

## **Is your jeweler responsible?**

**By David Atlas**

Some time ago I was involved as an expert concerning the purchase of a “defective” ring. There are some details to this case which extend beyond what the consumer requested in the ring and what the jeweler did, as well. For the purpose of keeping this story short and focused, I will concentrate only on the most pertinent issues.

A client came into a well respected and rather large jewelry retailer to have them make an engagement ring mounting for their previously purchased center stone. The consumer had a very definite design in mind and the jeweler verbally recommended that the mounting would be rather delicate for the size center stone being used. The consumer was adamant about the delicacy they required in the mounting.

After a thorough discussion, the jeweler took the order to make the mounting. He again admonished the consumer that their requested design was overly thin and light, that they ought to purchase insurance in case the stone was lost or the ring became damaged, and that the store could not be responsible for problems associated with making the ring as demanded by the consumer.

Nevertheless, the consumer wanted the ring as designed. The store agreed to make it that way and delivered the ring to the very pleased consumer a few weeks later. The store controlled the manufacturing process as they make their jeweler at their own, in house, shop.

Within a few days, the stone was lost and the consumer was very upset. Even at the time of delivery, the consumer had been reminded to buy insurance, and even was supplied an appraisal suitable to obtain such coverage. Because of being too busy, the consumer failed to get the coverage and now they faced a very large financial loss. The jeweler told them how sorry they were about the loss, but reminded them of how insurance had been highly recommended and how an appraisal had been given them for the needed coverage.

After two or three court appearances costing thousands of dollars, the consumer won their case. It was a hollow victory in that the award didn't even cover the litigation costs. The arbitration panel told the jeweler to pay just for the lost stone, but not to pay for any multiple amount for “damages”. Costly to both sides, the jeweler walked away half in defeat and half in victory. The consumer felt beaten by the system.

The story here is defining what it means to be a “retail jeweler”. There are two potential meanings and consumers should understand that they must know which one applies to their chosen jewelry maker. Is the jeweler simply an order taker? Will your jeweler let you order a defective product so long as they warn you about it? Or, is your jeweler one who holds themselves out to you as your expert assistant? Will they advise you to the point of refusing to sell you a defective product no matter how much you insist?

Ultimately, is your jeweler a guilt free order taker, or do they have the knowledge and artistic integrity to say “no” when you are making a mistake?

It is legal to be either kind of jeweler. For certain, it is best to deal with those who take pride in their knowledge and their work. It may cost a few bucks more in the short run, but it may well save you many thousands in the long run.

There are lots of very standard jewelry products that are completely safe and require little liability warning. However, when it comes to making a special item in a defined, existing design, I believe it is in the consumer’s best interest to use the services of a shop which holds itself to a level beyond “order taker”.

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