



Ohio Attorney General's Consumer Advocate Newsletter

JANUARY 2016

Keep your guard up when fulfilling New Year's resolutions

The beginning of a new year is the traditional time for people to work toward a healthier lifestyle. If that is your aim this year, be sure to protect yourself as a consumer while fulfilling your resolutions.

If joining a fitness center is part of your plan, search complaints on file with the Ohio Attorney General's Office and the local Better Business Bureau to determine if customers have been satisfied with the gym's services. Common complaints include fitness centers closing without notice, overcharging for services, or not clearly explaining cancellation rights.

Typically, you will be asked to sign a contract when signing up for a gym membership. As with all contracts, you should read the entire contract to make sure you understand all the terms and conditions and to ensure that any promises made by a salesperson are included in the contract.

Under Ohio law, gym membership contracts generally should not last longer than three years. Also, regardless of the gym's cancellation policy, under Ohio law, you generally have three business days (excluding Sundays or legal holidays) to cancel your contract in full at no cost to you. Before signing the contract, ask about the facility's cancellation policy, and determine what your responsibilities are if you decide to end the contract early.

Also look out for "negative option" contracts. Under negative option contracts, consumers are automatically reenrolled at the end of their current contract and money is automatically charged. For example, a gym might automatically renew an annual membership by charging the consumer's credit card for the entire next year when the first year is about to expire. This makes it difficult for the consumer to remember to cancel the contract in time to avoid the annual membership fee.

Dietary supplements also have become popular in the weight-loss industry and often are touted as a quick and easy solution to a difficult health problem. While these supplements may be advertised as having fast results, it is important to research products before trying them. (Look online for reviews from others who have tried the product, detailing if the product worked for them, and check for any scientific research conducted on the product.) Most importantly, keep in mind that some supplements have been shown to cause harmful side effects. To avoid potentially dangerous products, check with your doctor or other trusted healthcare professional before making a purchase.

If you suspect a scam or unfair business practice, report it to the Ohio Attorney General's Office by calling 800-282-0515 or visiting www.OhioAttorneyGeneral.gov.

New mobile device? Here are two ways to protect your identity

Did you receive a new mobile device such as a laptop computer, tablet, or smartphone for the holidays? If so, chances are you've probably rushed to learn about all the newest features and even set up your favorite apps. But have you considered what to do in case your device is ever lost or stolen, or what to do with your old device?

You never know when unexpected events may separate you from your technology, so it's important to have a plan in place. Here are two cybersecurity tips to help you protect your personal information.

1. Look into a locator app for your new device.

Consider downloading a "locator app" from your device's manufacturer or another trusted source. As with other apps, check online consumer and expert reviews or consult with friends or local information technology professionals to help in the selection process. Locator apps can trace a device in case it is lost or stolen. Some locator apps include features to remotely lock the device and/or wipe out all the information on the device to protect your privacy.

2. Clear old devices completely before discarding.

While you would never choose to lose your device, there are times when you might want to resell, recycle, donate, or otherwise dispose of your device. Before giving up control of your device, be sure to wipe clean the hard drive and any other storage devices (including USB thumb drives, memory sticks, memory cards, and – for some cell phones and smartphones – SIM cards).

Often, merely deleting files as you typically would if you no longer need them is *not* enough to render the data unrecoverable. Even throwing documents in the virtual "trash" and emptying that trash may still allow data to be recovered. This means an identity thief may be able to recover the data.

Some devices have a factory reset option (also called a "hard reset") that may wipe it clean. You also should be certain to delete any apps stored on the device, especially if you've chosen to save passwords on the apps.

If you need help or if you're unsure that all personal information has been completely removed, take the device to a trusted source, such as a local electronics store, and have the device wiped clean. Other resources to consult may include the device's manufacturer or your Internet or cell phone service provider.

The Ohio Attorney General's Office provides cybersecurity education to consumers throughout the state. To learn more, to schedule a cybersecurity presentation, or to report a scam or unfair business practice, contact the Ohio Attorney General's Office by visiting www.OhioAttorneyGeneral.gov or call 800-282-0515.

Think twice before using others' images online

The Internet has made communication faster and easier. However, that does not mean it is harmless to use someone else's photos, graphics, or other content.

If you or an organization you belong to maintain a website, blog, social media account, or other online presence, be careful when selecting content, such as graphics and images.

One of the greatest challenges when choosing content is figuring out whether it is safe and legal to use. That often comes down to knowing whether the image or photo is protected by federal copyright law. Unfortunately, that is not always a simple task.

Copyright violation is what is called a "strict liability offense." It does not matter whether you know the photo, image, or other content is protected. All that matters is that the image is used without permission.

Although there are some defenses to an allegation of copyright infringement, those justifications do not automatically protect consumers or their organization from being sued.

That is why Ohio Attorney General Mike DeWine is urging consumers, businesses, and nonprofit groups to exercise due diligence when selecting content to use online and in print.

Attorney General DeWine offers the following tips for protecting consumers from allegations of copyright infringement.

- Know where the image or picture comes from before you use it. If you cannot find who created the image and get their permission to use it, look for alternative images you have the right to use.
- Keep in mind that the public availability of a graphic or other content does not mean you have the right to use it.
- Understand there is no requirement that an image show a copyright mark, trademark notice, or statement of ownership to be protected under federal law.
- Consider obtaining images and photos from websites and services that offer use of their content free of charge and without attribution (crediting the image's creator by name).
- If you or your organization needs specific types of images, consider entering into a contract with a company that provides access to stock photos and images. An Internet search for "stock photos" can provide a good starting point.
- Remember that paying a small, upfront fee to use an image may save a lot of money down the road compared to the consequences of using an unlicensed or copyrighted image.

If you suspect a scam or an unfair business practice, report it to the Ohio Attorney General's Office by calling 800-282-0515, or visiting www.OhioAttorneyGeneral.gov.

Annual credit reports are vital way to catch ID theft and errors

If you are concerned about identity theft or want to understand the information that creditors access when you apply for a mortgage, apartment, credit card, car loan, or any other type of credit, check your credit report. Reviewing your credit report will help you understand what information creditors can see and is the most effective way to spot warning signs of identity theft.

Federal law allows consumers to obtain one free copy of their credit report from each of the three major credit reporting agencies – Equifax, Experian, and TransUnion – every year. You can access free annual copies of your credit reports at www.annualcreditreport.com or by calling 1-877-322-8228.

You may order all three credit reports at once or choose to stagger them to view one report every few months in order to check the accuracy of your credit reports throughout the calendar year. For example, maybe you choose to pull TransUnion in January, Equifax in May, and Experian in September – this way you see your credit report at three different times throughout the year.

If a consumer is denied credit, that individual is entitled to the credit report used to make that determination. The information contained in the report from one credit reporting agency may vary somewhat from the information contained in another agency's report, as each credit report summarizes the information that the particular credit reporting agency has on file for the consumer.

Keep in mind that your credit score is separate from your credit report, and there is generally a fee to request your credit score. However, some credit card companies have begun including a FICO credit score for free on monthly billing statements.

If you discover an error on your credit report, you should dispute it with the credit reporting agency online or by calling the phone number listed on the report. The agency has 30 days to investigate a consumer's inquiry. Any item in dispute must be removed if the creditor that reported the information (such as your credit card provider or bank) does not respond in that timeframe. If, however, the creditor responds that the information is accurate, you are entitled to add your explanation to the report.

If, after reviewing your credit report, you suspect you are a victim of identity theft, report it to the Ohio Attorney General's Office by calling 800-282-0515 or visiting www.OhioAttorneyGeneral.gov. The Attorney General's Identity Theft Unit helps victims recover from the effects of identity theft.