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South Carolina Consumer Affairs Report

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Irvin D. Parker/Administrator James W. Luck/Editor

NEW DEBT COLLECTION LAW

Effective March 20, 1978 under a new law bill collectors may no longer harass debtors by calling them at odd hours, threatening them or using abusive language. The Fair Debt Collection Practices Act signed in September by President Carter, applies to personal, family and household debts such as those for car payments, medical care and charge accounts: the enactment involves third party debt collectors (Collection Agencies) and does not apply to creditors doing their own collecting.

The Federal Trade Commission, which enforces the law, has stated that the law also gives consumers the right to sue collectors for damage suffered, court costs, and lawyers fees, so long as they file suit within one year of the offense.

Under the law:

1. "Collection Agencies" may not use threats of violence, obscene or profane language, call without identifying themselves or repeatedly call the same person.
2. "Collection Agencies" may not contact a consumer at inconvenient or unusual times or places, including while the debtor is at work if the employer disapproves of such.
3. The consumer has the right to receive a written notice from the "Collection Agencies" within five days of when he or she is first contacted about a debt, explaining exactly how much is owed and to whom and what the debtor can do to challenge the debt if he or she thinks it is not accurate.
4. The "Collection Agency" may not falsely imply that he represents an arm of the government. He may not claim to be a lawyer, if he is not; or accuse the debtor of committing a crime if a crime has not been committed.
5. The "Collection Agencies" may not tell a consumer that he or she will be arrested or imprisoned if the bill is not paid; the "Collection Agencies" cannot claim that a consumer's paycheck or his property will be subject to garnishment in South Carolina.

Consumers have a right to be treated with dignity and respect; that is the way business should be conducted.

The FTC has a free brochure dealing with consumer rights under the new law; it can be secured by writing to the FTC, Debt Collection Practices, Washington, D.C. 20580.

* * * *

USDA PROPOSES CHANGES IN MEAT GRADING AND LABELING

Assistant Secretary of Agriculture, Carol Tucker Foreman, has released information which reveals that changes in the Federal meat grading service have been proposed by the U.S. Department of Agriculture to eliminate fraud and corruption and to improve program efficiency. The changes will improve the benefits which both consumers and producers receive from the grading service. The new system will make the grading service more informative to consumers by overcoming the confusion concerning the quality of meat for sale in retail stores.

Under the proposal meat offered for sale to consumers would be marketed either with the traditional quality grade or with a new stamp, "U.S. Ungraded." This proposal would not make grading "a must", but it would require the meat which has not been officially graded by USDA to be identified as such. Officially graded meat would continue to be identified by the official grade mark-- i.e., USDA Prime, Choice, Good, etc. Both graded and ungraded meat would be labeled as such all the way through the marketing chain and final sale to the consumer.

Ms. Foreman said that USDA is determined to take whatever actions are necessary to promote confidence and prevent corruption in the Federal meat grading system; meat grading is a voluntary service which has a major economic impact upon the production and marketing of livestock. It is also an extremely useful tool to consumers who want to know the best value for the money they spend for meat.

2. Stand behind the car and have it slowly driven away from you to see if the front and rear wheels are in line with each other. This will show you if the car needs to be aligned.

3. Hop on the bumper to see if the car needs new shocks.

4. Check the tires, uneven wear on the front tires usually means bad alignment or front end wear. Bald spots mean the tires need balancing. Also, if the tread looks new, it could mean the tires have been recapped.

5. Operate all switches, controls, and handles.

6. Sit on the upholstery and look it over for bumps, sags, loose springs or surface wear in the front and rear seats. Look for worn carpets or signs of rust under the mats and carpet. Move the front seat back and forth to various positions to be sure it locks in place each time.

7. Press your foot steadily on the brake pedal for a minute or so. If it sinks slowly, there is hydraulic leakage.

8. Shake the front wheel. A lot of free play is a sign of loose or worn wheel bearings or of worn suspension joints.

A road test is also essential if you want to be sure of what you are buying. Take a friend with you and plan on driving the car at least one-half hour. Try to drive in the city, on a highway, and on a rough, steep road to see how it handles in different situations. Then go through the following checklist before making a decision.

1. Make several stops and starts, with different rates of acceleration and braking. The car should increase speed without hesitation. When braking there should be no pulling or grabbing sensation.

2. Have your passenger look behind you for smoke as you decelerate. It could mean bad rings.

3. Go over a rough road and listen for looseness, rattles and clunking sounds.

4. Try turning at various speeds. If there is too much sway or stiffness, better have the front end checked and have the seller replace the front shock absorbers.

5. Finally, if you think you like the car, take it to a repair facility, diagnostic center or a mechanic you know and put it up on

a lift. Have the mechanic give it a once-over. Even if you have to pay for this service, it could save you much regret in the end. Also try to get at least a 30 day written warranty.

* * * *

HOT LINE-TAX TIME

You might be eligible for a check from the Internal Revenue Service. It is called the Earned Income Credit. Families entitled to the credit may receive a check ranging from one dollar to \$400 depending upon income even if they did not pay any taxes in 1977. Here are some requirements you must meet before you can file a tax return for the money. During 1977, you must have worked and received less than \$8,000 wages. Social Security, Welfare, Pensions, and Annuities are not wages. Also, you must have paid more than half of the cost of keeping a rented or owned home for at least one of your children who was under 19, or a full time student any age, or a disabled dependent child of any age who lived with you. If you meet all of these conditions, you probably qualify. But, you must file a tax return for credit. If you want more information, check your Federal Tax instructions. If you still have questions, call or visit the Internal Revenue Service. The telephone number and office address for your area are in your local telephone book.

* * * *

TAXPAYER TIP

April 17, the Federal tax-filing deadline, is almost here and consumers should be aware that they may be eligible to claim their share of tens of millions of dollars in Federal income tax savings. According to FTC staff, such tax savings could accrue to persons who purchased land as an investment but whose contracts were cancelled after January 1, 1974 because of failure to make payments due or for some other reason of abandonment. Estimates made by the staff of FTC indicate that several hundreds of millions of dollars have been paid on land contracts cancelled without refunds during the years 1974, 1975, 1976, 1977.

Consumers who were parties to such abandoned contracts may be able to claim a loss for Federal tax purposes on all payments on principal; carrying costs not claimed and deducted on prior year tax forms may also be claimed. Carrying costs include such as follows: interest, property taxes, improvement fees, and assessments.

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STATE DOCUMENTS

The following is the February breakdown of complaint activity as reported by the Consumer Services Division of the Department.

February Complaint Summary	1978		1977	
	Month	Year to Date	Month	Year to Date
A. Advice & Info Calls	473	933	431	613
B. Complaint Forms Mailed	352	786	449	909
C. Complaint Files Opened	212	400	236	496
D. Complaint Files Closed	172	319	206	396
E. Complaint Files Pending	371	---	*	*
30 Days or Less	<u>189</u>	More than 30 Days	<u>182</u>	Re-Opened Files <u>0</u>
F. Advice & Info Letters as of January		<u>17</u>		

*Not Recorded

G. County Breakdown (Received February, 1978)

Abbeville	3	Dorchester	6	Marlboro	3
Aiken	6	Edgefield	-	Newberry	7
Allendale	1	Fairfield	2	Oconee	3
Anderson	10	Florence	24	Orangeburg	11
Bamberg	2	Georgetown	2	Pickens	2
Barnwell	-	Greenville	16	Richland	121
Beaufort	5	Greenwood	2	Saluda	2
Berkeley	2	Hampton	-	Spartanburg	17
Calhoun	2	Horry	4	Sumter	7
Charleston	16	Jasper	2	Union	5
Cherokee	3	Kershaw	8	Williamsburg	1
Chester	1	Lancaster	4	York	6
Chesterfield	1	Laurens	2	Georgia	4
Clarendon	1	Lee	1	North Carolina	6
Colleton	-	Lexington	51	Other States	17
Darlington	6	McCormick	-		
Dillon	3	Marion	2	TOTAL	400

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