



CONSUMER ADVOCATE

From the Consumer Protection Section at the office of Ohio Attorney General Mike DeWine

HANDLING UNWANTED TEXT MESSAGES

BE CAREFUL BEFORE GIVING OUT YOUR PHONE NUMBER

Unwanted text messages are not only annoying, but can lead to unauthorized charges on your cell phone bill for services you never requested.

In the last few years, the Ohio Attorney General's Office has seen a rise in complaints dealing with unauthorized phone charges, in some cases connected with unwanted text message spam.

How you can avoid these charges:

- Do not submit your cell phone number on websites that you do not know and trust.
- Even if you do trust a company, *always* check its privacy policy before submitting your phone number. Find out whether it will sell your information. Be especially careful with "free ringtone" downloads.
- Monitor your cell phone bill carefully for unauthorized charges and talk to your cell phone service provider about blocking all text messages sent through the Internet.
- Register your cell phone number on the National Do Not Call Registry.

What to do if you discover unauthorized charges:

- Contact the company responsible for the unwanted text messages, explain that you never intended to subscribe to their service and that you want it to stop. Also ask them for a refund for all previous charges.
- Contact your service provider and explain the situation, that you never requested that service, and that you would like the charges to be removed from your bill.
- Report the unwanted text messages by forwarding them to SPAM (7726), if accepted by your cell phone provider. Many providers allow you to forward unwanted texts to the number 7726, which spells "SPAM" on most phones.
- If these approaches do not work, file a complaint with the Ohio Attorney General's Office, the Federal Trade Commission (FTC), and the Federal Communication Commission (FCC).

Keep in mind that filing a complaint won't necessarily stop unwanted text messages, but it will help provide important information that may lead to future action.

LAYAWAY: IS IT RIGHT FOR YOU?

READ THE TERMS AND CONDITIONS

Many companies have brought back layaway plans for the holiday season. But before you put a purchase on layaway, make sure you understand what it is and how it works.

Layaway plans allow you to pay installments for items on reserve. You receive the item when it is paid in full.

The Ohio Attorney General's Office has received about a dozen complaints about layaways since January 1, 2011. In their complaints, many consumers said the business closed while they were paying for items on layaway. As a result of the closing, they never received a refund and they never received the merchandise.

Here are sample terms and conditions for a layaway plan:

- Service fee (5% or \$10 whichever is greater, non-refundable)
- Deposit (20%, paid up front)
- Contract term (8 weeks)
- Cancellation fee (10% or \$25 whichever is less)

Ohio law

Under Ohio law, in a layaway plan for an item worth less than \$500, stores are not required to provide a written contract to consumers, but they must give consumers written notice if they miss a payment. Consumers then have 10 days to make up the missed payment. If they don't make up the payment, the store is entitled to \$25 or 10 percent, whichever is less.

For layaway agreements of \$500 or more, the store must provide the consumer with a written contract. If they want to cancel, consumers must do so in writing. They can cancel within 5 days with no penalty. After 5 days, if the consumer cancels or defaults, the store can keep up to 50% of the amount the consumer has already paid.

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BEWARE OF INTERNET POP-UPS

When online, you will likely encounter a pop-up advertisement or two. In addition to being a nuisance, they may bring viruses and send out your personal information.

Pop-ups are generally new web browser windows used to display advertisements. Certain types of downloaded content, especially images and free music, can cause pop-ups. Clicking on pop-ups may put you at risk for certain types of scams.

The good news is that pop-up ads can be blocked. Follow these precautions to protect your computer and your personal information:

- Use blocking features. If you have Internet Explorer, "Pop-up Blocker" lets you limit or block most pop-ups. You can choose the level of blocking you prefer. Other Internet browsers have similar features.
- Download free software to limit pop-ups. Beware that some free software comes with spyware, which can collect and transmit your personal information without your knowledge.
- Be careful when you close a pop-up. Hitting the "Okay" or "Cancel" button may actually cause more pop-ups. It's probably safer to close the window by holding the Alt key and pressing F4.
- Run your computer's anti-spyware scans often.

HIGH SCHOOL VIDEO CONTEST: ONE MONTH LEFT!

The 2011 Take Action High School Video Contest, which gives Ohio high school students the opportunity to compete for college scholarships while promoting Internet safety, is open from now until December 15.

Entries can come from individual students or teams of two students. Submitted videos must be 60 seconds in length. For more information, visit www.OhioAttorneyGeneral.gov/TakeActionContest.

TRADE SECRET OF A SCAMMER

SENDING FAKE CHECKS IN A FEDEX PACKAGE

To make their ploys seem real, scam artists may send a counterfeit check or money order inside a FedEx package or other official-looking package.

No matter how it's delivered, an unexpected check or money order is almost always a scam.

Report a potential scam to the Ohio Attorney General's Office at www.OhioAttorneyGeneral.gov/ReportaScam or by calling 800-282-0515.

WANT UPDATES?

- Receive the Consumer Advocate via e-mail by signing up at www.OhioAttorneyGeneral.gov/ConsumerAdvocate.
- Visit www.OhioAttorneyGeneral.gov for more information.

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Warnings and tips

Some companies work with major retailers to provide layaway plans through the Internet. As with in-person layaways, make sure you understand all the terms and conditions before using these services. Doing business with reputable companies can be safer than arranging layaways where you do not know the company's reputation.

Tips for layaways:

- Ask for a written description of the store's layaway program before you agree to it, regardless of the cost of the items you place on layaway.
- Ask if you can get a sale price for an item if it goes on sale during the time you have it on layaway.
- Understand the terms and conditions of the layaway. Some stores only offer certain merchandise, or have days where layaways may not be available.
- Save all payment receipts, contracts, and related documentation until you receive your product.
- If a company files for bankruptcy, you may file a proof of claim with the bankruptcy court. However, even if you do this, it can be difficult to recover money from companies that are no longer operating.
- If a branch of a company shuts down, call the corporate headquarters and explain the situation citing all necessary documentation.

Consumers are almost always better off saving their money until they can afford to pay the full amount for the purchase. File a consumer complaint with the Ohio Attorney General's Office at www.OhioAttorneyGeneral.gov/ConsumerComplaint.