're shopping online for jewellery look for an address to write to or a phone number to call if you have a question, a problem or need help.

Anyone needing further advice can contact Consumer Direct on 08454 040506 or visit the website at www.consumerdirect.gov.uk.

DATE A SILVER SURFER

A recent announcement in *The Guardian* under the above heading told readers that Digital Unite would be holding its sixth annual Silver Surfer's Day on May 25th. I can hardly wait. Oh, by the way, it is being held in partnership with OFCOM. If you want to try your luck go to www.silversurfersday.org but you may find that the Guardian has slightly misunderstood the occasion. I do not think it is a dating agency.

Nominations are requested for the Silver Surfer of the Year award, which is presented at the House of Parliament in October.

SMOKELESS ZONES on JULY 1ST - The Government has now made or published the final draft versions of the five sets of Smoke-free Regulations that it intends to bring in under the Health Act 2006. These will be, or probably are already, available online at: www.smokefreeengland.co.uk/thefacts/the-regulations.html or you could ring the helpline on freephone 0800 169 1697.

What these regulations mean is that, from 6am on Sunday July 1st, virtually all workplaces or substantial enclosed public areas in England will become smokeless, by law, and owners or operators will have to display 'no smoking' signs. It also means that 'smoking rooms' will no longer be allowed at places of work, which include members' clubs.

If, from 1st July, you are caught smoking in a smoke free place or vehicle you may be liable to a fine or prosecution. Sign makers are, no doubt, delighted to learn that a similar penalty applies to anyone who should put up a 'no smoking' sign but fails to do so.

What is rather harsh is that allowing you to break the new law is also a punishable offence. Does that mean that the owners of a shopping mall can be prosecuted if some people walking through fail to extinguish their cigarettes? Perhaps we shall see 'no smoking' monitors patrolling substantial enclosed public areas with buckets of sand.

If you really want to know more you will have to wait until Easter, by which time all the regulations will have been made. Then the Department of Health and Smokefree England are expected to make guidelines freely available that set out the finalised details of this legislation.

PAY UP OR ELSE! – I do not think the situation reported in *The Guardian* on 1st March is really a scam, though it could be abused, but it is a worrying development for Internet users. The article described a situation where a reader had complained that every time he switched on his computer the screen was taken over by a large pop-up window demanding payment. Closing the window only resulted in the pop-up popping up again.

Each day this pop-up remained on the screen longer and he could not minimise it or open another window in front of it. *The Guardian* found another reader with a similar problem and then others came along reporting unexpected bills disrupting their use of their computers. The bills came from Micro Bill Systems in Leeds and referred to the use of a website called sexxxpassport. This site offers a three-day anonymous free trial following which charges are made. There is a long list of conditions of use. *The Guardian* readers, of course, said they never accessed the website.

An expert law firm says that the terms and conditions have been carefully thought through. It is looking into the question of whether they are fair and reasonable.

It seems that by going to the website you can allow the installation of two mutually protected files in a system directory and the registry modified. The software is hard for a non-technical user to remove. Once the free period has elapsed the software will start popping up relentless messages and full screen displays that cannot be made to disappear. If indeed the computer user has exceeded the free period then he or she should pay up. But it seems a brutal way of demanding payment.

But what about those who say they never went near the website? Micro Bill Systems (MBS) says that they never stealthily insert the software on unsuspecting Internet users. Their new internet

billing system is only used by one customer in the UK - sexxxpassport, but that there is large number of users.

What often happens, says MBS, is that a member of a household downloads the software without reading the conditions warning and then denies ever having contracted for a pornographic service. The computer owner then thinks the machine has been infected in some way. MBS has many instances of this sort of thing happening.

But what about those who strenuously and honestly deny that they or anyone in their household ever visited the site? If this is true then how did the software get into their computer? A specialist has searched for an example of an "Exploit" where the billing software is dropped onto a computer visiting a malicious website or distributed through other methods such as a botnet and found no evidence of such occurrences.

The software is difficult to remove, otherwise who would buy the system? If a customer settles the account and cancels his or her subscription the software can be uninstalled simply, says MBS. So is it a case of "Pay up to regain full use of your computer" even if you feel sure you do not owe the money?

This whole matter is both interesting and alarming. I am rather glad to learn that MBS has, so far, only one client in the UK. It will be interesting to find out what our Legislation and Consumer Affairs Committee make of this.

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