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The NCF has blown the whistle on underweight chicken

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Consumerfair

Putting consumer issues on the agenda

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Unleaded fuel: Are we being duped?

Drivers and commuters face higher prices but dirtier air

IN JUST A COUPLE of months' time, the government wants only unleaded petrol in our vehicles. The aim of this plan is great: to make the air cleaner. Unfortunately, it looks like it's not going to work and we, the consumers, are going to pay extra for even more dangerous exhaust fumes.

The government's Clean Fuels Programme says that oil companies must remove lead from petrol by January

2006. As consumers, we can't complain about that – who wants to breathe in more lead oxide than we have to? And leaded petrol has already been phased out completely in Japan, USA and most of Europe.

But the lead was there for a reason, and the chemicals that will replace lead in our petrol are not safe either – in fact, there is evidence that it's even more dangerous under some conditions.

Lead has traditionally been used in petrol because it boosts the octane level, giving our engines higher compression and making our cars faster and more efficient. Without lead, other additives must be added to get the same result. But this is where the problem arises.

The Department of Minerals and Energy is working with the petrol industry, car manufacturers and the South Turn to page 3

THE CLEANER FUELS PROGRAMME

"Cabinet has approved the phase-out of leaded petrol from 2006, the reduction of sulphur in diesel to a maximum of 0,05% from 2006 and that the Department of Minerals and Energy determines the other relevant fuel specification parameters in consultation with the relevant stakeholders. This initiative is in line with the global move towards phasing out leaded petroleum where 86% of the world's supply is unleaded." From the DME's Energy Efficiency Strategy, March 2005.



SABS GIVES CONSUMERS A BOOST

The South African Bureau of Standards has made offices available at its headquarters in Groenkloof, Pretoria, for the National Consumer Forum and the South African National Consumer Union. Pictured here at the official opening in July are SABS chief executive Martin Kuscus (centre), NCF chairman Thami Bolani, and SANCU president Ina Wilken. See editorial on page 2.

Pay small enterprises on time!

IT'S TIME THAT our law-makers came to the rescue of small businesses and non-profit organisations – to save them from death by late payment.

As consumers, we are easily blacklisted if we fail to pay our accounts on time. But big companies and government can and do delay payments with impunity, and there seems to be no where to turn for help.

Thousands of consumers run small businesses or NGOs that rely on a trickle of cash from customers. Any interruption of that cash-flow means disaster – small enterprises just don't have the financial reserves of bigger operations, and it's harder for them to borrow money to see them through a cash-flow crisis. As a small NGO, the National Consumer Forum has experienced these problems first-hand: advertisers who drag their feet when it comes to paying for their advertisements have delayed the publication of this newspaper for months.

Small businesses in South Africa employ millions of people – their livelihood cannot be risked by allowing a culture of late payment to fester. Government, in particular, has no reason not to pay promptly. Our taxes sit comfortably in the coffers waiting to be

disbursed – there is no cash-flow problem there. One can only presume that payment delays are the result of inefficiency, something that government sounds committed to rooting out.

So there is no need for suppliers to wait months before being paid. They've done the work, and should be reimbursed for it. If a boss does not pay his workers on the agreed date, he or she is breaking the law; but the payment of non-employees is a different story.

Not only does this problem undermine existing small enterprises, it also discourages people from taking that step into self-employment – because it just adds another risk to starting your own business. This runs against the

grain of government's stated policy of encouraging entrepreneurship among South Africans.

The National Consumer Forum is planning to campaign for a law that allows small enterprises to charge interest on all amounts not paid by their due date. This is already standard practice in countries like the United Kingdom, where they have had their Late Payment of Commercial Debts (Interest) Act since 1998.

Make a contribution ...

Add your voice to this campaign by writing to us at ncf@sabs.co.za or PO Box 4487, Halfway House, 1685.

DOES SA NEED A LAW TO DISCOURAGE LATE PAYMENT?

"Absolutely yes," writes Gaylin Underwood of Hogsback in the Eastern Cape. "Cash flow is the number one destroyer of small business. Small business needs this law as soon as possible. In South Africa, if your business goes under, 99% of the time you do too. Your credit ratings are destroyed and it is impossible to get credit again to start a new business. SA can not afford this – we need the entrepreneurs. In countries like the USA, if your business fails, it is just your business that fails – not you too. You can pick up the pieces and start again. Research worldwide proves that entrepreneurs who have the opportunity to try again are much more likely to succeed the second and third time round."

LETTERS

Extortionate rates from micro-lenders

These two letters were posted a while ago on the Hello Peter website – quite an eye-opener on what micro-lenders charge in interest rates. No wonder so many people are crippled by debt and end up on credit bureau blacklists. (For those who don't know this site, it is well worth a visit. You can lodge your own complaint about a company, if it's listed on the site, and see what other people have said about service from that company. Some of the companies also respond to the complaints – and compliments – on the site. Go to www.hellopeter.com.)

I RECENTLY NEEDED to take out an urgent personal loan, something I have never done before and was therefore new to the procedure. African bank granted me a personal loan for R8 000 with an interest rate of 50,75%! When I asked the gentleman whether I would be penalised for settling early they told me no. I called them the other day to ask if I could settle and I was told that it was inadvisable as I would pay a huge penalty. I was loaned R8 000 and I now have to repay African Bank R18 000! Surely this is illegal? I can't believe I have been taken advantage

of like this.

MY REMEDY: Somebody from African bank needs to sort this out asap before they land themselves in legal complications!

Linda

Other Users that have added their comments relating to this incident:

THE INCIDENT We took out a loan with Saambou Bank which was taken over by African Bank. We understand that we defaulted and that the account was being settled by way of a garnishee order. To our understanding we thought the loan was settled in December when the last

payment was taken – only to find that on a debt of R 10 000 we are paying 33% PER MONTH. we now have to settle the interest which will never be paid up at a rate of 33% per month. This is a real eye opener and pure disappointment. How can you charge 33% per month? We understand that we were in arrears and that interest was charged – but at 33% per month? It will stay in arrears at the rate of interest that you are charging. Now we are told that the garnishee order will be reinstated. Guess what, more interest to be paid on top of interest, because that is what is owing now is interest. How will we ever settle this account? Reinstating the order just puts more pressure on us. After all, we did not obtain the final balance that was settled? Your attorneys did this

we had no control over the order...now we must pay and pay forever. Thanks for a further few years of utter misery!

MY REMEDY: I would not let a dying man drown. This is so disheartening that I can't even find a solution for the problem. The capital amount has maybe being paid twice over already. So I guess that for as long as African Bank can make money that is what they will do. Exploit the situation by charging 33 % per month where other institutions charge their interest rates per annum.... If the final balance was given and was settled then that is it. The mistake is not ours.

ALIAS Mrs

Open letter to: NSI Security Systems

We had a sliding gate, steel garage doors, a TV-COM video intercom system, a century D3 motor, 2 Digidoor motors, and electric fencing installed at our home at the end of November 2004.

Our intercom ceased to work in December 2004. When we eventually received a response, in January 2005, from your representative John Rondi, we were told that it was struck by lightning, and that it could not be fixed. We then asked for our old intercom to be returned. We received an intercom (which we suspect was not our original one, but we have no proof) on Saturday 20 February 2005, which Rondi re-installed. He said he was going to return on 22 February 2005 (Monday) to complete the re-installation. He never returned.

In April 2005, the TV-COM stopped working again. There has not been lightning since March 2005. This now leads us to believe that the original intercom was never struck by lightning in the first place, and that the we were given a faulty security system in November 2004. Also, one of the Digidoor motors is now faulty.

This has been extremely distressing to us, especially my husband, who paid Rondi R25,000 for full installation of our security, in the belief that we were receiving a superior product and professional service. As much as Rondi may be sub-contracted by yourselves, he represents your company, and the original quotation we received from him was on an NSI Security Systems letterhead. It is for this reason that we are sending this complaint to your company.

Please note that we are extremely dissatisfied customers and we will not be purchasing anything from your store again, and we will pass the word around about the lack of professionalism practiced.

Mrs J Nyar
Randburg

what? Is it correct that, if a mall collapses on the customer, he has signed or given away his rights? Is that not illegal?

HC Michels
Pretoria

Unacceptable service

To the editor,
Well done, I read your third edition of consumer fair from cover to cover. At last – a voice for consumer rights.

Is it just me that is so unfortunate to experience levels of unacceptable service or is this a general condition we are forced to endure? Every day, without exaggeration, I face situations which are examples of such bad service delivery from many sectors (a regular example is banks).

Today it just so happens to be Telkom. For the past 25 years I have administered and paid our business telephone account. This morning I called the accounts department with a very simple query. I was denied access to any information. I was advised only the company owner (my husband) on whose ID the account was opened is the only person who can have access to information. (The fact that company owners generally have no time to deal with basic telephone account queries is immaterial and of no concern to Telkom.)

This new ruling has been introduced without prior written notice (a simple letter attached to the account would have been sufficient) allowing time for companies and individuals to register authorised persons in advance of these changes. Instead we are forced into a confrontational situation with the poor accounts clerk at Telkom, who has nothing to do with how these changes are introduced and trying to speak to anyone of any authority is like asking to speak to God.

It clearly indicates the arrogance and indifference to customer service!

Norma Mc Asian

Mall disclaimers

When will something be done to do away with the notices on every shopping mall and on the parking lot tickets, that the owner has no responsibility, no matter

Kombi blues

I bought a brand new VW Kombi TDI T5 LWB from Barons, Woodmead in February this year. Since then I have taken the car

back about three times for minor factory faults on the car.

On 4 July my driver dropped me off at Johannesburg International Airport at about 06h00. At about 08h30, whilst I was in East London, he called to tell me the car had no power. I instructed him to drive it to Menlyn VW, which he did, and they booked-in the car.

When I called them three days later, they told me they couldn't fix it because it was a long wheel base. I expressed dissatisfaction in that even if they could not get me on the phone they could have taken it to Hatfield VW, which is less than 5km away. They said I should do that, which I did the next day (Friday).

My car is under a Volkswagen Auto Plan, which covers the vehicle's maintenance and service. On Tuesday the service manager in Hatfield called to tell me my car was ready. To my surprise, I was told that I need to pay R7 208 for the clutch plate they replaced.

I argued that my car is on their motor plan and it covers that. I was told that it could not be covered because it was bad driving. How they came to that conclusion I do not know. My other problem is that I was not contacted before hand of the expected costs or the fact that their motor plan won't cover. As a result, I could not get my car and it is still with them.

Thivhavhoni Lidzhade
Pretoria

Medicine prices

In the last edition, you say that "the market - if unregulated - naturally moves to where there is more profit". Have you never heard of free competition bringing down prices? When there was virtually no medicine pricing regulation, many pharmacies offered discounts and prices did not spiral out of control. You may as well say that pricing of all commodities should be regulated to bring them down and help the consumer.

Many governments have tried legislating to force lower prices. It never works and can never work in the medium to long term. All that happens is that you legislate the suppliers out of business. Shortages of products will occur frequently, short-

ages of outlets will occur thus making it very difficult for consumers to obtain their needs. How many pharmacies will be able to stay in business by making R26 profit on a prescription item of more than R200. On that they would make a measly 13% and on an item costing R400, a less than measly 6.5%. Most of them will go under.

Those that remain, will certainly not stock any item costing more than R200 as it will not pay them to hold these items in stock. It would not pay them to do so.

Maurice Blumsohn
Illovo



Editorial

IT HAS BEEN an exciting year for the National Consumer Forum and its monthly newspaper Consumer Fair, as it opened its new office in Pretoria – courtesy of the South African Bureau of Standards (SABS).

Speaking at the official opening, SABS chief executive Martin Kuscus said that his organization was making the offices available so that there would be a closer working relationship between the SABS and consumer groups.

One of the core responsibilities of the SABS is to protect consumers' health, safety and quality of life – through compulsory standards for the health and safety of products that consumers use.

NCF chairman Thami Bolani said that consumers relied on the SABS to help implement their consumer rights – especially regarding the safety of food and electrical products. The groups already work together to ensure quality and standards are upheld. The NCF recently referred the issue of underweight chicken pieces to the SABS for investigation.

Bolani said the office would be an important resource for the organization to become a stronger voice for consumers, and to continue to put consumer rights on South Africa's agenda. He said it will also allow the NCF to work more closely with its sister organization, the SA National Consumer Union, who operate from the same building.

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INTERNATIONAL

Consumers in US get credit reports for free

The Fair and Accurate Credit Transactions Act, signed into law in December 2003, gives every American the right to a free credit report every year from each of the three major credit bureaus.

To do this, the credit bureaus (Equifax, Experian and TransUnion) joined forces recently to set up a one-stop free credit report centre. Consumers can now request their report by phone or mail, and get a response within about two weeks.

The credit bureaus also set up a website – at www.annualcreditreport.com – to allow consumers to request, view and print one, two or all three of their free credit reports quickly via the site.

After 18 months of preparing the way for free credit reports, this service is now being rolled out across the

US. Earlier this year, residents of US's western and mid-west states could access the service, and in June the southern states were included. In September, people in the eastern states got access to their credit reports free.

The Fair and Accurate Credit Transactions Act in the US also protects consumers in other ways:

- **Uniform credit standards:** In 1996, Congress set uniform national standards on credit reporting. These standards set clear rules on what credit agencies could include in consumer credit reports. The new law made these standards permanent.

- **Safeguarding receipts:** To help ward off identity theft, retailers must hide credit card and debit card information on customer receipts. Only the

last five digits of a card number will be listed. From the beginning of 2005, all new cash registers and point-of-sale terminals had to comply with this. Merchants have been given until December 2006 to phase out any existing registers or terminals that printed full account numbers on receipts.

- **New opt-out rules:** Consumers will have the right to "opt-out" and block solicitations from affiliates of companies that they do business with.

- **Disclosing bad credit news:** Thanks to the new law, a bank will have to tell you if it reports any negative information about you to the credit bureaus. A bank will also have to tell you if it grants you credit at less favourable terms than those received by most other consumers.

Identity-theft victims who file police reports will be able to block fraudulent information from appearing on their credit reports.

For more information ...

For more information on how the Americans do things, go to this website: <http://moneycentral.msn.com/content/Banking/Yourcreditrating/P100244.asp>

THE NEW NATIONAL CREDIT BILL

The new National Credit Bill in South Africa will give consumers the right to information held by credit bureaus, to be told when someone reports you to a credit bureau, to demand investigation of disputed information and correction of erroneous information, and a right to compensation for the cost of correcting negligently incorrect information.

From page 1

African Bureau of Standards to try and figure out some new fuel specifications – saying what is allowed to go into petrol and what is not. It is still not clear what these specifications will be.

Among the alternatives to lead are some even more dangerous chemicals.

Probably the worst is benzene – which is known to cause cancer – and another is a compound called MMT (methyl cyclopentadienyl manganese tricarbonyl).

When the Cape Times – in 2002 – heralded the Clean Air Programme as a boost for health and the environment, it said the ban on leaded fuel would be

accompanied by a banning of MMT in 2006. But Engen was still talking about MMT as an option in late 2003, and it is not clear that the specifications committee will rule out its use in future.

The same goes for benzene – are we going to be breathing this in instead of lead? No-one is saying. The whole Clean

Air process has not been well communicated to the public. Even the Department of Mineral and Energy's web site has little useful information on it at all.

The big problem seems to be that the whole process is being rushed, for no apparent reason. Cabinet wants a big change in January 2006, but what has emerged is that the oil companies are not actually able to produce a truly clean fuel by that deadline.

So what they will do is spend somewhere between R10 billion and R30 billion on new processes at their refineries – expenditure that will not improve the cleanliness of the air.

There is even a danger of vehicle emissions becoming more dangerous with this new fuel, because most cars in South Africa don't have catalytic converters – devices in the exhaust system that take out 90% of the toxins in our exhaust fumes. This won't change any

time soon, either. New cars will only be required by law to be built with converters from 2008. And even then, older cars without converters will be on the roads for many years after that. These cars will churn out all the benzene and volatile organic carbons (VOCs) straight into the atmosphere.

But guess who will have to cough up to pay back the billions that go into upgrading refineries? The consumer, of course – every time you climb into a taxi or visit a petrol pump. And this increase will come on top of the increases that are anticipated by the rising price of crude oil.

It took the United States about 20 years to phase out unleaded fuel, so it is a slow process at the best of times. Is there a good reason why we are rushing this? And will this rush mean that our air won't get cleaner – just more expensive?

NCF cries foul on underweight chicken pieces

THE NATIONAL CONSUMER FORUM (NCF) has submitted a complaint to the South African Bureau of Standards (SABS) Metrology Division, after tests showed that individually quick-frozen chicken pieces weigh less than their advertised weight once they are thawed.

According to the NCF, of the 2kg packets of chicken pieces tested, most of them weighed between 1,60kg and 1,77kg. This translates into an overpayment by the consumer of between R3,12 and R5,20 on each 2kg packet.

The NCF has asked the SABS to investigate the matter, which it believes is a serious unfair business practice – especially as quick-frozen chicken pieces are very popular in poor and disadvantaged communities.

The investigation that the NCF conducted over a period of four weeks

revealed the following:

- The last test on a 2kg packet of Brand C chicken pieces (advertising 10 IQF pieces) was conducted on 18 September 2005 and revealed the following that there were only nine chicken pieces in the packet and the total weight of the product after thawing was 1,67 kg.

- Upon further investigation, the NCF established that the industry inflates the weight of the IQF pieces by injecting water containing soya or other substances acting as water binders. This is then followed by the freezing the food, using a special 30-second refrigeration process called gyro-freezing.

- According to legislation that was passed during the apartheid years, the industry is allowed to inject only 8% water into the whole chicken. In-

jection of water into IQF products is not allowed.

The IQF product has become very popular in poor communities since it was launched more than fifteen years ago by County Fair, a Cape Town-based company. Their initial success saw other major players like Early Bird and Rainbow Chickens entering the market and making easy profits at the expense of the consumer.

"By illegally injecting water into IQF products, the industry has for more than fifteen years unlawfully exploited consumers," said NCF chairman Thami Bolani. "As the NCF, an organization that was established to protect and promote the rights and interests of consumers, we would like to see an end to this unfair business practice."

WHAT DOES IT MEAN...?

- **Unleaded petrol:** Today, many cars used petrol which has no lead in it – but most unleaded petrol has other poisonous metals in it instead, such as magnesium. (Only BP has metal-free unleaded petrol.) When the government introduces new 'clean' petrol in 2006, today's unleaded petrol will be called 'lead-replacement' petrol.

- **'Clean' unleaded petrol:** From 2006, the government wants petrol to be cleaner – free of all metallic additives. This will be called 'unleaded' petrol, but may have high levels of other dangerous chemicals (that are non-metallic).

- **Catalytic converter:** This is a device in some modern cars that removes pollutants from our exhaust fumes – mainly carbon monoxide (a colourless, poisonous gas), volatile organic compounds (from unburned fuel) and nitrogen oxides (that cause acid rain and smog).

THE NATIONAL CONSUMER FORUM ASKS

- Why aren't consumers let into the discussion on important issues like this, to find out what is really being done in our name?

- Many of us use 'Super' petrol – not unleaded – and can't afford new cars with catalytic converters. How clean will our exhaust fumes be with the new petrol if most of our vehicles have no catalysts?

ROAD SAFETY

Take a stand against reckless drivers!

HOW OFTEN have you seen a road-hog driving up the emergency lane or jumping a red light, and thought to yourself: "Where is a traffic cop when you need one?"

Well, there is something you can do: become an official 'traffic observer'.

This programme was launched by

the Department of Transport in 2003, but does not seem to have been very well publicised. The other problem is that you can only make use of it if you can get access to the internet.

Nonetheless, it does give you the opportunity to do something about what is normally a frustrating experi-

ence – watching someone else get away with breaking the law, and endangering your life and others'.

Once you are registered, you will be given the toll-free number of the call centre where you can report reckless driving and other road problems. This toll-free number is not being handed out to everyone, it seems; the call centre wants to keep the quality of the incoming calls as high as possible.

The call centre was established as part of the Road to Safety 2001-2005 Strategy, which wanted to improve voluntary compliance and reduce traffic contraventions. The strategy also wanted to identify regular traffic offenders, and hopefully the Traffic Observer system would help to do that (with different Observers reporting the same person doing similar things in different places).

But it doesn't look like the strategy has worked. To the average driver, reckless and illegal driving habits seem to be getting worse. Even red lights don't seem to be mandatory anymore. It's a bit like the general crime situation: as soon as people see what others get away with, they're likely to try it them-

selves. And when they don't ever get caught, it just becomes a habit.

What can you report?

Mainly, the call centre is looking for information about:

- Any traffic offence
- Fraud, bribery and corruption in traffic law enforcement
- Bad driving and road rage

What will happen to the person you report?

The call centre will send a letter to the owner of the vehicle you report, telling them what they did and where they were seen doing it. They don't get a fine, unfortunately, just a road safety message.

For regular offenders (people who have been reported a number of times), the call centre asks senior traffic officers in the areas to meet with them and tell them that their regular contraventions are unacceptable. This information is apparently also correlated with any traffic fines they might have been given.

The information you provide also goes into a database that gets analysed and passed on to the SA Police Services and the traffic authorities, highlighting

the places where regular traffic offences take place. Hopefully, these places would then get more closely patrolled.

What information do you need to provide when you make a report?

- The province, town, suburb and junction (for example, Gauteng, Pretoria, Arcadia, Church Street between Hamilton and Beatrix Streets)
- If you're a highway between towns: the number of the road and the distance from the nearest town (for example: N3 between Villiers and Harrismitth, about 10km south of Villiers)
- Day of the week, date and time of the incident,
- Details of the vehicle you saw breaking the law: Registration number, make, model and colour.
- Details of the incident (for example, driver ignored red traffic signal or driver overtook on a solid barrier line)

If you are not recorded as a Traffic Observer but have an incident you want to report, you can do submit your application form together with your first report.

HOW TO BECOME AN OFFICIAL TRAFFIC OBSERVER

Here's how it works:

- First, you have to register as a Voluntary Public Traffic Observer. To do this, go to the Arrive Alive website (here's the exact page: www.arrivealive.co.za/pages.asp?mc=call&nc=background), click on the link to "attached form" under the heading Recording of Traffic Observers, and fill in your details.
- The department says it needs these details to avoid possible victimisation of innocent road users and drivers for devious or unknown reasons, and to prevent the department's call centre from getting swamped with hoax calls or abusive calls. Taking your details in this way is also meant to save you time – so that you don't have to give your details to the call centre every time you phone them with an incident to report.
- If you own a vehicle and a drivers licence, you will be asked for this information – but you don't need to have either to be a Traffic Observer.
- Each report you make will be linked to your identity number, but the department says it keeps all your personal details confidential.

Bursary Schemes for Capable Students

Eskom will help you prepare for a career requiring maths and physical science by taking one of the following routes:

1 Further Education and Training Studies

- Electricians
- Fitters and Turners
- Instrument Mechanics

2 University of Technology Studies

- Electrical Engineering: Heavy Current
- Electrical Engineering: Light Current
- Mechanical Engineering

3 University Studies

- Electromechanical Engineering
- Electronic Engineering
- Electrical Engineering: Light Current
- Electrical Engineering: Heavy Current
- Mechanical Engineering

To obtain bursary application forms, fill out and send to:

Eskom, Student Development Manager, PO Box 1091, Johannesburg 2000

First Name Surname Mr Mrs Ms

Postal Address

.....

.....

Postal Code

I intend to study (eg Electrical Engineering)

at a Further Education and Training College University of Technology University

I am presently in grade

My current subjects and symbols are (indicate Higher Grade or Standard Grade)

1 Symbol HG SG 4 Symbol HG SG

2 Symbol HG SG 5 Symbol HG SG

3 Symbol HG SG 6 Symbol HG SG



STANDARDS

60 years of setting standards

South Africans are now rid of the bane of so-called "Christmas trees". The SABS Consumer Health and Safety Department was closely involved in efforts to eradicate this menace

THIS YEAR, the South African Bureau of Standards celebrates six decades in the business of setting standards. For the consumer, these standards are mainly to ensure the healthiness and safety of products, and the cleanliness of the environment in which we all live.

There is a core division of SABS dedicated to Regulatory Affairs and Consumer Protection, which focuses on protecting consumers' health, safety and quality of life. This division deals with compulsory standards for products in the health and safety domain such as automotive safety equipment and items used in the occupational health and safety field.

An example of these are the standards for the safe transport of bus passengers, and the country's first known standard for donkey carts was prepared for the Department of Transport of the North-West Province, are part of its efforts to ensure safe and affordable transport in rural areas. This was part of an initiative with road traffic authorities to improve road safety in South Africa, including a standard on the quality management systems requirements for bus operators (SANS 10399) and another on the testing of motor vehicles for roadworthiness (SANS 10047).

Other initiatives that protect the consumer include new standards for child restraints, respiratory equipment,

breathing apparatus and cigarette lighters. These are regulated by the Consumer Health and Safety Department of SABS's regulatory division.

South Africans are now rid of the bane of so-called "Christmas trees" – trees and bushes defaced by discarded plastic bags which caught in their branches. The SABS Consumer Health and Safety Department was closely involved in government efforts to eradicate this menace after being appointed by the Department of Environmental Affairs and Tourism to provide the required regulatory framework.

Another important aspect of this division is Legal Metrology, which deals with standards and equipment

used to weigh and measure products – ensuring that consumers get all that they are paying for. (See article on page 3 about the weight of frozen chicken pieces.) The SABS is responsible for ensuring that the consumer is protected and that companies are regulated when it comes to measuring goods for sale. This is vitally important to ensure fair trade around South Africa. The Legal Metrology department's responsibilities lie specifically in those areas where it is not economically feasible for private companies to be involved, such as in non-urban areas and in the domain of consumer protection.

HEALTH

Patient groups engage with health charter

A COALITION OF patient groups – representing patients with diseases such as leukaemia, asthma, diabetes, arthritis, and a range of others – has added its views to the draft Health Charter recently published by the Department of Health.

The charter (see page 14) is an agreed vision for the healthcare industry to transform itself, so that it redresses past discrimination against black South Africans.

Patient rights

The coalition of patient groups welcomed the department's publication of the charter, and voiced their agreement with its aims.

The coalition said the main principle that the charter should reinforce and entrench is patient rights – in particular their rights to quality care, education and representation – which the department is already promoting in the Patient Rights Charter (see poster on pages 8 and 9).

The welcomed extension of pri-

mary health care facilities has meant better access to clinics, for instance, but consumers do not necessarily get quality, patient-centred care once they get there.

"Issues of management, unavailability of medicine, unsympathetic attitudes of clerks towards patients and inefficient record-keeping all need addressing," said the coalition. "The charter needs to make provision for ways of ensuring that all staff in primary health care facilities – including clerical staff – should be chosen for their caring personalities and specifically trained to portray caring attitudes."

Patient education

An important aspect of patient rights (indeed, consumer rights more generally) is the education of patients about their health, their options and their responsibilities. All stakeholders need to engage jointly in prioritizing this issue and making resources available to make it happen.

"Patients in the public sector often

have minimal access to medication and to education with respect to medication and their rights," said the submission. "While acknowledging that the law allows for generic substitution, this has had a negative impact on the doctor-patient relationship and is an example of where substantial education needs to take place. Most patients are not aware of what is legal, permissible or advisable when pharmacists want to substitute a product prescribed by a doctor; patients need to have more say in this process, and prescribing doctors should be able to defend and stick to clinic decisions."

The submission noted that the great majority of patients attending primary health care facilities are prone to accept without question what they are told by health care professionals: "This leads to patients often leaving the clinic with a packet of pills, not knowing what is wrong with them, what the pills will do to them, or what they should expect next. This is prevalent in many disease areas, as evidenced by numerous calls to NGO helplines."

Batho Pele

The charter rightly emphasizes the importance of Batho Pele principles in the provision of healthcare, and the coalition of patient groups urged that the charter make provision for the education of all healthcare practitioners on this and the intentions of the charter itself. A broad educational process needs to be put in place through schools, clinics, hospitals and private health professionals.

The patient groups in the coalition (see list in box below) also offered to contribute specialised information on chronic illness to improve effectiveness of primary health services. This would help practitioners and others to keep up to date with the latest treatments and knowledge on specialised diseases and conditions.

The coalition also called on stakeholders in the charter process to make resources available to address the empowerment of patients (especially those previously disadvantaged) to ensure that consumers have the institutional means to participate effectively in the healthcare environment.

THE COALITION OF PATIENT GROUPS

The coalition of patient groups includes:

- Arthritis Foundation
- Cancer Association of South Africa (CANSAs)
- Contingence Association of South Africa (CASA)
- Diabetes South Africa
- Dystonia Association of SA
- Heart Foundation of South Africa
- Leukaemia Advocacy Group SA
- Multiple Sclerosis SA
- National Asthma Education Programme
- National Osteoporosis Foundation of SA
- National Consumer Forum
- South African Depression and Anxiety Group



97% This is our success rate

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- Gives advice to consumers on consumer issues
- Receives, investigates and resolves complaints of alleged Unfair Business Practices
- Initiate investigations by publishing cases in the Government Gazette
- Perform any functions assigned to it under the Consumer Affairs (Unfair Business Practice) Act, No. 7 of 1996
- Educate and create awareness about consumer rights and responsibilities
- Ensure compliance with ethical business practices by conducting trade inspections

Empowering citizens to be better consumers

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94 Main Street, Marshalltown, Johannesburg
Tel: (011) 355 8006/8, Fax: (011) 355 8019

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Our biggest reward this year.

Some others we received :

- Best Airline to Africa Award (for 14th straight year) – Travel Weekly
- Best African Airline Award - ASATA
- Professional Management Review Award – Western Cape
- Best International Airline from Cape Town – Golden Feather Award
- Best International Airline – Brazil Travel News

Not to mention the 14 we won last year. Or more importantly, the hundreds of letters of thanks we received.

CONSUMER RIGHTS IN THE NEWS

New credit law may force banks to explain why they won't lend you money

Parliament is discussing a proposed new law – the National Credit Bill – that would force financial institutions to explain why they refuse anybody credit.

If the bill is passed into law, it will

no longer be acceptable for a bank to say that the person requesting credit is “blacklisted”, or a poor credit risk.

The law will give more protection to consumers by replacing the “weak and outdated” laws that exist at the

moment. It will set up at a National Credit Regulator that will investigate complaints and enforce the Act, as well as educate consumers about their rights.

There will also be a National Consumer Tribunal that will adjudicate on various consumer issues and conduct hearings on complaints.

According to government, one of the aims of the new law is to “address the high levels of consumer dissatisfaction about levels of disclosure on the cost and terms of credit products”.

For more information, go to the Department of Trade and Industry's website at www.dti.gov.za and click on the heading 'Protecting Consumers' – or go straight to this page: <http://www.dti.gov.za/ccrdlawreview/research.htm>

Banks must allow bond defaulters to have their say

The Cape High Court has ruled that banks cannot take away homes of customers who default on their home loans, unless the customers have been advised of their constitutional rights of access to housing.

This court was hearing nine cases

that Standard Bank lodged against its customers who have not kept up payments on their home loans.

The court said that customers who have defaulted on their mortgage bonds have a right to come to court with compelling evidence why the house should not be repossessed.

Nicky Lala-Mohan, a spokesperson of the Banking Council of South Africa, said banks must now improve the bond documentation when issuing bonds to customers. Constitutional rights must be brought to the attention of the bond holders. He also said it was important for mortgage defaulters to have their say in court.

Credit bureaus under fire

Housing Minister Lindiwe Sisulu told a conference recently that credit bureaus were “the bane of the poor ... that renders three-quarters of the working class ineligible for finance.” She also said they operated like the Mafia.

Consumer Profile Bureau managing director Fred Steffers responded by saying the minister was irresponsible for likening their operations to that of the Mafia. “If we acted like the mafia, I'm sure that the government would

have clamped down on us long ago,” he said.

The South African Communist Party has called for public hearings on credit bureaus. “We have received hundreds of complaints about how credit bureaus violate privacy rights and administrative justice procedures,” said SACP spokesperson Mazibuko Jara. “The conduct of privately owned and publicly unaccountable credit bureaus is a national crisis.”

He said the hearings must address the conduct and functions of credit bureaus, their relationship with banks and creditors, and the constitutionality and legality of the practices and conduct of credit bureaus.

“We further call on the workers and the poor of our country to buttress this call by ongoing mass mobilisation and pressure directed at credit bureaus, banks and the insurance industry which continue to profit through exploitation of millions of our people,” Jara said.

The Financial Sector Campaign Coalition has called on the government to grant amnesty to the millions of people blacklisted by credit bureaus.

NATIONAL CREDIT BILL

The Bill sets out a number of fundamental rights of consumers in the credit market, as follows:

- Protection against discrimination in credit granting – a right that expands on both the Bill of Rights, and the Promotion of Equality and Protection from Unfair Discrimination Act;
- Right to be given reasons for credit being refused, or discontinued;
- Right to information relating to the agreement, (including disclosure of the contract and account statements, in an official language, and in plain and understandable language, and the right to choose whether to receive certain documents electronically or in paper copy);
- Protection against punitive or retaliatory measures brought against a consumer who seeks to uphold or enforce his or her rights under the Act;
- Right to confidential treatment;
- Right to have information acquired, held and reported by credit bureaus to meet national norms and standards, as set out in section 70, and to have records of debt adjustments expunged;
- Right to access information held by credit bureaus – to be notified when prescribed adverse information is reported, to demand investigation of disputed information, correction of erroneous information, and a right to compensation for the cost of correcting negligently incorrect information.

VIEW FROM THE TOWNSHIP

What the Freedom Charter means to me

By Kitty Duma

THE 50TH ANNIVERSARY of the Freedom Charter was celebrated on 26 June in Kliptown, Johannesburg. Visually, the event was very inspiring. People from all walks of life came together to commemorate this important day in the history of our lives. The Charter, as it is fondly called, has ten principles. All of them are good, but allow me to juggle them around, as I relate to them as a consumer.

“The people shall govern!”

This was accomplished by our liberation struggle. We were very proud to have Nelson Mandela as our first president. We are fortunate again to have President Thabo Mbeki as our leader. His education and skills in international affairs make us very proud. He stands toe-to-toe against other presidents in the world.

“All shall enjoy equal human rights!”

This one appeals to me as our “Ubuntu

– Batho Pele” principle. This one is at the heart of all that the Freedom Charter stands for. Recently, we had a pleasant experience of this “Ubuntu” when we visited the pensions office in Tshwane. Visiting this office makes one realize that government offices can be efficient, after all. It is a small office, but one can see that a lot of thought and planning went into how and what kind of services would be made available to consumers.

The office is clean and orderly – no noise there. There are two water stations inside the office. There are no long queues. In fact, for those people who only have to hand in their forms, a clerk comes around and collects them, so that people do not have to stand in line at all. One still has to move from chair to chair to get to the front of the line, but the effort is painless, because the process is fast. Once at the cubicles, there is more than one chair available. This indicates the sensitivity of knowing that the consumers would be elderly and sometimes disabled, and they would be accompanied by someone. The clerks are very courteous. Outside

the office, the parking lot is small and awkward, but the service inside is so good that the attendant has a steady flow of incoming and outgoing cars – no gridlock there. To the staff in this office, I say: “Phambili!”

“The doors of learning and culture shall be opened!”

Our government is doing a good job opening these avenues, especially the cultural ones. There is so much talent in South Africa that one is amazed at the strides that have been made in this area. Some doors of learning are hard to open, but I think we are getting there.

“There shall be houses, security and comfort!”

Well, considering that we can now choose where want to live, if one has the money one can have a house. Houses are still a dream for most people, but a lot has been done in this area. As far as security and comfort is concerned, we have a long way to go, but we are getting there,

“The land shall be shared among those who work it!”

I'm not so sure about this one. A lot of people own it, all over the world, but they don't necessarily work it. As far as our land restitution programme goes – which has allocated only 2% of claimants for the whole of South Africa – this leaves a lot to be desired. In some cases, I've seen very happy people get their land back. So, Minister Didiza, this 450-year-old problem cannot be solved in six years.

“There shall be work and security!”

We all know that our unemployment rate is very high. I see a lot of work that could be created for people. Our government buildings are dirty, hospitals are dirty, streets are dirty – please, this is all work for people. Let's do something. Once we have work for people, we will be secure.

“All national groups shall have equal rights!”

and “All shall be equal before the law!”

These could have been linked together. They look good on paper, but we are still plagued by the apartheid legacy. However, if we could observe the second principle in my list above, these two principles would automatically follow.

“The people shall share in the country's wealth!”

All I can say is that this is very difficult to do in a capitalist system. It is crucial that it happens, however, if we want peace and security.

“There shall be peace and friendship!”

Most of us are trying very hard to have peace in this country. Friendship? South Africans are very friendly people – the whole world says so.

We are all ‘consumers’ of the Freedom Charter, so let's help realize these principles. I have one question, though: Why do they all have exclamation marks?

The Patients' Rights Charter

You have a right to:

1 A healthy and safe environment

Your rights include having an adequate water supply, sanitation and waste disposal as well as protection from pollution

2 Participation in decision-making

You have the right to have your say on matters affecting your health

3 Access to healthcare

Your rights include:

- Emergency care at any health care facility that is open
- Special care for newborn infants, children and pregnant women
- A good attitude from doctors and nurses

4 Information about your health insurance or medical aid scheme

5 Choice of health services

6 Know who is treating you

7 Confidentiality and privacy

8 Informed consent

You have the right to full information about your illness

9 Refuse treatment

You may refuse treatment as long as that does not endanger others

10 Be referred for a second opinion

11 Continuity of care

You may not be abandoned by a health care worker or facility that initially took responsibility for your health

12 Complain about health services

You have the right to complain about health care services, to have your complaints investigated and to get a full response from these investigations

As a patient, your responsibilities include:

- Complying with the treatment you have been given
- Asking about the costs of your treatment and paying for it
- Taking care of your health
- Respecting the rights of other patients and health providers
- Not abusing the health care system
- Giving health care providers the information they need for treating you

Surprise charges from your pension should be illegal

IN RECENT MONTHS, the work of pension funds adjudicator Vuyani Ngalwana has been well publicised, and has been great news for consumers. He has taken a firm stand against pension funds' habit of making deductions from your pension or retirement annuity that they're not entitled to.

So widespread is this habit that Ngalwana has urged finance minister Trevor Manuel and the registrar of pension funds to label the levying of 'undisclosed fees' (fees not listed in your policy document or in the fund's rules) as an irregular or undesirable business practice.

This would mean, for instance, that some penalties charged for the early terminations of policies could be made illegal and that any life assurer caught deducting fees not in its rules would be breaking the law.

To date, Ngalwana has made over 30 rulings in cases involving retirement annuity funds – most of them in

favour of the consumer. Many of the cases brought before the adjudicator were settled by the parties before a ruling was made.

Ngalwana has pointed out that this issue, where "... neither the rules of the fund nor the policy documents make provision for such levying of charges", is a recurring theme in almost all of the rulings already made against retirement annuity (RA) funds and their administrators.

Ngalwana said the authorities now needed to intervene if the industry was to be properly regulated.

To date, rulings have been issued against RA funds administered by Sanlam, Liberty, Old Mutual, Momentum, Capital Alliance and now Metropolitan.

Recent rulings by the pension funds adjudicator

■ In Louw versus Central RA Fund and Sanlam, the member joined the fund

at the age of 46 on August 1, 1990. He chose 66 as his retirement age. By November 2004, he had contributed R24 699.03. He then wanted to retire at age 60 (the rules allow for retirement between 55 and 70). The fund informed him that his retirement value was R23 999.46 (less than his contributions after 14 years of membership), and that an early termination fee of R3 854.10 was imposed.

■ In Jonker versus Central RA Fund and Sanlam, the member had contributed a total of R16 819.48 by March 2004, when she stopped contributing to the fund. The fund/insurer imposed a premium termination fee of R3 817.38. In May 2004, the member was 55 years old and elected to receive a retirement benefit. However, as this was prior to the selected retirement age, an early termination fee of R526.27 was imposed.

■ The cases of Govender versus Central RA Fund and Sanlam and of Geduld

versus Central RA Fund and Sanlam related to the same issue. In both matters, the members had stopped contributing to the fund and a premium alteration fee of R5 614.37 (Geduld) and R3 453 (Govender) was imposed as a result.

What you can complain about

Your complaint must relate to the administration of a pension fund, the investment of its assets, or the application of its rules. You can complain if you think that:

- the fund has made a decision outside its powers
- you have been prejudiced as a result of maladministration by the fund
- you have a legal dispute with a fund
- your employer has not fulfilled its duties in terms of the rules of the fund.

In making such an allegation against the fund, you should set out the facts supporting the allegation and the conclusions you have drawn

from those facts. In other words, state what actually has happened and why you feel that such events amount to maladministration, excess of powers, a dispute of law or fact, or dereliction of duty on behalf of the employer.

Before you complain to the adjudicator, first lodge your complaint in writing with the fund or your employer. The fund or employer must then consider your complaint and reply to you in writing within 30 days of receiving it. You can only submit your complaint to the adjudicator if you are not satisfied with the reply you get, or if the fund or employer fails to reply within 30 days after receiving your complaint.

Contact the adjudicator ...

Pension funds adjudicator: Vuyani Ngalwana
2nd Floor, Oakdale House, Fedure Oval,
Oakdale Road, Newlands, Cape Town 7700
Tel 021 674 0209
Fax 021 674 0185
Email: enquiries@pfa.org.za

Who decides on the power of the rand?

By Professor Nicholas Biekpe

THE STRENGTH or weakness of the rand is always bound to twist knickers, ignite fires among some interest groups and trigger a declaration of war on the machinery of Reserve Bank. A friend (a retired central bank governor) once told me that good central bank governors cannot afford to have romantic rides and candle-lit dinners with political and other pressure groups. Never having been a central banker, I feel that a good governor can actually do the direct opposite: have romantic rides and candle-lit dinners, but at the end of the evening refuse to "come in for coffee". That way the governor would have got the entire story of evening without the final incriminating evidence – the coffee trap! Eddie George (former Governor of the Bank of England) once joked that the ideal place for a Central Bank governor to live is in another country, far away from domestic politicians and the union bosses.

Leaving the jokes aside, the key question is: how much power the Reserve Bank of South Africa actually has

in determining the value of the Rand? The recent calls by unions and other allied organisations for the Reserve Bank to "devalue" the Rand is a very idealistic position to take in a world whose economy is increasingly interlinked.

As any economist will tell you, it is very difficult to implement a fixed exchange rate and at the same time maintain successful investment links with the rest of the world when one is as small a country like South Africa. One of the pillars of the confidence that has been built into the South African economy has been the entrenchment of the independence of the Reserve Bank; this is a pillar we cannot afford to dismantle.

How does monetary policy actually work? Whenever the Reserve Bank changes the official interest rate, the bank is attempting to influence the overall level of expenditure in the economy – an almost impossible task! When the amount of money we spend grows faster than the volume of goods and services produced, we get inflation.

In this way, the Bank (through its Monetary Committee) use interest

rates to control inflation. The Bank sets an interest rate at which it lends to financial institutions. This interest rate then affects the whole range of interest rates set by commercial banks for their own customers like you and I. Interest rate changes also affects the price of financial assets (like bonds and shares) and the Rand's value compared to other major currencies. Therefore, lowering or raising interest rates, affects all forms of revenues and expenditures and in the economy.

Lower interest rates makes saving less attractive and stimulates spending and borrowing. The opposite occurs when interest rates are increased. Lower interest rates can boost the prices of assets such as shares and houses. Higher house prices then allow homeowners to extend their mortgages to finance more spending. Higher share prices raise households' wealth and can increase their willingness to spend.

A rise in the rate of interest in South Africa (compared to foreign interest rates) would give investors a higher return on South African assets relative to their foreign-currency

equivalents, tending to make Rand assets more attractive. That, in theory, should raise the value of the Rand, reduce the price of imports, and reduce demand for South African goods and services abroad.

However, the impact of interest rates on the exchange rate is, unfortunately, seldom that predictable. Depending which economic sector you are in, a stronger Rand could either be good news or bad news for you. The gold mining industry, for instance, has been suffering with a stronger Rand, because it sells its gold in US dollars; the stronger the Rand, the less money they make from their gold. This is the main reason why the governors of central banks tend to have as many friends as enemies – workers in this sector will obviously favour a weaker Rand.

Changes in consumer and business spending do affect an economy's output and, in turn, its employment of workers. That can affect wages by changing the balance of demand and supply for workers. But it also influences wage bargainers' expectations of inflation – an important consideration

for the eventual settlement.

The impact on output and wages feeds through to producers' costs and prices, and eventually consumer prices. However, there are time lags before a change in interest rates affect spending and saving decisions, and longer still before they affect consumer prices and job-creation efforts. The impact on output takes about one year and on consumer price inflation takes about two years. So interest rates have to be set based on judgments about what inflation might be – the outlook over the coming few years – not what it is today.

The economy of a country is like a basket of assets; the assets include political leadership, trade union militancy, private sector involvement, level of education and training of workforce, direction and nature of key macro and micro economic policies, the direction and nature of global shocks and the broader attributes that determine investment climate of the country.

Professor Nicholas Biekpe is the director of the Africa Centre for Invest Analysis and president of Africagrowth Research.

IT'S NOT WHAT YOU SAY – IT'S HOW YOU SAY IT

A disclaimer is a way of limiting your responsibility, and most companies will put these at the end of emails to make sure that the contents of the email are not used by the wrong person.

But there is an easy way and a not-so-easy way of explaining this. Here are two examples from the banking sector: one from Standard Chartered (who are pioneering a fresh approach to communication) and one from Absa (who is still rather stuck in the traditional mould).

■ Standard Chartered

"Look. We know that no one really takes notice of disclaimers but they are vital for this reason: they protect the privacy and information of the person for whom the email is intended. And if it was your information that someone else was reading, we're sure you'd want this protection. So if yours isn't the name on top, please delete the mail and notify Standard Chartered - it would be much appreciated.

"Please note that copying, disseminating or taking any action based on the above information by anyone not intended as the recipient is unlawful. And the views expressed in this message are those of the individual sender, unless specifically stated as those of Standard Chartered."

■ Absa

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Contracts are confusing – in any language

By Joanna Curwen

GOVERNMENT IS TALKING about making the use of 'mother-tongue' languages compulsory at all levels in our education system. And I have no doubt that Government will also want to extend the use of all our 11 official languages into business – eventually.

In years to come, Government will probably also want to see that all legal documents must also be available in all 11 official languages.

That's not a bad idea. But it will be a lengthy process, and certainly will not happen within the next year or two – not in education, or in business.

So, for now, we are stuck with the current problem of many people having great difficulty in understanding contracts, agreements and other consumer-related documents – especially those they have to sign!

In fact, unless Government helps to ensure that the style of language used in these documents is easy to read and understand, it will be little use putting them in other languages. Not even those consumers who grow up speaking English as a first or second language can understand the 'legalese' in

which most contracts are written.

So while these grand ideas about mother tongue languages are debated, consumers need to make their voices heard. Consumers need to stand up and say: "Now is the time to get rid of the language that makes our lives more complicated than they should be".

It could very well be that the same writers who draw up contracts, leases and agreements today, will simply have those same documents translated – as they are written now. How can that possibly help anybody?

It will simply be a case of 'more of the same' – confusion in 11 official languages. The same legal jargon, the same long (and never-ending) sentences, the same large, unfamiliar words, the same complex ideas – this list could go on and on. The only difference will be that instead of reading all this nonsense in English, the reader can read it in their own language. So who will benefit from that? Certainly not the consumer!

In my opinion, our education system needs to be revised, as that's where the problem starts. We need to 'plant the seeds' of clear writing in our children's minds while they are still at

school. Children need to be taught that communicating clearly is far more important than using 'big words' to impress people.

Why use the word 'eliminate' when you can say 'remove', or 'get rid of'. We need the powers-that-be in the education system to do more than simply translate everything from English into a child's home language. Doing that will produce a new generation of writers who will be as difficult to understand as those we have now.

The need to use plain language is not just about getting adults to write more clearly. It's also very much about teaching our children the importance of clear writing and effective communication – while they are still at school.

She can help ...

Joanna Curwen runs courses on good legal writing. If you read a business letter or document that you can't understand, let her know who sent it to you. She may be able to help them improve their communication skills with consumers. Her phone number is (016) 349 2031 and her e-mail address is info@curwen.za.com - also see her web site at <http://www.curwen.za.com>.

Show some interest – don't hide your rates

WHEN YOU BORROW money for a car or a house, the rate of interest you pay is normally one of the first things you consider: what is the interest rate you will pay, and is it fixed or fluctuating?

So why is it that so many lenders – especially those who advertise 'personal loans' by direct mail – don't mention their rates of interest in their advertisements and brochures? It is not just the rats and mice of the financial sector that do this – it includes mem-

bers of the big banking operators.

Making the interest rate clear in the adverts should really be a legal requirement. And the interest rate should be expressed in a common way, so that consumers can compare the rate offered by one lender with the rate offered by another (in the knowledge that we are comparing "apples with apples").

In the United Kingdom, banks and other lenders must express their inter-

est rates in terms of Annual Percentage Rate (APR), to make loans from different lenders comparable.

This would stop lenders from advertising their loans by saying only how many rands per month you will have to repay. This monthly amount is, of course, something that you will need to know before applying for the loan – but you may not even pursue the application if the interest rate is clearly stated and looks higher than

Support this campaign ...

Write to the NRF at:
nrf@sabs.co.za

the competition.

An important consumer right is the Right to Choose – by not allowing you to compare prices easily, a lender is making it difficult for you to exercise this right. And any practice that does this needs to stop.

Are you misled?

If you have a complaint about a...
 ■ Bank – speak to the Ombudsman for Banking Services on 0860 800 900
 ■ Micro-lender – speak to the Micro Finance Regulatory Council on 0860 100 406
 ■ Misleading advertising – speak to the Advertising Standards Authority on (011) 781-2006

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KwaZulu Natal
Directorate for Consumer Affairs

South Africa's first

Business Pledge for Customer Care

In a 'first' for South Africa, KwaZulu-Natal's Directorate for Consumer Affairs recently developed a Business Pledge Certificate.

This will reward both private and public enterprises that are ready to take up the challenge to committing themselves to providing customer care and service excellence.

At the dawning of our new democracy, consumer protection took centre stage in government: national parliament and all nine provinces passed laws to promote and champion consumer protection.

Consumer Affairs will be involved in networking with those in business and other sectors to take up the challenge of signing this pledge and upholding the principles of customer care and corporate good governance.

"We believe that business and the public sector, by committing themselves to the principles enshrined in this pledge, will be endorsing a new found co-existence, embracing the essence of Ubuntu, probity, responsibility and accountability," said Dr Zweli Mkhize, MEC for Finance and Economic Development.

"We all know that hundreds of consumers are fleeced and exploited every day, particularly those who are historically disadvantaged and – through no fault of their own – plagued by low literacy levels. It is these citizens that bare the brunt and fall victim to unfair business practices," said Dr Mkhize.

"The pledge is a challenge that both service providers and consumers should welcome in the interest of Batho Pele and service excellence."

UNCOVERING FRAUD

Testing the water – and getting cheated

IT HAS BEEN REPORTED to Consumer Fair that sales people from various water purifier companies are making use of a so-called 'precipitator test' or Jam Jar Purity Test to allege that water is impure and unsafe unless it has been through their purification equipment.

These companies all sell reverse osmosis (RO) equipment, also known as desalination membrane water purification systems. The Jam Jar Test is an experiment which gives the consumer the impression that their water is not safe to drink.

It does this by passing electricity through tap water, making the water look awful. The truth is, if you take RO-treated water and add a few granules of salt, the same reaction will occur.

The Jam Jar Test is in fact a very basic electrical circuit, similar to a car battery, or scientifically known as an electrochemical circuit. When used as a so-called 'precipitator' it introduces natural salts into the water that appear as a brown 'goo' that makes the water look dirty.

The precipitator test is being used in demonstrations by certain RO sales people to scare people into buying a water treatment device. In the precipitator test, electricity is passed through the water, causing an electrochemical reaction to take place which discolours the water. The change in colour can show up as a grey precipitate or brown sludge.

Why does the water change colour?

Water treated by reverse osmosis (RO) contains very few or no minerals, so it does not conduct electricity. Therefore no discoloration will be visible in the RO water.

The tricksters claim that the discoloration is caused by the tap water (and even bottled mineral water) being 'contaminated' and not fit for human consumption. In fact, the minerals in tap water and bottled water are required by international water quality standards – which set a minimum and maximum level for all common minerals and pollutants.

RO water, on the other hand, is produced by forcing water through an osmotic membrane that removes *everything* – the good and the bad.

SOME DIRTY PURIFIERS

Some companies selling reverse osmosis products use the fraudulent precipitator test to cheat consumers into buying expensive RO units.

Companies known to use the scam include:

- Waterwise
- Aqua Angels
- Absolutely Water
- Aqua Landa

Companies that have tried to put a stop to this scam by opposing the use of the precipitator test include:

- Members of the South African Bottled Water Association
- Rand Water
- Brita
- H₂O International SA
- EverPure

For more information ...

www.watertestscam.org.za

Uncovering the scam



Step 1

A jar is filled with normal tap water.



Step 2

Electrodes are put into the jar with tap water (on the right) and a jar containing water treated by reverse osmosis (RO) – the electrodes are then turned on, to pass electricity through the water.



Step 3

After a few minutes, the tap water turns murky as the electrodes react with the minerals (safe minerals like calcium and magnesium) in the water. You get the same result when doing the test with bottled (mineral) water. The RO water in the jar on the left remains clear, as there are no minerals in the water to react.



Step 4

To expose the scam, a pinch of salt is added to the RO water in the jar on the left.



Step 5

After a few minutes, the RO water also turns murky, as the electrodes react with the salt – and you realise you've been conned!

For useful advice and frank opinions on consumer and small business matters, listen to NCF chairman Thami Bolani on

Ikwekwezi FM every weekday morning 8:30 – 9:00

FM 93.6, 97.3 or 91.8 – MW 10.98

NATIONAL HEALTH

Health Charter: Hoping to bring better health to more South Africans

Elsabe Klinck

TO HELP South Africa become a truly democratic society that serves all its citizens, government and business have agreed on 'charters' in most sectors of the economy – to guide and measure transformation.

In this spirit, the Minister of Health issued a Draft Health Charter in July – to help transform the healthcare sector and make quality health services available to every South African.

Like other industries that have charters (for example, financial services, mining and tourism), the Health Charter gives support the Broad-based Black Economic Empowerment Act, which aims to:

- increase the participation of black people in the economy;
- promote a higher growth rate;
- increase employment; and
- make people's income more equitable.

There are seven strategies to achieve this empowerment among previously disadvantaged South Africans (see shaded box alongside). The Draft Health Charter adds some other issues

too, such as access to healthcare and equitable quality of healthcare. It also wants to see a healthcare sector that is sustainable.

Although most stakeholders (government, doctors, hospitals, etc) seem to agree on the broad principles, they are not satisfied with the process that has been followed up to now. For instance, the people in the task team that wrote the Draft Charter did not represent their constituencies, and vital groups such as trade unions and patient groups were not represented at all.

The Minister allowed 30 days (until 15 August) for the public and stakeholders to comment on the draft. Many called for an extension and a process of negotiation, similar to the process followed in finalising the Information & Communication Technology Sector Charter and the Financial Sector Charter.

The Draft Charter says that the health sector needs to:

- Address the human resource challenges in the health sector
- Address harassment and discrimination

- Measure the quality of health services
- Investigation a basic package of healthcare that can be available to all
- Increase the ownership of health enterprises by black persons to the level of 51% by 2014
- Procure 80% of its goods and services from black companies by 2014
- Increase the representation of black people working in the sector
- Contribute a percentage from all health enterprises to social responsibility programmes

The Draft Charter is silent on the ownership of small businesses, multinationals and professional practices (that may currently only be owned by members of that profession). Neither does it spell out how quality of care is to be increased, or how patient choices are to be enhanced, although it does mention that information on health and disease should be made available.

The Financial Sector Charter – with its 'mzansi' account – is one of the best examples of how an empowerment charter has managed to help more consumers get access to its services. The objective was to increase ac-

BLACK EMPOWERMENT STRATEGIES

Broad-based black empowerment needs these seven strategies:

- More ownership of existing businesses by black South Africans;
- More control of enterprises by black South Africans;
- Employment equity (affirmative action);
- More skills development among black South Africans;
- More businesses need to be started by black South Africans;
- Businesses need to procure goods and services from black-empowered enterprises;
- Corporations need to invest more in the social needs around them.

In December 2004, the Department of Trade and Industry issued Draft Codes in terms of section 12 of the BB BEE Act. The set of Codes is not complete yet, but will give all the details as to the contents of every element in a scorecard. For example, ownership will count 20 points, and one will obtain that maximum of 20 points of one achieves a fixed target, in this case shareholding by black persons of 25% plus one share. Targets and scores are suggested for all seven pillars.

cess to banking services to consumers with low or virtually no income. The mzansi account also went with education and information campaigns to improve the financial literacy of bank customers. These accounts have proven to be very successful and they seem to have reached the targeted groups, giving them access to services they never had in the past.

It is hoped that, apart from just trying to redistribute existing health resources, the Health Charter will also help to create growth in the health sector.

Elsabe Klinck is health projects manager at Innovative Medicines SA

Women are focus of Heart Awareness Month



APPROVED AS PART OF THE HEART FOUNDATION EATING PLAN

SEPTEMBER WAS National Heart Awareness Month, which this year highlighted that heart disease and strokes kill more women worldwide than cancer, HIV/AIDS, malaria and TB combined.

"There is still the perception that heart disease only affects middle-aged men, and this is precisely why during

Heart Month we are correcting this dangerous misconception and will focus on recognition, prevention and treatment of the disease in women," says Michelle Kearney, communications director at the Heart Foundation.

The other message in the campaign was the growing problem of obesity in children. The rate of overweight children in South Africa is 12%, not far off the rate in the United States of America at 14%. Childhood obesity is mainly caused by unhealthy eating habits, but is also linked to the fact that children today are a lot less active than in the past.

Last year, the Heart Foundation launched an educational programme: Edu-Heart. This programme is designed to encourage the tuck shops and vendors at school to provide healthy choices and educate the children on the importance

of healthy nutrition.

Says Kearney, "Let's open up our hearts, and look after our future generations by giving them a healthy start to a long and prosperous life".

The foundation's Children's Programme has reached a million disadvantaged children since it was launched in 1997.

This year, the Heart Foundation of South Africa celebrates 25 of helping consumers keep their hearts healthy for a longer and more active life.

The foundation's Heart Mark – which has been promoted for 15 years – can today be found on a range of foods on the supermarket shelf, showing consumers which brands are healthier.

For more information ...

For more information regarding activities planned for National Heart Awareness Month, visit the Heart Foundation's website: www.heartfoundation.co.za or contact them on Tel: (021) 447 4222

Fewer South Africans on medical aid

THE HEALTHE NEWS service reports that fewer citizens have medical aid than they did ten years ago.

Only 15% of South Africans nationally have any form of medical aid, according to the 2004 General Household Survey by government statistics agency Stats SA. This is a drop from 1995, when 18% of South Africans belonged to medical schemes.

Only 7,2% of black South Africans belong to a medical scheme.

According to Andy Gray, from the Department of Medicines Management at the Nelson Mandela Medical School, this means that a mere 2,7 million black South Africans out of a total of 37 million have medical cover. Almost 70% of

whites belonged to medical schemes.

Gauteng and the Western Cape, the country's richest provinces, have the highest proportions of medical aid membership: about a quarter of all residents in each of these provinces belong to schemes. Limpopo residents had the lowest coverage (6,4%), followed by the Eastern Cape (9,6%).

Some 18% of coloureds and 36% of Indians belong to medical schemes.

The Medical Schemes Council reports that, in 2003/4 there were 6,9 million beneficiaries of medical schemes.

In total, says Gray, over 39 million people out of the total population of almost 47 million have no medical insurance.

Only 15% of South Africans have any form of medical aid – this is a drop from 1995, when 18% of South Africans belonged to medical schemes



ADVERTISING STANDARDS

Keeping advertisers on their toes

Here are some complaints that the Advertising Standards Authority's Complaints Directorate ruled on recently

Cigarette brochure goes down in smoke

Complaint brought by: CR Benson
Advertiser: British American Tobacco South Africa (Peter Stuyvesant cigarettes)

What was the complaint?

Mr Benson complained that British American Tobacco was handing out brochures that advertised Peter Stuyvesant cigarettes, even though cigarette advertising has been banned. The advertisement includes a photograph of four cigarette packages and the words "Peter Stuyvesant".

What parts of the Code of Advertising Practice may have been breached?

- Clause 1.2 of Section I – Responsibility
- Clause 3.3 of Section II – Legality

Advertiser's response

The company said that the brochures were only given to customers who had consented to receive information – and that the law did not prohibit a manufacturer from communicating with consenting customers on an individual basis. It also said that the intention of the brochure was to just inform customers of the new packaging of the Peter Stuyvesant brand.

The ASA's ruling: The complaint was upheld

The ASA Directorate agreed with the opinion of the National Council Against Smoking, that the brochure contravenes the Tobacco Products Control Amendment Act 12 of 1999 by advertising through the use of tobacco trade marks, logos, brand names or company names used on tobacco products. It doesn't matter if the advertising was only aimed at consenting consumers.

The advertising material included a poster that states: "Ask your retailer for more exciting news from British American Tobacco", and talks about "...the same trusted taste..." and "the power of Peter Stuyvesant". This goes further than simply clearing up confusion regarding packaging as it also promotes the brand itself.

The advertisement had to be withdrawn immediately.

Small print is big enough

Complaint brought by: Lee van Loggerenberg
Advertiser: Winikhaya ("SMS house")

Lee van Loggerenberg complained about the "Winikhaya" television commercial that show a television personality giving instructions on how to enter a competition using the SMS facility on a cellphone. The word "House" and the telephone number are shown on the screen, along with the cost of the SMS in fine print.

What was the complaint?

Van Loggerenberg said the commercial was misleading, as it showed illiterate people how to enter the competition, but they could not easily read the price (R7.50 per SMS).

What parts of the Code of Advertising Practice may have been breached?

- Clause 4.2.1 of Section II – Misleading claims
- Clause 19 of Section II – Pricing policy

What was the advertiser's response?

The advertiser said it complied with the SMS Code of Conduct of the South African Wireless Application Service Providers Association by making the price of a premium rated service easily and clearly visible – and placing the price immediately next to the premium number.

It also said that people are familiar with premium rated SMS competitions, and realise that there is a premium rate attached to these.

The ruling: Complaint was dismissed

The Directorate decided that, although the voice in the advert did not mention the cost involved, it is shown clearly in the commercial and would be seen by anyone who has enough numerical literacy to read the number, SMS the word "House", and operate a cell phone.

Fortune tellers get told off

Complaint brought by: Khotso Lovedale
Advertiser: SMS Fortune

Khotso Lovedale lodged a consumer complaint against a Unique Jobs print advertisement appearing in the 3 March 2005 issue of Drum magazine.

The advertisement offered the consumer an opportunity to "Have your fortune professionally predicted" – saying "SMS FORTUNE to 42654 ... R30 per SMS"

What was the complaint?

Lovedale complained that the R30 was deducted for the SMS sent, but he did not get a prediction sent to him. His efforts to resolve the matter with the advertiser were unsuccessful.

What parts of the Code of Advertising Practice may have been breached?

- Section II, Clause 4.2.1 – Misleading claims
- Section IV, Clause 4 – Non-availability of advertised products.

What was the advertiser's response?

The company said that the service was delivered to the complainant, and the advertisement is not misleading. It also said: "The campaign was a one off, linked to a physic (sic) and is no longer running." The campaign was in print media only.

The ruling

The company agreed to withdraw the advertising, and it is not allowed to use that advert again in future. However, the ASA Directorate said this was not the first time that the company had withdrawn an advert after a complaint, so it consider imposing sanctions against the company if it made a habit of doing this.

Extra placement charges slapped down

Complaint brought by: Elizabeth Modise
Advertiser: Miki Placement & Training Agency

Ms Modise lodged a consumer complaint against Miki Placement & Training Agency's print advertisement appearing in the Daily Sun, which offered "Free Job Placement (guaranteed placement)" and states "Pay only admin fee and we will place you after training".

What was the complaint?

Ms Modise said the advertisement was misleading because it created the impression that the advertiser would secure a job for free when, in actual fact, this service cost R500.

What parts of the Code of Advertising Practice may have been breached?

- Section II, Clause 4.2.1 – Misleading claims
- Section III, Clause 11.3 – Employment training and courses of instruction
- Section IV, Clause 4 – Non-availability of advertised products

What was the advertiser's response?

The agency said the placement is free and that consumers only pay for training fee. The placement is advertised as "free" because the agency does not deduct anything from their salaries after they have been placed in a job.

The ruling

The complaint is upheld

The ASA Directorate decided the advertisement is headed "Free Job Placement" implies that an interested individual can obtain a job through the advertiser at no cost. Therefore, it creates a contradictory impression to say: "Free job placement" and "Pay only admin fee". This is, at best, ambiguous and is likely to mislead the consumer.

The agency was required to withdraw its advertisement immediately, and not use it again in the future.

Debt advisor is a con man

Complaint brought by: Anonymous consumer
Advertiser: John Ross

What was the complaint?

A consumer complaints was lodged against a printed advertisement for personal loans – placed by a Mr John Ross. The advert says:

"ARE CREDITORS KILLING YOUR SOUL? Do you feel helpless? Let us help you to administer your debts so you can sleep more comfortably. Contact John for a confidential consultation on 084-987-2218."

A consumer complained to the Advertising Standards Authority (ASA), saying that a consultation fee was paid to Mr Ross, but he made no attempt to help the consumer by administering his debt. The ASA tried to get in touch with Mr Ross but was unsuccessful.

The ruling

The ASA has ruled that Mr Ross's advert is misleading, and has asked publishers not to accept advertisements from John Ross offering personal loans or debt administration.

ABOUT THE ASA

The Advertising Standards Authority (ASA) is an independent body set up and paid for by the marketing communications industry to self-regulate advertising in the public interest. The ASA works closely with government, statutory bodies, consumer organisations and the industry to ensure that the content of advertising meets the requirements of the Code of Advertising Practice.

If you see an advertisement that you want to complain about, contact the ASA:

- By post: PO Box 41555, Craighall, 2024;
- By fax: (011) 781 1616;
- By email: complaint@asasa.org.za; or
- By hand delivery: Willowview, Burnside Island Office Park, 410 Jan Smuts Avenue, Craighall Park, Johannesburg.

FREE ADVICE

Six steps to get into the habit of saving money

1 Face up to your financial position

This is the first and hardest step. Most of us are procrastinators anyway, and look for any excuse not to act decisively. And we may know that our finances don't look so rosy anyway! If you can face checking out the state of your bank balance, as well as all your debt, you have made a major start on the road to saving for a better future.

2 Pay off that debt

Don't fall for that old line that it is more important to start the savings habit than it is to worry about your past problems. You are paying a fortune in interest and fees for those loans, credit cards and store cards. Pay them off as fast as you can, cut up all cards, except perhaps for a general credit card and then make sure that you pay the full amount every month. Once achieved you can think about the next step on the road to fortune.

3 Get started

This can also be difficult, especially when faced with a number of options. Choose a savings plan that is flexible (in case you run into problems with the savings habit later) – it must allow you to stop and start if necessary, without any penalties. Find a plan that you can understand and that allows you to put away something monthly – and make sure that it is taken off your bank account as your salary or wage is deposited. Ask what costs you are paying to make your monthly payment. If you are making all the effort to save, you want your money to work for you – and not the bank or investment company.

4 Set yourself some goals

We all need rewards, and the same applies to your savings habit? So make sure that you know what you are saving for – and how long this will take. Generally, the longer you save the more chance you

give yourself to build up a decent nest egg. Make sure you set a goal that you can look forward to.

5 Be realistic

So maybe you are proud of yourself for starting the savings habit. But don't expect miracles overnight. Your money needs time to grow. Be realistic too in your choice of savings plan. If you are saving in a unit trust, understand the risk level of that particular plan. Make sure that you don't ask the money market funds to give you the often higher returns of a riskier bond or equity fund.

6 Take a long-term view

It has taken South Africa over 10 years of democracy to build a credible reputation in overseas markets and a healthy economy. Give your savings plan the same kind of time and you may should be delighted with the results.

WHERE DO YOU GO WHEN YOU NEED TO COMPLAIN?

Consumer Affairs Offices

These are government agencies that offer a free service – they are part of the Department of Trade and Industry

Eastern Cape	Free State	Gauteng
Tel: +27 (40) 609-3052 Fax: +27 (40) 609-3231	Tel: +27 (51) 400-4700/4852 Fax: +27 (51) 400-9610	Tel: +27 (11) 355-8117 Fax: +27 (11) 355-3017
KwaZulu-Natal	Limpopo	Mpumalanga
Te: +27 (31) 310-5310 Fax: +27 (31) 310-5416	Tel: +27 (15) 298-7071 Fax: +27 (15) 295-8750	Tel: +27 (13) 752-3761/5 Fax: +27 (13) 752-3729
North West	Northern Cape	Western Cape
Tel: +27 (18) 389-5046 Fax: +27 (18) 889-5636	Tel: +27 (53) 832-2566/7 Fax: +27 (53) 832-2564	Tel: +27 (21) 483-4235 Fax: +27 (21) 483-3483

These organisations and associations can also help answer your questions and hear your complaints:

Banks	Furniture retailers	Building companies
The Banking Adjudicator 0860 800 900	The Furniture Traders Association +27 (11) 789-6770	The National Home Builders Registration Council +27 (11) 348-5700
Registered micro lenders	Unregistered micro lenders	Appliances and products
The Micro Finance Regulatory Council 0860 100 406	The DTI customer contact centre 0861 843 384	The Consumer Provincial Offices see table above
Blacklisting	Unfair competition	Motor vehicles
Credit Information Ombud 0861 662 837	Competition Commission +27 (12) 349-3200	Retail Motor Industry Organization +27 (11) 789-2542 or +27 (12) 348-9311

Incompetent marketing killed 1000 South Africans last Christmas

Chris Moerdyk

THAT'S ROUGHLY the number of people who died on our roads as a direct result of the Arrive Alive campaign allocating half of its R32 million budget to "marketing" without having the foggiest idea of what the word means.

That is because the first rule of marketing is that you never communicate with the consumer until the product is in the shops. And the equivalent of road safety's product is visible policing and the application of the law.

Last year, Arrive Alive still had no product in its shops. Instead, it spent millions trying to persuade motorists to drive with their lights on during the day while "relaxing and behaving courteously" on the road. All of which probably didn't save a single life.

Why? Because we've heard it all before. We've heard ministers and traffic chiefs thumping tubs about zero tolerance and saying: "Law enforcement will be tougher than ever before." We've heard empty promises and seen absolutely no decrease in the carnage.

With only 4,181 traffic cops policing all of South Africa's roads, everything favours road hogs getting away with murder. The odds are even more in favour of taxi drivers because for some inexplicable reason our myopic law

enforcement officers just don't seem to notice their manic recklessness and chronically unroadworthy combis – despite these being the cause of one out of every ten road deaths last Christmas.

Other motorists, who watch taxi drivers' suicidal antics, reckon that if taxis can get away with it, so can they. That's what has caused the frightening decline in our level of road hygiene. What Arrive Alive is attempting to do has nothing to do with marketing except to make a mockery of it.

They adopt all sorts of weird and wonderful ideas from places like Australian and Scandinavian - like driving about in the daytime with lights on and running gory advertising campaigns featuring hospital emergency rooms and kids' teddy bears lying among the road wreckage.

Unfortunately, what our bunch keep forgetting is that road safety campaigns only work in Australia and Scandinavia because motorists know that if they take the slightest step out of line, the full force of the law will come down on them like a ton of bricks.

Getting into serious trouble is the only thing that makes drivers behave on the road. All marketing can do is explain what it feels like to have a ton of bricks hit you on the head.