

by Sonia Ramachandran

PETALING JAYA: Jack (not his real name) bought a pair of luxury shoes from MySale in 2014 for over RM800. Three months later, there was still no sign of the shoes.

When he tried calling them, no one answered the phone. When he went to the address listed on the website, there was no one there.

Jenny (not her real name) purchased Hello Kitty goods online for over RM3,000. She was then informed that it was wrongly advertised and the online site offered to refund her.

Obviously Jenny was not happy as she felt that this amounted to a misleading advertisement and insisted she wanted the goods instead.

These were some of the complaints relating to electronic commerce (e-commerce) that was lodged with the National Consumer Complaints Centre (NCCC) last year.

In fact, e-commerce topped the list of complaints lodged with the NCCC in 2014, with over 8,000 complaints lodged.

NCCC legal and dispute resolution manager Santhosh Kannan told Theantdaily that this sector made up the second highest group of complaints in 2013 with almost 6,000 complaints but had jumped to the top of the complaints list in 2014.

Santhosh said most of the complaints concerned late delivery of the item bought or the item not being in accordance with what was promised in the advertisement or the terms of the contract.

Sometimes the consumers get something different from what they ordered, he said.

Among online shopping sites, Santhosh said that daily deals discount website Groupon seemed to be the most trusted one in complying with the terms of the contract.

In terms of refunds too, they are willing to work for the consumers' interest. In contrast, there is one company we deal with which prefers to give the consumer store credit instead of a refund. This defeats the purpose as the company still keeps the consumer's money and business, he said.

Santhosh said there were also companies who promised refunds but did not do so until NCCC stepped in and pressured them.

Though NCCC only started receiving e-commerce complaints in 2011, it has topped the complaints chart in three years, something which Santhosh fears is here to stay for a long time.

Santhosh feels that this problem is not something that the authorities can curb without the help of consumers themselves.

This is where the Latin term caveat emptor (let the buyer beware) comes in.

Wikipedia states that the phrase caveat emptor arises from the fact that buyers often have less information about the products or services they are purchasing, while the seller has more information and the defects in the products or services may be hidden from the buyer, and only known to the seller.

Thus, the buyer should beware.

Santhosh has this advice for consumers: If you are buying something expensive, you should call up the online site first to be sure there is an office and personnel manning the office there. Each online shopping site should also have a complaints redress team that is contactable.

The consumer must also make sure the online company has a registered business address. The government has made this a requirement. All the consumer needs to do is look for the link on the site that should give you the legal address of the company. If you can't find it, don't buy from this site. Look for alternatives.

Santhosh also feels the overlapping of jurisdictions between the Malaysian Communications and Multimedia Commission (MCMC), which comes under the Communications and Multimedia Ministry and the Domestic Trade, Co-operatives and Consumerism Ministry (KPDNKK) is also a problem that should be addressed swiftly.

If you're claiming a refund, you can go to the Consumer Claims Tribunal under KPDNKK but in terms of online content such as misleading content and advertisements, then MCMC has the jurisdiction to investigate the matter. The KPDNKK also has the Consumer Protection Act that covers unfair terms for consumers.

When a problem arises, and we go to

either one of the authorities, they seem to pass the buck to the other, leaving the consumer with the short end of the stick," he said.

Santhosh feels both ministries should work together and set up one division to address e-commerce matters regarding content and claims to enable consumers to address their grouses at one place.

"Why should the consumer have to pay the price for their lack of coordination?" he asked.

On sites like Mudah and Lelong, Santhosh said many had approached them with complaints but that NCCC did not handle the complaints as it was against individuals and not companies.

In these instances, the person takes the money from the consumer and then vanishes. These are mostly cases where the seller says no "cash on delivery" but insists on the buyer banking in the cash before the product is given. My advice to consumers is that if you see this term, run in the opposite direction," said Santhosh.

In 2013, a Trend Micro online survey reportedly found that eight out of 10 Internet users in Malaysia shop online.

Market research firm AC Nielsen is also reported to expect Malaysia's online shopping market to increase to RM5 billion by 2015.

As shopping online becomes increasingly popular, so will the number of unscrupulous traders who are out to make a quick buck.

The authorities cannot monitor each and every online transaction.

It is also time for buyers to beware before parting with their hard-earned money.

- See more at:
<http://www.theantdaily.com/Main/Foolproof-regulations-lacking-for-Malaysia-s-online-shopping-market#>