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The Consumer

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OF SINGAPORE

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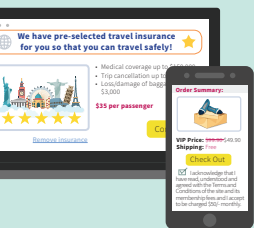
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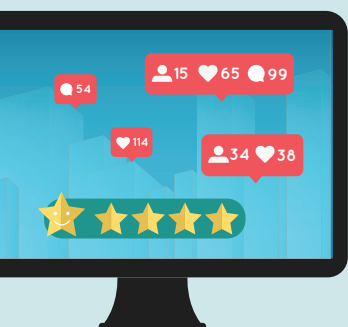
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President's Message



Dear readers,

As technology advances and evolves, we see the lines between online and offline retail blurring. Many retail stores are now investing in an online presence due to the increasing number of consumers shopping online, particularly in the fashion, food and lifestyle categories.

With the high Internet and mobile penetration in Singapore and a growing number of consumers with greater discretionary spending, it is inevitable that the e-commerce market will grow exponentially in the years to come.

As consumers, we have come to expect an endless array of products and services listed by different online sellers. In some cases, same-day deliveries makes online shopping so easy and convenient. However, online shopping carries its own set of risks and dangers as well.

For example, cybercriminals may steal online shoppers' personal data through phishing or hacking. Consumers may be misled into signing up for unwanted membership subscriptions or accidentally agree to extra charges by failing to read the terms and conditions before clicking on the 'I agree' button. Furthermore, the online seller may fail to deliver the product and disappear after the consumer has transferred the money into the seller's bank account.

Hence, it is advisable that consumers learn to exercise caution when shopping online. In this issue of The Consumer, we bring you some tips and measures you can use to protect yourself.

This includes only making online purchases when connected to a secure mobile data network or password-protected Wi-Fi network in order to protect your personal identity and credit card information from malicious hackers. It is also important to set strong passwords that

are at least eight characters long and comprising a mix of alphabetical, numeric and special character letters.

In addition, consumers are advised to use e-commerce platforms or payment methods that offer prepayment protection. For example, some platforms release payment to the seller after confirmation by the consumer that the product has been delivered in good order. Alternatively, consumers that pay by credit card can ask for a chargeback from their card issuer if the product is not delivered or delivered in poor condition.

Lastly, it is important for consumers to take an extra moment to review their financial statements no matter how busy they are. Should any of the online shopping precautions fail, it is good to challenge suspicious charges to your bank as soon as possible. Do remember to keep an eye out and be a smart online shopper.

Lim Biow Chuan
CASE President

3 Easy Ways for a Safer Online Shopping Experience



With a whole month dedicated to celebrating the Great Singapore Sale annually, shopping can be said to be Singaporeans' national pastime. As the country charts its progress as a digital economy, it is hardly surprising that we have also taken to e-commerce like ducks to water.

Singapore has the highest proportion of online shoppers in Southeast Asia. According to a survey¹ by Visa, more than 70% of consumers here shop online at least once a month. With statistics indicating a 1.5 mobile subscription rate² for every

Singaporean, the number of online purchases made via mobile phones is also expected to rise.

Today, online shopping has become simpler and easier, given the ubiquitous access that network-connected electronic devices can provide – be it at home, at work or on the go.

Such convenience and benefits are not without risks. As more and more Singaporeans flock online for retail therapy, cybercriminals are also following hot on their heels for personal data that they are not authorised to have.

The Dark Side Of Online Shopping

Cybercriminals have become more sophisticated in the ways they harvest online shoppers' personal data for nefarious purposes. As we shop online, we should be aware of the threats lurking in the digital realm, the various forms that they may take, and what we can do to mitigate the risks.

A common trick that cybercriminals often have up their sleeve is phishing – they send out emails that look as if these come from legitimate companies, to mislead people into revealing personal data such as their NRIC numbers, passwords and credit card details.

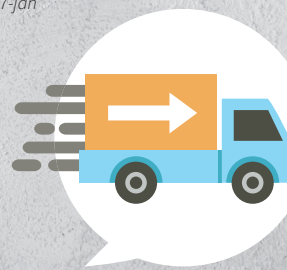
These emails may contain links to seemingly tantalising offers, luring users to bogus websites where they are enticed to make a transaction or divulge personal data in the process. By visiting these sites, users may inadvertently be opening a door for malware to infect their systems and possibly siphon off their personal data.

Other common exploits include hackers breaking into computer systems with weak password protection to control user accounts and use them for fraudulent purposes.



¹ <https://www.channelnewsasia.com/news/singapore/more-singaporeans-do-holiday-shopping-online-survey-8202888>

² <https://www.imda.gov.sg/industry-development/facts-and-figures/telecommunications/statistics-on-telecom-services/statistic-on-telecom-service-for-2017-jan>



3 Tips To Thwart Cybercriminals

There are many channels that cybercriminals can exploit to target online shoppers. A few simple safety measures, backed by basic awareness, can help to foil these attempts, making online shopping a safer experience.



1 BE ALERT WHEN SHARING PERSONAL DATA



A large part of online shopping involves the sharing of personal data. For instance, having to key in your user ID and password to log into your customer account in order to make purchases. Always be wary of emails that require you to provide personal data upfront, even if they appear to be from a reputable or trusted source. When in doubt, call up the organisation that the email is purported to be from, to verify that it is not a phishing scam.

Responsible organisations are unlikely to request for excessive amounts of personal data beyond what is required for a specific engagement or transaction. If you find that an online shopping site is asking for more personal data than you are comfortable divulging, it is best to hold back. Data sharing has its benefits, such as personalised customer experiences. However, we should be mindful not to overshare personal data online since cybercriminals can combine data from different sources to build up a fairly accurate profile of you, and misuse the information to their advantage.

Always understand the purpose for the collection, use or disclosure of your personal data. At times, it may not be necessary for you to provide all the personal data requested. Organisations cannot force you to agree to the collection, use or disclosure of personal data beyond what is reasonable to provide a product or service to you.



3 PROTECT PASSWORDS WITH THE POWER OF 8



Be it your email or an account that you have with your online retailers, make sure that you have strong access credentials that are not easy to guess.

When it comes to passwords, size does matter. It has been estimated⁴ that it takes 0.29 milliseconds to crack a 7-letter password, compared to 5 hours for 8 letters and 5 days for 9 letters. Adding special characters also exponentially increases the time that hackers will need to break into your account.

A strong password should therefore be at least 8 characters long, comprising a mix of upper and lower case letters, with at least one alphabetical, numeric and special character.

Even with the strongest passwords, malware may still enter a computer system or electronic device through means of an unsuspecting user clicking on an infected link, or a MITM attack over unsecure Wi-Fi networks. Hence to cover these bases, it is also important to install and update your anti-virus software regularly to deter hackers and prevent unauthorised access to your personal data.

2 SHOP AT TRUSTED AND SECURE WEBSITES

Shop at trusted online stores and only download apps or make purchases from official app stores and websites. Make sure that you are at the legitimate site before you make transactions. It is also important to look out for “https” and the “lock” icon in the URL to ensure that the site is secure, and that any data you send from your browser is encrypted.

You can also consider bookmarking your favourite online retail stores and access these sites when you want to make a purchase, instead of carelessly clicking on links in emails.

Having taken these precautions, do not unravel your efforts by using free, unsecure public Wi-Fi networks to login online shopping sites or make transactions. Such networks are “a hacker’s playground for stealing personal information”³ and are extremely vulnerable to man-in-the-middle (MITM) attacks. In these attacks, cybercriminals read and alter data that is being transferred over unsecured Wi-Fi from your computer or device to the router. If you have to make purchases on the go, it is safer to use mobile data network or connect to a password-protected Wi-Fi network.

PASSWORD PROTECTED



CONCLUSION



As digital technologies transform retailers, online shopping is set to become a norm rather than exception. It is important for shoppers to be vigilant when it comes to associated cyber risks, and the best safeguard is to inculcate simple yet effective online habits that will help protect your personal data.

For more information on the steps that you can take for a safer online shopping experience, visit the Personal Data Protection Commission’s website at <https://www.pdpc.gov.sg/Individuals/Protecting-Your-Personal-Data>.

³ <https://us.norton.com/internetsecurity-wifi-why-hackers-love-public-wifi.html>

⁴ <https://www.betterbuys.com/estimating-password-cracking-times/>

Buying on Carousell:

What to Do if the Seller Disappears after Getting Paid



You're scrolling through the Carousell app when something you want to buy catches your eye. You contact the seller, make an offer and transfer payment to the seller's bank account.

You then ask the seller when the two of you will be meeting up, or when the seller will be posting the item to you. However, the seller disappears!!

Is your money gone for good? What can you do in such a situation?



1

Bring a Claim against the Seller

You can file a claim with the Small Claims Tribunals to try getting your money back from the seller.

The Small Claims Tribunals is part of the Singapore court system and hears small claims arising from any contract for the sale of goods. As of 30 September 2018, the Small Claims Tribunal will hear claims up to \$10,000 (or \$20,000 with both parties' consent). However, the claim limit will be increased to \$20,000 (or \$30,000 with both parties' consent) in the future. Readers are advised to check the Small Claims Tribunal website for the current claim limit.

All claims have to be filed within **one year** from the date of claim. This date will generally be the day that the seller failed to deliver the item to you.



Pros



- **Filing a claim in the Small Claims Tribunal is relatively affordable.** The cost of filing a claim up to \$5,000 for individuals is \$10 (or \$20 if your claim is between \$5,000 and \$10,000).

- **You will not need to engage a lawyer.** Lawyers are not allowed to represent parties for disputes heard in the Small Claims Tribunals.

- **Filing a claim is easy and convenient.** Filing a claim can be done online, and user-friendly guides are provided on the State Courts website.



Cons



- **You will need the seller's personal particulars in order to file a claim.** For example, the seller's name and registered address. You may have difficulty obtaining these particulars due to the relative anonymity of Carousell users.

- **It might not be worth it to file a claim if the amount you are claiming for is low.** As mentioned above, it will cost you at least \$10 to file a claim with the Small Claims Tribunals. It might not make much financial sense to spend the time and effort going after the seller if the item you are buying is not worth a lot of money.

2

File a Police Report



You could file a police report and let Singapore's criminal justice system deal with the matter. Information you should provide in your report includes the seller's bank account details and screenshots of your conversations with the seller.

Generally, Carousell scam cases have been brought under the offence of **cheating** under section 415 of the Penal Code. The punishment for cheating is a fine and/or up to three years' jail.

For example, it was reported in the news earlier this year that 31-year-old Cai Jiayang was jailed for 16 months for cheating 15 victims out of a total of S\$10,370 on Carousell in less than a month. He had offered to sell iPhone 7s but failed to deliver the phones after buyers made full or partial payments into one of three bank accounts.



Pros



- **Making a police report is relatively easy.** It can be done at your nearest police station, or online on the Singapore Police Force website.

- **By making a report, you are doing your part to deter and minimise the occurrence of similar incidents in the future.**



Cons



- **There is no guarantee you will get your money back.** This is especially so if there is insufficient evidence that the seller has cheated you. Even if the seller has been tracked down, charged and convicted in court, there is no guarantee the court will order him or her to make restitution to you (i.e. compensate you for your loss).



3

File a Magistrate's Complaint

You may commence criminal proceedings against the seller by filing a Magistrate's Complaint at the Community Justice Tribunals Division (CJTD) of the State Courts. This is an alternative to filing a police report. (However, filing a police report is still recommended as you are often asked for the police report when filing a Magistrate's Complaint.)

It costs \$20 to file a Magistrate's Complaint. If the Magistrate believes that there are sufficient grounds for the complaint, he or she may order the police to investigate into it.



Pros

AND



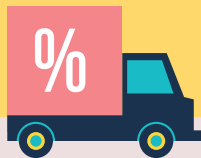
Cons

- **The pros and cons of this approach are similar to those of filing a police report.**

- **However, filing a Magistrate's Complaint may be costly if you decide to engage a lawyer to assist you with the filing.**



4



Report the Incident to the Carousell Support Team

You can report the incident to the Carousell support team by submitting a ticket.

In your ticket, you should provide the Carousell usernames of both yourself and the seller, the names of the relevant listings and a description of what happened.

You can also:

- **Report the seller.** From either the seller's profile page or your chat with the seller in the Carousell app, tap the "three dots" icon at the top right of the screen, then tap "Report user". (You can also report the seller from the Carousell website by entering into your chat with the seller and clicking on the "Report User" button.)

- **Report the listing (if it is still active).** On the listing page in the Carousell app, tap on the "three dots" icon at the top right of the screen, then tap "Report listing".

If there is sufficient evidence that the seller has cheated you, Carousell will suspend the seller's account. Carousell also assists

enforcement agencies in tackling fraud cases by sharing information required for investigations where necessary.

Also, if you had used CarouPay (Carousell's in-app payment feature) to pay for your item, Carousell will hold your payment in escrow while the dispute is being resolved. Carousell may then refund your money depending on whether the dispute is resolved in your favour.



Pros

- **Reporting the incident to the Carousell support team is a free and immediate course of action that you can take.**



Cons

- **There is no guarantee you will get your money back.**

As stated in its terms of service, Carousell is not obliged to provide you with a refund or compensation if a seller fails to deliver items you have paid for. This is even for items paid for using CarouPay, as Carousell retains the discretion to decide whether to return payments held in escrow to buyers.



Tips to Prevent Yourself from Falling Victim to Carousell Scams

To avoid falling victim to scammers on Carousell, try the following:

- **Instead of making payment in advance, opt to make payment only upon delivery of the item.** This way, the seller will not receive payment until you have received the item.

- **If the seller is mailing the item to you, opt for registered mail.** You will then be able track the delivery status of your package.

The methods discussed in this article on what you can do if the seller becomes uncontactable after getting paid can be used together.

For example, after reporting the incident to the Carousell support team, you can also file a police report against the seller and start bringing a claim against him or her in the Small Claims Tribunals.

Ultimately however, when entering into any online transactions, it is worth erring on the side of caution. Buyers should always do as much as they can to verify the authenticity of the seller's intentions. For example, you can ask the seller why he or she is selling the item, and/or request for photos of the item.

Also, take note of the number of reviews that a seller has and the content of these reviews. Trustworthy and reliable sellers are likely to have multiple positive reviews from previous buyers.

Consumer Happenings

BEAUTY MATTERS was a consumer education fair organised by CASE in July 2018 to impart knowledge on how to shop wisely for beauty products and services. Our supporting partners included the Competition and Consumer Commission of Singapore, Direct Selling Association of Singapore, Enterprise Singapore, Health Sciences Authority, National Crime Prevention Council and Singapore Optometric Association.



Snippets!



The Smart Online Shopper



It's the 21st century. Fashion apparels, electronics, cosmetics, and even high value items like cars and travel packages are just a click away. Items get delivered to your doorstep and often, some businesses even have refund policies in case buyers change their minds or sizes do not fit. However, online shopping is not always a breeze and disputes can arise.

Buyers Beware, Protect Yourself

Pre-ticked boxes can be well-hidden and easy to overlook. A tick after confirmation would mean consent. Always read what you are giving consent to.

Monthly auto subscriptions may be concealed in the terms and conditions, as fine prints, or pre-ticked boxes. Beware or incur monthly charges!

Hidden charges are frustrating. Businesses reveal additional fees, taxes or charges in various ways. Drip pricing is a practice used by online businesses whereby the initial price advertised is attractively lower than the final price to be paid.

What to do? Be an informed consumer!

Do proper research before purchases, especially for high value items. Use trusted websites, platforms and payment methods. Conducting a desktop search of online reviews is a good way to start, however, fake online reviews exist as well.

Read terms and conditions and pop-up notices. We cannot emphasise this enough. It is wordy and sometimes difficult to understand, but terms and conditions do contain important information. You do not want to be caught off-guard on what you are agreeing to. Monthly subscription and unilateral change clauses (where businesses retain the right to amend the contract whenever) are usually stated here.

When paying a deposit, negotiate for a smaller amount and note refund policies.

Check your bank and credit card statements regularly and as a good practice, after each transaction. Avoid waiting till the statement arrives before raising the red flag on incorrect, fraudulent or irregular charges. Retaining important documents such as emails, invoices or screenshots will help in dispute resolutions.

Mind the Pre-Ticked Boxes

In January 2018, several travellers complained about a new online booking feature by Singapore Airlines (SIA) that automatically included travel insurance when booking their air tickets. Some of them only realised that they were charged for insurance after their flights were confirmed.

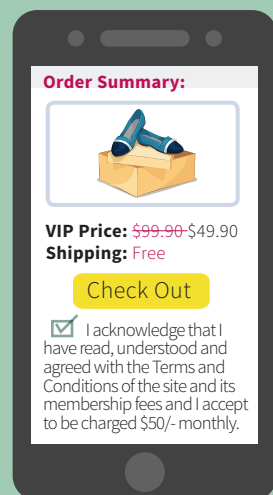
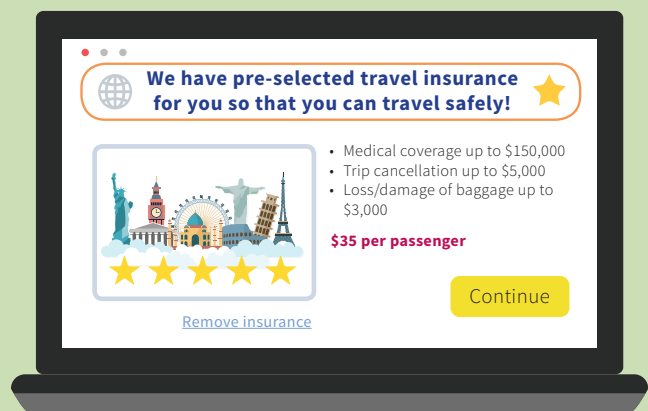
Once payment was made, it was tedious to get a refund of that unwanted charge. Following negative feedback from travellers, SIA removed the auto-inclusion of travel insurance from their website and offered it as an opt-in feature several weeks later.

Pre-ticked boxes are typically used by businesses to obtain consent from consumers to perform an action, be it the purchase of additional goods or services, membership enrolment or sending marketing materials to consumers. It is common for consumers to overlook options that have been checked or ticked

for them when completing the online transaction, particularly if they are making payment in a hurry. This could lead to consumers paying extra charges for additional goods or services that they do not want or need.

Several years ago, online e-commerce sites, StreetDeal.sg (StreetDeal Singapore) and MyGlamorous.sg (Fashion Interactive) were also highlighted in the media for automatically signing consumers up for premium/VIP membership when they made a purchase through the site.

Consumers claimed that they did not notice the pre-ticked box during the check-out process. They complained that the site had failed to explicitly state that they would be subscribed under a monthly membership plan if they proceeded with the purchase. Subsequently, the Consumers Association of Singapore (CASE) met up with both companies and was able to come to an agreement to satisfactorily resolve consumers' complaints by helping them to recover their monies (in cash or in credit).



In the European Union, companies cannot infer consumers' consent for additional payments by using pre-ticked boxes, and must obtain express consent of consumers. In Australia, pre-ticked boxes (e.g. for mailing lists) are not deemed as effective consent under the Spam Act 2003. Hence, businesses cannot send marketing messages to consumers by using pre-ticked boxes to obtain consent.

In Singapore, CASE has been advocating for increased protection for consumers when transacting online, such as disallowing the

practice of pre-ticked boxes. CASE feels that it is unethical for businesses to use pre-ticked boxes when transacting with consumers as there is no express consent given by the consumer. This may set a precedent for other industries to adopt or continue to do the same.

In fact, consumers should have the right to decide whether they want to pay for these additional products or services. Businesses should not be making such decisions for them.

CASE has surfaced this matter to the relevant authorities for further review.

Meanwhile, consumers are advised to look out for pre-selected options and make sure that they de-select anything they do not want to purchase. Consumers should also remember to thoroughly check their transaction records and shopping carts for extra charges before making the final payment.

Spot the Fake Review

15 65 99

54

34 38

What you see is not always what you get when it comes to online reviews.



114



User reviews can be helpful when you're shopping online, but it's always worth reading them with a healthy dose of skepticism.

Ghost writers

The boom in the economy has resulted in consumers flocking to online review sites before buying, trying or sharing certain goods or services. Unfortunately, this has also led to companies writing bogus reviews in a bid to promote their business.

Section 29 of Australian Consumer Law prohibits businesses from making or inducing false or misleading representations through testimonials or reviews.

"Businesses that pay people who have never used their products or services to write reviews are clearly misleading consumers," says CHOICE's head of media Tom Godfrey.

"It's also worth remembering that if a company pays someone to write an inflated review, even if the person has actually used the goods or service, this may also be considering misleading. The same considerations apply to editing or deleting less favourable ratings."

Wanted: positive reviews, will pay cash

It is surprisingly simple to find someone who will endorse your product or service – for a price. Here at CHOICE, using a fake email address, we posted a job on a popular freelancing site asking for 20 product reviews. Within 24 hours we received 11 bids for the job from freelancers as far afield as South Africa and Jamaica, all willing to write a variety of positive reviews highlighting aspects of the product as instructed.

We selected one freelancer who completed the job exactly to our specifications in 48 hours for just \$31.00.



Friend or fake?

In the world of blogging, we may need to remember that our "friends" who recommend stuff for us to buy are not necessarily people we actually know in person.

Successful bloggers can have thousands of unique visitors to their site every day and develop a strong relationship with their regular readers. Thanks to that strong connection, plenty of big brands have come a-calling, offering bloggers freebies or remuneration in return for a positive write-up or review.

But blog fans beware – just because your favourite blogger says they love a product does not mean they really do. They might just love the money they are receiving to write positively about it.

"This blog post was sponsored by [add brand name here]"

It is all about disclosure – bloggers being upfront about what is a paid or "sponsored" post. Bloggers in the United States are legally required to disclose any commercial arrangements, but it is not required in Australia. However, smart bloggers should do so in the interests of keeping both their integrity and their readers.

BLOGGING

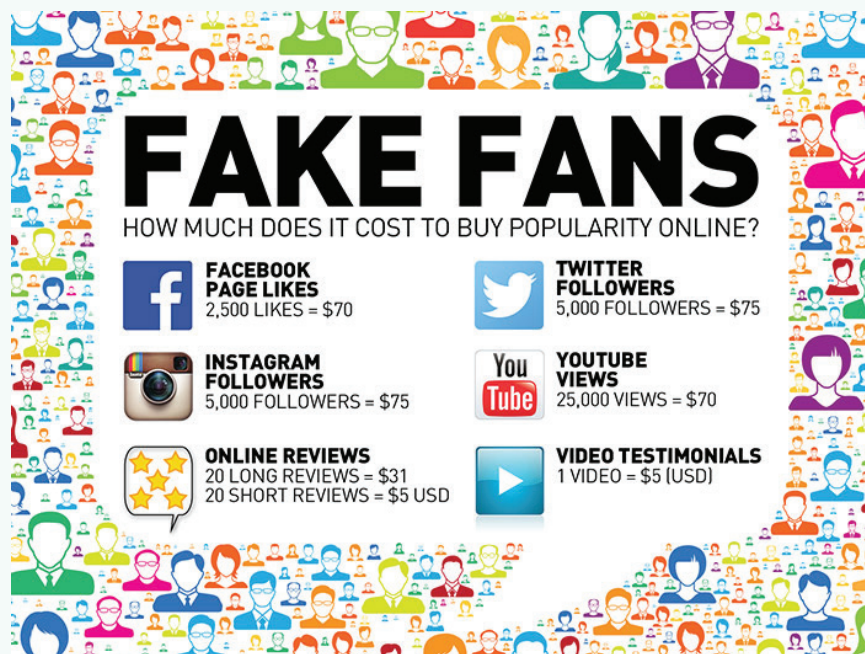


Around 15% of all online reviews are fake

A 2015 analysis by CHOICE found that reviews, likes and followers can be purchased for just a few dollars. Twenty

long-form reviews will set you back just \$31 while 5,000 Instagram followers can be tacked on for just \$75. So, it seems

when it comes to social media popularity, the sky is the limit – as long as you are happy to pay.



Source: <https://www.choice.com.au/shopping/consumer-rights-and-advice/your-rights/articles/product-reviews-fake-or-real>

"With many consumers relying on user reviews to help inform their purchasing decisions, it's concerning to think that around 15% of all online reviews are fake," says Mr Godfrey.

"Whether you're reading reviews on a hotel booking site, rating a ride-sharing service or following a celebrity on Instagram, you need to be able to trust what you're reading."



What to look out for



- Always read with caution. Check out reviews about the same business from different sources instead of depending on a single source.



- Keep an eye out for tell-tale signs of fakery such as a sudden increase in positive or negative reviews over a short time frame that are out of sync with earlier reviews.



- Beware of reviews that are allegedly from different people but are suspiciously similar in tone and style, or those that are written in overly positive or "marketing speak" writing styles.



Consumer Issues & Solutions



Dear CASE

I bought three dresses from an online blog shop for \$250. According to the website, the dresses were made in the United Kingdom and were of good quality. I received the dresses three weeks later only to discover that they were of low quality with missing stitches, irregular seams and no wash care label. The colour of one of the dresses faded after I washed it by hand. Even though I reported the unsatisfactory quality of the dresses within three working days as per their refund policy, the shop ignored me.

A

Dear A,

The Lemon Law also covers the purchase of physical goods made over online platforms. Hence, consumers are entitled to remedies under the Lemon Law. However, it may not be possible to enforce a judgement against an overseas merchant if he has no presence in Singapore (i.e. the business is operating from an overseas location).

In view of the above, it is extremely important for consumers to do their own research on the online merchant and the product sold. For example, consumers can read reviews and ratings provided by past customers as these will help to provide a good overview of the reliability of the online merchant in terms of product quality, delivery speed and after-sales service standards.

We want to hear from you!

Have a story to share? Email it to editorial@case.org.sg (max. 200 words).



Dear CASE

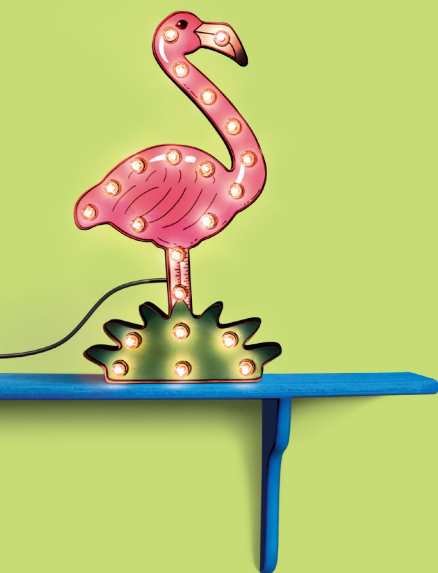
A few months ago, I purchased a pair of shoes from an online website for \$60. I assumed that I would be charged \$60 as shown in shopping cart. Thus, I keyed in my credit card details and proceeded to check out. When I checked my credit card statement this month, I realised that I had been billed \$88 for a recurring monthly membership fee since I had made the purchase. I contacted the company and was told that I would be automatically subscribed to this membership unless I un-ticked the pre-checked box during the check out process. I feel that this practice is wrong.

B

Dear B,

In our view, it is unethical for a business to use pre-ticked boxes when transacting with consumers as there is no express consent given by the consumer. You may wish to approach CASE for assistance in resolving your dispute.

We would like to remind consumers to always look out for pre-checked boxes as well as thoroughly review their total shopping bill before making payment for the item online. Look out for additional charges such as taxes, warranty, shipping, delivery or membership fees. As a matter of good practice, consumers can check their bank and/or credit card statements after each online transaction for additional peace of mind.



TIPS FOR RESIDENTIAL CONSUMERS IN OPEN ELECTRICITY MARKET

Open Electricity Market is an initiative by the Energy Market Authority (EMA) that gives consumers more choices and flexibility when buying electricity. With Open Electricity Market, you can benefit from competitive pricing and innovative offers from retailers.

This initiative will be rolled out by zones, starting from 1 November 2018. To help you make an informed decision, here are 6 tips when choosing a retailer and a price plan that best suits your needs.

1 Buy electricity from retailers authorised by EMA.

Visit www.openelectricitymarket.sg for the list of participating retailers and to compare their standard price plans.

2 It is not compulsory to switch to a retailer.

You can continue to buy electricity from SP Group at the regulated tariff. No action is needed on your part.

3 Before signing up with a retailer:

- Ask for a Fact Sheet on your preferred price plan and a Consumer Advisory that outlines the important things that you should be aware of before signing the contract.
- Look out for contractual terms such as contract duration, payment terms, security deposit, early termination charges and auto-renewal clauses.
- Ask if there are any terms and conditions associated with bundled products or services.
- Read through the contract, and ask the retailer to explain the terms and conditions if you do not understand them.
- Take note of any fine print and keep a copy of the contract for your reference.

4 Choose from any of these options when your contract is about to expire:

- Re-contract with your existing retailer, either on your current plan or a new plan
- Switch to a new retailer
- Switch back to SP Group

If your contract is automatically renewed, your retailer will offer you the same rates and payment-related terms as your current plan.

5 You can switch back to buying electricity from SP Group at the regulated tariff.

All households can switch back to buying electricity from SP Group at the regulated tariff. Please check with your retailer on any early termination charges or other fees before deciding to switch back.

6 Approach the Consumers Association of Singapore (CASE) for assistance on dispute resolution.

If you are unable to resolve any dispute with your retailer, you can approach CASE for assistance.



www.case.org.sg



6100 0315

(Operating hours: Mon – Fri: 9am to 5pm)

FOR MORE INFORMATION



www.openelectricitymarket.sg



1800-233-8000

(Operating hours: Mon – Fri: 9am to 6pm;
Sat: 9am to 1pm)

How to Better Protect Consumers when Businesses Close Unexpectedly

By Dr Gary Low

Recent news reports highlight an alarming rise in the amount of prepayments reported lost by consumers when businesses close over the past years. In particular, at S\$3.59 million of losses reported in 2016, that's an increase of more than three times compared to 2014.

The problems associated with prepayment have occupied public attention for the past year. This is undoubtedly due to the sudden closure of the likes of

Misa Travel or California Fitness, which as a result lost large groups of consumers even larger sums of money.

Apart from the impact on consumers who may never get their money back from these companies, many are generally surprised that such reputable, long-standing companies could abruptly fold, a fate most people associate with newer, smaller and less established companies.



Common mechanism

Prepayment refers to any form of payment by consumers before receipt of goods or services. It is a very common mechanism used in consumer transactions worldwide, including deposits, stored value cards, or packaged deals for travel holidays, spas and gyms.

Sometimes prepayment is marketed as a business promotion for businesses to boost their membership base and comes with a discount off the retail price. Predominantly, though, a business's motivation for requiring prepayment is to ensure a healthy cashflow position.

Obviously, a prepaying consumer is not presumptively exposed to unmitigated risk today. There are specific laws which mandate consumer protection in certain high-risk sectors where business failures could have massive ramifications for the consumer and the economy. Banks for instance have to ensure deposits of up to S\$50,000 are adequately insured.

Bank chargeback schemes also provide recourse for consumers who paid by credit card to reverse certain types of transactions. But often, these chargeback schemes have time limits of no more than 60 days.

So consumers who might have paid for that five-year gym membership with their credit card only to have their gym close down after two years will not have recourse through such chargeback schemes.

Another source of consumer protection are schemes such as those offered by the Consumer Association of Singapore (CASE), which involve accredited businesses latching on to regulated mechanisms like EZ-Link to provide prepayment protection. In such transactions, EZ-Link would hold these prepayments from the consumer in escrow, releasing them to respective businesses at points where the goods and services are delivered.

But businesses make their own decisions on whether to take up these voluntary schemes.

Admittedly, these observations provide cold comfort to those who collectively have lost millions over the past years and fall into that category of consumers unprotected by statutory or voluntary schemes.



Give stronger creditor status to prepaying consumers

Some say there is some merit to the argument that prepaying consumers should bear the risk that the anticipated goods or services may not materialise, exacerbated by the effluxion of time – not the least because they pay for such goods and services at sometimes significant discount.

But in an upbeat business environment where consumer trust is high, and where goods and services are provided by companies who have every incentive to secure business, is it fair to put the onus of assessing whether a business is likely to go bust on the consumer?

In fact, consumers are often vulnerable and ought to be protected. They have weak bargaining positions which means prepayment is frequently presented on a take-it-or-leave-it basis. Even where they have a choice, they may not be in a position to thoroughly determine a business' financial health and the risks they have to bear as consumers.

There are three ways consumers can be better protected.

A first solution is to elevate the status of prepaying consumers to that of preferred or secured creditors, and place them ahead in a queue of other creditors whose debt a business will have to satisfy first in the event of insolvency.

Some advanced countries have implemented or discussed the possibility of implementing such measures. The United States has adopted this approach for prepayments of up to US\$1,800. The Law Commission for England and Wales recommended in 2016 to prioritise consumers who prepaid just before the business in question becomes insolvent.

But in the long queue of employees who are owed wages, creditors who have provided collateralised loans, and the government to whom taxes are owed, prioritising the consumer before these parties may raise questions of fairness. Furthermore, for a business that can hardly afford to stay open and now has to pay a range of creditors, this solution might not go very far to satisfy the debt the consumer is owed.

In addition, given that the Insolvency Act has been recently amended in 2017, this approach, which would require legislative amendments to the Act, is unlikely to be on the legislative agenda for the near future.

A second solution is to statutorily require banks who act as the middleman in credit card transactions to reimburse consumers for outstanding prepayments in the case of default or insolvency of a businesses, as is the case under the United Kingdom's Consumer Credit Act enacted in 1974.

Yet this is far from being an adequate measure, in part since it covers only credit card transactions, and leaves aside payments through other means like cash or cheque.

More fundamentally, we may want to rethink the merits of a scheme that effectively forces banks to play the role of insurer for businesses. Doing so passes the risk of business closures and defaults onto financial institutions.

The higher costs of insuring prepayments are also ultimately likely to be passed onto businesses and consumers alike, meaning that a minority is being subsidised by society at large. Many may legitimately question the fairness and economics of this approach.





Give government discretion to mandate repayment

Perhaps the way forward is to come up with a solution to avoid as far as possible this unhappy insolvent conclusion.

Consider the spa industry, which a decade ago experienced a spate of closures that left many consumers stranded without recourse to prepayments made for expensive packages.

In 2008, the Government mandated that CaseTrust, the accreditation arm of CASE, develop an accreditation programme for this industry to raise professional standards and improve consumer confidence.

Accreditation required spa companies to comply with consumer-friendly practices set by CaseTrust, including protection over consumer prepayments and a five-day cooling off period where consumers may seek a full refund if they change their minds and do not wish to proceed with the services offered.

Such an accreditation was made a mandatory requirement for spa companies to obtain a police license to set up shops in heartland malls – a location the scene of many closures, where consumer protection was most needed.

Spa companies became motivated to provide prepayment protection due to the government's explicit linking of accreditation to their ability to set up shop in heartlands, to their very livelihoods in some cases.

Making such volunteer schemes mandatory changed the incentive structure facing spa companies and resulted in stronger consumer protection with positive knock-on effects for the sector. Ten years on, consumer confidence in this sector is more positive than before.

Taking a leaf from the spa industry's book, we could propose that the Government mandate accreditation for all sectors, but doing so could be onerous, with significant compliance burden for businesses and regulatory burden for the Government.

Instead, there is a case to be made to changing the legal framework to empower the relevant Minister to mandate prepayment protection as the need arises, whether in specific situations when businesses close down or for specific sectors.

Such a move may incentivise businesses to proactively take consumer protection more seriously. It is well within the self-interest of businesses to voluntarily develop industry-wide best practices, including prepayment protection schemes, rather than lose control of the entire process if and when the Government intervenes.

The mere presence of the threat of intervention when a business closes down may also lead to consolidation and improvement in some sectors, allowing the Government to concentrate on those that do not positively react to this threat.

The threat of government intervention may also serve to increase both the profile and attractiveness of CaseTrust by offering a readily available and reputable accreditation scheme that can be adapted to suit the needs of a specific business sector and the consumer base it serves.

In Stephen Corvey-speak, it's a win-win.

True be told, there ought to be minimal regulatory intervention for businesses should have the space and freedom to compete, and offer the best products and services at the best prices to consumers within their remit. But at the same time, minimal intervention does not mean no intervention.

So it seems the best way to achieve a high level of consumer confidence is through some measure of consumer protection as and when needed. Empowering the Government to take action against recalcitrant businesses can push businesses to decide what is the best shape and form of consumer protection for their sector.

In this case, a spoonful of sugar does make the medicine go down.

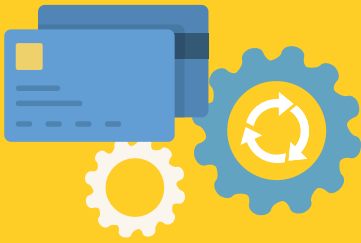
Dr Gary Low is assistant professor of law at the Singapore Management University School of Law. He also sits on CASE's Central Committee.



In A Nutshell

Safeguard Your Prepayments

- By the Consumers Association of Singapore (CASE)



File a chargeback request with your credit card issuer for non-delivery of goods and services.

若有任何未交付的货物或服务，您可向签发信用卡的银行申请拒付。

Faikan permintaan caj balik dengan pengeluaran kad kredit anda untuk kegagalan penghantaran barangan dan perkhidmatan.

விநியோகிக்கப்படாத பொருட்கள் மற்றும் சேவைகளுக்கு உங்கள் கடன்பற்று அட்டை வழங்குநர்களிடம் கட்டணத்தைத் திரும்பக் கோரும் கோரிக்கையைச் சமர்ப்பியுங்கள்.

When shopping online, consider online shopping platforms which process payment to sellers only upon confirmation that goods are received in good order.

上网购物时，您可考虑使用那些只在消费者确认收取货物后才处理付款事宜的网站。

Apabila membeli dalam talian, pertimbangkan wadah-wadah yang memproses pembayaran kepada penjual hanya selepas pengesahan bahawa barangan telah diterima dengan baik.

இணையம் வழியாக கொள்முதல் செய்யும்போது, பொருட்களும் சேவைகளும் நல்ல நிலையில் பெறப்பட்டது என்று உறுதிசெய்த பின்னர் விற்பனையாளருக்குப் பணம் செலுத்துதலைச் செயல்படுத்தும் இணையக் கொள்முதல் தளங்களைப் பயன்படுத்துவதைப் பரிசீலிக்கவும்.



Patronise CaseTrust accredited spa and wellness businesses as they protect your prepayment against sudden business closures through insurance or the EZ-Link Trust programme.

获得消协保证标志的美容院和水疗院会提供保险或易通保证计划卡，以保障预先支付的款项。

Langgani perniagaan spa dan kesejahteraan yang diiktiraf oleh CaseTrust kerana mereka melindungi prapembayaran anda daripada penutupan perniagaan secara mendadak melalui insurans atau program kad EZ-Link Trust.

காப்பீடு அல்லது EZ-Link Trust அட்டைத் திட்டம் மூலமாக உங்களுடைய முன்னரே செலுத்துதப்பட்ட பணத்தை திடீர் வணிக மூடலிலிருந்து பாதுகாப்பதனால் CaseTrust-ஆல் அங்கீகரிக்கப்பட்ட வெது நீர் குளிப்பு மற்றும் உடல்நல வணிகங்களை ஆதரிக்கவும்.



Buying Insurance Online

Buying insurance online can be quick and convenient but here are some things to bear in mind.

Buying insurance usually involves talking to a financial adviser representative, who will undertake a financial needs analysis with you to understand your insurance objectives, risk appetite for investment, financial needs and personal circumstances, before giving you advice and recommending you a suitable life insurance product.

But nowadays, it is possible for you to buy life insurance online in just a few minutes with no advice provided. This means you have to select and assess for yourself a suitable product to buy as you will not be receiving advice and a recommendation from a financial adviser. If you are shopping for life insurance, do check out compareFirst for information on all the life insurance products available to retail consumers, including direct purchase insurance which are priced without distribution expenses. Use this platform to compare the features and premiums of the different products you are considering.

When buying life insurance online, you will have to answer a series of questions about your age, gender, health & medical conditions as well as how much insurance you need and for how long, if you are purchasing term insurance. It is important to have made an assessment of your insurance needs and have the information you need readily available as you go through the process. Do use the MoneySense or CPF insurance calculators to help you with your assessment. As life insurance is a long term commitment, do check whether the premiums are affordable. The MoneySense budget calculator will come in handy here.

While it may be possible to complete the whole process quickly, it is important that you take time to answer questions and avoid making a decision in haste. Not answering the questions on health and medical conditions truthfully, for example, could lead to your policy being voided when you need it.

The online platform will also provide product information, for example the Product Summary, Policy Illustration, and Product Highlights Sheet and full policy wordings of the relevant life policy. Do read the documents to make sure that the policy you buy meets your needs.



Before purchase, you will be asked to acknowledge that you have

- Read and understood the policy illustration and product summary, including any coverage exclusion; and
- Completed and disclosed fully and truthfully all the information requested in the Proposal Form and any supplementary questionnaire(s)

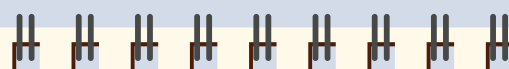
If medical and moratorium or financial underwriting are conducted, you will have to acknowledge that you have:

- Declared all pre-existing medical conditions in the proposal form
- Reviewed all existing life policies that you own, or are in the process of applying for in the Proposal Form
- Declared your current financial situation such as your income in the Proposal Form

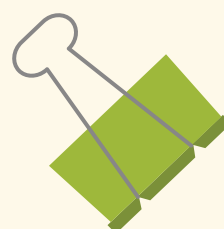


Before you complete your purchase, a pop-up prompt will alert you that:

- A life policy is not a savings account or deposit;
- You may not get back the premiums paid (partially or in full) if you terminate or surrender the policy early;
- Some benefits of a life policy are not guaranteed (only if applicable);
- There is a 14-day free-look period
- You can request the financial adviser to explain the product features;
- You may wish to separately seek advice on the suitability of the life policy; and if you choose not to seek advice on the suitability of the life policy, you should consider if the life policy is suitable for your financial circumstances and needs



Buying insurance online is not for everyone and if you are uncomfortable at any stage of the online process, you may want to stop and seek financial advice.



5 PRODUCT SAFETY TIPS WHEN YOU SHOP ONLINE

While price may be one of the first things we consider when shopping online, smart shoppers always look beyond that. Products that are not built to last or come with no clear usage instructions may end up costing you more in the long run. Find out how you can make better online purchasing decisions by asking the right questions.

CHECK FOR THE SAFETY MARK!

General household items such as electrical, electronic and gas appliances under Consumer Protection (Safety Requirements) Regulations need to carry the SAFETY Mark before they can be sold in Singapore.

Photos from online marketplaces may show limited product angles so when in doubt, always ask the seller if the product has been tested for safety and bears a SAFETY Mark.



ASK QUESTIONS!

If the product description, pictures or videos do not clearly explain its features and functionality, never hesitate to contact the seller for more details.



BUY FROM OFFICIAL STORES OR REPUTABLE ONLINE MARKETPLACES

Look for a seller that provides full product warranty by the manufacturer, customer service support and a return or exchange policy.



DO YOUR HOMEWORK

A quick search online can often help reveal products that have been recalled by the manufacturer or had its sale stopped by regulatory bodies over safety issues. In addition to price, check out past buyers' feedback, seller ratings and independent product reviews to thoroughly make sure no safety hazards or reliability issues exist.



IS IT DESIGNED FOR USE IN SINGAPORE?

When buying electrical appliances online, technical specifications printed on the packaging may not be shown on the product page. Always contact the seller to ensure that it comes with plugs and voltages that are suitable for use locally.

For the latest list of products that have been recalled in Singapore over safety concerns:

www.enterprisesg.gov.sg/safety-recalls

For more consumer tips:

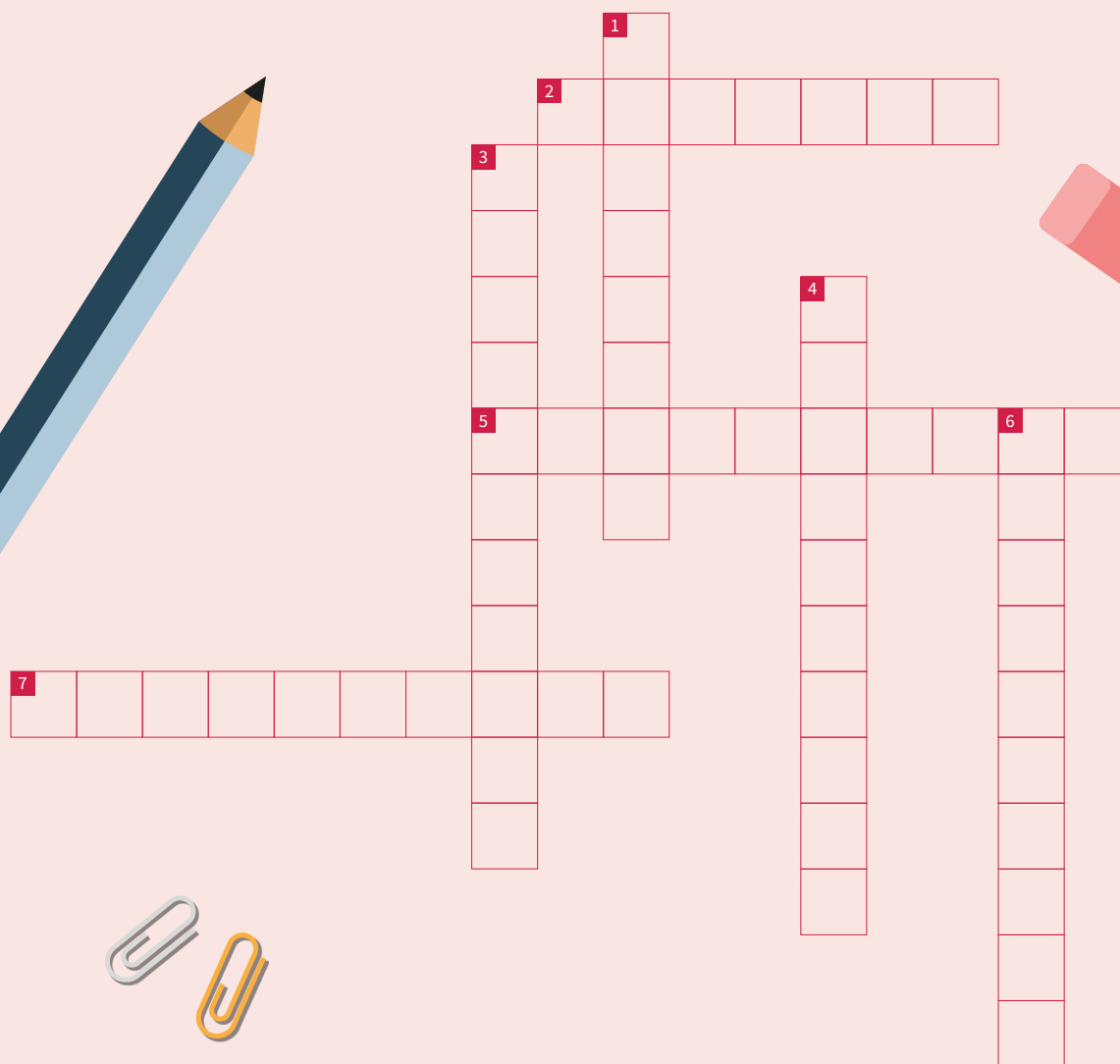
www.enterprisesg.gov.sg/safety-tips

**Enterprise
Singapore**

CASEPlay!

Crossword

This issue's puzzle is related to online shopping! Fill in the crossword with the hints below.
(Answers are provided at the bottom of this page.)



ACROSS


2. Although online user _____ can be helpful, it is advisable for consumers to read them with a healthy dose of skepticism.
5. Consumers can file a _____ request for non-delivery of goods if the online merchant fails to deliver your item by the promised date.
7. It is a good practice to check your bank and credit card _____ after each online transaction.

DOWN

1. You can read website privacy notices to understand how your _____ data will be used.
3. Clicking on unknown links or _____ could infect your computer with malware.
4. Consumers should look out for _____ boxes before making payment online.
6. It is important to read terms and _____ to prevent from being cut off-guard by hidden charges.

Scam Alert!

Online Purchases, Vacation and Car Rental Scams



ALL I SELL TO YOU ARE LIES

JESS PEH 白钻钱
STARRING IN
ONLINE PURCHASE SCAM

ACTING TACTICS:

- Prices of items are too good to be true
- Limited time offers
- Insists that you make payment first

Check the seller's track record by reading reviews or contacting previous customers.

Where advance payments are required, use shopping platforms that only release your payment upon receipt of item.

Arrange for physical meet-ups for purchases made through online classifieds.

ANTI-SCAM HELPLINE
1800-722-6688

FIND OUT MORE ABOUT SCAMS AT
www.scamalert.sg



SINGAPORE
POLICE FORCE



tote board
Stronger Together
Inspiring Lives



SINGAPORE
AIRLINES



NATIONAL
CRIME PREVENTION
COUNCIL



WHAT IS AN ONLINE PURCHASE SCAM?

When I refused to send over \$100 to potential buyer, he got aggressive



If you see something being sold for a price that seems too good to be true, it probably is.

Victims of the online purchase scam, tempted by what seems like a good deal for a gadget, transfer money to the “seller” who promises delivery of the item.

In some cases, sellers may also demand more payments for “duties” or delivery charges– and ultimately, the victim never receives the item.

WHAT TO LOOK OUT FOR

- Be wary of people selling items for prices that sound too good to be true.
- Check that the seller is physically located where they claim to be; if the seller does not provide enough information about their business or terms and conditions upfront, be suspicious.
- Check the seller's track record by reading reviews of their services or contact past customers.

I posted a camera for sale on Facebook for \$400. An interested buyer said that he is living outside Singapore and will make the payment via online transfer to my account, so I gave him my bank account number, my name and my email address. He sent me an email (found in spam folder) of the supposedly wire transfer transaction details; asking me to pay \$100 to his Singapore agent first as a safety measure, after

which the payment will be released to me. When I refused, he started getting aggressive.



#ONLINEPURCHASESCAM

HOW TO PROTECT YOURSELF

- Bear in mind that the party that you are dealing with online is a stranger. Before performing a transaction on an online shopping site, find out how the site safeguards your interest or can help you resolve disputes.
- If advanced payments are required, use shopping platforms that provide arrangements to only release your payment to the seller upon your receipt of the item.
- Only buy from reputable online vendors; research the vendor by searching for reviews about them.
- Only transact with people you trust – verify the seller's identity with a phone number if possible.
- Be mindful that although culprits may provide a copy of an identification card or driver's licence to gain your trust, it may not necessarily belong to the person communicating with you online.
- Never give bank account numbers, credit card numbers or personal information to anyone you do not trust or have not checked out beforehand.
- Think about what information is necessary for the purchase and do not give out any more.
- Note that scammers may use a local bank account to enhance their credibility; however, the owner of the account may not be the person communicating with you online.
- Insist on cash on delivery especially if responding to online classified advertisements.





WHAT IS AN ONLINE TRAVEL VACATION SCAM?

I lost USD\$300 and didn't get my land tour in China

I booked a white rafting tour in Hainan, China, through an online travel service portal and paid US\$300 through PayPal. I received an email confirmation from the company, but subsequently, I did not receive any follow-up emails from them. They were supposed to call me the day before the tour (when I was in Hainan)

but I did not receive any calls at all. The day for the tour just came and went.

Beware of dealing with online sites offering land tours in China.

#ONLINETRAVELSCAM



Have you ever been tempted by an online advertisement for a vacation that seems outrageously cheap? This is possibly an online travel scam. You might find that the hotel accommodation and air travel you paid for were not booked after all.



WHAT TO LOOK OUT FOR

- Goods or services being sold at incredibly low prices are often done in bad faith; if not a scam per se, there are often unclear terms and conditions attached that you should be wary of.
- If a vendor does not clearly identify themselves with an address or a phone number, they might not be legitimate.

HOW TO PROTECT YOURSELF

- Check with official sources such as the Singapore Tourism Board at www.stb.gov.sg if the vendor is an accredited travel agent.
- Do your own research on what to look out for when planning an overseas trip.
- Make sure to read all the terms and conditions; avoid all such offers that require hidden fees or taxes.

WHAT IS A CAR RENTAL SCAM?

Dubious car rental advertisement on Carousell

I wanted to rent a car during the Hari Raya weekend from 14 to 18 June 2018. I responded to an advertisement in Carousell that had very

little details and privately messaged the person for more details.

In the chat, I was offered a BMW 3 Series Sedan Car at a price of \$350 for five days rental. When asked which company he is from, the person replied that he is from xx Auto.

I googled for the company website, but their website had no such car available for rent.

Instead, I found an advertisement on the same car on a different company website.



#CARRENTALSCAM

Have you encountered an advertisement for a rental car that seems too cheap to be true? Be cautious when responding to such advertisements as it could be a car rental scam, which tricks you into paying a deposit or the rental fee beforehand. When payment is made, you will find that neither the agency nor the car exists.



WHAT TO LOOK OUT FOR

- If the photo accompanying the advertisement is a generic one, the advertisement may not be genuine.
- Be wary of a service advertised for much lower than the prevailing market price.



HOW TO PROTECT YOURSELF

- Only rent vehicles from reputable car rental companies – check with the Accounting and Corporate Regulatory Authority to confirm that the company exists.
- Insist on documentation of the car rental details, especially of payment.
- Ask to see the vehicle and its identification document to verify its ownership.

Protect yourself from scams by learning more about the various scam tactics at www.scamalert.sg or “Like” NCPC Facebook (www.facebook.com/ncpc.sg) to receive the latest scam updates.

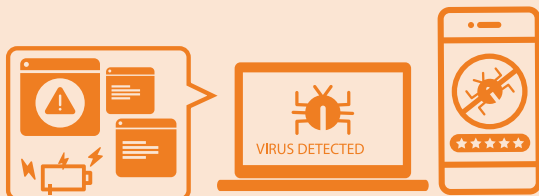
如何维持良好的网络安全习惯

随着网络罪案的上升，我们更要保护自己，避免成为网络罪案的受害者。正如我们平日会将门上锁以防盗贼，我们也必须采取相应措施，加强电子设备和信息安全，防范网络罪犯。

防患于未然才是对抗网络威胁的制胜之道。这里有4个简单的小贴士来指导您维持良好的网络安全习惯。

01 使用防毒软件

在您的电脑和电子设备上安装防毒软件，能够有效地防止例如连续弹窗，电池耗尽，文件损失的电脑病毒感染迹象。



防毒软件能够扫描和移除恶意软件，也能够屏蔽不安全的网站。这些防毒软件价格低廉，也不占据太多的储蓄空间。警惕盗版的手机应用程序，只从官方的应用商店下载防毒软件。

03 使用安全性高的密码并启用双重认证功能

如果您的密码强度很弱，网络罪犯将可以轻松地猜到或者获取您的密码。因此，不要使用个人信息作为密码（例如您的名字、生日日期、身份证号码等等）。



使用您能够记住的“短语”创建长而且随机组合的密码（例如 lhadKAYAt0astAT8am），并且确保不同的账号使用不同的密码。如果账户设置包含启动双重认证的选项，请立即启动双重认证功能。这是为了添加多一层验证，让别人更难进入你的账户。

02 时时警惕电邮以及网页的钓鱼迹象

网络罪犯通过钓鱼电邮或者网页来骗取您的重要个人信息。点击未知的链接或者附件有可能会让您的电脑感染恶意软件。



注意电邮是否具有可疑信息，例如网址域名是否像是仿冒域名。警惕那些向您索取个人机密信息的电邮、陌生可疑的电邮（例如赢得您未参加的竞赛）以及发出紧急“号召行动”的电邮（例如您的帐户将被关闭）。

04 及时更新您的软件

最新版本的软件可以保护您的电脑和电子设备，以免受网络攻击。



如果设置包含让软件自动更新的选项的话，请启用这项选项。

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www.csa.gov.sg/gosafeonline



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being payment for subscription indicated above. The Cheque should be made payable to "**Consumers Association of Singapore**", mail to: "The Consumer" Subscription, Consumers Association of Singapore (170 Ghim Moh Road, #05-01, Ulu Pandan Community Building, Singapore 279621)

* Delete where inapplicable

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Join CASE as a corresponding or institutional member and enjoy the following benefits:

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Legislative guidebooks
Informative brochures

Seminars

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(Members to provide admin support and venue)

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