



by Fred M.H. Gregory

# Lemon-Aid

**How to put the squeeze  
on the automotive  
fruit peddlers**

People who buy cars are haunted by fear of The Lemon, a kind of "Amityville Horror" on wheels. A Lemon is a car that doesn't do what it's supposed to do: it won't start, doesn't run right, turns when you want it to go straight... and, worse yet, it defies repair. A Lemon behaves like it has a demented mind of its own.

Lemons are inevitable. World wide, about 20 million cars roll off production lines each year. A small percentage of them are destined to be flawed to some degree. No amount of diligence or quality control is going to eliminate The Lemon. If you find this difficult to accept, remember the Apollo program, the most expensive, impressive and thorough technological undertaking ever attempted by man. Two Apollo spacecraft were Lemons; three astronauts died in one and three others were nearly stranded in space in another. Nothing is perfect.

In a recent interview with *Automotive News*, a trade weekly, Henry Ford II admitted that Lemons still bloom forth from his factories, although he claimed there are "far fewer" than in the past. Lemons are a fact of life that we must grudgingly accept. The law of averages, of course, is in our favor; the odds are against buying an out-and-out, ripe Lemon. But what can we do if by chance we get stuck? And what can be done about the occasional Lemon taste that so many new cars tend to leave in our mouths?

First, let's dispel the notion that there are automobiles which are irretrievably screwed up from the moment the last bolt is tightened during assembly. Any car can be made right. Sometimes, though, the effort isn't worth it; the cost of laboriously rebuilding a car is greater than that of manufacturing it. Recently, a foreign auto maker, Jaguar, gave up trying to fix a number of its terminally afflicted cars and bought them back from their irate owners. This came as a result of protracted litigation, negotiation and frustration for these luckless consumers. If you should find yourself stuck with a Lemon that's this far beyond repair, look forward to the same kind of grief. There's no good, quick way to rid yourself of a Lemon and be compensated fully for it, as far as your peace of mind is concerned.

Super Lemons are rare. But problems with new cars are not. Sometimes, these difficulties can get so bad that you might think you're one of the cursed few. This situation, though, is avoidable to a great extent.

You should expect any new car to have some teething pains. Almost without exception, they will be covered by warranty and corrected by your dealer. At least that's the way it's supposed to work. Whether it does or not depends a great deal on you.

Warranties have been confounding consumers for years, what with their impenetrable thicket of legalese and small print. But a recent law, the Magnuson-Moss Warranty Act, has cut through a lot of this confusing gibberish. The law orders that warranties be written in "ordinary language" and requires that every term and condition be spelled out.

A warranty is a written guarantee by a manufacturer that he will stand behind his product. A full warranty promises that defective parts will be fixed or replaced free of charge. It is good for anyone who owns the product during the warranty period and cannot require unreasonable effort by the consumer (like driving a car to Detroit to get it fixed). If the product can't be fixed within a reasonable time, you're entitled to a new one or your money back.

A limited warranty eliminates some of these guarantees. It may, for instance, cover parts but not labor.

Among auto manufacturers, warranties are also a marketing tool; some promise more than others. Service con-

tracts, sometimes incorrectly called extended warranties, are simply insurance policies which give extra protection for extra money.

In addition to any written warranties, there also exists an implied warranty on every new car. It is grounded in state laws and requires that your car do whatever a car is generally expected to do. If the wheels fall off as you drive away from the showroom, and a written warranty doesn't specifically refer to this contingency, you're still covered because it is reasonable to expect that the wheels will stay on.

Verbal promises and advertising claims can be warranties, but to dispel any doubts that may arise, get it in writing.

So, as far as the laws of the land are concerned, you're in good shape. Getting your complaints handled without resorting to the courts may be another matter.

Buying from a reputable dealer is the first step in avoiding future problems. You can check with your local Better Business Bureau about the frequency of

## Total Recall

**In the eyes of the government, a Lemon is only a Lemon if there's a safety defect. If the flaw turns up in enough cars of the same type, they can be recalled for correction.**

**Though recalls are technically ordered at the initiative of the manufacturer, most come about as a result of consumer complaints.**

**If you feel your car has something inherently wrong with it that makes it unsafe to any degree, describe the problem and fire off a letter to:**

**Office of Defect Investigation  
NES 30  
400 7th St., S.W.  
Washington, D.C. 20590**

**Also, you can call the National Highway Traffic Safety Administration's Auto Safety Hotline. The toll-free number is (800) 424-9393.**

**Ralph Nader's Center for Auto Safety also keeps voluminous files on Lemons and has been effective in getting action. The center's address is 1223 DuPont Circle Building, Washington, D.C. 20036.**

complaints against particular dealers for starters. You can also assume that a dealership which has been in business for generations is one that is concerned about repeat business, and they may go that extra step to keep you happy so you'll come back and buy your next car from them.

Once you've bought a car, don't drive it from the lot without giving it a thorough going-over. Look for flaws that

come under the heading of "normal wear and tear": scratches, nicks in the paint, ill-fitting or torn upholstery, dings and dents, doors and hoods that don't shut properly, and anything else that appears abnormal. Check under-hood fluid levels and have the salesman accompany you for a spin around the block. If anything seems awry—the brakes pull, you hear funny noises, the windshield wipers don't wipe—refuse to accept the car. At this point there's no question about the dealer's responsibility or who's at fault for any damage.

For the first few weeks and months you own the car, treat it as though you were a critic being paid to discover its every flaw. Keep a pad and pencil handy and note every glitch that arises, describing it as precisely as possible and cataloging it by date and mileage. Whenever you find something wrong, let the dealer know. Go on record as having registered a complaint.

Establish a relationship with whomever the dealer has charged with the responsibility of keeping you happy; it may be the salesman, service manager, customer relations person or the owner of the store. List the time and date of your calls, the nature of your complaint, the name of the person you spoke with and his recommendations.

In your log, keep track of visits to the dealer and the work he did, and save all receipts and paperwork. This record keeping may strike you as being tedious and unnecessary, but it might prove to be invaluable, should your problems resist solution. It will also keep you from forgetting to report minor complaints. And, having an accurate biography and service record of your car can't hurt when it comes time to sell.

This is as far as most of us will get in our relationship with a dealer. Ideally, he'll have taken care of our complaints and we'll be satisfied. But what if he doesn't?

After you've given the dealer a couple of chances and he still hasn't come through, go to another dealer. You are under no obligation to have your car serviced by the place that sold it to you. Your warranty must be honored by any dealer selling the kind of car you've bought.

If you're still not content, take your case to the manufacturer. There is a number for you to call, usually toll-free, listed in your owner's manual. Each auto manufacturer has a system to process and handle complaints.

It works like this: You contact the manufacturer's customer service representative in your zone (each auto maker divides the country up into regions), and he, presumably, investigates your complaint and works through the dealer to correct it. In recent years, the manufacturers have been working to improve their performance in this area. General Motors spells out the procedure in every owner's manual. Ford has estab-

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lished consumer appeal boards in many parts of the country. These boards are made up of three consumer representatives, one Ford dealer and one Lincoln-Mercury dealer. They review complaints and arbitrate solutions. A board's finding is binding on the dealer, but not on the customer. If he's still unhappy, he can take the matter to court. Chrysler has also established such panels in parts of the country, as well as a central clearinghouse for complaints in its Detroit headquarters.

Arbitration panels are also being set up around the country by the National Automobile Dealers Association and local dealer associations. They operate in the same way as Ford's but are based more broadly among the dealers of various makes of cars.

If you've gone this far and are still unsatisfied, take your case to state and local authorities. Most states have some mechanism to deal with problems like yours. You can start by calling the police or department of motor vehicles; they will steer you in the right direction. In some states there are special consumer protection departments; in some, the attorney general's office is the place to go; in others it may be the DMV. Many cities and counties have also set up consumer affairs offices. A call to your state representative or senator should help you in locating the proper agency to contact.

On the federal level, complaints should be directed to the National Highway Traffic Safety Administration (NHTSA) in Washington. And if you think there's something inherently wrong with your car, drop a note to Ralph Nader's Center for Auto Safety (see box for addresses).

There isn't much the feds and Nader can do for you personally, but your complaint can lead to a recall, which may ultimately be of benefit. And, as far as state and local agencies are concerned, their direct authority is probably limited to making the dealer fulfill the letter of the law, that is, to hold up his end of the written and implied warranties. It's a time-consuming ordeal, which may still leave you dissatisfied. You may find yourself in a situation where the dealer claims, and can prove, he's done the work, but you feel it is inadequate. At this point you have a difference of opinion that can only be resolved in court. And that involves lawyers, depositions, legal fees... you can imagine the trouble. But it's an option many have taken.

One guy exhausted all the remedies and still felt he'd been screwed. So, he trailered his car to the plant where it had been assembled and put the torch to it. It was a spectacular protest that made all the papers. It landed him in jail, but he's no longer the owner of a Lemon.

