/Carey

May 2023

CYBERDAY 2023 AND E-COMMERCE REFORMS

The latest reforms to Law No. 19,496 Consumer Protection Act, introduced mainly by the **"Pro-Consumer" Law and the E-Commerce Regulation, will force companies to be more vigilant in the 2023 version of CyberDay** .

During the event, which **will be held from May 29th to 31st** , the National Consumer Service ("SERNAC") will be supervising that companies comply with their e-commerce obligations.

In 2022, CyberMonday and BlackFriday , **SERNAC registered 550 and 366 complaints** on its platform respectively, detecting that these were mainly focused on **unilateral cancellations of purchases, stock problems, offers that were not what they seemed** , among other reasons.

The following, are the main aspects and obligations to be taken into consideration for the event:

1. Promotions, offers, contests and sweepstakes sweepstakes must provide information about their terms and conditions and their duration.
2. Offers and promotions must be real. All discounts and more favorable conditions must be calculated on the supplier's usual price and/or conditions. Price increases in the days prior to the event or information on reference prices never charged are practices to be avoided.
3. The relevant characteristics of the products and services offered must be informed prior to purchase or contracting: final price in Chilean pesos (including taxes and costs), stock availability, delivery method, timeframe, and delivery costs, which must be respected.
4. The products offered must inform its characteristics, origin, brand, model, any conventional guarantee with their conditions, specifications that allow identifying the product (dimensions, size, color, weight, number of units that compose it, material, and content of the product); as well as any other relevant condition, characteristic or performance of the product or service offered.
5. In the case of durable goods, the expected lifespan of the product

This news alert is provided by Carey y Cía. Ltda. for educational and informational purposes only and is not intended and should not be construed as legal advice.

Carey y Cía. Ltda.
Isidora Goyenechea 2800, 43rd Floor.
Las Condes, Santiago, Chile.
www.carey.cl

must be disclosed, including the timeframe in which the supplier commits to providing spare parts and technical service for repairs.
6. Respect the right of withdrawal and comply with information duties. Remember that consumers may withdraw from their purchase within 10 days from receipt of the product or service (unless the provider has explicitly excluded this right and informed the consumer clearly and prominently in advance, in the case of service provision).
7. Respect the right to the legal warranty. If a consumer buys a new product that is defective, he is entitled to a legal warranty within the first 6 months, which allows him to choose freely between (i) exchange; (ii) repair or (iii) refund of the amount paid.
8. Provide information about the seller of the product, in order to allow its identification: name, company name or fantasy name; RUT or RUN; legal address; e-mail address, telephone number or other means of contact through which the consumer can be contacted; means by which the seller will contact the consumer; and identification of the legal representative in case of legal entity.
9. Clearly and timely inform consumers about the contact support of the company to formulate questions, claims, suggestions and make changes or returns.
10. All information or advertising provided by the company must be respected. Advertising must be truthful, timely, verifiable, and not misleading.
11. In the post-sale, companies should have expeditious channels of contact so that consumers can request information and complain about any problem.

For more information, please review our legal alerts on the E-Commerce Regulation and the Pro-Consumer Law (and, in particular, on the right of withdrawal and the right to legal warranty).

Authors: Guillermo Carey; Aldo Molinari; Mónica Pérez; Kureusa Hara; Eduardo Reveco