



Consumer Complaint Information

Dear Consumer,

The Jewellery Council of South Africa is an Alternative Dispute Resolution Agent those functions currently only with complaints against members in good standing of the Jewellery Council of South Africa.

The members sign a Code of Ethics and Conduct and are subordinate to the mediation and arbitration processes of the Jewellery Council under its Articles of Association. This means that, unfortunately, we will not be able to assist you with a complaint against a jeweller that is not a member of the Jewellery Council as we have no jurisdiction over them.

If your complaint is against a non-member, we have to refer you to the National Consumer Commission. Their contact number is 086 026 6786.

Should you have a complaint against a member of the Jewellery Council, you should consider the following:

1. Is the product older than 6 months and has not been repaired by the jeweller within the last 3 months?

The Consumer Protection Act and the Members of the Jewellery Council provide a mandatory 6-month warranty of quality on all new products purchased from any of our members. This warranty would have been accompanied by terms and conditions that your jeweller would have explained or provided you with a copy of. In addition, any repair done by any of our members carries a mandatory 3-month warranty of quality on parts provided and work done.

For this reason, any product that falls outside the warranty period of either the 6 months after purchase or the 3 months after repair is not covered under the Jewellery Council processes or the Consumer Protection Act requirements and as such cannot be adjudicated by the Jewellery Council.

There are two exceptions to this warranty of quality, the alloy of the product and the representation of the product.

2. Do you suspect that the alloy of the product has been misrepresented?

The alloy of a piece of jewellery refers to the percentage of precious metal mixed with other metals and is usually expressed as parts per thousand or carat. For instance, 18ct gold is 75% pure gold or 750 parts of pure gold per 1000. (For a full list of alloys and general information on jewellery, consult our website at www.jewellery.org.za).

A complaint on an alloy that is misrepresented has a guarantee period of **2 years** from the date of purchase.

3. Do you suspect that the jeweller you purchased from misrepresented the product to you?

Misrepresentation refers to the information about the product provided on the invoice you have received. This could be the grade of the stone, the purity of the precious metal, etc.

If you suspect this to be the case, the warranty period is **2 years** from the date of purchase.

Lodging a complaint

1. Contact the jeweller you have a complaint against

This is not mandatory but is usually in the best interest of both the consumer and the jeweller. You will likely find that your jeweller will be happy to assist in sorting out the issue and will likely have an internal complaints procedure that can be followed.

Most jewellers pride themselves on customer service and as a result, complaints are usually dealt with easily and efficiently by contacting the jeweller directly.

2. To officially complain, please complete the Complaint Form.

Unfortunately, for various reasons, complaints are not always possible to resolve by going directly to the jeweller. It is for this reason that the Jewellery Council has been active in consumer support since 1972.

Your first step to accessing our assistance is to complete a Complaint Form. This form will guide you in terms of the information we require to be able to process the complaint.

You can obtain this form from The C.E.O. of the Jewellery Council by sending a request for a complaint form to admin@jewellery.org.za, by downloading a copy of the form from our website, www.jewellery.org.za or by contacting the office on 011 484 5528 and requesting a form to be e-mailed or faxed to you.

Please submit the form together with any supporting documentation that could be used to adjudicate your claim. You will find a list of documentation to be submitted on the Complaint Form.

The Administration Manager will contact you should we require additional information, but please try to give as much relevant detail on the form as possible, in the interest of time.

You can submit your completed form for the attention of The C.E.O., Jewellery Council of South Africa via:

Fax: 086 504 9512
e-mail: admin@jewellery.org.za
Post to: The C.E.O.
The Jewellery Council of South Africa
2 Le Paradis
3 Oak Avenue
Bedfordview
2007

Complaint Adjudication Process

1. Timeframe

The Jewellery Council aims to resolve all complaints within 30 days. This is however dependent on the complexity of the complaint and the cooperation of the different parties, especially where external specialists are needed.

2. Confirmation of receipt of the complaint

The C.E.O. will confirm receipt of your complaint in writing, usually addressed to you via the e-mail address you provided. If you do not have an e-mail address, the correspondence will be sent to you via fax. We tend not to send correspondence via post as this slows down the process significantly and is usually not in the best interest of either of the parties.

The C.E.O. may also contact you telephonically or via e-mail to request additional information regarding your complaint.

3. Fair opportunities

In the best interest of both the consumer and the jeweller, we first offer the jeweller the opportunity to rectify the issue before going through the full adjudication process. This entails providing the jeweller with the official complaint as well as the supporting documentation and providing the jeweller with the opportunity to respond. Most complaints are addressed during this process. Many jewellers will respond by supplying a commitment to address the complaint to the consumer's satisfaction within a prescribed period, depending on the complaint.

If this is the case, the commitment from the jeweller will be communicated to you in writing and both you and the jeweller will be requested to provide us with feedback once the complaint is resolved.

Depending on the circumstances the jeweller may request additional time to finalise the commitment, but this is usually in exceptional circumstances.

Should this not lead to a resolution of the complaint or if the jeweller disputes the complaint, the complaint is escalated to the Arbitration Committee.

4. Expert opinion

If the complaint is not resolved through step 3 above, it is referred for adjudication to the arbitration committee.

The Arbitration Committee is a team of jewellery experts from various specialisation areas in the jewellery industry, selected and appointed by the industry based on respect for their ability and integrity.

At this point, you will have to provide the Jewellery Council with the product in dispute.

When a complaint goes to the Arbitration Committee, it is usually because there is a dispute between the jeweller and the consumer in terms of the cause of the loss suffered by the consumer through the product. The loss can usually be attributed to a manufacturing flaw, or similar, alternatively, it could be due to consumer negligence or accidental damage.

The panel of experts are requested to supply a professional opinion on the product – cause of damage – and for this, they have to physically inspect the original product. In addition, we do at times allow for photographs of the product to be submitted, but the judgement can only be made on the product itself.

It is important to note, that the product is provided to the Arbitration Committee only with a number as a reference and the history of the product as described in the complaint and or response from the jeweller in question. The Arbitration Committee will not be informed who the consumer is or who the jeweller is. This is done to ensure objectivity.

5. Opinion and recommendation of the Arbitration Committee

Once the Arbitration Committee had inspected the product, they will form a combined opinion and suggest a remedy. This opinion is provided to both the consumer and the jeweller.

The findings of the Arbitration Committee are seen as final, and the jeweller is bound to the recommendation that the arbitration committee makes.

The finding usually attributes the damage of the product to either the jeweller or the consumer or may apportion blame between the jeweller and consumer based on a percentage.

If it is attributable to the jeweller, the jeweller is usually asked to replace or repair the product. If the damage was accidental or due to negligence by the consumer, the consumer is usually referred to their insurance broker to finalise a replacement or repair of the product.

6. Cases with disputes on alloys

It is very rare that the purity of an alloy of a product will be brought into dispute. In such a case the Jewellery Council will usually ask for an x-ray test on the product. This test is non-invasive and does not damage the product, but the test is also not 100% accurate. It relies on a measurement taken on the surface of the metal

and can be influenced by the plating on the metal or a variety of other factors giving it an acceptable tolerance.

If the measurement of the product is within the accepted parameters, we usually advise that this be accepted. If it falls outside the parameters or the consumer insists on a legal test for the purity of the alloy, we recommend the test as prescribed by the SABS in the SANS (South African National Standards) 29 edition 4.

The tests prescribed for the different precious metals are internationally accepted and legally binding in a court of law. Unfortunately, the tests usually require that a small section of the product is cut off and destroyed.

In such a case, the Jewellery Council will provide both the consumer and the jeweller with a quote to perform the test as well as a quote to restore the product. The consumer will be required to approve this in writing before we proceed.

The final cost for the test as well as the restoration of the product afterwards will be billed to either the consumer or the jeweller depending on which of the two loses the dispute.

7. Cases where the consumer suspects that the jeweller misrepresented the product they sold.

Should you suspect that the description on the invoice from the jeweller is a misrepresentation of the product you have purchased; the complaint will follow the normal process through the Arbitration Committee. There are extreme cases, however, where the product must be dismantled to confirm, for instance, the grading of the diamond.

These cases are treated in the same way as the alloy tests in terms of the quote approval and allocation of costs.

Frequently Asked Questions

1. Insurance

If a product is sent to the Jewellery Council for adjudication, it will be assumed that the product is fully insured by the consumer for the full duration of the process.

The Jewellery Council has never had a product lost, stolen or damaged, but we accept no responsibility for the product or its replacement due to any eventuality. The product should therefore be covered under comprehensive insurance.

This should be arranged with your insurance broker or company before sending the product to us.

2. Delivery and Collection

The Jewellery Council will not be responsible for any delivery costs of products to the Council or back to the consumer. The only costs covered by the Council relate to the expert opinion offered.