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FEATURE ARTICLE

Wrong Fuel, Real Costs: Who Pays When Things Go Wrong at the Pump?

Fuelling up is a routine we perform on autopilot; quick, repetitive, and usually low-risk, but imagine the sinking feeling in your chest as you realize the attendant just pulled the green nozzle (unleaded) for your diesel engine. In an instant, a simple chore transforms into a mechanical nightmare. In Fiji, where vehicles are lifelines for work and family, a single mistake at the pump can stall more than just your car, it can stall your finances, making it essential for both consumers and fuel retailers to clearly understand their roles, responsibilities, and the steps to take when errors occur.

This feature addresses some of the most frequently asked questions about incorrect fuelling, with the aim of helping consumers understand their responsibilities, their rights, and the steps to take to avoid or respond to such incidents.

Real-World Cases

To understand how these disputes unfold in reality, let's look at two cases handled by the Council that highlight the importance of evidence and attention.

Case 1

A consumer requested \$30 worth of unleaded fuel for his vehicle. Shortly after leaving the station, his car began jerking violently and eventually lost power on the road. A mechanical inspection revealed that approximately 20 litres of diesel had been mistakenly dispensed into his petrol tank. While the service station initially offered \$100 in cash as a quick fix, Levani knew his damages were much higher. He sought three independent mechanical assessments, two of which provided formal diagnostic reports proving the fuel contamination had caused over \$1,000 in damage. With the support of the Council and a clear "paper trail" of mechanical reports, the retailer eventually took full responsibility, reimbursing the consumer a total of \$2,000 to cover repairs and associated losses.

The Lesson: Always get a professional diagnostic report. It is your strongest tool when the initial offer of redress is insufficient.

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Case 2

Another consumer claimed that a station attendant had dispensed diesel instead of the requested unleaded fuel, causing damage to his vehicle. He demanded full compensation for the repairs. However, the service station refused to pay, leading to a deadlock. During the investigation, the retailer produced clear CCTV footage of the transaction. The footage showed the consumer specifically pointing to the incorrect fuel pump while giving instructions to the attendant. As the evidence proved the error originated with the consumer's instructions, the retailer was not held liable, and the claim for redress was declined.

The Lesson: Clear communication is vital. Even if an attendant is holding the nozzle, you must ensure your instructions, and your physical gestures, are accurate, as modern surveillance leaves little room for doubt.

“What responsibilities do I have when fuelling my vehicle?”

Consumers are not passive participants in a fuel transaction; they are active decision-makers. Many incorrect fuelling incidents arise from miscommunication or lack of attention, both of which can be avoided.

When fuelling your vehicle, you should clearly state the correct fuel type; petrol or diesel, before dispensing begins. You should not rely on attendants to assume your vehicle type. It is important to stay present and attentive throughout the process, check that the pump meter starts at zero, and observe the nozzle being used to ensure it matches your fuel type. Before driving off, especially if you were distracted, double-check that the correct fuel was dispensed. Always request and keep a receipt; not only is it a proof of transaction, it doubles as paper evidence of what fuel was filled, in case of future disputes. In self-service situations, the responsibility increases significantly. Selecting the wrong nozzle, even momentarily, can lead to serious consequences. A few seconds of attention can prevent significant repair costs.

“What responsibilities do fuel retailers and pump attendants have?”

Fuel retailers have a professional duty of care. Fuelling is not merely a sale; it is a service that requires accuracy, communication and adherence to safety standards.

Attendants should confirm the fuel type with the consumer before dispensing and repeat the order where necessary, particularly in busy or noisy environments. Pumps should be clearly

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labelled and well maintained, and calibration must be accurate so consumers receive the quantity they pay for. Retailers are also responsible for ensuring staff are properly trained in identifying the vehicle type, and how to ascertain the type of fuel needed. They should ensure that staff adhere to safety standards, including spill prevention and emergency readiness.

If an attendant dispenses the wrong fuel despite clear instructions, this may amount to negligence, and the retailer may be held accountable for any resulting damage.

“What exactly happens during incorrect fuelling, and why is it serious?”

Incorrect fuelling typically involves putting petrol (unleaded) into a diesel engine or diesel into a petrol engine. While it may seem like a minor mix-up, modern engines are highly sensitive to fuel type.

- **Unleaded petrol in a diesel engine** reduces lubrication, causing internal damage to fuel pumps and injectors
- **Diesel in a petrol engine** can clog components and disrupt combustion

In both cases, the damage can escalate quickly if the engine is started. What could have been a relatively simple fix, such as draining the tank can turn into extensive mechanical repairs.

“What should I do if the wrong fuel is put into my vehicle?”

The Golden Rule: Do Not Turn the Key

If you realize the wrong fuel has entered your tank, your response in the first sixty seconds is the difference between a simple flush and a total engine rebuild. Follow these steps immediately:

1. **Do Not Start the Engine:** Do not even turn the ignition to the "ON" position to check the fuel gauge. In modern vehicles, this can prime the fuel pump and send the wrong fuel into the lines, making the damage much harder (and more expensive) to fix.
2. **Alert the Station Staff:** Immediately notify the pump attendant and the station manager. Ensure they stop the pump and acknowledge the error. Ask them to "log" the incident in their daily station diary.
3. **Document the Scene:** Before the vehicle is moved, take photos of the pump display showing the fuel type and amount, the nozzle used, and your vehicle's position. If you have a dashcam, ensure the footage is saved.

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4. **Stay Put:** Do not drive the car to a parking bay. Ask the attendants to help you push the vehicle to a safe area in neutral.
5. **Professional Extraction Only:** Never attempt to siphon the fuel yourself. Arrange for a professional towing service to take the vehicle to a qualified mechanic for a full system flush and filter replacement.

“What redress options are available if something goes wrong?”

Redress is not just about fixing the car; it’s about being "made whole."

Who pays for the mechanic? Liability for repair costs, including the mechanic’s diagnostic fee, the fuel system flush, and any replacement parts, depends on who was responsible for the error:

- **Retailer Liability:** If the pump attendant dispensed the wrong fuel despite your clear instructions, the retailer is liable for all costs. This includes towing, the mechanic’s labor, and the cost of the wasted fuel. Many service stations carry Public and Product Liability insurance specifically to cover these "crossover" or negligence incidents.
- **Consumer Liability:** If you provided incorrect instructions or used the wrong nozzle in a self-service setting, the financial burden remains with you.
- **Shared Responsibility:** If there was a genuine miscommunication where both parties were at fault, a split-cost resolution may be mediated by the Council.

Step-by-Step Recovery:

- **First Contact:** Attempt to resolve the matter on-site. Request that the station manager commit in writing to covering the inspection costs at your preferred registered mechanic.
- **Independent Assessment:** Obtain a detailed technician’s report. This report acts as your primary evidence; it must state that the damage was directly caused by fuel contamination. **Note:** You may need to pay the mechanic upfront for this report, but this cost should be included in your total claim for reimbursement from the retailer.
- **The Paper Trail:** Collate your evidence. This includes your fuel receipt, towing invoices, the mechanic’s report, and the final repair bill.

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- **Formal Escalation:** If the retailer refuses to pay for repairs caused by their staff's negligence, lodge a formal complaint with the Consumer Council of Fiji via the National Consumer Helpline: 155. We will facilitate mediation to ensure the party at fault takes financial responsibility.

What is the Council's main message to consumers?

Fuelling may appear routine, but it is a shared responsibility that requires attention from both consumers and retailers. A moment of caution at the pump is far less costly than the consequences of an error. Understanding your rights, fulfilling your responsibilities and acting quickly when issues arise can help protect both your vehicle and your finances.

The Council remains available to assist consumers who encounter disputes or unfair practices related to fuel transactions. The Council can provide guidance, facilitate mediation between consumers and retailers, and support the resolution process where liability is contested through our National Consumer Helpline: 155.

Seeking assistance early can often lead to quicker and more effective outcomes.

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