



**For Immediate Release
November 26, 2008**

District Attorney Nola Tedesco Foulston, is issuing this reminder to consumers of the following considerations as we enter this holiday shopping season:

GIFT CARDS: If you are thinking about purchasing a gift card, remember:

- In this current economy, there have been recurring warnings in the news about various store closings and those soon to close. You may want to investigate recent financial news and/or data to determine whether a particular chain or independent store is about to close or is likely to close in the next year. If you purchase a gift card and the store closes, there is generally no recourse, unless it can be proven the store sold the card with the knowledge that it was going to close.
- In Kansas, gift cards sold after January 1, 2007, are governed by new rules. They include the following:
 - ✓ Gift cards sold shall not contain an expiration date less than five years from the date of purchase.
 - ✓ A gift certificate or card sold without an expiration date is valid until redeemed or replaced. A merchant is not required to redeem a card or certificate for cash.
 - ✓ Fees may not be charged against the balance of a card or certificate within 12 months of the issuance date of the card.
 - ✓ If there are limitations and conditions disclosed to the purchaser of a gift certificate or card at the time of purchase, but which conditions or limitations are not complied with by the purchaser, the issuer of the card or certificate is not required to redeem such card or certificate.
- These rules *do not apply to*:
 - ✓ Gift certificates or gift cards distributed to a consumer without any money or other thing of value being given in exchange for the certificate or card by the consumer;
 - ✓ Certificates or cards sold below face value at a volume discount to employers or non profit and charitable organizations for fund raising purposes.

- If you have reservations about purchasing a gift card from a particular store, you may want to consider purchasing a gift card provided by a major credit card supplier. These cards allow a consumer more flexibility such as shopping on line, in person, or by phone. If it is lost or stolen, the card generally has the protection and security features provided major cards.

RETURN POLICIES: A store is not required to accept the return of an item if there is nothing wrong with the item. However, many stores do allow returns but generally there are conditions that the consumer must abide by before returns are accepted. Thus, when making a purchase, do not assume you will be able to return the item. Before you make a purchase, make sure you know whether the store will accept returns. If the store does accept returns, make sure you, as the consumer, know exactly what you must do – for example, have your receipt, return within a specified time, product be in the original packaging material, or any other requirement.

LAYAWAYS: As our economy tightens, many consumers may consider layaway plans. Generally, under layaway plans, a consumer will make payments toward the total purchase price but the store will hold the item until the full purchase price is paid.

- If the store you are shopping with allows layaways, be sure to know the rules that apply. Don't assume that if you stop paying for an item that you will be able to receive a return of all your payments.
- If you choose a layaway plan, make sure the store conspicuously discloses its layaway plan policy, and make sure you follow the policy. Also, always obtain a receipt and an itemized statement of the amount paid and the amount owing.

HIGH PRESSURE SALES: Don't allow yourself to be coerced into a purchase by high pressured sales tactics. Walk away. Being sold goods or services that, upon reflection, you neither want nor can afford can cause substantial hardship to you. Proving high pressured sales tactics can be very difficult, however, and often times consumers have little or no recourse. Therefore, the best way to make sure you are not a victim of high pressure sales is to simply say "no" and walk away. If it is a really good and legitimate deal, it will generally be available to you again at later time.

If you think you have been a victim of a scam, contact the Consumer Fraud and Economic Crimes Division of the District Attorney's Office at 660-3653 or go to the District Attorney's website at <http://sedgwickcounty.org/da> for helpful links.

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