



OFFICE OF THE SECRETARY

Government of Puerto Rico
Department of Consumer Affairs

ADMINISTRATIVE ORDER NUM. 2011-006

THE SECRETARY OF THE DEPARTMENT OF CONSUMER AFFAIRS, UNDER LAW NUMBER 5 OF APRIL 23, 1973, AS AMENDED, KNOWN AS "ORGANIC LAW OF THE DEPARTMENT OF CONSUMER AFFAIRS", DISPATCHED THE FOLLOWING ORDER:

1ST SECTION: Every company with presence in Puerto Rico that offers goods, products and services to the consumer by means of the Internet, direct sale, catalog or any other method, should offer the consumer in Puerto Rico the same conditions or similar conditions of access, sale, products, goods, services, warranties and delivery that they offer to the citizens within the Continent of the United States.

2ND SECTION: Any significant difference in access, sale, products, goods, services, warranties and delivery that do not have real justification based on the costs of shipping, taxes, excise tax, tax requisites by the federal or state government or limitations based on licenses, contracts, permits, patents, copyrights or any other aspect that may be direct or indirectly out of the control of company shall be considered discriminatory. The company that limits the access, sale, product, good, services, warranty and delivery should present evidence that such limitation is justified. In addition to the discriminatory practices previously mentioned, for a long time the consumer in Puerto Rico have paid prices higher to those paid for the same articles by the residents of the Continent of the United States; some companies refuse to send products to Puerto Rico and others do not offer the consumers in the island the benefits that they offer the 50 States like for examples rewards to clients, gift cards, access to web pages, discount coupons and sweepstakes, among others.

These discriminatory practices go back a long time but the truth is that with the technological advances and the easy access to these stores and manufacturers through the internet, there are many people that wish to make purchases from these stores and in many occasions they want to take advantage of the prices offered in the Continent of the United States. The discriminatory treatment to the consumers in Puerto Rico is not in accord

with the constitutional reality that reflects our relationship with the United States and attempts against the right to equal protection of the laws.

These actions constitute discrimination against the consumers of Puerto Rico, because they are not being treated as American citizens residents in a territory of the United States. This discrimination is a gross effort to defy the Constitution of both jurisdictions for the wrongful profit of the companies. These discriminatory practices cause damages to the consumer and cannot be tolerated.

3rd SECTION: The Department of Consumer Affairs, ("DOCA"), has as its fundamental purpose to vindicate and implement the rights of the consumer. Additionally, as part of the Executive Branch of the Government of Puerto Rico, it's the agency authorized by law to protect the rights of the consumers in Puerto Rico before abuses and discrimination of companies that offer goods and services. This Secretary is calling to establish a public policy that repudiates this type of discriminatory actions, and to act in benefit of the consumer in Puerto Rico and of the companies that conduct businesses in our jurisdiction.

4th SECTION: By means of this order the Department of Consumer Affairs repudiates the commercial discriminatory practices against the consumers of Puerto Rico, as defined in this order and declares that they go against the public policy here established and of the constitutional rights of the Puerto Ricans.

5th SECTION: It's because of being conscious of the duty that DOCA has to protect the rights of the Puerto Rican consumers against illegal and discriminatory practices and implementing the legal authority conferred by Law Num. 5 of April 23, 1973 as amended, DOCA's Secretary creates a division from now on denominated "Office Against Discrimination in Commerce" ("OADC").

6^{ta} SECTION: The goal of the OADC is to get the companies that carry out businesses in the United States to clearly know the commercial relation and integration that exists between the United States and Puerto Rico. Additionally, the OADC will create awareness of the illegal and/or discriminatory practices in the business dealings of these companies towards the consumer residents of Puerto Rico. In third place, the OADC will help to educate the consumer so they will know the companies and businesses that offer deliveries, merchandise, access and services to Puerto Rico with the same treatment as to clients that reside in the rest of the States so they may have the option to use and sponsor them.

7th SECTION: The OADC is bestowed with the authority to receive and investigate claims submitted by the Puerto Rican consumers, denouncing discriminatory practices in the commerce by companies situated in the United States.

8th SECTION: The consumers' victim of commercial discrimination, will be able to present in the DOCA Regional Office closest to their residence, a claim, including basic information like name, address, telephone, clear and brief explanation

of the facts and remedies requested. Additionally, if possible, they should present a copy of whatever communication sustained with the company to which the claim is directed to, copy of the delivery policy of that company and any other document that gives evidence of the unequal treatment to the consumer in the island.

9th SECTION: OADC personnel will be able to contact the company in question and offer the necessary orientation to amend their discriminatory policy so that these practices may be eradicated.

10th SECTION: As established by the Organic Law of the Department of Consumer Affairs, the Secretary can represent the consumer public before any private entity or public organization in any issue that affects or could affect the interests of the consumer. Additionally, they can appear on behalf or in representation of the consumer before any court, meeting or committee, administrative organization, department or agency of the Commonwealth of Puerto Rico and/or of the government of the United States in any hearing, procedure or issue that affects or could affect the interests of the general consumer, of groups of consumers or any consumer in particular.

11th SECTION: The violations to this order and the law that authorizes it; and every violation to the laws and regulations that the Department of Consumer Affairs administers will be subject to administrative sanctions and penalties set out in the Law Num. 5 of April 23, 1973, as amended; with penalties up to \$10,000.00 dollars for each violation.

12th SECTION: SEVERABILITY. The regulations of this Administrative Order are independent and separate one from another and if a court with jurisdiction and competence declares unconstitutional, null or invalid any part, section, regulation or sentence in this Administrative Order, the determination to those effects will not affect the validity of the remaining regulations, which remain in full force.

13TH SECTION: This Order will be effective immediately and will be in effect as long as necessary or until the Department of Consumer Affairs emits a new Order.

14th SECTION: Any person adversely affected by this Order can present before the Office of the Secretary, in a term of ten days from the date the Order is issued, a request for reconsideration specifying their objections to any of the regulations, accompanied with all the evidence to support their position.

In San Juan, Puerto Rico, September 1, 2011.



Luis G. Rivera Marín

Secretario