



# Mail Order

The Wisconsin Mail Order Law, Wis. Stat. §100.174, helps consumers deal with a major mail order problem: failure to promptly deliver prepaid merchandise. The law covers any personal order where the seller solicits and accepts payment without any face-to-face contact.

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*If you receive unordered goods in the mail, you may consider it a gift.*

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## How it works

The seller must ship prepaid merchandise or make a full refund within the delivery time shown on the original order blank or ad (for example, “allow six weeks for delivery”) or within 30 days if no delivery time is stated. The seller may extend the delivery date by sending you a notice stating that it cannot send the merchandise within the original delivery period.

You may then:

1. Write the firm and cancel the order. The seller must then promptly send you a refund.
2. Write the firm within 30 days agreeing to delayed delivery date.
3. Do nothing. The firm must then ship or refund payment within the extended delivery time stated, but not exceed 30 days after the original delivery period.

## Unordered merchandise (Wis.Stat.s. 100.195)

Make sure the merchandise you receive in the mail is something you ordered. You are not responsible for any unordered goods you receive in the mail. The law states that there are only two types of merchandise that can be mailed to you without your approval: contribution requests from charities and free samples that are clearly marked as such. It is your right in both cases to keep and use the product as you wish.

If you receive unordered goods in the mail, you may consider it a gift. You are under no obligation to pay for



or return it. It is illegal for someone sending unsolicited material to try to collect payment.

Be careful about ignoring goods sent after some sort of prior agreement between you and the company (for instance, a signature on a postcard or an oral agreement on the telephone). These may be part of a negative option plan. Many negative option plans for magazines or books require a minimum purchase and then it is up to you to cancel future unsolicited goods. For protection against the account being turned over to a collection agency, contact the company in writing to cancel any future order and return all unwanted goods.

For more information on negative option plans, please contact the Bureau of Consumer Protection at (800) 422-7128 or read the online fact sheet publication “Negative Option Plans” at:

<https://datcp.wi.gov/Pages/Publications/NegativeOptionPlans154.aspx>

## Protect yourself

Even with mail order law, there are safeguards to reduce mail order problems. Be sure to:

- Read the product description. Do not rely on pictures alone.
- Check to see if a delivery time is given and if return policies and guarantees are listed.
- Record the name and address of the company, the date you placed the order and a description of the merchandise.

- Keep ads, canceled checks, and any other pertinent information.
- Never send cash in the mail.
- Beware of Wire transfer services. Legitimate merchants almost never use Western Union or other wire transfer services for payment, as it cannot be easily traced. Legitimate merchants typically use credit cards for payment, though many are now accepting PayPal online. These payment methods leave records. If a merchant will not accept a credit card or PayPal it is a warning sign that they do not want the transaction to be traceable.

The law authorizes the Bureau of Consumer Protection or any district attorney to seek court injunctions for violations of the law. The court can also order the firm to make refunds to Wisconsin consumers who did not receive their merchandise. In addition, consumers may bring their own lawsuit to recover double the money that was lost to a mail order firm, plus costs and reasonable attorney fees.

*For more information or to file a complaint, visit our website or contact:*

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