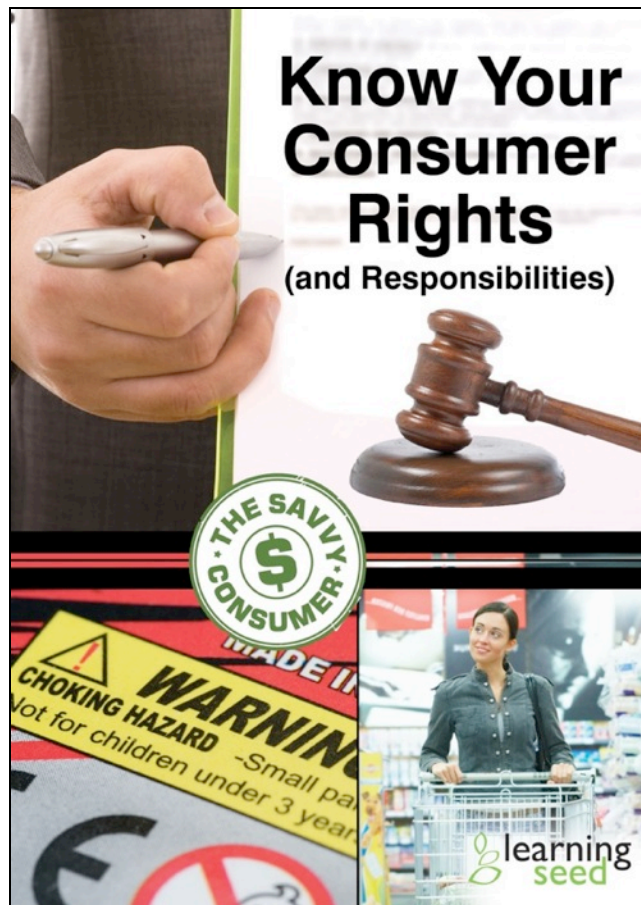


THE SAVVY CONSUMER

Know Your Consumer Rights (and Responsibilities)



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Closed Captioning

This program is closed-captioned.

Summary

This program examines the student's role as a consumer, exploring eight widely recognized consumer rights, and how each right comes with a responsibility. The role of the government in consumer protection is covered, as are the laws and agencies that oversee them. Finally, there is a look at the consumer's right in action. Each chapter wraps up with a comprehensive review.

Key Elements

After viewing this film, students will be able to:

- ❖ Discuss a brief history of consumer protections
- ❖ Define the consumer and the goods and services they purchase
- ❖ Learn the United Nations Guidelines for Consumer Protection
- ❖ Identify the rights afforded to consumers under law
- ❖ Understand the responsibilities consumers must exercise to help enforce their rights
- ❖ Identify many of the federal governmental departments & agencies that help protect consumers
- ❖ Cite some specific examples of consumer's rights in action
- ❖ Discuss some of the newly proposed consumer protections that are before lawmakers today

Rights & Responsibilities

| | | Consumers Have the Right To: | Consumer's Responsibilities Include: |
|---|------------------------------|---|--|
| 1 | Safety | Protection from products and services that are hazardous to their health. | Use the product safely, following all safety instructions and remaining alert for future warnings. |
| 2 | Information | Have provided for them information that ensures all product statements are accurate and truthful. | Analyze and use information about products wisely. |
| 3 | Choice | A wide selection of goods and services at fair prices. | Choose carefully. |
| 4 | Be Heard | A voice in the creation of laws and the development of goods and services. | Express concerns to those who can help. |
| 5 | Redress | Request money or other benefits as fair compensation for a company's mistake. | Make the effort to seek compensation for a wrong. |
| 6 | Education | Have access to programs and information that help make better buying decisions. | Learn about the changing nature of products - consumer education is a lifelong responsibility. |
| 7 | A Healthy Environment | Live and work in an environment that does not damage their health. | Make choices that minimize the environmental impact of your purchase on others. |
| 8 | Have Basic Needs Met | Fundamental right of access to food, water and shelter. | Consume sustainably, so as not to prevent others from meeting their own needs. |

Student Handout (Background for Discussion & Activity)

The Wall Street Reform and Consumer Protection Act of 2009

The Wall Street Reform and Consumer Protection Act of 2009

H.R. 4173 - This bill was introduced in the House on 12/1/09 by Rep. Barney Frank of MA.

The Act was created to provide for financial regulatory reform, to protect consumers and investors, to enhance understanding of insurance issues, to regulate the over-the-counter derivatives markets, and for other purposes.

After amendments designed to weaken the bill and remove the idea of creating the Consumer Financial Protection Agency were defeated, the Act passed the House on December 9th by a vote of 223 to 202.

From here, the legislation moves to the Senate. If the bill passes the Senate with changes, the House and Senate must iron out their differences, and if they do, the bill will go to President Obama for signature, and if signed, becomes law.

The proposal to establish a federal Consumer Financial Protection Agency (CFPA) is at the center of the Obama administration's overall plans to overhaul financial regulations. This Agency would take certain consumer regulatory responsibility of financial products from seven other agencies and centralize it in one office.

The Agency's mission is to promote transparency, simplicity, fairness and accountability, while also seeking to ensure consumers access to, and understanding of, all the information they need to make responsible choices about consumer financial products and services.

The CFPA's jurisdiction would include mortgages, credit cards, student loans, auto loans and payday loans. The agency would ban deceptive practices and oversee new consumer financial products, but its main purpose is to protect and inform consumers of financial products, which can be too complex for non-professionals to understand.

President Obama on the creation of the CFPA:

"The new Consumer Financial Protection Agency that I have asked Congress to create will have just one mission: to look out for the financial interests of ordinary Americans. It will be charged with setting clear rules of the road for consumers and banks, and it will be able to enforce these rules across the board.

This agency will have the power to make certain that consumers get information that is clear and concise – in plain language – so they can compare products and know exactly what they're getting into. It will ensure that banks and other firms cannot hide behind those ridiculously confusing contracts – pages of fine print that no one can figure out. It will have the ability to enforce and build on the credit card reforms we passed earlier this year, so that consumers

Student Handout (Background for Discussion & Activity)

The Wall Street Reform and Consumer Protection Act of 2009

aren't hit with unfair rate hikes, penalties, or hidden charges. It will require brokers to look out for the interests of families if they give advice about mortgages. And it will ensure transparency and fair-dealing for other financial products, like bank overdraft services and payday loans.

... We have already seen and lived the consequences of what happens when there is too little accountability on Wall Street and too little protection for Main Street, and I will not allow this country to go back there. It is time to move forward. It is time for real change. And I am confident we will get it done. Thank you."

The Wall Street Reform and Consumer Protection Act of 2009

The United States, and much of the world, experienced an economic recession from 2007 through 2009, with many of the results of the downturn, such as high unemployment and home foreclosures persisting into 2010. Supporters of the Wall Street Reform and Consumer Protection Act of 2009 Consumer, and of the Financial Protection Agency, believe that the creation of new laws and regulatory body could prevent the circumstances leading up to this financial crisis from recurring.

Some Consumer-Specific Elements of the Act:

Consumer Financial Protection Agency

- ❖ Independent agency with rulemaking, enforcement, and examination authority
- ❖ Jurisdiction over most lenders
- ❖ Establishes Office of Fair Lending and Equal Opportunity
- ❖ Strong whistleblower protections

Credit Ratings

- ❖ Ability to sue credit rating agencies for negligence, etc.
- ❖ Better oversight and transparency, and reduced reliance on ratings

Investor Protection

- ❖ Brokers that give investment advice have same fiduciary duty as advisors
- ❖ Allows SEC to establish record keeping and reporting requirements for private funds
- ❖ Authorizes periodic SEC examinations and requires advisers to disclose information to SEC on request

Student Handout (Background for Discussion & Activity)

The Wall Street Reform and Consumer Protection Act of 2009

Assignment

What do you think of the rights and remedies proposed in this Act?

Utilizing the list of eight Consumer Rights and Responsibilities, identify where those consumer rights and responsibilities can be found throughout the handout and discuss how these elements of the Act would be helpful for consumers.

TEACHER'S AID (Background for Discussion & Activity)

The Wall Street Reform and Consumer Protection Act of 2009

*The teacher's copy has identified the rights and responsibilities in **bold**.*

The Wall Street Reform and Consumer Protection Act of 2009

H.R. 4173 - This bill was introduced in the House on 12/1/09 by Rep. Barney Frank of MA.

The Act was created to provide for financial regulatory reform, to protect consumers and investors, to enhance understanding of insurance issues (**Right/Resp 2, ensure accurate & truthful information**), to regulate the over-the-counter derivatives markets, and for other purposes.

After amendments designed to weaken the bill and remove the idea of creating the Consumer Financial Protection Agency were defeated, the Act passed the House on December 9th by a vote of 223 to 202.

From here, the legislation moves to the Senate. If the bill passes the Senate with changes, the House and Senate must iron out their differences, and if they do, the bill will go to President Obama for signature, and if signed, becomes law.

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The Agency's mission is to promote transparency, simplicity, fairness and accountability, while also seeking to ensure consumers access to, and understanding of, all the information they need to make responsible choices about consumer financial products and services. (**Rights/Resps 1 thru 6**)

The CFPA's jurisdiction would include mortgages, credit cards, student loans, auto loans and payday loans. The agency would ban deceptive practices and oversee new consumer financial products, but its main purpose is to protect and inform consumers of financial products (**Rights/Resps 1, 2 & 4**), which can be too complex for non-professionals to understand.

President Obama on the creation of the CFPA:

"The new Consumer Financial Protection Agency that I have asked Congress to create will have just one mission: to look out for the financial interests of ordinary Americans. It will be charged with setting clear rules of the road for consumers and banks, and it will be able to enforce these rules across the board.

This agency will have the power to make certain that consumers get information (**Right/Resp 2**) that is clear and concise – in plain language – so they can compare products (**Right/Resp 3**) and know exactly what they're getting into (**Right/Resp 2**). It will ensure that banks and other firms cannot hide behind those ridiculously confusing contracts – pages of fine print that no one can figure out. It will have the ability to enforce and build on the credit card reforms we passed

TEACHER'S AID (Background for Discussion & Activity)

The Wall Street Reform and Consumer Protection Act of 2009

earlier this year, so that consumers aren't hit with unfair rate hikes, penalties, or hidden charges (Right/Resp 3). It will require brokers to look out for the interests of families (Rights/Resps 1, 2, 3 & 6) if they give advice about mortgages. And it will ensure transparency and fair-dealing (Right/Resp 3) for other financial products, like bank overdraft services and payday loans.

... We have already seen and lived the consequences of what happens when there is too little accountability on Wall Street and too little protection for Main Street, and I will not allow this country to go back there. It is time to move forward. It is time for real change. And I am confident we will get it done. Thank you."

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Some Consumer-Specific Elements of the Act:

Consumer Financial Protection Agency

- ❖ Independent agency with rulemaking, enforcement, and examination authority
- ❖ Jurisdiction over most lenders
- ❖ Establishes Office of Fair Lending and Equal Opportunity (Rights/Resps 3 & 5)
- ❖ Strong whistleblower protections (Right/Resp 4 – to be heard)

Credit Ratings

- ❖ Ability to sue credit rating agencies for negligence, etc. **(Right/Resp 5 – redress)**
- ❖ Better oversight and transparency, and reduced reliance on ratings

Investor Protection

- ❖ Brokers that give investment advice have same fiduciary duty as advisors **(Rights/Resps 2 & 6)**
- ❖ Allows SEC to establish record keeping and reporting requirements for private funds
- ❖ Authorizes periodic SEC examinations and requires advisers to disclose information to SEC on request **(Right 2)**

Teacher's Aid (Research Activity)

Writing a Complaint Letter

Materials/Resources

Online Resources:

<http://www.consumeraction.gov/corpormain.shtml>

Offline Resources:

Sample Complaint Letters

- 1) Ask students to think about a time when they were not satisfied with something they purchased – when they did not feel they got what they paid for. Write some examples on the board to stimulate ideas:
 - ❖ You just bought a soda at the gas station and upon opening it, there was a bug floating in it.
 - ❖ The backpack you bought was supposed to come with a special sleeve for laptops, but it didn't.
 - ❖ You took your special dress/suit to the cleaners and it came back with a spot it didn't have when you dropped it off.
 - ❖ You ordered concert tickets online, but when they arrived, all the seats were not together.
 - ❖ The MP3 player you received for your birthday just last month has already stopped working.

- 2) Ask students to compose a consumer complaint letter – examples appear on the following page. To complete this exercise, students need to create a scenario that includes: what product/service they are having problems with, including model/numbers and part numbers; what the problem is; and who the manufacturer is (a real company should be chosen). Have students research the company's actual website and/or street address.

Where would students find a company's contact information? Here's one way:

<http://www.consumeraction.gov/corpormain.shtml>

- 3) Before students actually compose the letter, share these tips, which are also good for phone calls:
 - ❖ Be calm – avoid seeming angry, hostile or sarcastic.
 - ❖ Be clear about your expectations – explain what you want them to do.
 - ❖ Make notes about everything that happens and what the customer service person tells you.
 - ❖ Contact the seller or service provider first – you can often resolve the problem by using the company's toll free number.
 - ❖ If you are not satisfied, send a letter or e-mail to the manufacturer's national headquarters or consumer affairs office.
 - ❖ If the problem still isn't resolved, try contacting your local consumer protection agency or Better Business Bureau.
 - ❖ As a last resort, you may want to file in small claims court or consult with an attorney.

- 4) After students have written their letter or email, partner them up for some role play. Instruct each student to play the telephone customer service rep at the company while the other is the dissatisfied customer. Remind the students that the customer service representative is not the person responsible for the problem.

- 5) Now turn the tables – ask the students to write a letter complimenting the customer service person who helped them resolve their problem, making sure the company understands what great customer service they received and how important such service is very important to them.

Student Activity Handout

Sample Complaint Letters

http://www.consumeraction.gov/caw_problems_sample_complaint.shtml

Sample Email Complain Letter

To: **Company e-mail**

cc: **Your e-mail (This will ensure that you receive a copy of the email for your records.)**

bcc:

Subject: **Re: (account number or name of product or service)**

Date

On (date), I (bought, leased, rented, or had repaired) a (name of the product, with serial or model number or service performed) at (location, date and other important details of the transaction).

Unfortunately, your product (or service) has not performed well (or the service was inadequate) because (state the problem). I am disappointed because (explain the problem: for example, the product does not work properly, the service was not performed correctly, I was billed the wrong amount, something was not disclosed clearly or was misrepresented, etc.).

To resolve the problem, I would appreciate your (state the specific action you want—money back, charge card credit, repair, exchange, etc.)

I look forward to your reply and a resolution to my problem and will wait until (set a time limit) before seeking help from a consumer protection agency or Better Business Bureau. Please contact me at the e-mail address or phone number below.

Sincerely,

Your name

Your Address

Your City, State, Zip Code

Your Daytime Phone Number

Your e-mail

Sample Mail Complain Letter

Your Address
Your City, State, Zip Code
(Your e-mail if sending via e-mail)

Date

Name of Contact Person (if available)

Title (if available)

Company Name

Consumer Complaint Division (if you have no specific contact)

Street Address

City, State, Zip Code

Dear **(Contact Person or Organization Name)**:

Re: **(account number, if applicable)**

On **(date)**, I **(bought, leased, rented, or had repaired)** a **(name of the product, with serial or model number or service performed)** at **(location, date and other important details of the transaction)**.

Unfortunately, your product **(or service)** has not performed well **(or the service was inadequate)** because **(state the problem)**. I am disappointed because **(explain the problem: for example, the product does not work properly, the service was not performed correctly, I was billed the wrong amount, something was not disclosed clearly or was misrepresented, etc.)**.

To resolve the problem, I would appreciate your **(state the specific action you want—money back, charge card credit, repair, exchange, etc.)**. Enclosed are copies **(do not send originals)** of my records **(include receipts, guarantees, warranties, canceled checks, contracts, model and serial numbers, and any other documents)**.

I look forward to your reply and a resolution to my problem and will wait until **(set a time limit)** before seeking help from a consumer protection agency or Better Business Bureau. Please contact me at the above address or by phone at **(home and/or office numbers with area code)**.

Sincerely,

Your name

Know Your Consumer Rights

True or False Quiz

Answer each question true “T” or false “F”.

- _____ 1. Investors who are purchasing stocks, bonds or other tradable financial assets are protected by the Bureau of Competition.
- _____ 2. The Bureau of Competition helps ensure that consumers have a large selection of all kinds of goods and services, from energy to medicine.
- _____ 3. When the United Nations Guidelines for Consumer Protections was adopted in 1985, the body added the right to a healthy environment and the right for consumers to have basic needs met.
- _____ 4. Hazardous substances, such as household cleaners, must have a warning label if they’re toxic, flammable, or explosive.
- _____ 5. Governmental departments such as the Consumer Product Safety Commission and organizations such as Underwriters Laboratories set standards for product safety.
- _____ 6. Once governmental safety standards are set, consumers no longer need to concern themselves with ready warning labels or performing maintenance.
- _____ 7. Consumers have the right to a voice in the creation of laws and the development of goods and services.
- _____ 8. When a consumer notices a mistake on her your credit card bill, she should contact the credit card company to explain the problem, but the company is not required to formally acknowledge the complaint.
- _____ 9. Some state governments require high school or college students to take consumer education classes.
- _____ 10. Sustainable consumption means making considerate choices about your purchases and their impact on others.

Know Your Consumer Rights

True or False Quiz *Answer Key*

Answer each question true “T” or false “F”.

- T 1. Investors who are purchasing stocks, bonds or other tradable financial assets are protected by the Bureau of Competition.
- F 2. The Bureau of Competition helps ensure that consumers have a large selection of all kinds of goods and services, from energy to medicine.
- T 3. When the United Nations Guidelines for Consumer Protections was adopted in 1985, the body added the right to a healthy environment and the right for consumers to have basic needs met.
- T 4. Hazardous substances, such as household cleaners, must have a warning label if they’re toxic, flammable, or explosive.
- T 5. Governmental departments such as the Consumer Product Safety Commission and organizations such as Underwriters Laboratories set standards for product safety.
- F 6. Once governmental safety standards are set, consumers no longer need to concern themselves with ready warning labels or performing maintenance.
- T 7. Consumers have the right to a voice in the creation of laws and the development of goods and services.
- F 8. When a consumer notices a mistake on her your credit card bill, she should contact the credit card company to explain the problem, but the company is not required to formally acknowledge the complaint.
- T 9. Some state governments require high school or college students to take consumer education classes.
- T 10. Sustainable consumption means making considerate choices about your purchases and their impact on others.

Know Your Consumer Rights

Matching Quiz

Match the words in the first column to the best available answer in the second column.

| | | |
|-------|--|---------------------|
| _____ | Money or other benefits that a consumer receives as fair compensation for a company's mistake. | 1) Collusion |
| _____ | Want to obtain goods and services at a fair price. | 2) Lemon Law |
| _____ | Claims to power that can be used to protect one selves when purchasing goods or services. | 3) Services |
| _____ | Those who buy or use goods or services for their own use, rather than for resale. | 4) Price Fixing |
| _____ | Governs the rights of a consumer who has purchased defective items, especially automobiles. | 5) Buyers |
| _____ | Items that are produced and sold for use and purchase by people. | 6) Sellers |
| _____ | Want to sell goods or perform services so they can make a profit. | 7) Consumers |
| _____ | Practices that eliminate competition through secret agreements. | 8) Goods |
| _____ | A form of collusion in which the purpose is to coordinate pricing for mutual benefit of the sellers. | 9) Redress |
| _____ | Activities that are performed for people in exchange for payment. | 10) Consumer Rights |

Know Your Consumer Rights

Matching Quiz *Answer Key*

Match the words in the first column to the best available answer in the second column.

| | | |
|-----------|--|---------------------|
| <u>9</u> | Money or other benefits that a consumer receives as fair compensation for a company's mistake. | 1) Collusion |
| <u>5</u> | Want to obtain goods and services at a fair price. | 2) Lemon Law |
| <u>10</u> | Claims to power that can be used to protect one selves when purchasing goods or services. | 3) Services |
| <u>7</u> | Those who buy or use goods or services for their own use, rather than for resale. | 4) Price Fixing |
| <u>2</u> | Governs the rights of a consumer who has purchased defective items, especially automobiles. | 5) Buyers |
| <u>8</u> | Items that are produced and sold for use and purchase by people. | 6) Sellers |
| <u>6</u> | Want to sell goods or perform services so they can make a profit. | 7) Consumers |
| <u>1</u> | Practices that eliminate competition through secret agreements. | 8) Goods |
| <u>4</u> | A form of collusion in which the purpose is to coordinate pricing for mutual benefit of the sellers. | 9) Redress |
| <u>3</u> | Activities that are performed for people in exchange for payment. | 10) Consumer Rights |

Glossary

Better Business Bureau (BBB) – Reports to consumers on the reliability of businesses.

Bureau of Competition – Helps ensure that consumers have a large selection of all kinds of goods and services, from energy to medicine.

Bureau of Consumer Protection (BCP) – Division of the **FTC** designed to protect consumers against unfair and deceptive practices in commerce.

Buyers – Want to obtain goods and services at a fair price.

Caveat Emptor – Latin for *buyer beware*. See: Let the Buyer Beware.

Child Safety Protection Act – Requires all toys and games with small parts have a warning label for parents.

Collusion – Practices that eliminate competition through secret agreements, thereby limiting consumer's choice.

Consumer – A person or household who buys or uses goods or services for their own use, rather than for resale.

Consumer Product Safety Commission (CPSC) – Sets standards for product safety by identifying and reducing product safety hazards, and providing consumers with product information and guidance,

Consumer Responsibility – A duty consumers accept to ensure their own safety and protection.

Consumer Rights – Claims to power that can be used to protect one selves when purchasing goods or services.

Consumerism – Economic policies that place emphasis on consumption.

Environmental Protection Agency (EPA) – Protects natural resources

Fair Credit Billing Act – Allows consumers to dispute charges they do not recognize, charges for products they never received, and other errors.

Federal Trade Commission (FTC) – Independent U.S. agency established in 1914 to promote consumer protection and eliminate harmful anti-competitive business practices.

Food and Drug Administration (FDA) – Ensures foods are safe, wholesome and sanitary; human and veterinary drugs and medical devices are safe and effective; cosmetics are safe; and electronic products that emit radiation are safe. FDA also ensures that these products are properly represented to the public.

Goods – Items that are produced and sold for use and purchase by people.

Identity Theft – Occurs when your personal information is stolen and used to gain access to your money or to commit other crimes.

Lemon Law – A state-by-state law that establishes the rights of a consumer who has purchased defective items, especially automobiles.

Let the Buyer Beware – A principle in commerce stating that the buyer alone is responsible for determining the quality of an item be purchasing it. In Latin: caveat emptor.

Meat Inspection Act – Passed on June 30, 1906, this U.S. federal law requires the USDA to inspect all livestock that was to be processed into products for human consumption.

Poison Prevention Packaging Act – Requires potentially dangerous household substances, such as medications and cleaning products, to come in child-resistant packaging.

Pure Food and Drug Act – Passed along with the Meat Inspection Act of 1906, this law prohibited commerce in foods and drugs that were falsely labeled or that had improper or impure ingredients added.

Price Fixing – A form of collusion in which the purpose is to coordinate pricing for mutual benefit of the sellers. An illegal practice, price fixing may push the price of a product as high as possible, or it may intend to fix, reduce or stabilize prices.

Redress – Money or other benefits that a consumer receives as fair compensation for a company's mistake.

Securities and Exchange Commission (SEC) – Protects investors who are purchasing stocks, bonds or other tradable financial assets.

Sellers – Want to sell goods or perform services so they can make a profit.

Services – Activities that are performed for people in exchange for payment.

United Nations Guidelines for Consumer Protections – Originally introduced in 1962 by John F. Kennedy, the United States originally recognized four consumer rights, later expanding them to six. In April of 1985, the United Nations unanimously adopted those six rights, and added two more, resulting in eight guidelines, which represented an internationally recognized set of minimum objectives. These guidelines include consumer rights to: safety, information, choice, to be heard, redress, consumer education, a healthy environment and to have basic needs met.

United States Department of Agriculture (USDA) – Federal department responsible for farming, agriculture and food policy.

Additional Resources

Books

Lemon Book: Consumer Rights for Car Owners, Ralph Nader

Fast Food Nation, Eric Schlosser

The Jungle, Upton Sinclair

Unsafe at Any Speed, Ralph Nader

On the Web

Consumer Protection Timeline 1900 – 2005

Click on each decade for links to detailed information discussing consumer protection related events and articles around the world..

http://www.google.com/search?q=consumer+protection+timeline&hl=en&rlz=IT4ADBR_enUS311US312&tbs=tl:l&tbo=u&ei=dNkuS_3sEsWyngfO8sXrCA&sa=X&oi=timeline_result&ct=title&resnum=11&ved=0CDMQ5wlwCg

FTC Virtual Mall

Students can play games, design ads, and chat with customers and store owners while learning key consumer concepts, such as how advertising affects you, the benefits of competition, the hows and whys of protecting personal information, and how to spot scams.

<http://www.ftc.gov/YouAreHere/>

FTC Virtual Mall for Parents & Teachers – Free Activities and Resources

Fact sheets, lesson plans, discussion and things-to-do materials that complement the “stores” on the site and that can be used to support lessons in critical thinking, language arts, writing, media literacy, business, civics, and social studies.

http://www.ftc.gov/bcp/edu/microsites/youarehere/pages/parents_and_teachers.html

Remarks by the President on Proposed 2009 Consumer Financial Protections

Describes reforms proposed in The Wall Street Reform and Consumer Protection Act of 2009.

http://www.whitehouse.gov/the_press_office/Remarks-by-the-President-on-Consumer-Financial-Protection

THOMAS at the Library of Congress

This site makes federal legislative information freely available to the public. Site is searchable by the bill numbers, a word or phrase in the bill, and by the bill’s sponsor. For example, the progress of the Wall Street Reform and Consumer Protection Act of 2009 can be followed here.

<http://thomas.loc.gov/>