

I ORDERED SOMETHING BY MAIL TWO MONTHS AGO AND I STILL HAVE NOT RECEIVED IT. WHAT CAN I DO?

Under the Mail Order Merchandise Rule, the seller must send merchandise either when promised, or, if no specific delivery time has been set, the seller must send the merchandise no later than 30 days after receiving the order.

**If the seller cannot ship the merchandise by the promised shipping date** or the 30-day period, then the seller must send you an "option notice." This notice must include:

1. The new shipping date
2. A choice for you to cancel the order for a full refund, or accept the new shipping date;
3. Instructions on how you can cancel the order;
4. A way for you to answer the seller at no added expense.

**If the seller cannot meet the second promised shipping date**, then the seller must send you a second option notice. Under this second notice, the order will be canceled automatically unless you signs your consent on the second notice and mailsit back to the seller.

### Refunds:

- If you cancel your prepaid order, then the seller must send you a full refund within 7 business days.
- If you charge the merchandise and later cancel under the option notice, then the seller must credit your account within one billing cycle.

### Exceptions:

It is important to know that the Mail Order Merchandise Rule does not apply when you order the following types of merchandise:

1. Mail order photo finishing.
2. Magazine subscriptions and other serial deliveries (except for the initial shipment).
3. Seeds and plants.
4. C.O.D. (Cash On Delivery) orders.
5. Credit orders where the 30 day shipping requirement applies and the account is not charged before the merchandise is mailed.

### When Ordering by Mail:

- **Read** the advertisement carefully. The picture shown may not be an accurate picture of the product.
- **Investigate** the product before ordering it. Find out if the product can do exactly what the ad promises.
- **Note** the promised delivery date and the seller's return policy. If this information is not given, ask for specifics in writing before ordering.
- **Complete** the order form as directed because any error can delay shipment. The required time period for delivery does not begin until the seller receives a properly completed order form.
- **Keep:**
  1. the seller's name and address
  2. the order date
  3. the canceled check or charge account statements.
  4. a copy of your order form
  5. a copy of the original ad.

### What To Do If You Have A Problem:

If you have a problem with an order, write the company directly and describe the situation in detail. Keep a copy of this letter. If you are unable to resolve the problem directly with the company, try the following options:

- **Write to the magazine or newspaper** which advertised the product; publishers often attempt to resolve conflicts between their readers and their advertisers.
- **Call the Office of Consumer Protection**, a division of the Department of Commerce and Consumer Affairs, at 587-3222.
- **Call the Post Office.** The number is 1-800-275-8777. Send the Post Office a letter with copies of the advertisement and any correspondence between yourself and the company. The Post Office will investigate and send you notice of any action taken.
- **Write the Direct Marketing Association.** Their address is: 6 East 43rd Street, New York, New York 10017.

**If the mail order company is located in another state**, then the Office of Consumer Protection will refer you to the Consumer Affairs Office or the U.S. Postal Service in that state.

(This information was obtained from the Hawaii State Department of Commerce and Consumer Affairs Consumer Dial Line at 587-1234).

Please visit our Web site <http://www.legalaidhawaii.org>

## Important Numbers

### Legal Aid Society of Hawai'i

924 Bethel  
Honolulu, HI 96813  
536-4302

### Office of Consumer Protection

State Office Tower 8th Floor  
235 South Beretania  
Honolulu, HI 96813  
587-3222

### Post Office-Honolulu District Office

3600 Aolele  
Honolulu, HI 96819

**Criminal Investigations:** 423-3790

**Postal Information:** 1-800-275-8777

### Direct Marketing Association

6 East 43rd Street  
New York, New York 10017

Legal Aid Society of Hawai'i  
924 Bethel Street  
Honolulu, HI 96813



Legal Aid  
Society  
of Hawai'i

## Mail Order Fraud

This brochure can help you if:

- you are thinking of buying something through the mail, or
- you ordered something from a company through the mail, and you have not yet received it.

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