

Defective goods

Altered goods contrary to instructions

DVD player plug cut off and replaced: Supplier not liable to replace or refund.

Complaint ref : **20131118929**
Adjudicator : **Bonita Hughes**
Date : **21 January 2014**

1. Summary of complaint

On 10 November 2013 you purchased a DVD player. When you plugged the DVD player in it displayed a “no signal” sign. The DVD player could also not open to accept the disks.

The TV stood a distance from the power point and you had to cut the cord to lengthen it.

The warranty was voided as the cord was cut and you received a quote for R200.00 to get the DVD repaired.

You would like the DVD player to be repaired at no cost to you.

2. Summary of the supplier’s response

The supplier advised that the warranty is null and void as the cord has been cut contrary to the user manual.

The supplier will assist to get the unit repaired but you will be liable for the cost.

3. Assessment

We have considered all the evidence presented by both you and the supplier and advise as follows:

You requested that the supplier repair the DVD player at no cost to you.

In terms of Section 55 of the Consumer Protection Act provides consumers with the right to safe and good-quality goods.

This section lists the requirements goods should comply with, namely:

- (a) They are reasonably suitable for the purposes for which they are generally intended;
- (b) They are of good quality, in good working order and free of any defects;
- (c) They will be useable and durable (will last) for a reasonable period of

time;

(d) They comply with the Standards Act/ other public regulations;

In terms of section 56 of the Consumer Protection Act any transaction or agreement pertaining to the supply of goods to a consumer there is an implied provision that the producer or importer, the distributor and the retailer each warrant that the goods comply with the requirements and standards contemplated in section 55, except to the extent that those goods have been altered contrary to the instructions, or after leaving the control, of the producer or importer, a distributor or the retailer, as the case may be.

As per section 56 of the Consumer Protection Act one cannot claim to have the goods repaired if the goods have been altered contrary to the instructions. As the cord was cut contrary to the user manual we cannot instruct the supplier to repair the goods free of charge.

We can also not instruct the supplier to repair the good in terms of the warranty as the warranty has been voided as the goods were altered contrary to the instructions.

We can therefore only suggest that you consider the offer that the supplier repairs the item at your cost.

