

FTC FACTS for Consumers

Shopping By Phone Or Mail

Shopping by phone or mail is a convenient alternative to shopping at a store. The Federal Trade Commission's (FTC) Mail or Telephone Order Rule covers merchandise your order by mail, telephone, computer, and fax machine.

MAIL OR TELEPHONE ORDER RULE

By law, a company should ship your order within the time stated in its ads. If no time is promised, the company should ship your order within 30 days after receiving it.

If the company is unable to ship within the promised time, they must give you an "option notice." This notice gives you the choice of agreeing to the delay or canceling your order and receiving a prompt refund.

There is one exception to the 30-day Rule: if a company doesn't promise a shipping time, and you are applying for credit to pay for your purchase, the company has 50 days to ship after receiving your order.

FAIR CREDIT BILLING ACT (FCBA)

You're protected by the FCBA when you use your credit card to pay for purchases.

BILLING ERRORS

If you find an error on your credit or charge card statement, you may dispute the charge and withhold payment on the disputed amount while the charge is in dispute. The error might be a charge for the wrong amount, for something you did not accept, or for an item that was not delivered as agreed. Of course, you still must pay any part of the bill that is not in dispute, including finance charges on the undisputed amount.

If you decide to dispute a charge:

- ◆ Write to the creditor at the address indicated on the monthly statement for "billing inquiries." Include your name, address, credit card number, and a description of the billing error.
- ◆ Send your letter in a timely fashion. It must reach the creditor within 60 days after the first bill containing the error was mailed to you.

The creditor must acknowledge your complaint in writing within 30 days after receiving it, unless the problem has been resolved. The creditor must resolve the dispute within two billing cycles (but not more than 90 days) after receiving your letter.

UNSATISFACTORY GOODS OR SERVICES

You also may dispute charges for unsatisfactory goods or services. To take advantage of this protection regarding the quality of goods or services, you must:

- ◆ have made the purchase in your home state or within 100 miles of your current billing address. The charge must be for more than \$50;
- ◆ make a good faith effort first to resolve the dispute with the seller. However, you are not required to use any special procedure to do so.

Facts for Consumers

Note that the dollar and distance limitations don't apply if the seller also is the card issuer or if a special business relationship exists between the seller and the card issuer.

PRECAUTIONS

Before ordering by phone or mail, consider your experience with the company or its general reputation. Determine the company's refund and return policies, the product's availability, and the total cost of your order.

CONTACTS FOR RESOLVING PROBLEMS

If you have problems with mail or phone order purchases, try to resolve your dispute with the company. If that doesn't work, the following resources may be helpful:

- ◆ State and local consumer protection offices.
Contact the offices in your home state and where the company is located.
- ◆ Postal Inspectors. Call your local post office and ask for the Inspector-in-Charge.

REDUCING DIRECT MARKETING SOLICITATIONS

You may want to have your name removed from direct marketing lists. Be aware, however, that if you purchase goods by phone or mail after your name is removed, it may be added again. You may want to make a new request to have your name removed every few years. You also may want to ask mail or telephone order companies to retain your name on in-house lists only.

TELEMARKETING

The Federal Government has created the National Do Not Call Registry—the free, easy way to reduce the telemarketing calls you get at home. To register, or to get information, visit www.donotcall.gov, or call 1-888-382-1222 from the phone you want to register. You will receive fewer telemarketing calls within three months of registering your number. It will stay

in the registry for five years or until it is disconnected or you take it off the registry. After five years, you will be able to renew your registration.

MAIL

The DMA Mail Preference Service lets you opt out of receiving direct mail marketing from many national companies for five years. When you register with this service, your name will be put on a “delete” file and made available to direct-mail marketers. However, your registration will not stop mailings from organizations that are not registered with the DMA's Mail Preference Service. To register with DMA, send your letter to:

Direct Marketing Association
Mail Preference Service
PO Box 643
Carmel, NY 10512

Or register online at www.the-dma.org/consumers/offmailinglist.html.

EMAIL

The DMA also has an EMail Preference Service to help you reduce unsolicited commercial emails. To “opt-out” of receiving unsolicited commercial email, use DMA's online form at www.dmaconsumers.org/offemaillist.html. Your online request will be effective for one year.

FOR MORE INFORMATION

The FTC works for the consumer to prevent fraudulent, deceptive, and unfair business practices in the marketplace and to provide information to help consumers spot, stop, and avoid them. To file a complaint or to get free information on consumer issues, visit www.ftc.gov or call toll-free, 1-877-FTC-HELP (1-877-382-4357); TTY: 1-866-653-4261. The FTC enters Internet, telemarketing, identity theft, and other fraud-related complaints into Consumer Sentinel, a secure, online database available to hundreds of civil and criminal law enforcement agencies in the U.S. and abroad.

Federal Trade Commission
Bureau of Consumer Protection
Division of Consumer and Business Education

July 2003

Produced in cooperation with the Direct Marketing Association and AARP.