



CONSUMER WATCH

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PROTECTING THE RIGHTS AND INTERESTS OF CONSUMERS

2018-2019 NATIONAL BUDGET: A BUDGET OF OPPORTUNITY

The 2017-2018 National Budget offers Fijian consumers an opportunity to improve their lives - thanks to budget allocations to innovative health schemes, first home owners, pensioners and an unprecedented \$1 billion allocation to the education sector.

Continuation of the free bus fare, free tuition and free milk programs for primary and secondary school students gives parents the opportunity to continue saving money for other things that will improve their standard of living. The expansion of the free bus fare assistance to pensioners is also applauded by the Council giving our senior citizens the opportunity to save some money as well.

The restructure of the first home assistance allocation for first home owners seeking to buy and build their first home will give consumers an opportunity to own their dream house.

Most notable of the allocations to the health sector was the \$3.5 million subsidy for Kidney Dialysis. This subsidy reduces the cost of dialysis substantially, providing a lifeline for those who rely on this treatment.

Families with combined earnings above \$30,000 will now pay \$150 per treatment while families earning under \$30,000 will be offered a subsidised \$75 per treatment. This is less than \$250 that has been charged by Kidney Foundation of Fiji for dialysis patients in Suva.

The reduction of duty from 5% to 0% on imported fruits and vegetables complements Government's moves to combat NCDs and also provides relief to consumers when local stocks are out of season or affected by natural disasters.



The 2018-2019 National Budget offers numerous opportunities for consumers.

The Council also welcomes the introduction of fines for traders who illegally charge ECAL, STT and VAT when they are not registered with FRCS. This is especially important given the increase in the Plastic Bag Levy from \$0.10 to \$0.20. The Council has recorded numerous complaints against traders who unfairly charged the Plastic Bag Levy to consumers. Under this new provision, consumers will have some form of protection from unethical traders.

The reduction of duty on used vehicles less than two years old, also gives consumers the opportunity to afford the car of their dreams. Instead of paying 32 per cent duty consumers will now pay 15 per cent duty.

The removal of EFTPOS charges on all credit and debit cards will put an end to a worrying double dipping practice of some banks who in some cases were charging these fees to both the consumer and the merchant. This further builds confidence in consumers as Fiji progresses to a cashless

economy.

The Council also supports the idea of including the most vulnerable members of our society, i.e. students who get injured in schools, under the Accident Compensation Commission of Fiji. It will certainly protect students' future if an injury occurs in the school.

Another good news is imposing fines on telecommunication companies in the event they fail to deliver the services as expected and paid for. Telecommunications companies now have further incentive to ensure their promised network coverage is maintained and consumers are given opportunity to access the full service they are paying for.

The Council will continue to protect the interests of consumers and hopes consumers will take advantage of the many opportunities being offered by the 2018-2019 National Budget.

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National Consumer
HelpLine
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ASSERT YOUR RIGHTS



CEO'S MESSAGE

The first half of 2018 proved to be a difficult time for Consumers in general with natural disasters and disease outbreaks across the country.

In March, the Ministry of Health declared an outbreak of the life-threatening meningococcal disease in Fiji after recording 18 cases by February 2018. In April, the two Tropical Cyclones Keni and Josie caused massive losses for thousands of unfortunate Fijians who lost their valuables, and in some cases, their entire homes were lost.

Through these times of hardship, the Consumer Council pledged to protect the rights of consumers and ensure a vigilant eye was kept on traders.

Unfortunately, the Council discovered that some unscrupulous traders were profiteering from the distress and suffering of Fijian consumers.

In a Snap survey, the Council noted appalling behaviour from pharmacies selling the meningococcal vaccine. Some were making as much as 70-80 per cent profit from the vaccine sales with no consideration of the severity of the disease and its impacts on consumers.

The vaccine itself was already costly with prices generally ranging from \$245-\$255, and the price hikes were placing the product out of the reach of average consumers. It was also found that the vaccine was sold at the highest price of \$325 in Suva. The Council urged consumers to conduct comparative shopping to ensure that they are getting the vaccine at the best deal possible.

This unscrupulous behaviour by traders was also witnessed with Fijians looking to rebuild after the April natural disasters.

Victims of the disasters were offered a much-needed lifeline in the form of Government's CARE for Fiji Initiative. A Monetary assistance of up to \$7,000 was deposited on cards and given to thousands of Fijians to replace their lost valuables and conduct repairs on their homes. By May the amount of assistance handed out to Fijians amounted to \$55million with the scheme still assisting more.

Government released a list of vendors for the CARE for Fiji Initiative and recipients of the assistance were directed to visit these stores to redeem the funds to replace the lost valuables.

Sadly, some vendors under the scheme succumbed to temptation and moved to capitalise on this new source of guaranteed funds. These vendors raised the prices of their goods in attempts to burden the already suffering consumers.



Premila Kumar

The Council discovered this behaviour and proceeded to name and shame the unscrupulous vendors. A Joint Task Force comprising the Consumer Council and the Fiji Competition and Consumer Commission (FCCC) was also formed to investigate traders and currently, some are being charged for offences under the FCCC Act 2010.

There was some good news for consumers when in April the Accident Compensation Commission Fiji (ACCF) made its first payout of \$75,000 to a woman who tragically lost her son when he was hit by a car. Government established the ACCF to deal with compensation to be given to the motor vehicle accident victims. From January 2018, the motor vehicle accident levy was paid by vehicle owners to the LTA instead of insurance companies. ACCF has fast-tracked pay-outs and ensured transparency in settlement of claims.

The Council had for many years lobbied for reforms in policies and practices surrounding Compulsory Third Party Insurance (CTPI) and applauds the Government for reviewing and implementing no-fault compensation to accident victims.

As digital platforms experience exponential growth, the Council also had to raise awareness on protecting consumers in an online environment.

Emerging trends of online behaviour point to a disturbing repetition of online bullying cases that are not limited to age or gender differences. The online dangers of cyberbullying, fake news, and inappropriate online content is a major concern in Fiji.

The World Consumer Rights Day (WCRD) provided the Council with an opportunity to raise awareness on this issue. To celebrate WCRD, the Council organised inter-tertiary debate on the topic "Should cyberspace be regulated to deal with fake news and cyberbullying?" which was debated by teams from The University of the South Pacific

(USP) and the Fiji National University (FNU).

In April, the Council also engaged consumers and traders of the Northern Division in a workshop to discuss key consumer issues affecting their community. The Northern Division had registered 1144 complaints worth \$1.6million in the last five years. With the theme "Consumer Confidence in the Northern Division", the workshop enlightened the participants on various consumer protection laws and also empowered traders on their legal obligations to consumers.

From 1 June, the Council relocated its Suva headquarters to an office space that allowed for increased public engagement. The new offices on Level 5, Vanua House provide not only more rooms for mediation but easier access and a central location for consumers to visit the Council for advice or to lodge their complaints.

In the midst of keeping a vigilant eye on trader behaviour, the Council's core responsibility of resolving consumer issues continued.

A total of 1620 complaints with a monetary value of \$2,375,339.42 was registered at the Council from 1 January – 30 June 2018. Through rigorous effort, the Council recovered a significant sum of \$2.1 million by resolving a total of 1,372 complaints which includes pending complaints from 2017.

Finally, the 2018-2019 Budget was released by the Government in June, and the Council believes Fijian Consumers have much to look forward to in the coming financial year. Allocations to innovative health schemes, first home owners, pensioners and an unprecedented \$1billion allocation to the education sector mean more consumers have an opportunity to improve their quality of life.

The \$3.5million subsidy for Kidney Dialysis to stay alive is highly appreciated. The subsidy comes as a relief which will greatly reduce dialysis costs for families in need of the treatments. The Council has been continuously lobbying for the costs of dialysis treatments offered by the Kidney Foundation of Fiji in Suva to be reduced and commends Government for introducing this life-saving subsidy.

Finally, I wish all consumers well in the next half of the year. Do remember the goal of a consumer is to get the best value for their money, not necessarily the lowest price. The cheapest product may not be the best deal in the long-run if it doesn't perform, or needs costly repairs.

Happy Reading

Premila Kumar
Chief Executive Officer

PRICE GOUGERS MARKED BY COUNCIL

Price gouging traders under the CARE for Fiji initiative were outed thanks to the Consumer Council of Fiji with at six traders so far charged thanks to the council's initial investigation.

To date charges have been filed against four traders in the Western division and two in the Northern division have been charged for contravening provisions of the Fijian Competition and Consumer Commission Act 2010 (FCCC Act 2010).

Six traders have been charged for selling price-controlled item(s) at excessive price, unconscionable conduct and failure to mark prices on certain items.

It was also noted that a few traders involved under the Farms-CARE initiative were selling an item which is under price control at a price exceeding the maximum retail price set by FCCC.

A handful of cases are currently under investigation by the team following which more traders may be charged for contravening provisions of the FCCC Act 2010.

The traders were vendors under the Government's CARE for Fiji Initiative, set up to provide relief to victims of consecutive floods and cyclones at the beginning of the year.

These unfortunate Fijians were given monetary assistance of up to \$7,000 to replace items of value that they may have lost in the TC Keni and TC Josie and the floods that followed.

However, a brief investigation into the price



Taskforce members conduct inspection.

PICTURE Consumer Council of Fiji

es charged by certain vendors under this initiative found that some traders were increasing prices to take advantage of Fijians who received the monetary assistance.

There were also delays in the delivery of purchased goods and in one case consumers were restricted to buying certain goods at special prices while missing out on other storewide sales.

The findings led to the set-up of a Joint Task Force with the Fijian Competition and Consumer Commission headed by the Council CEO Ms. Premila Kumar and FCCC CEO Mr Joel Abraham.

The Council has always maintained that traders have a duty to provide honest services to consumers even more so when they are trying to rebuild their lives after a natural disaster.

And yet certain traders were causing even more distress to consumers who had suffered losses caused by natural disasters by

using alleged underhand tactics to fleece them of Government provided assistance.

The Joint Task Force began the work of investigating these alleged offences by serving 43 notices to individual traders under Section 119 of the FCCC act 2010 to traders in the West and North.

The notices required traders to:

- Submit full price lists of items sold to customers under the CARE for Fiji initiative as well as the contact details of these customers;
- Provide the import, wholesale and retail prices of all items sold under the CARE for Fiji initiative; and
- Provide sales records from December 2017 for comparison.

During the Task Force visits, the traders were also asked to articulate any supply issues faced while selling goods to recipients of CARE for Fiji assistance.

With information gathered from traders and interviews with consumers, four prominent traders under the CARE for Fiji initiative have been charged.

This number is expected to increase as more information is gained from traders and consumers by the members of the Joint Task Force.

So far the Council has received 58 complaints up to June 30 regarding vendors under the CARE for Fiji initiative, and consumers who believe they are being duped can call the toll free National Consumer Helpline on 155 to report their cases.

OFFICE RELOCATION

At the end of May, the Consumer Council of Fiji relocated from its home of 23 years on Carnarvon Street to the Level 5, Vanua House.

While the old office had served the council well, the new facilities offer the Council a chance to improve our services to Fijian consumers.

In the last two years, the Consumer Council has added more staff with the addition of the highly utilised toll-free National Consumer Helpline and setting up of Debt Management and Consumer Credit Advisory Unit. And the new office has afforded not only an opportunity to accommodate our staff increases, but also leaves room for expansion as we work to ensure the private sector hears Fijian consumer voices.

The new location is also disability friendly and offers easy access for our consumers who are confined to wheelchairs and who have difficulty moving.

In the past, the Council understands that a lack of access may have hindered the disabled from filing their complaints face to

face. And while the National Consumer Helpline offers another avenue for the disabled to have their complaints addressed, we are equally pleased that those who would like to meet personally with Council officers will not face any barriers.

The very nature of the Council's work with consumer redress means our offices are always receiving members of the public wishing to file complaints. The council has substantially increased its waiting area for consumers to use whilst they wait to be served in anticipation of this demand for services.

There are also plans for a children's play area that children will be able to use.

The Council also provides a parking space for consumers provided they call the reception to check whether is available. This is done to avoid disappointment because there is just one parking spot for the consumers.

For our consumers lodging complaints and seeking redress, there is now two separate sound-proof mediation rooms where their

disputes can be mediated. This means that more complaints can be resolved effectively. In addition, the new office has a large conference room where the Council can hold in-house seminars and workshops on a smaller scale.

It was important to have a conducive environment for the Council staff to make sure they can deliver effectively and efficiently. The new offices also assist in ensuring employee job satisfaction at all times.

We have had exciting years at the Consumer Council of Fiji, and we look at this new location as the start of another chapter in our history.

We are still working on getting settled in and adding artwork to the walls, but we are incredibly excited to be in the new space, and we invite consumers to utilise our services for their relevant needs.

With the new office location, the Council's phone numbers and email addresses remain same. Consumers can also lodge their complaints and/or seek advice by calling on the toll-free number 155.

ALTERNATIVE DISPUTE RESOLUTION (ADR) & NATIONAL CONSUMER HELPLINE (NCH) DIVISION REPORT

The first half of the year was challenging for the Alternative Dispute Resolution (ADR), and National Consumer Helpline (NCH) as displeased and distressed consumers continued to lodge their complaints at the Council. Consumers have the option to choose different modes to lodge their complaints at the Council which are; face-to-face, emails, letters, fax, Facebook messages and through our free toll National Consumer Helpline 155.

The 155 toll-free helpline has made it easier for consumers to contact the Council immediately without having to spend money to visit the Council's offices. The Helpline has not only served as a medium to raise consumer complaints, but it has also become an avenue to seek advice and clarification on consumer issues.

A total of 1722 complaints with a monetary value of \$2,375,339.42 was registered at the Council between 1st January 2018 and 30th June 2018 through ADR and NCH. The Council resolved 1357 complaints inclusive of pending complaints through successful mediation and secured \$2,154,366.03 for the consumers which they would have lost through unethical trade.

A total of 39 complaints were referred to the Small Claims Tribunal while 118 were referred to other authorities. 290 complaints remain pending at the Council which the Council is trying to resolve. 120 weak cases were recorded during this period where complainants failed to provide adequate evidence to authenticate their complaints after lodging their issues through NCH.

Issues to do with Landlords/Tenants ranked the top of the list with a total of 165 complaints. There were 93 complaints from the Central Division, 56 from the Western Division and 16 from the Northern Division. Issues involved non-refund of bond money, non-issuance of receipts by landlords and non-compliance with the 30 days eviction notice. Some complaints were made about the poor condition of rental premises as well as an increase in the rent despite the enforcement of a Rent Freeze Order.

Issues relating to food and drinks secured the second position on the list with a total of 141 complaints where consumers found foreign objects in food, food that had incorrect or misleading labelling, food sold past its use-by date, unhygienic or incorrect food handling or preparation. There were 89 complaints from the Central Division, 43 from the Western Division and 9 from the Northern Division

Some traders sold flour packs infested with maggots and weevils while there were instances where consumers were served meals with human hair or dead insects in them.

Electronic goods (Home) ranked third on our list with 126 complaints. There were 69 com-

plaints from the Central Division, 48 from the Western Division and 9 from the Northern Division. Issues in this category included the sale of faulty products and products of inferior quality. In some instances, consumers had to wait for months to get their repaired item. Some unscrupulous traders failed to explain the terms and conditions of the warranty period to the consumers which created misperception and disagreements.

Complaints concerning mobile phones ranked fourth on our list. A total of 112 complaints were recorded with nature of complaints including inferior of counterfeit products, dishonouring warranties, duration taken to repair the product and failure to download applications on phones which left many consumers frustrated. There were 53 complaints from the Central Division, 39 from the Western Division and 20 from the Northern Division

	Complaint Issue	Registered	%
1	Landlord / Tenant	165	9.58%
2	Food & Drinks	141	8.19%
3	Electronic Goods (Home)	126	7.32%
4	Mobile products	112	6.50%
5	Hardware	104	6.04%
6	Public Transport	74	4.30%
7	Non-food items	67	3.89%
8	Television Services	66	3.83%
9	Advertisements and Promotions	45	2.61%
10	Internet Services	42	2.44%
	TOTAL	942	54.70%

Complaints about Hardware was fifth on the list. A total of 104 complaints were received which included non-supply of building material despite receiving payments and supply of inferior quality items to consumers. There were 48 complaints from the Central Division, 48 from the Western Division and 8 from the Northern Division. Issues that were also brought to the Council's attention included delays in delivery where some traders took months and even years to supply materials to consumers, hindering their construction work.

A total of 74 complaints were received in relation to Public Transport Services. These included:

1. Bus companies failing to pick up passengers on their way to towns or cities.
2. Consumers being charged incorrect bus fare and bus fare concession card holders asked to pay full fare for their travel.
3. Rude bus drivers and bus drivers who were ignorant of passengers' requests.
4. Bus companies not following bus schedules.
5. Bus drivers refusing to provide disposal e-ticketing and;
6. Bus services being discontinued in certain areas.

There were 35 complaints from the Central Division, 34 from the Western Division and 5 from the Northern Division. The Council has been in discussions with the Land Transport Authority on public transportation issues and will continuously call on Vodafone to make e-Transport card top-ups easily accessible to all consumers.

The Council had received a total of 67 cases based on Non-Food Items which covers goods and services provided by supermarkets and general grocery stores. There were 27 complaints from the Central Division, 30 from the Western Division and 10 from the Northern Division. The complaints were inclusive of supermarkets failing to clean the oil cans used to refill oil and other hygiene issues, poor quality of matchsticks, plastic levy not being reflected on receipts, inferior quality umbrella, bottle of a body spray exploding, sub-standard quality of kids toys and measuring scales not being calibrated.

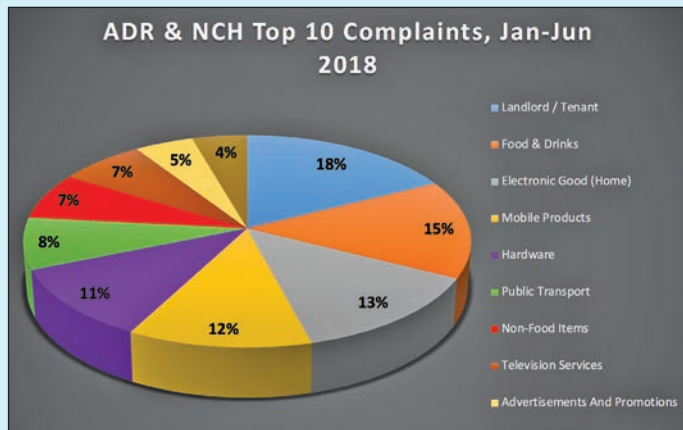
Television Services also featured on the list with a total of 66 complaints. In this category, complaints ranged from disrupted services of channels to consumers and failure to reconnect the services of pay-tv within the stipulated time frame. Due to frustration some consumers even opted for a refund as they were not satisfied with the services that were offered to them. For this category, there were 41 complaints from the Central Division, 20 from the Western Division and 5 from the Northern Division. There are systemic issues that need to be addressed by Sky Pacific, particularly synchronisation of bill payment with third-party and poor customer services through customer care line.

Advertisements and Promotions secured the ninth place with 45 complaints. Complaints ranged from the difference in prices displayed and those charged at POS, advertised products not in stock to promotion winners not receiving their prizes. There were 27 complaints from the Central Division, 16 from the Western Division and 2 complaints from the Northern Division.

EXERCISE YOUR RESPONSIBILITY BY MAKING YOUR VOICECOUNT

And finally, with a total of 42 complaints, Internet Services secured tenth in our list. Consumers raised concerns regarding slow internet services, being overcharged on the usage and wrong billings received. There were 32 complaints from the Central Division and 8 from the Western Division and 2 from the Northern Division.

Top 10 Complaints received from 1 January to 8 May 2018



Summary of Consumer Complaints received from 1 January to 30 June 2018

	National Consumer Helpline Statistics	Alternative Dispute Resolution Statistics	Total
Total Number of Received and Registered complaints	883	839	1722
Resolved Complaints through Mediation	581	776	1357
Cases referred to Small Claims Tribunal	11	28	39
Cases Referred to Other Authorities	69	49	118
Weak Cases	97	23	120
Pending Cases	125	165	290

NATIONAL CONSUMER HELPLINE- 155

NCH plays an important role in empowering consumers by developing consumer awareness about their rights and responsibilities and finding solutions to problems related to products and services. The daily flurry of consumer calls brings the latest information about corporate malpractices, unfair trade practices, defective products and deficiencies in services in our retail market. This provides a valuable insight into the functioning of almost all consumer goods and services sector.

In the first six months, the Council received 1195 number of genuine calls.

Summary of Consumer Complaints from 1st January to 30th June

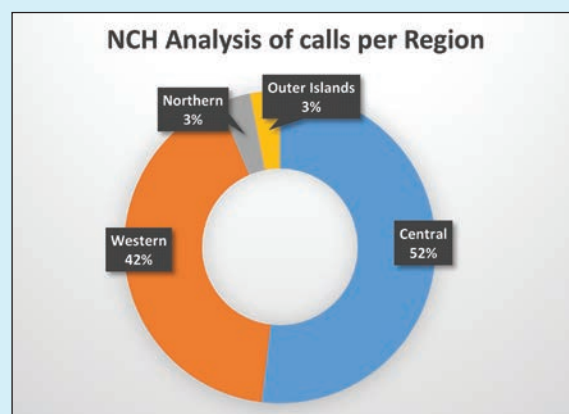
National Consumer Helpline Statistics	Total
Total Number of Calls Received	1564
Number of Genuine Calls Received	1195
Follow up Calls	144
Number of Complaints Registered on Database	883
Resolved Complaints	581
Cases Referred to Other Authorities	69
Cases Referred to Small Claims Tribunal	11
Advise	312
Weak Cases	97
Pending Cases	125

Top 10 Complaints Received through NCH

Top 10 Complaints Received through NCH		
1	Food & Drinks	92
2	Landlord / Tenant	92
3	Public Transport	64
4	Electronic Goods (Home)	48
5	Hardware	48
6	Non-food items	43
7	Mobile products	41
8	Television Services	31
9	Advertisements and Promotions	27
10	Fuel / Gas	25
TOTAL		521

Analysis of Calls per Region

Of the 1195 calls registered on the Helpline database, 620 calls were made from the Central Division, 498 calls were made from the Western Division while 40 calls were received from the Northern Division. The Helpline also received 37 calls from maritime islands.



LEGISLATION FOR LANDLORD AND TENANTS EAGERLY AWAITED

The Consumer Council of Fiji anticipates the fast-tracking of the finalisation of the Landlord and Tenant Act 2017 (Draft), which is still in its draft stage.

The proposed Act will clear uncertainties and doubts, faced not only by tenants and landlords but also key stakeholders who are charged with monitoring and policing this law.

The Council has been inundated with complaints on this issue making it the top complaint from January to May.

As of June 30 the Council has recorded 145 complaints from around the four divisions with a monetary value of \$42,087.09.

Grievances received from consumers include landlords who refused to refund rental bonds/deposits and gave unjustified quotations for wear and tear of their rented premises.

Some landlords even disconnected water and electricity supply to tenants' flats, and yet others were found to be in non-compliance with the 30 days eviction notice.

Some complaints were made about the poor condition of rental premises as well as an increase in the rent despite the enforcement of a Rent Freeze Order.

Dealing with such unscrupulous landlords is not easy, but the Council makes an effort to contact them to resolve complaints amicably.

At the moment, landlords and tenants adhere to the Self-Regulating Guideline for Landlord and Tenant in Fiji which is provided by the Fijian Competition and Consumers Commission.

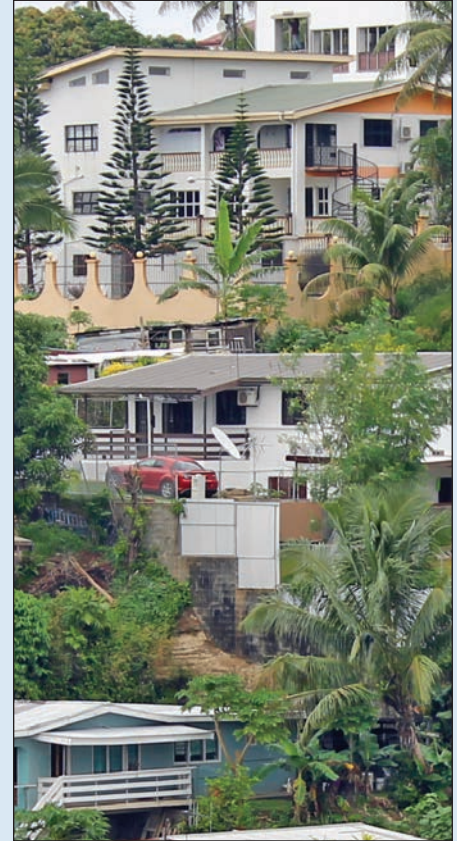
This guideline serves as a guide to all tenants, landlords and agents involved in renting residential premises in Fiji.

It explains in simple language their rights and responsibilities under the Fijian Competition and Consumer Commission Act 2010 and other relevant laws in Fiji.

The agreement entered into at the beginning of every tenancy outlines the legal rights and responsibilities of the tenants and landlords. This guideline contains practical guidance on what many of the terms of the agreement and landlord and tenant relationship mean in everyday situations.

It aims to encourage the landlords, tenants and the agents to understand their rights and responsibilities better and move towards self-regulation of the residential property market in Fiji.

Once Parliament passes the proposed Landlord and Tenant Act 2017 (Draft) it should provide clear guidelines for many issues faced by tenants and landlords. The Council eagerly awaits this piece of legislation that will be of immense assistance to consumers.



Houses in Raiwai in Suva. Landlord and tenancy issues continue to top the list of complaints to the Council. PICTURE Consumer Council of Fiji

RENT FREEZE ORDER EXTENDED

The Ministry of Industry, Trade and Tourism early this year announced an extension of the Rent Freeze Order on residential properties and ground rents until 31 December 2018.

According to the Order, any residential increase in rent from 02 March 2007 and 31 December 2018 will be deemed illegal and penalties including spot fines and imprisonment, if the fine is not paid within the stipulated time in the FCCC Act 2010.

The Council advises consumers facing issues with increased rent to call the Toll-Free National Consumer Helpline on 155 or visit the Council Headquarters at Level 5 Vanua House in Suva or at its offices in Labasa and Lautoka.



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FOOD AND DRINKS

Ensuring food safety to protect public health continues to be a challenge for the Council.

While ideally, all food sold for consumption should be of impeccable standards, there are times when traders fall short. Sometimes display and packaging masks damages in food items that could otherwise be easily identifiable. Most times consumers have already purchased the item before realising that it is not fit for consumption.

The retail food industry remains at the forefront of consumer protection issues for the Council. The Council understands there are multiple risks associated with every food

item on the journey from farm or producer to the consumer.

Some of the risk factors associated include pesticide residues in crops, handling practices from food production to delivery, food storage conditions, packaging conditions that detail dietary considerations for consumers as well as hygiene and handling of products in shops.

From January, the Council recorded 130 complaints on food and drinks. Recurrent issues recorded include weevils and maggots infested products, violation of price control, stale meals and expired products.



CASE STUDIES

FLY LARVAE IN LAMB NECK



Rahul had ordered lamb curry from Wang Fa Restaurant located at Joske St, opposite the Totogo Police Station in Suva. While eating, he noticed that the lamb neck had fly eggs in the marrow of the bone.

He lodged his complaint with the Council relaying his disgust at the restaurant and questioned its ability to sell hygienically prepared food to the public. He reasoned there would have many other consumers who ate the lamb neck curry and failed to notice the eggs.

The Council wrote to the Food Safety Unit of the Ministry of Health and Medical Services requesting that they take immediate action against the restaurant.

The Council had also previously informed the restaurant to have a cover for the food warmer to avoid flies and other insects from contaminating the food. Through the complaint, it was evident this particular restaurant failed to comply.

The Food and Safety Unit carried out inspections and issued a warning to the restaurant to comply with the necessary food

storage requirements and to place a cover over the food warmer.

DODGY SAUSAGES

Fred purchased a packet of 500grams sausages from a supermarket in Ba for their family dinner. His wife went to the extent of making a proper meal for the family only to find that the meat had a foul taste.

Fred then raised his concerns with the supermarket telling them of the condition of the meat and that he sought a refund. It



was also found that the packet of sausages had no production and expiry dates on the label. The supermarket said they would contact the supplier, Nausori Meat Company Ltd instead and inform them of the issue before they could accommodate his request.

Seeing no solution in sight, Fred then lodged his complaint with the Council. The Council notified Fred to visit Ba Town Council with samples of the meat so that the Health Inspectors could look into the issue.

Following the inspection, a warning letter

was issued to Nausori Meat Company Ltd. The supermarket was also informed not to purchase and sell products from suppliers that provide packed goods with no production and expiry dates. Fred was also refunded the money that he had paid.

RODENT FOUND NEAR BREAD IN BAKERY

In May this year, the Council conducted a routine market survey in Sigatoka town checking prices and conditions of shops.

Council officers conducting the survey noted a rodent at the Shop N Save bakery. The Council reported the matter to the Sigatoka Town Council for breach of public health standards.

Seeing pests close to food is alarming for obvious health reasons. The trader was informed that it was unacceptable for companies to compromise health standards of consumers.

The Sigatoka Town Council conducted an inspection and issued a warning to the trader accordingly.



DEBT MANAGEMENT AND CONSUMER CREDIT ADVISORY SERVICES

It is quite easy to fall into debt. Unwise decisions, unaffordable lifestyles and ignoring financial problems can sometimes cause debt to spiral out of control causing distress and unfortunate circumstances for consumers. Sometimes debt can come unexpectedly when life, as unpredictable as it is, takes a turn for the worse. Today, the cost of living continues to increase and borrowing from financial institutions has become easier.

The Council established the Debt Management and Advisory Services in 2012 to be able to assist consumers by improving their debts. Through this service, the Council provides free credit advice and facilitates dialogue between consumers and creditors. However, most consumers fail to make use of the service and sometimes those who do seek the Council's services, do so as a last resort.

Number of registered complaints for 2018 as at 30 June 2018

Month	Banks	Financial Institutions	Hire Purchase	Insurance	Motor Vehicles (Secondhand)	Total
Jan	1	1	2	5	-	9
Feb	3	-	3	6	-	12
Mar	1	-	2	1	-	4
Apr	-	2	-	3	1	6
May	1	2	3	-	-	6
Jun	-	-	-	-	-	-
TOTAL	6	5	10	15	1	37

The Debt Management and Advisory Services not only look at ways to control debt, but it also aims to get to the crux of the problem by addressing the underlying causes of bad credit.

Taking a loan is considered a standard way for people to make significant life changes, such as buying a house, starting a new business, getting a car, or undertaking property repairs. Consumers who take loans do so with the knowledge they will be able to pay it off within a specific time span. Controlling the debt, however can be challenging for some.

There is no set threshold for the interest a financial institution can charge in Fiji. Borrowing repeatedly can result in increased interest charges, which increases the susceptibility of consumers to fall into more debt. The same can be said for borrowing without a safety net.

RDMO debt restructure cases for 2018 as at 30 June 2018

Month	No. of Debt Restructure	Monetary Value
January	6	\$185,549.27
February	4	\$17,288.98
March	-	\$-
April	2	\$177,000.00
May	1	\$1,508.94
TOTAL	16	\$398,636.17

Irresponsible borrowing, ignoring default notices and lack of repayment planning continue to be common factors that contribute to debts spiralling out of control. Contacting the Council earlier can go a long way into helping consumers restructure debts as well as coordinate their finances.

While not reflected in the table, consumers reporting to the Council as a last resort often return disappointed because numerous notices by financial institutions have been ignored for close to a year resulting in repossession of homes, household items and loss of valuable items.

There are cases where traders fail to disclose crucial information that in turn costs consumers a considerable amount of money.

Whatever the circumstances, the Council is committed to assisting consumers. Through the Council's Debt Management and Advisory Service

consumers may be encouraged to think about how they got into debt in the first place and how they can prevent themselves from repeating mistakes.

They can be assisted in deciding on a budget and prioritising debts, contacting creditors early and informing them of their financial situation and working out a practical plan that will help them pay off the debt in affordable amounts, however small they may be.

Debt to Income Ratio

Understanding your Debt to Income (DTI) ratio can be beneficial when coordinating finances. DTI is a figure that calculates how much of an individual's income is spent paying his or her debts. A higher DTI means more of the individual's income is devoted to paying back debts.

Financial institutions calculate a person's DTI to evaluate a consumer's credit worthiness. If they conclude that a person's DTI is too high, they may be less likely to give the loan to a consumer.

A high DTI also means a consumer could have trouble making loan repayments.

Most creditors consider 40 per cent an agreeable benchmark. If an individual's DTI is within the 40 per cent benchmark, it is considered safe to take out a loan.

The following formula can be used to calculate DTI:

$$\frac{\text{Monthly debt payments}}{\text{Net monthly income}} \times 100$$

CASE STUDY 1

Litia is a clerical officer who earns \$700 net a fortnight. She pays \$200 a month for her home loan and an additional \$200 on a monthly basis for a hire purchase account. Her fixed monthly debt payments is \$400. Her fixed monthly net income is \$1400.

Based on the formula her DTI would be calculated as follows:

$$(\$400/1400) \times 100 = 28.57\%$$

This means that 28.57cents of every dollar Litia earns is spent on paying debts. It also depicts there is a good balance between her debts and income.

CASE STUDY 2

Shalini is married with two children. She is employed as an information officer with a government department and earns \$600 net a fortnight. She decided to apply for a personal unsecured loan of \$2000 from her bank for a family event. Shalini also has an existing loan for which she pays \$200 on a fortnightly basis. She has two additional hire purchase accounts and makes a payment of \$250 and \$150 respectively. Following the additional loan, her total debt repayment each month is \$800.

Based on the formula her DTI would be calculated as follows:

$$(800/1200) \times 100 = 66.66\%$$

This means that 66.67cents of every dollar Shalini earns is spent on paying debts. It further shows that her DTI ratio is well above the agreeable benchmark. At this rate, it would be difficult for the bank to provide a loan as the chances of Shalini defaulting in payments is high.

What Consumers Can Do

The DTI ratio not only shows the amount of money spent on debt repayment, but it also shows how much money the consumer has to spend on other living expenses. Having less of the latter can contribute to consumers default in payments.

If a consumer's DTI ratio is above the safe zone, it is advisable that consumers refrain from taking further loans.

It is crucial that consumers work out their existing loans and credit account repayments and identify whether it is conducive to take further loans before approaching the bank. Also, factor in your daily living expenses and whether taking a loan will leave you with enough to survive each month.

COUNCIL CALLS ON SKY PACIFIC TO FIX ITS SERVICES

The Consumer Council of Fiji is once again highlighting the plight of consumers frustrated with services rendered by Sky Pacific.

Initially, the Council had voiced concern with Sky Pacific's substandard billing system, and while that remains an issue, there have been further complaints regarding Sky Pacific's automated voice mail service.

Recently, a consumer highlighted the substandard customer complaints service following a complaint call made to the advertised number.

A recorded message informed the customer that the number was not available and to try two other numbers, one of which one was answered by a music machine and the other cut off with no messages or reply.

This doubled the frustration faced by an unsatisfied consumer, and the Council wonders whether this is a ploy by Digicel to divert customers to voicemails and unavailable numbers to avoid their direct frustration.

In a separate case, the Council tested the helpline when trying to assist an elderly consumer with his Sky Pacific service issue.

By calling the automated voice service, the customer is taken through a total of 6 main menus, each of which has an average of 3 sub-menus. This means that the customer has to go through at least 12 steps to complete the transaction.

The process took an average of 5 minutes to complete and was costly for the elderly customer who was a non-Digicel user.

The service is free for Digicel customers only, however for other Sky Pacific customers who use other telecommunication providers, it is a paid service.

The automated service ends with the user receiving a SMS text message, either confirming his account is paid and services will be reconnected, or if he/she is seeking technical services then they will be re-directed to 'Live Chat' on a provided web address, or to call 123, which is the same process as 1515.

This process is too cumbersome and not user-friendly. Consumers are likely to get confused with the various commands that the voice is prompting the user to action.

The service could be made much easier and simpler if Sky Pacific allows callers to

directly liaise with an agent, rather than it being an automated system. With the current system, the customer has to answer a minimum of 12 questions.

The Council is calling on Sky Pacific to be more customer focused and to better their service delivery, and not make the customer service helpline another money-making scheme.

If the company chooses to use a voice-mail system instead of operators to record consumer complaints automatically then it should improve its services so that fewer customers are inclined to call.

Sky Pacific offers a monopoly service in the country as the only paid subscription-based television company however, this does not mean it can go ignore and not answer to its paying customers.

Consumers have made an effort to pay their subscriptions on time, therefore, Sky Pacific must deliver all aspects of its services efficiently.

Note: The information contained in this article was released to the mainstream media in press releases but was neither published nor broadcasted.

WORLD CONSUMER RIGHTS DAY (WCRD)

While the internet has created a convenient platform for e-commerce, it also has a darker side that allows users to hide behind fake profiles and spew allegations and hate speech.

Chief Justice Anthony Gates said this during the World Consumer Rights Day celebrations held at The University of the South Pacific's Faculty of Business and Economics Postgraduate Lecture Theatre on 15 March 2018.

He added that the internet has served as a catalyst for groups who spread lies to push their agenda.

"Sometimes it is thought there is no harm in to add a few lies to help ones cause. If you believe in truth, this approach is simply not good enough."

"The deliberate falsehood now has a speed of circulation and a far greater reach. No wonder the Sri Lankan government had to place an immediate ban on further misinformation of stories being circulated on social media. Race, ethnicity, religion are sometimes simmering just below the surface during election time."

Council's CEO Premila Kumar said the local theme had been selected because the issues of cyber-bullying and fake news were major social problems in modern society.

"We would like to put this issue out in the public so that one can start thinking about the two ills of digitisation and how it can be controlled," Ms. Kumar said in her opening remarks.

"In this day and age, the internet is as important as electricity and water. It is interesting to note when the electricity goes off, people are more concerned that they can't charge their phones and computers and they can't access the internet," Ms. Kumar said.

"So you can imagine the importance of the internet to every consumer. It is for this reason Consumers International celebrated the World Consumer Rights Day- two years in a row to draw global attention to issues faced by consumers in the digital world."

The inter-tertiary debate was between Fiji National University (FNU) and The University of the South Pacific (USP). The latter won the debate while Unal Dev of FNU was awarded best debater prize.

Discussion on the topics centred on whether or not Fiji's regulations was enough to curtail issues of cyberbullying and fake news on social media and if perpetrators would be taken to task.

The opposing team, FNU, indicated that there was already provision in laws to cur-

tail the issues and that the problem was in its enforcement.

USP debated that while there were already provisions to curtail online bullying and fake news in local laws, it was not enough to put a stop to it.

Cyberbullying has been rife in Fiji's social media platforms.

Last year, the country had its first social media defamation lawsuit case between Emosi Radrodoro and Fiji Fashion Week Director Ellen Whippy-Knight. She claimed her reputation had been seriously damaged and that her business, continued to suffer losses and damages because of the allegations.

In his judgement, High Court judge ordered that Mr. Radrodoro pay Mrs. Knight a sum of \$10,000 as compensation. This verdict sets a precedent for all social media defamation cases highlighting the need to be more careful when posting on social media.

On May 17, 2018, the Parliament passed the Online Safety Bill to protect internet users against online defamation, harassment, invasion of privacy and other harmful actions. Through this law, harmful content that causes mental anxiety, shame, suicidal and hopelessness will be dealt with by providing redress for victims and creating awareness on the subject.

AN INFORMED CONSUMER IS AN EMPOWERED CONSUMER



School visit at Rishikul Sanatan College in June. PICTURE Consumer Council of Fiji

To build a society of informed and responsible consumers in which everyone is treated fairly, obtains value for money and can exercise their consumer rights is a vision the Consumer Council of Fiji is working to achieve.

In the markets where profit is espoused above else, it is of vital importance that consumer voices are not lost in the daily business. It is through consumer education which addresses not only problems of consumers individually but also targets sustainable consumption, social justice, human rights, ethical values and poverty alleviation.

In the contemporary marketplace, businesses are increasingly targeting children to sell their products. As a result, the awareness focus of the first half of this year was

targeted at youths focusing on the topics of child consumerism and technology.

School Broadcasting Units (SBU) with the Ministry of Education are a valuable avenue for reaching our youths. The SBU allows stakeholder organisations to record radio programs on relevant youth issues to be broadcast to schools around Fiji.

The Consumer Council recorded 25 SBU programs and also visited 25 schools in the four divisions as part of the outreach programs. They also spoke to children on topics ranging from Sugar-Sweetened Beverages and Labelling of goods to Needs and Wants and the importance of healthy lunches

The Council's consumer education contributes towards the formation of a participa-

tive, critical and competent citizenry.

In this regard, the Council undertook further awareness work in tertiary institutions, Government Departments, the private sector, civil society groups, rural and outer islands and urban communities through mobile units, lectures, community visits, workshops, campaigns, and media programs.

From January to June this year, the Council visited 20 communities, 33 workshops and 25 schools while also giving six lectures and conducting 28 Mobile Units.

Some of the major issues highlighted in the first half of the year were based on various aspects of e-ticketing cards. The abuse of concession cards was also an issue highlighted during awareness programmes.



Mobile Unit at Navua in March.



Saivou outreach. PICTURES Consumer Council of Fiji

SALES GIMMICKS TRICK CONSUMERS



During Council's market surveillance in Labasa, it was found that Max Value Supermarket had put out a Sale Notice "a 4 litre Dukes Canola Oil was selling at \$10.87 and now slashed to special price of \$10.85".

This normal price of \$10.87 when rounded off will result in consumer still paying \$10.85. In reality, there was no special price or discount given to consumers.

Such tactic was used to lure rural consumers who had no real knowledge about rounding off and would believe they were getting discount.

Consumers would need to purchase two bottles of four-litre oil to save 5cents on their purchase. Will consumers buy 8 litres of oil just to save five cents?

The Council brought this matter to the Supermarket Manager's attention, and the problem was instantly rectified.

A warning letter was also issued reminding them of the Fiji Competition & Consumer Commission Act 2010 Section 75 (1) - A person shall not, in trade or commerce engage in conduct that is misleading or deceptive or is likely to mislead or deceive. This case was also reported to FCCC.

GET CASH BACK PROMOTION UNCLEAR

MH Homemaker in Labasa was not clear with vital information for consumers on a promotional flyer offering \$200 Cash Back for in store purchases worth \$1,500.

The flyer did not specify whether this promotion included goods bought on Hire Purchase or whether it was restricted to cash payments only.

The Cash Back promotion could have swayed consumers into buying goods on hire purchase only to be told that they do not qualify for the \$200 Cash Back.

The flyers' scattered design also obstructed vital information that was vital for the consumer to know before making a decision based on this promotion.

Furthermore, the flyer advertised inaccurate closing date. When brought to their attention, the store acknowledged the issues and agreed to amend the promotional flyer quickly.

MISLEADING ADVERTISEMENT - SALES NOTICE BY R.B. PATEL SUPERMARKET



RB Patel Supermarket in Labasa misled customers by advertising false price reductions for a 100g packet of Ritz Biscuit.

The advertisement for the biscuit stated the regular price as \$2.59 with the special price slashed to \$2.15, showing a saving of 44 cents for consumers.

Upon further inspection, the regular price for the item as clearly indicated on the shelf was \$2.19 and not \$2.59.

This misleading advertisement was designed to convince consumers they were saving money by purchasing the biscuit when in reality they were paying the regular price.

The Council raised this matter with R.B Patel supermarket, and the issue was rectified; the sales notice was amended accordingly, and the supermarket was instructed to implement or reinforce necessary internal procedures to ensure staff were more vigilant and consumers were not exposed to the irregularities

A warning letter was also issued to the trader reminding them of the breaches in the law under the **Fiji Competition & Consumer Commission Act 2010 Section 75 (1) - A person shall not, in trade or commerce engage in conduct that is misleading or deceptive or is likely to mislead or deceive.**

COUNCIL QUERIES DENIAL OF OVERSEAS MEDICAL TREATMENT



Dinesh had medical insurance with BSP Life. He was diagnosed with Essential Thrombocytosis, which is a rare chronic condition of the blood. Unfortunately, there was no local treatment available for the condition. Doctors recommended he seek medical treatment overseas. Even worse, if left untreated, the condition could become life-threatening resulting in bone marrow cancer.

Dinesh's physician sent his medical reports to doctors in Chennai India for a medical opinion, but they suggested that Dinesh needs to visit them for an extensive medical investigation before treatment would be decided.

Dinesh sought assistance from his insurer BSP Life but the company refused to pay for his treatment. BSP Life told Dinesh that he did not qualify under the overseas diagnostic benefit that was recommended by physician.

He was also informed that because there were no recommendations for a treatment or surgery at this stage, they could not entertain his claim under the overseas evacuation benefit.

BSP Life also told Dinesh that he would have to pay for the treatment himself and that they would refund this upon his return.

A plumber by profession, Dinesh did not have the finances to fund his treatment. He sought the Council's assistance. The Council intervened and requested BSP Life to conduct further discussion with medical facilities in Fiji such as CWM Hospital and Nasese Medical Centre. Finally, BSP Life agreed to pay for the medical expenses up-front for Dinesh's treatment in Chennai, India.

Your Rights

Insurance policy terms and conditions will determine the level, type and place for your treatment. It is important to understand the extent of coverage for the treatments. In this instance Dinesh was not being sent overseas for medical treatment. He was being sent to have a diagnosis done which was not possible in Fiji.

NO RECEIPT ISSUED FOR SALE OF HOT DOG & ICE-CREAM

Consumers have been flocking in to buy hot dog for a dollar and ice cream for 50cents at all MaxVal-U retail outlets in the Western division. A concerned customer who happened to be one of the many to buy the hot dog and ice cream realised that he was not given a receipt for his purchase.

The consumer informed the Council regarding his grievance. The Council discovered that MaxVal-U in Lautoka did not have a Point of Sale system where the hot dogs and the ice cream were being sold.

MaxVal-U was accepting the payments without providing any proper receipts.

With the Council's assistance, MaxVal-U placed a POS system where the hot dog and ice-cream were sold and ensured that receipts were issued to customers.

Your Rights

The trader is not required to issue a receipt for any purchase below \$10. However, if a consumer requests for a receipt, the trader must give a receipt irrespective of what the purchase value was.

RURAL STORES VIOLATE PRICE CONTROL



Lactogen baby formula is an acceptable replacement for breast milk. The product is usually in demand and is under price control.

The Council received a complaint that a Jinni store outside Lautoka was selling Lactogen 1 & Lactogen 2 formula at \$10.61 whereas the regulated price was \$10.10 for Lactogen 1 and \$10.11 for Lactogen 2.

This rural store was profiteering by charging an extra 50 cents on each Lactogen sold.

Further to price violation, the store was also caught for not issuing receipts. The Council gathered this evidence and alerted the Fiji

Revenue and Customs Services and the Fiji Commerce and Consumer Commission on the issue.

The store concerned was immediately instructed to re-instate the regulated rural price for Lactogen 1 & 2 and were instructed to issue receipts since they were a VAT registered company.

Our Advice

We request consumers to do their research on items that are under price control and note the prices set for rural and urban areas to avoid being overcharged. This information is available on FCCC website <http://fccc.gov.fj/about-fccc/>

REFUND OF BOND MONEY

Raduva relocated from Suva to Labasa and was looking for a house to rent. After inspecting few flats, he found one that suited his needs and agreed to rent the premises. Raduva requested a tenancy agreement from the landlord, but to his surprise, the landlord refused to provide it.

To add insult to injury, he told Raduva that he would also need to pay an additional \$109 for ground rent plus the \$300 bond. The landlord further demanded that he has to clear the previous tenant's electricity bill. This frustrated Raduva - so he sought the Council's assistance.

The Council intervened, and the landlord was informed that it was her responsibility to clear the ground rates before the complainant moved in. The landlord was also required to provide a tenancy agreement to the complainant.

After the Council intervened in this matter, the landlord agreed not to levy the Land Fee on the tenant and to clear the past pending utility bills.

Our Advice

The Council's advice to consumers is that under no circumstances they should pay re-connection fees for water and electricity. New tenants are not responsible for clearing arrears of previous tenants. This is the responsibility of the landlord.

Consumers are protected under the Self-Regulating Guideline for Landlord and Tenant in Fiji, which emphasises the need for consumers to have a copy of the tenancy agreement if they are renting a flat. This will also avoid disputes in the future between both parties.

If there are issues in the agreement that a consumer does not agree with they must raise the matter with the landlord before signing the document.

GARBAGE COLLECTION FOR WHITE GOODS

Ken is an up to date Suva City Council ratepayer. He is entitled to garbage collection from his premises. Ken had placed garbage outside his residence on the garbage collection day.

The City Council's garbage collection team collected some of the garbage but left the rest behind. Ken was disappointed with the service and complained to the Consumer Council.

Based on the Council's investigation, it was found that Ken had placed white goods in the garbage bags. The Council advised Ken regarding the specific dates on which the white goods and green waste were collected. Ken agreed to abide by the specific days for the different types of waste.

Your Responsibility

As a ratepayer, consumers are entitled to garbage collection services implemented by the Town and City Councils. However, they must know the collection day for white goods and green waste collection.

ELECTRICITY ARREARS WRONGLY TRANSFERRED



Priti had sold her commercial property to Tom and Sons Limited and had transferred ownership of the electricity meters on her property to the new owners. There were eight meters on the property and unfortunately ownership of one of the meters was not transferred to the new property owners.

As a result, FEA continued to bill for that single meter to Priti. Unfortunately, all the bills sent to her were delivered to an incorrect postal address, and she remained unaware of the situation, causing the account to fall into arrears.

FEA further claimed that they were unable to disconnect the electricity because the meter was located behind a locked gate on the commercial property.

In attempts to secure payment, FEA transferred the arrears to Priti's account for her private residence.

Priti was then advised by the FEA to clear the outstanding bills or have her domestic electricity disconnected. Understandably Priti felt that she was being treated unfairly and sought assistance from the Council.

The Council intervened, and with the assistance of FEA and Priti, the actual account holder was located and the outstanding bills were transferred to the property owner.

TRUCKING COMPANY DAMAGES PROPERTY

Tina had ordered fine sand from the Waimanu Trucking and Bulldozing Limited for construction works at her property. The trucking company sent a truck to deliver the ordered materials to the site. But during the delivery the truck bumped into a temporary FEA pole on Tina's property causing extensive damages to it. The driver fled the scene and the company failed to provide redress to Tina. Frustrated with treatment from the company, she asked the Council to assist in the redress.

The Council contacted the respondent who agreed to pay \$680 for the damages and did not take any payment for the sand they delivered. Tina did not want the free sand and wanted the sand to be removed which the company obliged.

INSURERS DENY OVERSEAS TREATMENT

Akariva suffered a knee injury back in his school days and was experiencing pain that could not be treated by local doctors and physi-

otherapists. Fortunately, when he joined the workforce, part of his employee benefits included health insurance. He decided to utilise this benefit by seeking surgery overseas as he was in constant pain.

Much to his disappointment, his application to the insurance company BSP Life was rejected despite local doctors recommending overseas treatment.

BSP Life insisted that Akariva should have an operation done locally with the most qualified surgeon.

This was, in spite of the fact that local surgeons had stated their inability to remove the recurring knee pain completely. Akariva then visited the Council for assistance. After the Council's intervention BSP Life approved overseas medical treatment for Akariva with all necessary costs were covered.

Your Rights

Consumers have the right to seek overseas medical treatment if the treatment is not locally available. The Council advises consumers that they will receive medical treatment as per their policy cover.

ILLNESS AFFECTS REPAYMENTS

Amos bought a car through BSP Finance and couldn't keep up with his repayments due to an unexpected illness. His illness took its toll on his employment causing his frequent absence from work. After using up his sick leave, Amos doctor recommended that he take a further 3 months off for recovery.

Unfortunately, he had to take 3 months sick leave without pay. He immediately wrote to BSP Finance seeking their help for the restructuring of his debts due to hardship. Despite the request, BSP Finance consistently sent notices to Amos, and finally, his vehicle was due for repossession.

Amos visited the Council for assistance and with the Council's help, BSP Finance offered another grace period of 2 weeks for Amos to clear his arrears before restructuring his debt once he resumed work.

Your Rights

If you are facing difficulty in making repayments because of unemployment, illness or any other reasonable cause, you can talk to the lender to opt for any of the options given below (Consumer Credit Act Section 66):

- Reduce the amount of each repayment and increase the term of your contract;
- Ask for repayment holiday; or
- Postpone the dates on which repayments are due.

BIOSECURITY FAILS TO UPDATE RECORDS

David was fined \$400.00 by the Biosecurity Authority of Fiji (respondent) in 2016 for carrying an apple in his baggage. He paid the fine within seven days.

But while travelling to India later that same year, he was stopped at the border and had to provide a scanned copy of the receipt for the fine which he had paid before he was allowed to travel. This understandably frustrated David, and he requested the respondent to update their records to avoid being stopped at the border again.

Unfortunately, in February 2018 he was again stopped at the border when he was travelling to Vanuatu, and held him for half an hour to question him yet again on the non-payment of the fine. He informed the immigration agents that his fine had already been paid and he had previously travelled after payment of the fine and was eventually allowed to travel.

This caused further embarrassment for David and he emailed BAF



who confirmed that they had contacted the Department of Immigration to remove his name from the stop departure list. The complainant was concerned as only seven days was provided to him to clear off the fine which he had complied with however it took BAF almost two years to clear his name which caused him further embarrassment as a travelling passenger.

This caused him great frustration and he decided to contact the Council.

Your rights

As a travelling passenger if you have paid your fines within the stipulated time frame, then you are entitled to enjoy your travel without any disruptions or embarrassment.

Your responsibility

Comply with all Biosecurity Laws when travelling.

SUPERMARKET MISLEADS CONSUMER

Lamb legs were advertised at Extra supermarket in Lautoka for \$19.95 each, but the actual price in store was \$19.95 per kg. Kyle saw the advertisement on Facebook and went to the supermarket to buy the lamb legs. In total, Kyle filled his trolley with seven lamb legs assuming that the item was on sale for \$19.95 each as advertised.

When Kyle proceeded to pay for the items, he was told the lamb legs were selling at \$19.95/kg and not \$19.95/leg as advertised online. The frustrated complainant called the Council for investigation in this matter.

The Council immediately visited the supermarket and advised the supermarket manager that they were in contravention of Section 78 of the Fiji Competition and Consumer Commission Act of 2010 on false or misleading advertisement which states that: 'any person who -

- To promote, directly or indirectly, the supply of any goods or services; or to promote any business or trade interest publishes or cause to be published any advertisement containing a false or misleading statement of fact, shall be guilty of an offence.

The supermarket then sold the 7 x lamb legs for \$139.65 at 19.95 each. The supermarket further apologised and stated that as soon as the misleading advertisement was noticed, they immediately put up a correction on their Facebook page and followed it up with the newspaper to correct the advertisement.

Your rights

To purchase the item at the advertised price.



Council's advise

Traders must ensure that they are not in contravention of Section 78 of the Fiji Competition and Consumer Commission Act of 2010 on false or misleading advertisement.

CONSUMERS ADVISED TO BE VIGILANT WITH FOLLOW-UP FOR INSURANCE CLAIMS

Sassy, a retiree had the good fortune of owning a deluxe property in a prime residential area in Suva. Sadly, her neighbour's house was destroyed by fire, and unfortunately for Sassy, her property suffered damage from the fire. The fire had caused the pipes and gutters on Sassy's house to melt. But Sassy

had the foresight to insure her property with Tower Insurance and lodged a claim with them.

She was diligent with her claim and quickly provided all necessary documents to obtain the claim for the repairs of her gutter and pipes.

But despite her initial efforts, Tower Insurance did not respond to her claims for more than three months. And she received no notification of any progress on the claim.

She then visited the Council for assistance. Upon the Council's intervention, Tower Insurance quickly scheduled a meeting with Sassy to gather more information and the claim was processed in less than 3 days. A sum of \$1500 was directly deposited to Sassy's bank account.

Our Advice

Delaying techniques by insurers are common especially when the issues are raised from older and the most vulnerable people

Therefore, it is advisable to report any delays immediately when seeking compensation with insurance companies.



THUMBS UP



'Customer Care' is a buzz phrase in the business world and it is widely known that the level of customer service a company provides can make all the difference in customer satisfaction.

Once you make customers feel truly special, you have built customer loyalty for life - they will keep coming back to you.

We urge businesses to make customer care the norm and we encourage consumers to appreciate such good businesses that have shown respect and care to consumers.

Faulty TV



Simon purchased a 40 inch LG TV for the sum of \$1,299 from MH. Two months after the one year warranty lapsed, the TV became faulty. He notified the

respondent who stated that nothing could be done given the item was no longer under warranty. Simon was disappointed and lodged a complaint with the Council. The Council informed MH that it was appalling to see products were becoming faulty soon after the expiry of warranty even though they cost a hefty sum of money. They were also reminded of the statutory warranty under Sales of Goods Act where the products purchased should be of "merchantable quality"; that is, it should meet the basic level of quality and performance expected, considering its description, price and other relevant circumstances. Given this, MH replaced the item.

Vehicle sale after repossession



Tom purchased a car under the Bill of Sale from GM Motors, and after a year, the engine malfunctioned. Subsequently, Tom stopped making loan repayments, and

GM Motors later repossessed the vehicle. After repairs, GM Motors put the vehicle up for sale for \$16,000. The complainant wanted to buy the same vehicle but sought the Council's assistance with reducing the price given that he had made payments towards the vehicle before repossession. After mediation by the Council, GM Motors Ltd decreased the price to \$13,000, and Tom decided to buy the vehicle.

False promises to repair car



Shristi engaged the services of Shreedhar Motors Limited to repair her self-imported vehicle. Shreedhar Motors assured Shristi that her vehicle would be repaired. They made these assurances even though

they lacked the expertise to diagnose the issue and conduct the repairs. As a result, the repair was prolonged, and the vehicle was in the possession of the respondent for months, after which the complainant sought assistance from the Council. Based on the Council's intervention, the respondent released the vehicle waiving the cost of repair.

Faulty Fridge



William purchased a Modyl 2-door refrigerator for \$1610 from MH Homemaker in December 2017. After only a few weeks of use, the fridge started to encounter

problems. MH collected the fridge for repair, and it was returned to William. However, it started malfunctioning a day after the repair was done. The fridge was again collected for repair but there were delays in the time taken to repair. They also told William that he would be paying for further repair without giving a reason for doing so. While the fridge was undergoing repair and not in Williams possession, MH continued to deduct payments from his wages. After enduring this frustrating treatment, William finally filed a complaint with the Consumer Council. The Council intervened and informed MH that this was a violation of the consumer's right to safety and right to redress. Ultimately, the Council procured a favourable outcome for William. MH fully repaired the fridge and tested it in-store before delivering it to William's home.

Airline ticket change fees



In September 2017, Vika made arrangements for a trip to Fiji. She had booked two tickets for herself and her husband, with the dates of travel scheduled for April 2018.

However, she was forced to reschedule their trip in February 2018 due to the sudden passing of her mother in law. She had made all travel arrangements over the phone with a customer care agent of Fiji Airways and was told she would have to pay a fare difference together with ticket change fees.

The added fees amounted to AUD\$240 and though this frustrated Vika, she agreed to

pay because of her urgent travel needs.

Vika later found out that Fiji Airways could have waived the ticket change fees for immediate family members when there is a death of a close family member. She raised a complaint with Fiji Airways- stating she was not informed of the option to waive the fees. Unfortunately, she received no response, and so she raised the issue with the Council.

The Council noted that Fiji Airways customer service staff were not well versed with all the necessary information. As a result, the complainant was made to go through unnecessary hassle in her attempts to re-claim her money. With the Council's intervention, in this case, Fiji Airways agreed to refund the sum of AUD\$240 to Vika.

The Council also raised that the Fiji Airways website and tickets did not provide a clear definition for the term "immediate family member". The Council suggested that Fiji Airways should define the term.

Exchange of clothing item



Complainant purchased a First Tribe brand pants from Jacks of Fiji (Nakasi) without trying the item on. Unfortunately, the pants did not fit.

When he sought an exchange, he was refused the same as he had misplaced the receipt. Upon the Council's intervention, the complainant was allowed an exchange despite the missing receipt.

MAKE YOUR
VOICE HEARD,
MAKE IT
COUNT
CALL 155

THUMBS DOWN



It is unfortunate that some businesses/traders do not believe in 'Customer Care' or show no importance to their customers; they forget that they owe a duty of care to those giving them business.

Business ethics, fair practice, responsibility and honesty should be the buzz words for all traders.

At the end of the day, all consumers deserve a fair deal in exchange for their hard earned cash and if that is not given to them, consumers have all the right to seek redress.

Misleading prices



MaxVal-U Supermarket in Tavua was found to be misleading consumers.

The Council received a complaint that the supermarket advertised a sale price for 10kg Greenfield long grain rice, but a different price was quoted when the complainant appeared in the supermarket.

The Council raised this issue with Max Val-U, and the correct price was displayed.

However, the Council was concerned that other consumers may not have noticed the misleading price and were duped into buying a product thinking they were saving money.

Therefore, the Council has referred the matter to the Fijian Competition and Consumer Commission for appropriate enforcement action.

Incorrect product sold



Samuela paid for a 1600 watt inverter from Automatic Renewable Energy but was supplied with a 1000 watt instead. Predictably, the product did not suit Samuela's

needs and malfunctioned after a period of use. Samuela informed Automatic Renewable Energy and was advised that he would be provided with the correct inverter. After months of waiting for the inverter, Samuela decided to seek assistance from the Council. Based on the Council's intervention, Automatic Renewable Energy agreed to supply the item, but due to constant delays, the matter was referred to FCCC for their intervention.

Gas price violation



The Council had received a complaint against Pacific Energy regarding the price charged for cylinders

of LPG. Avinesh claimed he was charged \$37.70 for a 12 kg gas cylinder but should have been charged \$33.78 as the item was under price control.

Avinesh produced the receipt to the Council, which raised the issue with the Director of Pacific Energy. Unfortunately, the Council did not receive a response from Pacific Energy, and the complaint was forwarded to the Fijian Competition and Consumer Commission for violation of Price Control Order.

Jie Ning restaurant - Selling Expired chewing gum



During a market surveillance visit in Labasa Town, the Council discovered that Jie Ning Restaurant was selling packets of expired chewing gum. The restaurant was selling Cool air (2's) that had expired on 14/10/17 & Juicy fruit (4's) that had expired on 19/12/17

When the Council brought this issue to the Manager's attention, he refused to acknowledge the matter. A letter warning the restaurant of the sale of expired goods was issued to them under the Food Regulation Act 2009 Part XI- regulation 51-1(d) states that stores, advertise for sale, displays for sale or sells a food past its expiration (use-by date), commits an offence and is liable to conviction to a maximum fine of \$2000 or to imprisonment for 12 months or both. The case was referred to the Labasa Town Council for breaching the Food Safety Act.

Clothing attire not delivered



Geeta and Reena had ordered Indian attire from Nishaat Khan, who operated an online boutique through Facebook.

Both complainants made full payment but to their disappointment three months passed by and their attire was still not delivered.

After they sought the Council's assistance, the respondent was contacted, and she

agreed to give a refund to the complainants. She requested twice for the Council to give her time to provide redress but still failed to provide a refund.

The Council noted that Nishaat Khan was accepting payment upfront for clothing items yet was being evasive when unsatisfied consumers demanded refunds.

The Council also considered a three month waiting period for clothing items to be unacceptable considering some of the items were for special occasions. Furthermore, when Nishaat Khan was given another chance to provide redress, she did not do so.

The case was referred to the Fijian Competition and Consumer Commission.

Sub-standard body kit



James paid a Ba mechanic \$600 for the purchase and installation of a body kit on his car. The mechanic advised James that he would supply the body kit and James would need to get it painted.

Excited at the prospect of upgrading his car, James agreed and took the kit to a painter. To his surprise, he was advised that the kit was of poor standard and would cost \$150 to fix before it could be painted. James was extremely frustrated and called his mechanic for an explanation, but all calls went unanswered. He travelled from Nadi to Ba to return the body kit and asked for a refund, but none was provided. James then complained to the Council, seeking assistance on the matter.

The Council contacted the mechanic to make the payment, but he evaded all phone calls and messages sent to him. The matter has since been referred to the Smalls Claims Tribunal.



The Consumer Council of Fiji receives hundreds of complaints each month on the National Consumer Helpline (NCH). These complaints are actioned by our NCH officers to attain the best possible outcome for consumers. These are some cases reported by Consumers to the NCH and in which the intervention of the Council has been successful.

LATE DELIVERY OF GOODS

Amele Nai purchased a sofa set, bed and fridge on 2 February 2018 from MH Home-maker, Lautoka branch. However, the items were not delivered after two weeks of waiting. On 15 February 2018, she sought the Council's assistance. After the Council's intervention, delivery of the goods was made on 16 February 2018.

RECHARGE CARD SAGA

Jatish bought a \$15 recharge card from a Vodafone outlet in Nadi on 16 February 2018. He recharged his phone and kept his mobile data switched off. After a while, he realised that Vodafone deducted his purchased credit. Jatish lodged his complaint with Vodafone and was advised that the money would be reimbursed. He waited for a day but no reimbursement was made, and he sought the Council's assistance. Upon the Council's intervention, the respondent reimbursed the credit within a few hours.

REFUND ON ITEM BEYOND REPAIR

Epeli Daubelu bought a 9kg twin tub washer from MH Homemaker, Nakasi in April 2015 and also paid for an extended warranty of 4 years. In October 2017, the machine developed issues and was taken in for repairs. After three months, the respondent had failed to repair the product or update the complainant on the matter. The Council intervened, and the respondent informed that the item was beyond repair and the com-



plainant was provided with a refund on the market value of the item within a week.

WARRANTY DOCUMENTS

Sarojini Devi purchased a 2-door Modyl Refrigerator from Home and Living, Nadi branch worth \$600 on 16 March 2018. She advised the Council that she was not issued with a receipt and only received a tax invoice. No warranty documents were provided to her. The Council intervened, and the respondent provided her with the copy of the receipt and also gave her warranty documents.

FALSE PROMISES

Sharon Lal paid Yun Cheng Hair Saloon of Suva \$98 to have her hair straightened. She was promised her hair would remain straight for two years. But after washing her hair after a week, it returned to its natural waviness. She raised her concern with the respondent and was given another permanent straightening treatment at the saloon. However, to her disappointment, the effect of the straightening treatment did not last, and she contacted the Council. The Council liaised with the trader, and she was given a full refund.

VEHICLE REPAIRS

Pradeep Kaur paid Naren's Auto Repairs of Nausori \$1,700 for him to repair the engine of his 4x4 vehicle. The respondent held the vehicle for more than a month in his garage without conducting any repair works. Upon the Council's intervention, the vehicle was repaired and returned to the consumer within two weeks.

BOND REFUND

Vaseva Seru paid a bond of \$750 to his landlord John of Bayview Heights in Suva to move into a flat. After three days, she decided not to move in and informed the respondent accordingly and requested that her bond be refunded. The respondent declined to provide the refund of the bond money. Upon the Council's intervention, the respondent provided the full refund.



“ABORIGINAL ART” FROM INDONESIA, SAYS ACCC

A wholesaler advertising hand-painted indigenous artworks has been misleading the public by sourcing them from overseas, the ACCC claims.

The competition watchdog has commenced Federal Court Proceedings against Birubi Art for selling 18,000 Aboriginal Cultural Objects described as “hand-painted”, “handcrafted”, “Aboriginal Art” and “Australia” when they were made in Indonesia.

The conduct is “damaging” and misleads people by making them think they are buying genuine Aboriginal art, says Sarah Court, Commissioner at the ACCC.

“This has the potential to undermine the integrity of Aboriginal art and negatively impact indigenous artists, including by undervaluing their authentic works,” she says.

Birubi Art, which says it supports and promotes ethical dealings with Aboriginal people on its website, made the claims for more than three years- until November 2017- on boomerangs, bullroarers and didgeridoos.

Source: Choice May 2018 P4.

ANOTHER HEALTH STAR WIN

Ovaltine has agreed to remove the 4.5 health star rating from its packaging after CHOICE called them out for a dishonest rating.

The health star rating on Ovaltine’s packaging was based on three teaspoons of the product and skim milk. Without milk, the chocolate powder only gets 1.5 health stars.

It’s not the first time a food maker has tried to game the government’s voluntary health star rating system. Nestle’ removed its inflated 4.5-star rating from its Milo energy drink in early 2018 after receiving a CHOICE Shonky award.

The health star rating system is a handy tool

to help shoppers find healthier products. But some food manufacturers have used the system as a marketing tool rather than nutrition guidance. With a five year review around the corner, we want to make sure health star ratings work for you, not food companies.

Source: Choice - May 2018 P13

IN SWEEPING WAR ON OBESITY, CHILE SLAYS TONY THE TIGER

SANTIAGO, Chile — They killed Tony the Tiger. They did away with Cheetos’ Chester Cheetah. They banned Kinder Surprise, the chocolate eggs with a hidden toy.

The Chilean government, facing skyrocketing rates of obesity, is waging war on unhealthy foods with a phalanx of marketing restrictions, mandatory packaging redesigns and labelling rules aimed at transforming the eating habits of 18 million people.

Read more at:

www.nytimes.com/2018/02/07/health/obesity-chile-sugar-regulations.html

RAPID RECALL: GETTING UNSAFE PRODUCTS OFF THE MARKET QUICKLY

Product recalls are an important way to remove unsafe products from the marketplace and prevent injury and death. This year the OECD and the International Standards Organisation will be looking at how recalls can be delivered more effectively to ensure consumers are better protected.

The right to safety is a key consumer right, and for many consumer organisations, product safety was the issue that led to their creation or made them into a well-known household name. However, despite real



progress in improving product safety, challenges remain. The issue is rising up the agenda again as a result of unresolved issues and new challenges such as globalised supply chains and markets and new technology.

Read more at: www.consumersinternational.org/news-resources/blog/posts/rapid-recall-getting-unsafe-products-off-the-market-quickly/

DISPATCHES FROM THE ROYAL COMMISSION

The royal commission into banking and financial services put a human face to the damage caused by irresponsible lending when it heard evidence from a self-confessed gambling addict who ended up with \$35,000 in Commonwealth Bank Credit Cards.

When David Harris told the bank he had a problem and to stop offering him credit increases, they ignored him and kept sending him offers of higher limits.

“Two of the hardest things you can do when you are suffering from any addiction is one, admit you’ve got a problem and two, reach out for help, and in that phone call with Common Wealth, I tried to do both he told the Commission.

“I tried to reach out for help, and I didn’t get any. I got the opposite.”

The Commission also heard about Westpac loans issued by car dealers that should never have been approved. Westpac’s general manager of specialist finance, Philip Godkin admitted the way car dealers are remunerated is a conflict of interest. Known as “flex commissions”, they allow the dealer to set the interest rate of a loan and exploit financially unsophisticated consumers. Flex commissions will be prohibited from November.

When the commission tries to delve into ANZ’s former car finance subsidiary Esanda, counsel assisting hit a wall. The witness sent by the bank “wasn’t in the business” when the bank owned Esanda and so wasn’t equipped to answer detailed questions about it. Makes you wonder how he came to be in the chair then.

Source: Choice - May 2018 P7





1. ETRANSPORT EXTRAS

The adult fare from Balawa to town and vice versa is 68 cents. If I was to buy a \$2 disposable eTransport card, I'll be able to only make two trips with a balance of 64 cents remaining in the card. After 30 days and this particular disposable card expires, what happens to the balance of 64 cents. Who is it credited to?

Wise Muavono,
Lautoka

Council's Response

We refer to Wise Muavono's letter titled "eTransport extras" published in the Fiji Sun on 7 February 2018. He enquired about the left over balance after the expiry of the disposable card.

The unclaimed money on any expired disposable card is collected by the solution providers and transmitted to the ICT development fund set up by the State.

This is done according to section 5A(3) of the Electronic Fare Ticketing (Omnibus) (Amendment) Regulations 2017 which clearly states "e-money that is not refunded to a passenger upon the expiry date of a disposable bus card must be transferred by the solution provider to a fund prescribed by regulations for the development of information and communication technologies in Fiji".

2. CONSUMER RIGHTS

After reading Wise Muavono and the Consumer Council's letter regarding the balance from the disposable e-ticket cards, I believe a can of worms has just been opened.

Why is the balance from the disposable E-ticket cards being sent to the ICT development fund created by the State?

The remaining balance belongs to the owner of the card, and if the owner of the card is not consulted before the money is sent to the ICT development fund, then I believe this is stealing. In simple terms, someone is stealing that balance.

Premila Kumar should fight for the consumers like she used to do!

Narayan Reddy,
Lautoka

Council's response

We refer to Narayan Reddy's letter titled "Consumer rights" published in the Fiji Sun on 11 February 2018.

We would like to highlight that consumers are given a timeframe to claim the remaining balance on their disposable cards. After the timeframe has lapsed and the funds have not been claimed, only then does the money

get transferred to the ICT development fund.

Consumers have a choice. They can either opt for disposable card or carry their e-Transport card. Disposable card, as the name suggests is temporary in nature.

This practice is no different to inactive bank accounts held by the bank. When the account-holder does not claim the funds within the stipulated timeframe, the account is closed and funds are transferred to the Reserve Bank of Fiji who then remits to the Government.

Regarding ICT development fund, this was created to finance ICT infrastructure development and to increase internet penetration in rural areas which is being done through Telecentres.

3. SENIOR CITIZEN

This morning when buying tickets for the 12 pm session of BHAAGI 2 I found out that, according to Damodar Cinemas, I am not a senior citizen on public holidays.

My Damodar Cinemas Senior Citizen Card, which expires on September 11, 2019, has the following Terms & Conditions:

- Present this card to be eligible for Senior Discount;
- Valid for 55 years and above;
- Applicable for movies before 6 pm every day;
- Valid for one ticket per cardholder;
- Not valid for Premium and Other Special event movies;
- Non-Transferable; and
- This card expires 24 months from the date of issue.
- There is nothing that says that it is not applicable on public holidays.

Maybe Premila Kumar of the Consumer Council could elaborate on this.

Vijay P. Madhavan,
Suva

Council's response

Reference is made to Vijay Madhavan's letter titled "Senior Citizen" published in the Fiji Sun on 31/03/18.

Mr Madhavan raised his concern that he was denied to use his discount count to watch a movie at Damodar Cinemas on a public holiday. In this regard, the Council sought clarification from Damodar Cinemas and was provided with the senior citizen's application form that lists the full terms and conditions of the discount card. One of the conditions clearly stated on the application form was that the discount card is not valid during public holidays.

However, the Council noted that the discount card issued by Damodar Cinemas to senior citizens did not include the condition mentioned above on the card. They stated that this was due to lack of space on the card.

As far as the senior citizen is concerned, he/she has access to the terms and conditions stated on the discount card which they rely on for easy reference. If terms and conditions are listed on the card then shouldn't this specific condition relating to public holidays be on the card as well?

Damodar Cinemas must honour the discount card and allow senior citizens to watch movies during public holidays at a discounted price until the card is changed to include the above condition.

Senior citizens should not be required to fully remember and recall all the terms and conditions to determine when and how they qualify for a movie discount if it's not stated on the Damodar Cinemas Senior Citizen Discount Card.

4. SALES ADVERTS

I have to admire our businesspeople for their tenacity. Prior to a religious occasion, there is an advert about a sale. Then we have the Black Friday sales. Christmas, Eid, Holi are not spared. What flooded me was the post-flood sales! Are they selling flood damaged goods? Consumer Council, can I be delegated to check on this kind of sale?

Allen Lockington
Kava Place,
Waivavi, Lautoka

Council's response

Reference is made to Allen Lockington's letter titled "Sale Adverts" published in the Fiji Times on 21 April 2017.

Mr Lockington correctly pointed out that traders use every opportunity to put up sale adverts to market their products. Even recent flood is not spared to create sale adverts.

The Council welcomes initiatives by traders to make a sale as long as the sale is not used as a gimmick to sell substandard products at a high price or to get rid of dilapidated items not fit for use.

There are occasions where traders conduct sales on "as is where is" basis to get rid of flood-damaged electrical and food items which are not safe for consumers.

As for Mr Lockington's suggestion, we look forward to his assistance to check on such sale to prevent gullible consumers from being duped into buying items which are not safe or of merchantable quality.

The Council cannot be everywhere, therefore, it relies on consumers to bring such issues to our attention. Consumers can take photos as evidence and send emails to complaints@consumersfiji.org or call our toll free number 155 to lodge their complaints.

BE PROUDLY FIJIAN BUY FIJIAN MADE



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