



## Guarantees for goods

### Goods must be of acceptable quality

This means goods must be:

- fit for their normal purpose
- safe
- durable - last for a reasonable time
- have no minor defects
- acceptable in look and finish.

When deciding whether goods are of acceptable quality, the test is whether a reasonable person would find the goods acceptable taking into account the nature of the goods, the price paid, any information on the goods or the package, anything said by the manufacturer or seller about the goods.

### Goods must be fit for a particular purpose

When you tell a seller what you want the goods to be able to do and you are relying on their knowledge, the seller should provide goods that do what you want.

Fitness for particular purpose is different from fit for normal purpose which is covered under the guarantee of acceptable quality. A particular purpose is one that is in addition to the normal purpose people use the goods for. For example, the normal purpose of a heater is to heat a room, but you may specify that you want a heater that is powerful enough to heat a large room.

If a seller or a manufacturer makes a statement about what a product will do, but it turns out that the product will not do that job, you may have a claim.

Of course, there may be situations where it would not be reasonable to rely on a discussion with the seller, for example if that person is a checkout operator who may not know enough about the goods.

### Goods must match description

Any description of the goods that is provided with the goods must be accurate. For example if a refrigerator is described as "automatic defrost" it must defrost automatically.

Goods must comply with sample or demonstration model

If you buy goods based on a model or sample that the seller has shown you, what you are supplied with must correspond with the sample. When the goods arrive you should be given reasonable time to compare them with the sample.

You should make reasonable allowance for variation when the goods are made of natural materials where these variations typically occur. For example, shade variation between batches of wool.

### Right to sell the goods

When you buy goods the trader should be able to pass all the ownership rights or title in the goods to you. The trader must tell you when someone else has rights over the goods.

You are entitled to expect that no one will have any right or claim to the goods you buy except when you buy them using consumer credit where there are situations when the goods can be legally repossessed by the seller or finance company.

Where the goods are not purchased using consumer credit they can only be repossessed if, before you bought the goods:

- you were told about the possibility of repossession, and
- you were given a copy, or the relevant part, of a document telling you about repossession.

An example is if you order a carpet and pay a deposit. The order form may say the seller can take back the carpet if the rest of the money is not paid within a month. The seller must tell you about this when you order the carpet and give you a copy of the relevant part of the order form.

If you are buying a used vehicle from a motor vehicle dealer check the Consumer Information Notice (window card) on the vehicle. If the following statement is included on the front of the notice...

"There is a security interest registered over this motor vehicle"

...it means there is money owing on the car by a previous owner. The person or company who has registered the security interest may claim the vehicle from you if you buy it.

## **Spare parts and repair facilities**

This is a guarantee that a manufacturer or importer must take reasonable steps to provide spare parts and repair facilities for a reasonable time after you purchase the goods. The manufacturer or importer can contract out of this guarantee by letting you know at the time of purchase that repair facilities and spare parts are not available.

This guarantee applies to all new goods, and to imported second hand goods where you are the first person in New Zealand to buy them.

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