

Consumers' Rights

As a consumer in New Zealand you have a variety of rights you are entitled to enforce regarding the food you purchase and consume: the Consumer Guarantee Act (CGA) and the Fair Trading Act (FTA). The FTA covers claims about products and services before they're bought and the CGA covers the quality of those products and services after purchase.

For the majority of consumers, purchasing food for our own personal use, it is the CGA which helps determine our rights. What you are entitled to will be dependent on what you have purchased, and your compensation will, in the majority of cases, match the initial purchase. For example, if you bought a bread roll and it was mouldy you are entitled to a refund or replacement for the bread roll only. If the seller chooses to offer you an extra packet of bread rolls that is at their discretion.

Under the CGA your consumer rights are expressed as a series of guarantees that a seller automatically makes to you when you buy any goods or services for personal use. There are minimum guarantees that apply to all products and services acquired from a supplier and you can seek repair (not usually applicable for food products), a replacement or refund when these are not as expected.

Products should:

- Be of acceptable quality
- Be fit for a particular purpose
- Arrive on time and in good condition
- Match the description, sample or demonstration

What to do if you are unhappy with a food product?

The Consumer Guarantees Act is self-enforcing, which means you can take your own action. If a guarantee is not met, you have the right to insist that the seller or service provider puts it right. Generally speaking, this means the retailer that sold you the goods or services must sort out the problem.

For example, if you purchased a certain brand of breakfast cereal and you found that it was not fit for consumption, then you should take this issue up with the store you purchased the product from as opposed to the manufacturer.





What to do next?

If you are not satisfied with the outcome and you are unable to resolve your issue by talking to the seller, the Disputes Tribunal can be a quick and inexpensive way to help you resolve the dispute.

Go to the Disputes Tribunal website for more information or to make a claim.

<https://www.disputestribunal.govt.nz/>

And the next step?

If you need some legal advice, you can consult a lawyer, contact your local Citizens Advice Bureau (phone 0800 367 222) or Community Law Centre.

A very important thing to note is that it is ultimately up to you as the consumer to decide what you purchase and where you purchase your food from. If you do not like the look of a premise or have had a previously unpleasant experience somewhere, use your right to shop elsewhere.

This of course can become problematic if there are no other choices in certain situations, hence why we do have laws and guidelines to ensure you as a consumer are treated fairly.

FoodTruths is here to help inform and educate consumers on their rights and can help advise what action consumers can take if they feel their rights have not been met.



Resources:

<https://comcom.govt.nz/consumers/your-rights-as-a-consumer/enforcing-your-rights-and-dispute-resolution>

<https://www.consumer.org.nz/articles/consumer-guarantees-act>

<https://www.consumerprotection.govt.nz/general-help/consumer-laws/consumer-guarantees-act/>