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SOUTH AFRICA / JUDGMENT

# Damage altered (201605-0007205)

## [2016] ZACGSO 11 (16 September 2016)

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**COURT**

Consumer Goods and Services Ombud

**CASE / FILE NUMBER**

201605-0007205

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Our ref: 201605-0007205

16 September 2016

### Summary of your complaint

The complainant purchased a laptop from the supplier in November 2015. Five months later the laptop displayed an error message when the complainant switched it on.

The complainant returned the laptop to the supplier for them to check it.

The supplier advised that there is spillage on the laptop and the complainant will have to pay R6000.00 for repairs.

The laptop is still under warranty and the supplier is not willing to assist with the repairs. The complainant also denies spilling

anything on the laptop.

The complainant wants his laptop repaired.

### Summary of supplier's response

The supplier advised that the complainant's Laptop was damaged due to traces of liquid on the device.

They further advised that there is nothing further that can be done unless the customer is prepared to pay the quote that he was given.

### Assessment

We have considered all the evidence presented by both the complainant and the supplier and advise as follows:

The supplier advised that the warranty is voided due to water damage visible in the Laptop. The supplier provided us with a copy of the repair report and photos.

As per the below pictures it appears that the laptop does have liquid damage:

NB: PLEASE CONSULT THE PFR FOR THE IMAGES

The complainant is unhappy with this response according to the complainant the laptop's hard drive is not working and this is a manufacturer's defect. The complainant is also adamant that he never spilled anything on the laptop. He believes that this is proved by the fact that the keyboard shows no corrosive or liquid damage.

Our office decided to get an independent third party who specialises in damaged laptops to look at the facts and evidence provided for the damaged laptop. This was done by Joe Berinato from ItalVideo. In terms of his response the laptop does have water damaged. He explained that liquid spillage on electronics damages components and impacts on the functionality of the boards, kindly see attach report.

While we take note that the complainant denies causing any such damage we are however not able to determine how and when such damage was caused.

From the evidence it is clear that the laptop does have liquid damage but how it was caused we do not know.

On a balance of probabilities we can therefore not conclude how exactly the water damage was caused and if the goods were altered contrary to the instructions. This type of damaged is however not covered by the warranty and is not a manufacturer's defect. We are therefore unable to instruct the supplier to repair the laptop.

Based on the facts of this case, the information and evidence furnished to this office and on the principles of reasonableness and fairness, there is no reasonable prospect of this office making a recommendation in the complainant's favour.

We regret that we cannot be of assistance and confirm that our file has been closed.

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CASE PAGE              <https://chat.esheria.ai/case-law/south-africa/damage-altered-v-201605-0007205-zacgso-unknown-topic-acgso-2016>

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