



# Consumer Watch

A Monthly Newsletter from the Connecticut Department of Consumer Protection

William M. Rubenstein, Commissioner

Dannel P. Malloy, Governor

[www.ct.gov/dcp](http://www.ct.gov/dcp)

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## Suggested Links

[www.ct.gov/dcp](http://www.ct.gov/dcp)

Our website offers the latest and most comprehensive information that we have on dozens of consumer-related topics!

[www.SmartConsumer.ct.gov](http://www.SmartConsumer.ct.gov)

Basic information for consumers of all ages to protect themselves and avoid scams!

<https://www.elicense.ct.gov>

To verify a license, permit or registration, or to run a roster of licensees. Also, the place for online renewal!

## Contact Us

[www.ct.gov/dcp](http://www.ct.gov/dcp)

[dcp.communications@ct.gov](mailto:dcp.communications@ct.gov)

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## Don't Let Gift Returns Dim Your Holiday Spirit!

In the flurry of shopping and excitement that traditionally takes hold of just about everyone at some point during late November and December, it's possible to lose sight of the possibility that the "perfect" gift may actually miss its mark in some way. When that happens, a return visit to the store or website is needed, in order to get a refund for the amount paid, an even exchange for a different size or color, or a return of the item for a store credit toward something else.

Retailers want our loyalty and our business, and most will work with customers to keep them satisfied. But we as customers have a part in this as well. We need to be aware of, and observe, the guidelines that retailers set out for returns, refunds and exchanges -- because they can all be different!

In Connecticut, all sellers can set their own refund or exchange policies, as long as they post those policies in a conspicuous place for customers to see. Look for the signs wherever you shop. At holiday time, many stores print their return policy on their receipts. Either way, save all receipts, and get gift receipts whenever possible. This will make it easier on anyone who needs to return an item you've given them; a kindness they're sure to appreciate!

Tax law also affects refunds. Retailers can't issue a refund on the sales tax portion of your purchase without having your printed sales receipt, and after 90 days, no refunds of sales tax are allowed at all, even with a receipt.

If a store has no return/refund policy posted, State law says that you may return any new, unused item to the store with a proof of purchase within seven calendar days and get a cash refund on a cash sale, or a credit to your account on a credit sale. There are exceptions.

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## From Commissioner Rubenstein

Greetings of the season to one and all. We've packaged this issue with tips for keeping your wallet, your information and your young family members safe as we move through one of the more costly and stressful times of the year. Hopefully, our ideas will provide a measure of comfort, or at least spare you or a loved one some unwarranted stress -- whether it be relief about returning an unwanted present, confidence in turning down offers from scam artists, clarity on when the kids should use their gift cards, or even reminders of what to check out on children's toys -- both new and old. Our goal is that you and yours enjoy the happiest of holidays this year! Best wishes,

*William M. Rubenstein*



Commissioner  
William M.  
Rubenstein

## More “Scams of the Season”

It may sound jaded, but this *is* a busy season for thieves! Scammers know that people tend to have a slightly looser grip on their checkbooks at this time of year, so they use every opportunity to separate the unwary from their money. Words to the wise: in general, any unsolicited email that you get, particularly from an unknown address, should be suspect. Update your virus protection! Don't open links in emails! Here are just a few examples of scams that could be headed your way.

E-greeting cards may contain malware, so even if you think you recognize the sender, you may want to confirm with him or her by phone that they sent you an e-card before you open it. Email addresses are hacked all the time.

Requests for charitable donations may be scams originating from illegitimate sources.

Santa scammers may email you, offering to mail a personalized letter from Santa to your child. These phishing schemes collect personal information for identity theft.

Free screensavers, GIFs, memes, video clips or photos may contain malware.

Credit card applications may be phishing scams or identity theft attempts.

Online shopping emails and pop-up ads may be phishing or identity theft attempts from bogus retailers.

Shipping notifications may be phishing scams or may contain malware.

## Scam Alert: Fake “Affordable Care Act” Phone Calls

One thing you can say about scammers – they stay on top of current events and are quick to exploit the latest developments in order to get your money. New scams popping up around the country take advantage of the Affordable Care Act, (also called “Obamacare” in the press), in which scammers call or email and try to collect health care or financial information out of their victims by representing themselves as Medicare or health plan workers.

Since October's rollout of the Affordable Care Act, Connecticut's Attorney General's Office has gotten increased reports about scams targeting Medicare enrollees, as have other states. The public has many questions and concerns about the new plan, creating an opportunity for scammers to come in with a pitch promising to alleviate consumer worries -- while stealing their information.

These new phone and email scams primarily target older adults, and take a number of forms, such as:

- *Charging for help getting new insurance:* Someone offers to help you navigate the health insurance exchange for a fee, or says you need a new insurance card or you'll have to pay a penalty.
- *Medicare cards:* Someone says you need a new Medicare card because of the Affordable Care Act, and that you'll lose Medicare coverage if you don't pay a fee for a new card or give them your Social Security, bank account or credit card number.
- *Medical discount plans:* Someone contacts you, offering discounts on health services and products, saying the discount plan will save you money and that it meets the minimum coverage requirements under the Affordable Health Act.
- *Insurance agents:* Someone claims to be an insurance agent and says you must “act now” to get your new insurance.



Scammers also try to impersonate the federal government's official “navigators” or assistants, or simply claim they are “from the government.” An official government employee would not call you first; you have to call them to ask for help.

Once on the line, official workers will not try to sell a particular plan or ask for money, and in fact, **no one in government should call, email or text you about your health insurance, ask you to verify your Social Security number or bank information, or ask you to wire money.**

Make sure that you and your family members steer clear of any and all unsolicited health insurance offers, and contact **Access Health Connecticut**, Connecticut's only official health exchange, with any questions you have about the Affordable Care Act.

Access Health Connecticut can be reached online at [www.accesshealthct.com](http://www.accesshealthct.com) or by phone at 1-855-805-HEALTH (1-855-805-4325). For questions about Medicare, call 1-800-633-4227.

If you believe you or a family member has been targeted by, or fallen victim to, a health care scam, you may file a complaint with the Department of Consumer Protection at 1-800-842-2649 or at [dcp.frauds@ct.gov](mailto:dcp.frauds@ct.gov), or with the Office of the Attorney General's Consumer Assistance Unit at 860-808-5400 or at [attorney.general@ct.gov](mailto:attorney.general@ct.gov).

### True or False? (answer, page 3)

If I come across an unsafe toy or any type of unsafe consumer product in general, there is a quick way to let potentially millions of other people know about it – besides taking out a full page ad in a major newspaper or posting it on Facebook. *True or False? (answer, page 3)*

## Gift Cards and Gift Certificates Still Make Great Presents!

*(Many don't expire -- but some businesses might)*

Over the last 10 years, a very common gift card complaint involves the consumer who received a gift certificate for a local eatery or pub, and when he or she decided to use it a year later, found that the establishment had closed down. Most often, we cannot help this consumer. Businesses come and go. It's not only the "best" ones that make it; factors like timing, competition, financial reserves and the economy all play a role. Many quality companies are not successful the first time around. Once the money is gone and a business closes, there is usually nothing left for repayment of gift cards.

According to the U.S. Small Business Administration, one out of three new businesses will go under in the first two years, only half will hit the five-year mark and about 1/3 will make it to their 10-year anniversary. These statistics include **all** business types; for independent restaurants, the numbers are somewhat bleaker. In fact, eateries are considered among the riskiest new businesses to take on.

No matter how good the food, the fact is you can't be absolutely sure that a restaurant or other small, independent business open in December will still be open in June. That's not to say you should spend your gift dollars elsewhere! But it does suggest that you encourage the recipient of your gift card to redeem it promptly.

***Do gift cards sold in Connecticut expire? Mostly, no. Gift cards sold in Connecticut by a business in Connecticut do not expire for use in Connecticut, nor may they carry an inactivity fee.*** They are governed by Connecticut state law. So are gift certificates and gift cards that are sold online or on the phone and shipped into Connecticut. But, if the business goes under, there are no guarantees.

***On the other hand,*** any card sold in Connecticut or shipped to Connecticut that is issued by or backed by a federal financial institution, such as a VISA Gift Card or an American Express Gift Card, is governed by federal law. Federal law treats gift cards somewhat differently. They may expire after five years and they may have an inactivity fee after one year. For a full discussion, see our [webpage on gift cards](#).

***When you give a gift card,*** depending on your relationship with the recipient, you might gently encourage him or her to make use of it promptly.

### ***When you receive a gift card:***

- Put it to good use as soon as possible. You'll be more likely to use all of its value and reduce the chance of losing it or sacrificing value if the business closes. Even a gift card that can only start charging fees after a year will start losing value before you know it.
- If you do carry a balance on your card, keep track of the amount. Some cards provide balance information online and others will tell you the amount of your balance on request.

## Commitment to Toy Safety Will Help Keep Kids Safe This Holiday Season

As we reported in last month's *Consumer Watch*, the U.S. Consumer Product Safety Commission (CPSC) has in recent years created a robust toy safety system by requiring testing by independent third party laboratories around the world, imposing some of the most stringent toy standards ever, and stopping unsafe toys at our nation's ports and in the marketplace before they reach children's hands.

In fiscal year 2013, CPSC had to issue only 31 toy recalls, compared with 172 toy recalls in fiscal year 2008, 50 recalls in 2009, 46 recalls in fiscal year 2010, 34 recalls in 2011 and 38 in 2012. The majority of toy recalls announced last year involved ingestion hazards, including chemical and magnetic dangers, and these hazards are now being addressed.

## Choosing Safe Toys for Children

*(And keeping them that way)*

While government and non-profit watchdog groups keep an eye out for unsafe toys, all of us in the general public can and should bear responsibility for the safety of the children we love and care for. Although it's been said many times, many ways, here's a reminder to pay attention to toys you buy and keep in your home, in order to provide safe playtime for the children in your life.

### Buying Toys

- Always bear in mind the child's age, interests and ability. Also think about whether a particular toy could prove dangerous if it were to fall into the hands of a younger child living in the home.
- Look for solid, well-made toys that look like they can endure some rough and tumble play without falling to pieces.
- Rattles, squeeze toys and teething toys should not be able to fit into a baby's mouth.
- Make sure that all directions are clear to you, and understandable to a child.



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### True or False? Answer

**The answer is True.** The Consumer Product Safety Commission (CPSC) created a public product database at [www.SaferProducts.gov](http://www.SaferProducts.gov) that allows **anyone** to submit an online report involving a consumer product. This gets information quickly to the CPSC for investigation and possible action, to manufacturers for possible correction, and it becomes available to anyone looking up information about products or companies.

## Safe Toys cont. from page 3

- Look on the label for age recommendations, such as “Not recommended for children under age three.” Look for other safety labels including “Flame retardant/Flame resistant” on cloth products. You should find labels such as “Washable / Hygienic / All New Materials” on stuffed toys and dolls.
- *Latex balloons are dangerous to all children!* Choose Mylar balloons, which are safer.
- Toys with long strings or cords are dangerous for infants and young children. Cords can get wrapped around a child’s neck, causing strangulation. Never hang toys with long strings, cords, loops, or ribbons in cribs or playpens where children can reach them.

### Taking care of toys

- Keep toys for older children out of the hands of little ones. Teach older children to keep their toys away from younger brothers and sisters – for safety’s sake.
- Check toys often. Toys can break to reveal parts that are small enough to be swallowed or become lodged in a child’s windpipe, ears or nose. Watch for loose small parts on toys and remove them. Cracked or broken plastic toys may have sharp edges; if these can’t be smoothed down the toy should be discarded. Sharp edges on wooden toys or surfaces covered with splinters should be sanded smooth.
- Check stuffed toys for bendable wires in the ears, arms or legs. If these wires pop through the plush covering, they could cause puncture wounds. A toy with exposed wire should be thrown away or fixed immediately.
- Check all outdoor toys every few months for rust or weak parts that could become dangerous.

### Storing toys

- Teach children to put their toys safely away on shelves or in a toy chest. This helps prevent trips and falls.
- Use a toy chest with no lid. If yours has a lid, be sure that the lid will stay open and not fall on a child, and that there are ventilation holes in the chest. Watch for sharp edges or hinges that could pinch.
- If any indoor toys are brought outside, be sure they are put away properly after play-time. Rain or dew can rust some toys, making them unsafe.

## Refunds, Returns & Exchanges cont. from page 1

For example, you are not entitled to a refund on food, perishable items including live plants, things that were custom-ordered or custom-made, items that were sold “as is” or “final sale,” used items, products with no proof of purchase, and mattresses or any other items that are specifically banned by law for resale.

Of course, many gifts are bought more than seven days before they are given. *Technically, unless a store’s policy states otherwise, the store is under no obligation to refund your money or exchange the item after seven days.* Thankfully, most stores have an extended refund policy during the holiday season.

Stores are allowed to charge a “restocking fee,” which covers their costs for returning unwanted items to their warehouse. These days, more stores are taking advantage of this option. However, if a restocking fee is part of a store’s refund and exchange policy, that fee must be posted in a prominent place for customers to see. Check before you buy.

**A word about certain special promotions:** An item advertised with the phrase, *Satisfaction or Your Money Back*, or *10-Day Free Trial* or something similar, is considered under State law as being sold with a guarantee. The guarantee is that the full purchase price will be refunded at the option of the buyer. So at the end of the 10-day free trial, if you are not fully satisfied, you, the buyer, are within your rights to ask for a refund. (You must present your receipt.) If the guarantee is subject to **any other conditions or limitations at all**, those terms must have been disclosed to you before you bought the item.

If you have a complaint about a refund, return or exchange, please send it by email to [dcp.frauds@ct.gov](mailto:dcp.frauds@ct.gov).

## Holiday Liquor Sales – Hours and Restrictions

**Christmas Eve, Tuesday, 12/24:** Liquor stores and grocery stores with beer permits may sell during normal hours. Bars, restaurants and cafes may serve until 1 a.m. on December 25th.

**Christmas Day, Wednesday, 12/25:** Package stores closed; grocery stores may be open but the sale of beer or wine is prohibited. Bars, restaurants, cafes, casinos (food must be available) may serve as permit allows for normal operation.

**New Year’s Eve, Tuesday, 12/31:** Liquor stores and grocery stores with beer permits may sell during normal hours. Bars, restaurants and cafes may serve until 3 a.m. on January 1st.

**New Year’s Day, Wednesday, 1/1:** Package stores closed; grocery stores may be open but the sale of beer or wine is prohibited. Bars, restaurants, cafes, casinos (food must be available) may serve as permit allows for normal operation.