

# [brief cases]

Two legal cases from our files

## A total letdown

The Tsindos' holiday didn't live up to expectations

Cockroach-ridden accommodation, jellyfish-infested sea, problems with flights, and a promise of swimming with dolphins that turned out to be nothing more than the chance to watch other people throw a fish at them...Antony and Gabriella Tsindos' once-in-a-lifetime holiday was a one-off for all the wrong reasons. And though they may be able to smile now, having to wait two years to get adequate compensation was no laughing matter.

Antony booked the £6,666 holiday to Tahiti, Australia and Los Angeles with Austravel to fulfil Gabriella's lifelong dream to swim with dolphins. Austravel's slogan 'We don't just go there, we know there', plus the three or four hours he spent with the travel agent discussing his requirements and planning the holiday in detail, assured him that the four-week trip would be exactly what he and his wife wanted.

Problems began as soon as the couple arrived at Tahiti's Papeete airport, when they came up against the first of the mix-ups with connecting flights that were to occur throughout the holiday. But they eventually made it to Australia and to the Tangalooma Dolphin Resort on Moreton Island.

Their room was filthy and there were cockroaches coming out of the shower. However, they decided to put up with it as they were so eager to swim with the dolphins. Unfortunately, that long-awaited event was a massive disappointment. For it turned out that the closest Antony and Gabriella could get to their beloved mammals was feeding a fish to one – and they couldn't do even that because Austravel had failed to reserve tickets for them at the time the holiday was booked.

Antony and Gabriella spent their last week in the Whitsunday Islands. They were looking forward to swimming in the sea off the Paradise Coast. Sadly, no one had thought of telling them that it was the season for jellyfish.

When they got back to England, Antony wrote to Austravel. It offered just £807, so he came to Which? Legal Service. Our team of advisers helped Antony pursue a claim for misrepresentation, breach of contract and breach of the Package Travel, Package Holidays and Package Tours Regulations. As a result, Austravel finally agreed to settle. Almost two years after going on the holiday, Antony and Gabriella received £2,307.



### POINT OF LAW

Tour operators must ensure that all the services they offer as part of a package, including any they sub-contract, are provided properly. If they don't, you can claim compensation for loss of value and loss of enjoyment, plus out-of-pocket expenses you incur as a result.

## The bracelet that disappeared

Swarovski was less than crystal-clear about losing Margarita's bracelet

Margarita Weston waited four months for world-famous producer of cut-crystal stones, Swarovski, to repair her bracelet – only to find out it had been lost.

The crystal bracelet had been a gift from Margarita's granddaughter. When the safety hook broke, she took it in for repair to Swarovski's shop in London's Regent Street. She was told it would be sent to the repair centre



Margarita Weston

in Paris and would be ready to collect within six to eight weeks.

Margarita phoned after six weeks. Her

bracelet wasn't ready. She went to the shop two weeks later. It still wasn't ready. Three weeks later, she was told she would 'just have to wait'. Finally, four months after the bracelet had been left for repair, Swarovski admitted it was lost. It valued the bracelet at around £137 and, as it was unable to provide a replacement, offered Margarita £200 in vouchers and 40 per cent off certain items.

Margarita wasn't satisfied. On the advice of Which? Legal Service, she wrote to Swarovski to say she was entitled to cash; if she didn't get it, she'd sue. Eight months after accepting the bracelet for repair, Swarovski apologised. It explained that the bracelet had proved irreparable and had been lost in transit from Paris. Margarita got a cheque for £200 and was told she could keep the vouchers.

### POINT OF LAW

If you entrust goods to someone, they must take reasonable care of them. If the goods are lost, damaged or destroyed while in their care, they will be liable for your losses, unless they can prove that the loss or damage occurred through no fault of their own.

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