

The Tribune Limited

NULLIUS ADDICTUS JURARE IN VERBA MAGISTRI
 "Being Bound to Swear to The Dogmas of No Master"

LEON E. H. DUPUCH,
SIR ETIENNE DUPUCH,
EILEEN DUPUCH CARRON,

Publisher/Editor 1903-1914
Kt., O.B.E., K.M., K.C.S.G.,
(Hon.) LL.D., D.Litt.
Publisher/Editor 1919-1972
Contributing Editor 1972-1991
C.M.G., M.S., B.A., LL.B.
Publisher/Editor 1972-

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TELEPHONES

News & General Information	(242) 322-1986
Advertising Manager	(242) 502-2394
Circulation Department	(242) 502-2386
Nassau fax	(242) 328-2398
Freeport, Grand Bahama	(242)-352-6608
Freeport fax	(242) 352-9348

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Beware cruise lecturers, they're after your dollars

THE April 5 'NBC Responds' report on a couple who purchased more than \$11,000 in jewellery at a popular cruise port after attending a 'shopping seminar' onboard a ship only to find out later what they purchased was valued at less than half blew the lid off a problem that has been simmering for years. The problem - advertising billed as information rather than paid commercial fare. And every day, thousands and thousands of gullible cruise passengers, including those onboard ships calling on Nassau and Grand Bahama, are prey to the deceptive practice.

Here is how it works. Before the ship pulls into the port where it will spend the next day, passengers are invited to enjoy an informative lecture. They are treated to a warm welcome by a ship crew member setting the atmosphere for a fun, relaxed and informative half hour or so. There is usually a bit of humour in the opening remarks usually by the social director to put the audience at ease. After a few moments, the crew member introduces another individual billed as the port expert on all things important to the imminent visit, background about the port of call, shopping tips. The speaker continues to build rapport with the eager listeners, many of whom have never been outside the US before and hang on to every word because to the uninitiated travelling to The Bahamas or Caribbean is exotic.

Without revealing their professional relationship with the stores they are promoting, the lecturer begins his or her pitch. They offer information that may be historic, practical or just plain interesting and fun. Then they move into the meat of the lecture, shopping, describing not only what they call the "great bargains" at the ship's recommended stores, but pointing out that if you shop at approved stores you have their guarantee whereas if you dare to risk shopping elsewhere, you are taking a chance, implying you could easily be ripped off.

At no time during the lecture do they inform the passenger they are being paid - and often paid very big bucks - for promoting stores and earning a commission on what you spend in that store. The "expert shopper" delivering the "seminar" hits all the right buttons including confidence building with words like 'I have been to every port and I know which shops you can truly count on'. They relay nightmarish stories of those who spent thousands on emeralds only to go home and find they were green glass. They act as if their hearts go out to the victims and they do not want you in the audience to fall prey to similar rip-off tactics. They offer to meet you at a store, at a certain time the next day when the ship is in port and if you will come by their desk that night, there will be a special invitation waiting for you.

Their advice sounds so sincere it is hard not to fall for it. They talk of trusting the merchandise in shops whether it be t-shirts that are better quality so threads do not unravel after the first washing or jewels carefully chosen from the best mines, it is all delivered with a depth of knowledge and sophistication that is hard to find fault with.

The problem is they never tell the most important truth, they are paid, talking human advertising machines. For years, merchants and organisations have fought for the shopping portion of the port lecture to be accurately labelled as advertising without success. Smaller shops are left at a great disadvantage and even the largest stores and

franchises struggle to make what sometimes amounts to a million dollars a year in fees and commissions.

Cruise ship advertising is one of the few areas that does not comply with any truth in advertising requirement. The lecture is out at sea, not in port. Truth in advertising campaigns have been around since the late 1890s when those who had goods to sell clashed with those who knew the sales pitch did not match the facts. From snake oil to remedies to reverse baldness or quick fixes to stop smoking, those who have exaggerated the facts have run amok of those who demanded the truth.

Over the years, individual state laws in the US tried to protect citizens but it has been an uphill battle to get a unified law that governs advertising on TV, internet, in print or other medium. At least, the expectation that truth in advertising exists provides a certain level of comfort to the average shopper. Yet, when that same shopper sets foot on a cruise ship, he or she does not have the same rights though likely has the same expectations of protection. Cruise ship shopping promoters operate under the radar by passing off their pitches as helpful information rather than paid advertising.

Scores of disappointed and disgruntled passengers who paid too much for what they purchased based on port lecturer recommendations directing them to a certain store have reported abuses online. From time to time, their stories make TV headlines as did Fernando Salazar's in early April. Salazar, who wanted to replace a wedding ring he had lost so he and his wife could renew their vows, went to a Diamonds International as recommended by the port lecturer who assured passengers that by being in the Caribbean you could save up to 70 percent off American prices. The couple selected two rings and a bracelet for a total purchase price of \$11,416. When the jewellery was delivered to the ship, he noticed a gemstone was loose. Back home in Miami, Salazar took the jewellery to an appraiser who told him it was not worth half what he had paid. Diamonds International refunded the money, but only after many calls and TV exposure and quoting another expert who said it was hard to determine the exact value of a certain type of stone without knowing the market, the timing and more.

In a similar case the year before, a Washington, DC couple spent \$12,000, "caught up in the moment", they said, also with the same merchant during a call on the port of Belize. The ring, necklace and bracelet that originally brought such pleasure to the couple who met in a hospice and became a couple after their spouses passed away, turned their romantic vacation memories sour. The jewellery was appraised at \$3,000. That story was aired on NBC Washington in August 2017

A cruise is a relaxing way to travel and there is much to be said for it. We celebrate those who choose to see The Bahamas by sea just as we appreciate those who come by air. But for the multi-billion dollar cruise industry that wants to protect itself and its reputation, the time has come to add a little more honesty to the voyage. Let the passenger know in a few simple words that the following portion of the port lecture is brought to you by those merchants who want you to know more about their business and what products they offer.

Cruise lines should not be in the business of promoting guarantees for outside vendors and truth in advertising demands by the public will one day land them in a port they do not need to dock at if they simply stand up and do the right thing.

The cost of providing electricity

EDITOR, The Tribune.

FOR some 90 years as electricity users know we have been subject to the unstable costs of oil-based fuels - in the oil crisis we had a crisis in our homes as the cost of electricity went sky-high with no rebate or hope.

Using fuels that are controlled by external sources makes you subject to the global speculators and the ups and downs of the

markets. Will anything change with LNG? With abundance of sun and the political promise of the FNM before the election and since it seems Solar has flown off the tablet of even consideration and we each and every consumer - customer of BP&L will be subject now to a new master - LNG. Is this another blunder of the Minnis Government? Unless we get a reduction

to as close to FP&L, Florida for a max of 12-13 cents per KW it is totally unacceptable and one questions the rationale of the BP&L deal of which it seems the Management are so proud of. An 8-10 cent decrease and being subject to the speculators of the world is not very reassuring. The Oil crisis hurts to the core.

ABRAHAM MOSS
 Nassau,
 April 15, 2018.

PUSHIN' DA ENVELOPE
 By Jamaal Rolle

jrolle@tribunemedia.net

DELAYED ROADWORKS ON THE EASTERN ROAD



Lawyers stirring up trouble

EDITOR, The Tribune.

IN his play Macbeth, William Shakespeare told the story about how unbridled ambition on the part of politicians often leads to their ruin. It can cost the best and the brightest to get ahead of themselves or, to use the native vernacular, "to smell dey self".

We have a tempest in a tea-cup brewing over the fact that there is a job opening at the top of the judicial branch of government. For all sorts of reasons smart people have been piling on the Prime Minister pressuring him to name a Chief Justice.

But while there is an opening for Chief Justice, the post is not vacant as some would imply. Last November the PM appointed an acting Chief Justice who for all intent and purposes is discharging the duties of the office.

There is no constitutional or existential crisis because of this opening. In fact, the purportedly learned people piling on the PM ought to know that the Constitution deals with this very matter.

The Supreme Court and the office of Chief Justice are established under Article 93 of the Constitution. Article 94 stipulates that the Chief Justice shall be appointed by the Governor General on the recommendation of the Prime Minister after consultation with the Leader of the Opposition.

Article 95 says that if the post becomes vacant the Prime Minister must name someone to act until such time as the Governor General appoints a new CJ on the advice of the PM after consultation with the Leader of the Opposition. The PM has named such a person and that person has been duly appointed by the Governor General.

A substantive Chief Justice is not essential to the maintenance of a free and fair judiciary. As former CJ Dame Joan Sawyer succinctly pointed out, the

LETTERS

letters@tribunemedia.net

Justices of the court function without recourse to the Chief Justice.

One can only speculate on the motives awash in the Bar Association. It did come across as somewhat of a condescending lecture by lawyers to our first non-lawyer Prime Minister. They attempted to "mansplain" the subtleties of the high court to someone they viewed as a neophyte.

It could be construed that these robbed counsellors were trying to shame the PM into moving the pawns, knights, rooks, bishops and queen on the judicial chess board.

As any chess player knows, although the king (ie the Prime Minister) is the most powerful piece in the game, he is hardly an aggressive member. Those rooks presently and formerly at the bar simply overplayed their hand.

Even a sitting Cabinet member (the state Minister for Legal Affairs no less) forgot that it was his job to defend the king. He went off script and publicly upbraided Dr. Minnis for moving too slow to name a Chief Justice.

This was a jaw-dropping rookie move that could have gotten him ejected from the game, but the king was gracious and magnanimous. This errant minister's swift and forthright mea culpa did help him wheedle his way back into the palace.

As with the game of chess, the appointment of a Chief Justice could leave open any number of squares on the board. Perhaps a cabinet level position could be in play. And some self-serving lawyers may be jockeying to get their candidates into high position.

What the legal fraternity ought to be pushing for is more public resources to enable a new chief

justice, when appointed, to dispense justice more efficiently. That could mean putting the full complement of 12 Justices on the bench.

They could also help explain to the public why we need a constitutional amendment to extend the retirement age for justices from 65 to perhaps 75. People are living longer today than they were 45 years ago when the constitution was written. And we, in essence, have a brain drain at the top as justices who are fit in both mind and body must leave the bench because of this statutory age wall unless given an extension to serve for two more years until age 67. The retirement age for justices in England and Wales is 70. In Canada it is 75.

Our Jamaica family just had a bit of a kerfuffle over the appointment of a Chief Justice there this year. Their Prime Minister, Andrew Holness, a spritely 45-year old, took heat for naming an acting chief justice. Only in his mind the "acting" referred more to a probationary period as opposed to holding the post temporarily, like we do here.

Said Mr Holness he was from a different age and his way of thinking may not always coincide with those who hold traditional views. Sounds like he and Dr. Minnis are cut from the same cloth despite the 20-year age difference.

The whole brouhaha got the Jamaicans talking seriously about increasing their retirement age for judges from 70 to 75.

Cooler heads will prevail at the Minnis cabinet table and we will muddle through this without a threat to the independence of our judiciary. The plotters and the Lady Macbeths who lurk in the halls of power should heed the counsel of Shakespeare: "Vaulting ambition overleaps itself."

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 Nassau,
 April 15, 2018.