

# Is the new bed you bought actually new?

Dear Attorney General Kline:  
I am considering buying a new mattress and have heard of deceptive business practices involving the sale of "used" mattresses at "new" mattress prices. What steps can I take to ensure the new mattress I purchase is actually new?

## Phill Kline

### • Consumer Corner

Dear Kansas Consumer:  
Mattresses come in many different sizes, patterns, materials and prices, all of which must be taken into account considering your preferences. But do not let all of the choices sidetrack you from asking the one question that many would deem most critical: Is this mattress new or used?

knowingly pass off "used" goods as "new" goods. Thus if a merchant sold a used bed (even if only "slightly used") as new, that merchant would violate the Kansas Consumer Protection Act.

How can one tell if a mattress is "brand spankin' new?" Here are a few tips:

- Do not be shy: ask for assurance that the mattress you are purchasing is new. Ask if it has ever been sent out of the store for any reason. Request that the retailer write "new mattress" on your sales receipt as

proof that you communicated this term of sale.

- Put the retailer on notice that you will not accept delivery on a mattress that appears anything less than new. Note that on your sales receipt so that a refund will not be a problem if a less than new mattress is delivered to you.

- Ask to see the mattress that will be delivered to your house before leaving the store. It should be sealed in plastic. Look it over as well as you can and sign your name on the plastic if you are satisfied.

- Do not accept delivery of a mattress that is not sealed in plastic. Look for your signature on the plastic.

- When the mattress is delivered look it over very well before the deliverers leave. Note any stains,

tears, discolorations or other manifestations of wear. If such are evident, refuse the delivery.

- Review the label attached to the mattress. A brand new mattress must sport a label listing the materials in the mattress. If the label is missing, assume the mattress is used and refuse the delivery.

If you believe you were sold used bedding being told as much, you may wish to file a complaint with the Federal Trade Commission (FTC).

To do so visit the that web site at [www.ftc.gov](http://www.ftc.gov) or call the FTC toll-free, 1-877-382-4357.

You may also file a complaint with my Consumer Protection division at [www.ksag.org](http://www.ksag.org), toll-free 1-800-432-2310 or 785-296-9651.

*Editor's note: Attorney General Phil Kline offers this public service to help others avoid becoming victims of consumer fraud. Although some of the details have been changed, the cases appearing in this column are based on actual complaints. For information or to file a complaint, please write Attorney General Phil Kline, Consumer Protection Division, 120 SW 10th Ave., 2nd Floor, Topeka, Kansas 66612, or call the toll-free Consumer Hotline, 1-800-432-2310.*

# Buckle up!



TISHA COX/Colby Free Press

Kansas State Patrol Trooper Terry Kummer showed off his patrol car to students at Puddle Duck Preschool Thursday morning, including his daughter Abbie Kummer and Ethan Maier. The students learned about the importance of buckling up and what Kummer does as a trooper. The activity was part of a unit on transportation.

## Clubs

### Colby Rotary Club's soup supper successful

Rotary's president Jerry Arensdorf conducted the Feb. 24, 2004 meeting. Guests were George and Phyllis Elliot, Melissa Stramel and baby Nathan, prospective

members Shannon Wells and Kevin Taylor.

Jerry thanked Rotary members for the outstanding work done for the Soup Supper. Bill Biel was not present to give a report on this event. Nancy LePell said that Bill

had left a report with her but regretfully had left it on her desk at work. Jerry said that the soup ran out around 6:45 p.m.

Jeff Horlacher, chairperson for the International Committee, said that they would meet directly after today's luncheon. All committee members in attendance were asked to stay for this meeting.

Mark Wahlmeier was in charge of this week's program. He first told about himself and his family. Mark is a local optometrist in business with Jeff Morrison. Mark said that he is pleased with the community support for his family and business. He introduced Dan Busse, a local farmer. Mr. Busse grew up on a farm in the Bird City area. In 1968 while fixing a fence he found some arrowheads in the field. This site was excavated and was found to be one of the largest archaeology Early American tool caches in Kansas.

One of the most common types of tools then was a spear that was thrown with an atlatl. This was the tool that used very large arrowheads to kill animals like the bison. Dan spoke of the Indians of the plains, tribal rituals and the differences in the animals of early times. It is thought that the land here was inhabited around 12,000 years ago of tribes of 50 to 100. Dan spoke on tribes and what archaeologists think might be the first dwellers of early America. He said that even today we have a lot to learn on what happened here long ago.

# House advances proposed bill to ban gay marriages

TOPEKA (AP) — A proposed amendment to the Kansas Constitution banning gay marriage has advanced to final action in the House, but with what one supporter says was less support than he expected.

Representatives tentatively approved the measure on a voice vote Thursday.

Final approval by two-thirds of the House — 84 members — would send it to the Senate, where two-thirds' approval would put the question to voters in November.

During a debate Thursday, the House voted 84-35 against an attempt to rewrite the amendment as a resolution expressing support for both traditional marriage and Vermont-style civil unions for same-sex couples.

Rep. John Edmonds interpreted the 35 votes for the failed effort as representing opposition to the constitutional amendment and said the vote surprised him. Edmonds supports the proposed amendment.

"At this point, I wouldn't bet the ranch that it's going to pass," said Edmonds, R-Great Bend.

Before Friday's final action, some House members said the amendment could receive as many as 100 votes.

But Rep. Tom Rehorn, D-Kansas City, who opposes it, said Thursday's debate suggested, "You might have more 'nos' than you think."

Kansas already has a law, adopted in 1996, stating that marriage is valid only between one man and one woman.

The proposed amendment would add a similar statement to the state

constitution, plus a prohibition on granting benefits associated with marriage to other relationships.

Supporters said they want to prevent a Kansas court from invalidating the existing statute.

The bill was filed in response to a Massachusetts Supreme Judicial Court declaration that banning gay marriage was unconstitutional in that state.

"I do believe we do have a clear definition of what marriage is and God ordained it many years ago," said Rep. Kathe Lloyd, R-Clay Center, one of the proposal's main sponsors.

Gov. Kathleen Sebelius has questioned the need for the amendment because of the 1996 law.

"There really is no need to go further, in her opinion," Sebelius spokeswoman Nicole Corcoran said Thursday.

Rep. Tim Owens, R-Overland Park, offered the failed proposal mentioning civil unions.

He said the amendment would enshrine a restriction in the Kansas Constitution on the rights of certain citizens.

"What group is going to be next to be singled out?" Owens said.

Rep. Jan Scoggins-Waite, D-Dodge City, said the amendment would restrict the right of her family to see her older son get married or enter into a union. He is gay, and her other son is not.

"It's the way they were born," said Scoggins-Waite, drawing scattered applause from the House gallery.

"God made both of my sons, and I love them both."

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