

How much do I have to pay?

The shop can recover all its losses from the damage. Usually the shop will ask for the retail price of the item. This includes the wholesale price plus the profit that the shop could have made from it.

They can also ask for costs relating to reordering the item from the wholesaler and for any damage to shop fittings that you caused.

The shop can claim for the item on their insurance, but the insurance company may then come back to you to recover the money.

For more information

For more information about your consumer rights visit www.consumeraffairs.govt.nz or your local Citizens Advice Bureau.

Contact details of your local Citizen's Advice Bureau are in the White Pages or online at www.cab.org.nz. You can call **0800 FOR CAB** (0800 367 222).

You can get free legal advice from a community law centre. Contact details of your local community law centre are in the White Pages or online at www.communitylaw.org.nz.

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This factsheet should not be used as a substitute for specialist legal advice.

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MINISTRY OF CONSUMER AFFAIRS
MANATŪ KAIHOKOHOKO

SHOP BREAKAGES

CONSUMER FACTS



MINISTRY OF CONSUMER AFFAIRS
MANATŪ KAIHOKOHOKO

New Zealand Government

While you are in a shop you are responsible for being careful.

If you do break or damage something because you weren't careful, the shop can ask you to pay for what was broken.

This rule also applies to goods you take home to try out, and items that you borrow, like library books or DVDs. While these goods are in your care you must take care of them.

How careful is careful?

You must take reasonable care when handling goods and when walking around the shop. If you drop an item or your bag knocks something off the shelf, then you have not been careful enough.

But if the shop has caused or contributed to the damage then you may not have to pay for the damage. For example, the shop is so full of stuff there is not enough room for a customer to walk between aisles without knocking something.

What if my child breaks something?

You are responsible for watching children that you bring into the shop. If they break something, then the shop can ask you to pay for it.

But again, if the shop is cluttered and difficult to move around in and your child was just walking past – you may not have to pay.

What if there aren't any signs?

Shops don't need to have a sign saying "If you break it, you buy it". It doesn't affect the law relating to breakages. Though, it is helpful for shops to have a sign saying certain items are delicate and easily broken.

What if it was out of my control?

You may not have to pay for the damaged goods if an event outside your control contributes to the damage, like if a crowd pushed you against a stand of glasses.

It is reasonable to look after yourself or your children rather than the shop property when there is a risk of harm, for example if there was a fire alarm and you knocked something off the shelf in your hurry to get out.

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