



NATIONAL CONSUMER COMMISSION

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Media Statement

FOR IMMEDIATE RELEASE

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TO: ALL MEDIA

The National Consumer Commission takes a car dealer to the National Consumer Tribunal.

The National Consumer Commission (NCC) has filed documents against Gerlou Motors at the National Consumer Tribunal today 15 October 2019. This follows an investigation into a complaint lodged by a consumer Ms. M Allers against Gerlou Motors. Ms Allers bought a car from Gerlou Motors and it broke down on the same day of delivery. She went back to the dealer for assistance who refused to assist her on basis that she signed a voetstoots (as is) clause.

The Commission's investigation revealed that Gerlou Motors intentionally disregarded various provisions of the Consumer Protection Act (CPA). The dealership contravened Sections 51(1)(b) and 56(2)(b) and Regulation 34(1). Gerlou Motors made the consumer to sign terms and conditions whose purposes are to override the effect of provisions of the act and to

deprive consumers the rights afforded to them by the Act. The dealership also refused to give consumers the warranties required to be given in terms of Section 56(2)(b) of the CPA.

The NCC's Acting Commissioner Ms. Thezi Mabuza says Section 56(2)(b) clearly stipulates that the consumer have a right to return goods, without penalty and at the supplier's risk and expense, if, within six months after delivery, they fail to satisfy the requirements and standards as contemplated in Section 55. "The supplier must, at the direction of the consumer, either repair, replace or refund the consumer the price paid for the goods" adds Mabuza.

"In this case, this dealership failed to refund the complainant, took no responsibility for defects in the car it sold. Also, terms and conditions that this dealership requires consumers to sign; are in direct contravention of the law in that consumers are required to accept that they are buying scrap metals and not a car, where in actual fact they are buying normal second hand cars. The NCC will not tolerate this kind of practise from unscrupulous suppliers", said Mabuza.

The NCC would like to remind consumers to go through the terms and conditions of every transaction.

Ends

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