

18 April 2012

The Editor, Forum

Straits Times

How lemon law will affect buying and selling of pets

We refer to the letter dated 22nd March 2012 written by Jiang Ke-Yue entitled "Lemon law for pets a bad idea".

2 Existing laws already give consumers remedies if a pet does not conform to the sale contract at delivery. The new Lemon Law does not change these existing laws. It simply provides additional remedies for such non-conformity, but the consumer cannot insist on a disproportionately costly remedy. Instead of a full refund or a replacement, the retailer and consumer could mutually agree to compensation for the cost of medical treatment for the pet.

3 In addition, the new Lemon Law also applies a presumption that defects which occur within 6 months of delivery existed at delivery, unless the seller can prove otherwise. For example, if a pet develops an infectious disease, the seller would not be liable if the pet was delivered before the incubation period of the disease.

4 Consumers cannot get a remedy simply because they have changed their mind and no longer want the pet. There is also no remedy for defects or limitations specifically pointed out to them or which are obvious at the point of purchase.

5 CASE received 5 reports of pets that were sick, unhealthy or died shortly after purchase in 2011. Subsequent autopsies on the pets that died confirmed they were not of good health.

6 Under AVA's existing licensing conditions for pet retailers, all animals displayed for sale must be healthy. Sick, diseased and injured animals have to be removed from display and treated by a licensed veterinarian who must certify that the animal has recovered before it can again be displayed for sale. They must also be vaccinated properly and healthy at point of sale. AVA will take action against pet retailers who breach pet shop licensing conditions. Recalcitrant retailers can be charged in court and, if convicted, fined up to \$5,000. Their licence could be suspended or revoked.

7 CASE will commence a Lemon Law education campaign later this month (April). AVA's website also has information to educate pet buyers and owners on how to select healthy pets, and care for them. Pet retailers are encouraged to develop best practices that promote transparency at the point of sale, such as alerting consumers to potential genetic problems in a pet.

Yours faithfully,

Yeo Guat Kwang
President
Consumers Association of Singapore

Dr Wong Hon Mun
Director, Agri Establishment Regulation
For Chief Executive Officer
Agri-Food & Veterinary Authority

Original letter

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APART from the practical difficulties in applying the lemon law to pets ('Applying lemon law to pets tricky, say lawyers'; last Friday), it may ultimately, and ironically, promote irresponsible pet ownership.

Pets are living things, not products. Those seeking 'defect-free' pets, or who will not hesitate to exchange 'defective' pets for new ones, probably should not be pet owners.

This consumerist thinking is exactly what the Society for the Prevention of Cruelty to Animals and animal rights organisations seek to discourage, as pet ownership is a commitment, not merely a consumer entitlement.

Furthermore, what happens to returned pets?

The 'defective' pet will most likely be put down; a grim reminder that a pet is unlike a product that can be discarded or recycled.

While one option may be that pet sellers should fund a 'lemon' sanctuary for returned animals, it is unlikely to find favour with sellers who would already be saddled with additional costs under the new law.

Nonetheless, the legitimate grievances of pet owners should not remain unaddressed.

The Consumers Association of Singapore identified possible uses for the 'lemon law', such as cases of pre-existing illness, inadequate vaccination or misrepresentations as to breed.

But the root problem is rogue pet sellers and breeders, in which case the more effective solution is the direct one: The Agri-Food and Veterinary Authority should blacklist, suspend or revoke their licences.

If the lemon law is applied, it will ironically provide rogue sellers with a loophole. They can quickly and easily replace 'defective' pets or offer compensation.

This means genuine complaints may never see the light of day, and even if they do, the practical uncertainty in applying the law affords more loopholes for rogue sellers to dodge liability.

Confine the 'lemon law' to products, not pets.

Jiang Ke-Yue