

# Buying Furniture

consumer *brief*

Without furniture, houses would remain empty shells, stark and uninviting. It takes furniture to turn an empty place into living space and a house into a home. When shopping for furniture and related household items, it is important to understand New Jersey's laws and regulations. New Jersey's definition of "household furniture" includes but is not limited to furniture, major electrical appliances, mattresses, and such items as carpets and draperies.

## CONSUMER PROTECTION BEGINS WITH A CONTRACT

New Jersey's regulations require that all furniture sales for more than \$100 must involve a contract signed by both the seller and buyer. This helps to protect the consumer by making the sales process transparent.

The print on the contract must not only be legible, it must be in at least 10-point bold type. The date for delivery of the furniture must be written into the contract on the day of the purchase. No contract for the sale of household furniture may contain a pre-printed date for delivery. In addition, the regulations prohibit the inclusion of words such as "all sales final," "nonrefundable" or "no cancellations" in any contract for the sale of furniture because these phrases violate or are contrary to the conditions required by regulation. Every retailer must have its refund policy posted in at least *ONE* of the following locations:

- attached to the item itself; or
- affixed to each cash register or point of sale; or

- so situated as to be clearly visible to the buyer from the cash register or point of sale; or
- posted at each store entrance used by the public.

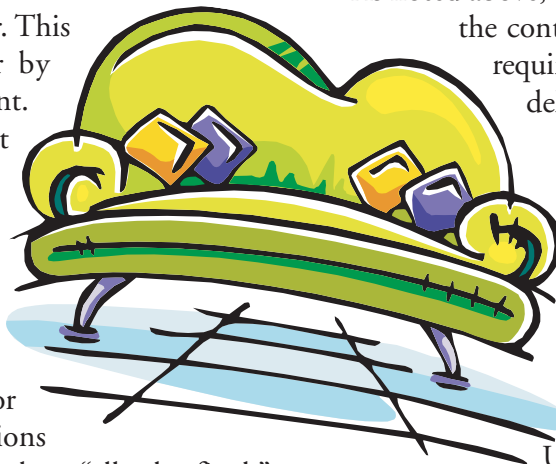
The refund policy will give the consumer an opportunity to change his/her mind. However, the amount of time a consumer has to change his/her mind is not spelled out in the regulations, so it is important before you sign a contract to carefully note the details of that store's refund/cancellation policy.

## FURNITURE DELIVERY

As noted above, the delivery date must be written into the contract on the date of the sale. The law requires that the regulation covering delayed deliveries (N.J.A.C.13:45A-5.3(a)) must appear on every contract in 10-point bold type. If the seller fails to deliver the furniture on the agreed-upon date, the seller *MUST* offer the consumer the choice between a prompt refund or the opportunity to receive the furniture at a later agreed-upon date.

Upon delivery, if the furniture has been damaged, the consumer has the right to demand a prompt, full refund when speaking with the store's owner. If the seller refuses to provide a full refund promptly, the consumer may file a complaint with the Division. The complaint may be done online as the complaint form may be found and filled out on the Division's Web site. The complaint also may be sent to the Division using regular mail.

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## WORDS TO WATCH OUT FOR

Let's go over some of the words a consumer might encounter when shopping for furniture or related household items. If an item in the store is being sold "as is," then the seller is within the law if the store refuses to issue any refund or allow the return of the item. However, remember that if the item is *NOT* marked "as is" the seller may not use words like "nonrefundable," "all sales final," "no cancellations" or "all mattress sales final" on the sales ticket or the contract.

## ADVERTISEMENTS

If you were prompted to go shopping for furniture due to an advertisement you saw or heard, the item in the store must be the same as the item that was advertised. Misrepresentation is illegal. In addition, whatever item in the store the consumer selects to purchase must match the item delivered to the consumer's home (that includes the color the consumer chose). If the item delivered does *NOT* match what was selected at the time of purchase, the consumer may request a prompt, full refund. If you have access to the internet, you may check the regulations regarding advertisements. Go to the Division's web site to find [N.J.A.C. 13:45A-9.1](#) and also review the Consumer Fraud Act which can be found at [N.J.S.A. 56:8-1](#) et seq.

If an advertisement for furniture or related household items

indicates that a "sale" is taking place, it is required that the ad:

- *must* clearly state the beginning and ending dates of the sale
- *must* indicate the original price of the item as well as the sales price so the consumer is aware of the savings, and
- *must* clearly state that "assembly is required" if that is the case.

Take note of the fact that any furniture or household item advertised as being "on sale" for \$100 or more must have a tag or ticket affixed to it with the price clearly indicated.

Also, if any item has been "on sale" for 60 days or more, the price listed can no longer be considered a "sale" price.

## BE SMART WHEN SHOPPING FOR A MATTRESS

When shopping for a mattress, be aware that if the words "rebuilt," "reconditioned," or "refurbished" appear on the tag or ticket, that item is a *USED* mattress. "Bunkie" is another term that is used in the marketplace to indicate that the mattress is used. If you must buy a used mattress, be aware that every used mattress being sold must have attached to it a special cloth tag (not less than 2 1/2 x 3 inches in size) that provides the name of the person or company that sanitized or disinfected the mattress, the date that the sanitization or disinfection took place, and the full address of the person or company that performed the sanitizing or disinfection process.

### New Jersey Office of the Attorney General **DIVISION OF CONSUMER AFFAIRS**



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