

Returns and Exchanges: In Person Shopping

Are you shopping for (or returning) gifts? Don't assume that you can return items unconditionally. Look for a return policy sign in the store! Under California law, stores are free to set their own policies, including refusing to issue refunds, requiring a restocking fee, or requiring that the merchandise is in its original packaging – as long as they are posted conspicuously at the store or on the order form.

If a store has no posted policy, California law provides that in most cases, as long as you have your receipt, you are entitled to full refund or equal exchange within 7 days of purchase. ([Cal. Civil Code § 1723.](#)) (http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV§ionNum=1723) There are exceptions, such as food or other perishables, items returned without their original packaging, or underwear and bathing suits. In addition, stores can refuse refunds for items marked “as is,” “no returns,” or “all sales final,” or customized items that are received as ordered.

If the store does have its own refund policy, it must post notices in the stores and/or on its website explaining the policy, including:

- whether a cash refund, store credit or exchange will be given for the full amount of the purchase price;
- the time period during which the customer may return the merchandise;
- the types of merchandise covered by the policy;
- any other conditions that govern the refund, credit, or exchange of merchandise, such as requiring that the merchandise be returned with its original package and proof of purchase.

For more information on this, see the California Department of Consumer Affairs Legal Guide, “[Refund Policy](http://www.dca.ca.gov/publications/legal_guides/s_6.shtml) (<https://oag.ca.gov/consumers/general/refunds>).”

Surprisingly, even stores in the same chain can have different refund policies. Stores can also change their policies at will. Some stores may have different policies during the holiday shopping season than the rest of the year. Often holiday return policies allow more time so that people can return gifts easily.

Retailers who violate Civil Code §1723 may be liable for the amount of purchase, and are also subject to the Consumers Legal Remedies Act ([Cal. Civil Code §§1750-1784](#)) (http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV§ionNum=1750), which allows class action lawsuits for deceptive and unfair business practices.

Frequent returns

Although many stores' policies become more liberal around the holidays, you may find that some stores are getting stricter. Many stores now check each return using a reporting service called [The Retail Equation](#) (<https://www.theretailequation.com/Consumers/>) (TRE) to track their customer's return habits. If a customer returns too many items in a certain time period, or behaves in other suspicious patterns, the store may refuse to issue refunds to

that customer.

The Retail Equation does not disclose what companies use its services, but many of the retailers who do use it will mention it in their receipts or in their posted policies. This service is intended to prevent thieves from returning stolen items for a “refund,” but people who do a lot of shopping and returns can be flagged as well, resulting in a return being denied.

If you are denied a return, you can request a copy of your file from TRE. More information is available on [TRE's Frequently Asked Questions page](https://www.theretailequation.com/frequently-asked-questions/) (<https://www.theretailequation.com/frequently-asked-questions/>).

Warranties

Unless sold “as is,” all consumer goods except clothing and consumables have an “implied warranty” that the item will be fit for its ordinary purposes. This warranty lasts 60 days; if the product also has a written warranty, the implied warranty lasts as long as the written one does, up to one year. ([Cal. Civil Code § 1791](http://leginfo.ca.gov/faces/codes_displayText.xhtml?division=3.&chapter=1.&part=4.&lawCode=CIV&title=1.7.&article=2.) (http://leginfo.ca.gov/faces/codes_displayText.xhtml?division=3.&chapter=1.&part=4.&lawCode=CIV&title=1.7.&article=2.) and following). If there is a written warranty, you are entitled to have the item repaired to fix any defects, and if it cannot be repaired, you are entitled to a refund or replacement.

For more tips for both purchasers and gift recipients, visit [the California Department of Consumer Affairs website](http://www.dca.ca.gov/). (<http://www.dca.ca.gov/>)

*By Kate Fitz, Public Services Librarian
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Related Links

[Cal. Civil Code § 1723](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV§ionNum=1723.) (http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV§ionNum=1723.)

[California Department of Consumer Affairs](http://www.dca.ca.gov/) (<http://www.dca.ca.gov/>)

[Consumers Legal Remedies Act](http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV§ionNum=1750.) (http://leginfo.ca.gov/faces/codes_displaySection.xhtml?lawCode=CIV§ionNum=1750.)

[Cal. Dept. of Consumer Affairs: Refund Policy](https://oag.ca.gov/consumers/general/refunds) (<https://oag.ca.gov/consumers/general/refunds>)