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HOW SAFE IS THE NIGERIAN CONSUMER

DR. ANTHONY .A. IJEWERE
SR. LECTURER
DEPARTMENT OF BUSINESS ADMINISTRATION
UNIVERSITY OF BENIN
BENIN CITY

ABSTRACT

The greedy and exploitative tendency of the manufacturers, dealers and retailers in the market place against the Nigerian consumers has been a source of major concern over the years. This is why this paper set out to examine the safety of the Nigerian consumers in the market place. To achieve this objective, some related literature which include: who is a consumer?, what is consumer protection? Forms of injustice suffered by the Nigerian consumer, sincerity of government to protect the Nigerian consumers and the need for consumer protection in Nigeria were all reviewed and analysed. The result of the study revealed that the Nigerian consumers suffer from all sorts of injustice in the market place and that the Nigerian government has been very insincere in protecting the interest of the Nigerian consumers. Based on these findings, it is therefore recommended that the manufacturers, government, consumer associations and the consumers themselves should be actively involved in promoting the interest of the Nigerian consumers in the marketplace since it is the only way their safety can be insured.

KEYWORDS

Safe, Manufactured, Nigerian and Consumer.

INTRODUCTION

The exploitative tendency of the manufacturers, middlemen, and retailers generally over the years against the Nigerian consumers, has been a source of worry. These businesses invade the Nigerian consumers with all sorts of sub-standard products, expired goods, harmful products, hoarding, profiteering, false advertising claims, unsafe and imitation products. The Nigerian consumers are always at the receiving end in their greedy nature of exploitation. The Standards Organisation of Nigeria (SON) (1997) expressed its concern for the Nigerian consumers in this regard, when it stated that about 60% of the goods produced in Nigeria are sub-standard, while about 25% are fake. Durojaiye (1998) also expressed similar view by saying that the Nigeria consumer needs to be protected against the sale of sub-standard goods. In his view, sub-standard goods, especially automobile spare parts are imported into Nigeria from countries such as Taiwan, while expired drugs come in from Europe and Asia and are passed on to unsuspecting consumers.

To address this exploitative tendencies by the Nigerian manufacturers and their collaborative middlemen and sellers against the Nigerian consumers, the government established some consumer protection agencies which include Public Complaints Commission (PCC), Standard Organisation of Nigeria (SON), National Agency For Food and Drug Administration and Control (NAFDAC), Consumer Protection Council (CPC), State and Local Consumer Protection Agencies, etc. It is the aim of this paper therefore to critically examine the safety of the Nigerian Consumers in the market place in view of the exploitative attitude of the manufacturers and sellers generally.

To achieve this goal, the paper has been sectionalized into seven parts, which include introduction (already discussed), Who is a consumer? What is consumer protection? Forms of injustice suffered by consumers, Sincerity of government to protect the Nigerian consumers, the need for consumer protection in Nigeria, conclusion and recommendations.

WHO IS A CONSUMER?

A consumer is one who purchases goods or services to satisfy a need (Ward, 2002). The Melony Committee on consumer protection in the United Kingdom also proffered a definition. According to this definition, the consumer is one who purchases (or hire-purchases) goods for private use or consumption. However, these definitions can be faulted on four grounds.

- i. They gave the impression that purchasers of goods and services (including commercial purchasers like companies) are consumers for the purposes of consumer protection. But it has to be noted that the basis of consumer protection is the fundamental assumption of vulnerability and disadvantaged position of the consumer given the inequality of bargaining power between a consumer and the seller. Thus, it is doubtful if consumer protection would be accorded to transaction between two commercial concerns.
- ii. By the use of "one who purchases" thus suggesting a contracting relations between the parties, these definitions have excluded noncontractual consumers from consumer protection thus, running contrary to section 32 of the consumer protection council Act of 1992 which accord them protection.
- iii. By insisting on a "purchase", they have excluded persons who acquired goods by gifts, donations etc from consumer protection where such goods are defective.
- iv. Insisting on a contractual nexus will mean re-enacting such contract concept as freedom, sanctity and privity of contract, which generally have a restrictive effect on protection of consumers.

English jurisprudence views a consumer as an individual dealing with a commercial concern. Three elements are ascribed to a consumer transaction. Firstly, the consumer must be an individual who does not act in a business capacity. Secondly, the supplier of goods and services must act in a business capacity. Thirdly, the goods or services must be intended for private use.

WHAT IS CONSUMER PROTECTION?

Consumer protection can be defined as measures or actions taken by the manufacturers, consumers and government to protect the consumers from the exploitative tendencies of manufacturers, middlemen and sellers generally (Czinkota, Kotabe and Mercer, 2004). It can basically be seen from three broad perspectives, i.e. the manufacturer, consumer and government.

Though the overall goal of the manufacturer is to maximise profit, in the process of maximizing profit, the manufacturer is expected to protect the consumer by producing products with quality, providing information on the harmful and side effects of certain products e.g pharmaceutical products and the price consumers should pay for their products in order to prevent retailers from exploiting them with high prices. Some manufacturers also protect the consumers by sealing their products with tamper proofs to prevent some retailers from adulterating the products.

The consumers also protect themselves through their collective efforts by constituting themselves into groups, otherwise known as consumer associations to press for their rights and power against the rip-off tendencies of the manufacturers in the area of poor quality products, high prices, adulterated goods, fake product, expired and imitation products etc. This is why in the past years, some consumer associations such as Tenants Association, Enugu Consumer Movement, Consumer Times Association, Consumer Protection Organisation, Lagos emerged. But today, most of these associations do no longer exist, except the Tenants Association that exists merely in some parts of the country. The implication of this, is that the Nigerian consumers have also taken some actions to protect their rights and power in the market place.

The government protects the consumers by enacting laws and by regulating the conduct of business in the favour of the consumers. In Nigeria for example, such laws include the Trade Description Act of 1968 and the Sale of Goods Act of 1979. Some governmental agencies such as the Standards Organisation of Nigeria and the National Agency for Food and Drug Administration and Control were also established solely for the benefit and protection of the consumer.

In Britain, they have the Consumer Protection Act of 1989 and the Food Act of 1984 while in the United States; they have the Extortionate Credit Transaction of 1968 and the Consumer Safety Act.

These government laws and agencies are meant to protect the consumers from the greedy nature of the manufacturers by the government.

FORMS OF INJUSTICE SUFFERED BY THE NIGERIAN CONSUMERS

This section will examine the various forms of injustice suffered by the Nigerian consumers in the market place to enable us know their plights and what they are going through. This will be achieved by examining the study conducted by Ijewere (2005) where respondents were required to indicate the extent to which they suffered various injustices in the hands of manufacturers and their middlemen in Nigeria. The result indicate that 59.63 percent of the respondents agree either to a large or very large extent that they have suffered from many of the various excesses of the manufacturers and sellers at one time or the other.

The indices show that hoarding, low quality products, imitative products, harmful and unsafe products, expired products dominated the catalogue of injustices which the Nigerian consumers suffered in the hands of manufacturers and their middlemen. The result of the study also indicates that the Nigeria consumer is not safe in the market place. See table 1 below for details.

TABLE 1: THE VARIOUS INJUSTICE CONSUMERS SUFFER IN THE HANDS OF MANUFACTURERS AND THEIR MIDDLEMEN

	To a very large Extent (5)	To a large Extent (4)	Not Sure (3)	To a little Extent (2)	To a very little Extent (1)	Not at all	Total	Index
Profiteering	271 (31.58)	285 (33.22)	111 (12.94)	74 (8.62)	78 (9.1)	39 (4.54)	858	4.56
Hoarding	321 (37.14)	356 (41.49)	53 (6.18)	71 (8.28)	23 (2.68)	34 (3.96)	858	4.56
Low Quality Products	275 (32.05)	358 (41.49)	60 (6.99)	77 (8.97)	61 (7.11)	27 (3.15)	858	4.73
Imitative Product	292 (4.03)	345 (40.21)	78 (9.09)	54 (6.69)	54 (6.29)	35 (4.08)	3858	4.77
Product Adulteration	370 (43.12)	205 (23.89)	70 (8.16)	120 (13.99)	55 (6.41)	38 (4.43)	858	4.70
False Product labeling	320 (37.30)	2836 (27.74)	129 (15.03)	74 (8.62)	39 (4.54)	42 (4.90)	858	4.62
Harmful and Unsafe Product	394 (45.92)	163 (19.00)	159 (18.53)	59 (6.88)	44 (5.13)	39 (4.54)	858	4.80
Expired Products	325 (37.88)	249 (29.03)	129 (15.03)	74 (8.62)	39 (4.54)	42 (4.90)	858	4.72
Sales of used products as new	183 (21.33)	181 (21.10)	104 (12.12)	209 (24.36)	139 (16.20)	42 (4.90)	858	3.92
False Advertising claim	173 (20.16)	277 (32.28)	147 (17.13)	147 (17.13)	69 (8.04)	45 (5.24)	858	4.24
Dishonoured Guarantee	141 (16.43)	190 (22.14)	194 (22.61)	121 (14.11)	68 (7.93)	53 (6.18)	858	3.96
Misrepresentation	313 (36.48)	274 (31.93)	97 (11.31)	93 (10.84)	39 (4.54)	42 (4.9)	858	4.70
Deceptive measures	227 (26.46)	174 (20.28)	128 (14.92)	153 (17.83)	96 (11.19)	80 (9.32)	858	4.05
Ignoring Consumers Complaints	262 (30.54)	252 (29.37)	92 (10.72)	132 (15.38)	73 (8.51)	47 (5.48)	858	4.42
Displaying False Prices	187 (21.79)	148 (17.25)	97 (11.30)	214 (24.94)	124 (14.45)	88 (10.27)	858	3.76
Not disclosing vital Information	220 (25.64)	157 (18.30)	91 (10.61)	227 (26.46)	115 (13.40)	48 (5.59)	858	4.00
Cheating Customers in various ways	392 (45.69)	180 (20.98)	54 (6.29)	137 (15.97)	56 (6.53)	39 (4.54)	858	4.70

Percentages are in brackets

Source: Author's 2009

SINCERITY OF GOVERNMENT TO PROTECT THE NIGERIAN CONSUMERS

The aim of every business organisation is to maximise profit. In the process of maximizing profit, businesses tend to exploit the consumers to achieve this selfish goal. It is therefore the responsibility of the government to act as a "Watch dog" to ensure that the consumers are not exploited by the manufacturers. The question is has the Nigerian government been playing its role to ensure that the Nigerian consumers are safe and well protected from the greedy and exploitative tendency of the manufacturers and their collaborative sellers? The general opinion of Nigerian consumers will most likely indicate that the Nigerian government is not sincere in protecting the consumers. A study conducted by Ijewere (2005) on the sincerity of government to protect the Nigerian consumers revealed that 34.62% of the respondents indicated that government is sincere in its efforts to protect the Nigerian consumers, while 20.51% indicated that the government is very insincere. As can be seen in the table below, only 18.07% indicated that the government is either very sincere or sincere in this regard. On the whole, 55.13% believe that the government is insincere to varying degrees while 33.92% believe to varying degrees that the government is sincerely interested in the protection of the consumers. Thus, the conclusion here is that most Nigerian consumers believe that government is insincere in its consumer protection efforts. By implication, the result of this study also shows that the Nigerian consumers are not safe. See table 2 below for details.

TABLE 2: HOW SINCERE OR GENUINE GOVERNMENT IS IN ITS EFFORTS TO PROTECT THE INTEREST OF NIGERIAN CONSUMERS

Very Sincere 6	Sincere 5	Some what Sincere 4	Insincere 3	Very Insincere 2	Not Sure 1	Total	%
59 (6.88)	96 (11.19)	136 (15.85)	297 (34.62)	176 (20.51)	96 (10.96)	858	100.01

Note: Total did not add up to 100% due to rounding.

Source: Author's Fieldwork, 2009

THE NEED FOR CONSUMER PROTECTION IN NIGERIA

The discussion so far in this paper indicates that the Nigerian consumers suffer from all forms of injustice and the government has been insincere in protecting them in the market place. This implies that the Nigerian Consumers are not safe. Durojaiye (1998) supported this view when he stated that the Nigerian consumer needs to be protected against the sale of sub-standard goods. The Standard Organization of Nigerian (SON) (1997) also expressed similar view by saying that 60% of the goods produced in Nigeria are sub-standard, while about 25% are fake, the Nigerian consumer should therefore be protected.

The desire for more knowledge and protection on the part of the consumer in Nigeria has been spotted and disorganized, but eventually, it has evolved into what is known today as consumer movement, otherwise called consumerism. It has attracted the support of government and certain business organisations, with the result that today; both government agencies are private groups champion the interests of the consumer in becoming a wiser buyer. The consumer has certain rights: the right to safety, the right to be informed, the right to choose and the right to be heard according to the former United States President- John. F. Kennedy. Kotler (2003) also agrees with this view when he stated that the consumers have certain rights which include the right to buy a product that is offered for sale, the right to expect the product to be safe and the right to expect the product to perform as claimed. Comparing these rights, the balance of power lies on the sellers' side. True, the buyer can refuse to buy. But critics feel that the buyer has too little information, education and protection to make wise decisions when dealing with sophisticated sellers.

The consumer movement seeks to make the consumer a wiser buyer and a user of those products and services which he acquires in his capacity as a consumer (Ward, 2001). The role of the individual consumer, private organisation, business interests of various types and the government in helping the consumer in achieving the above objective is not making much impact in Nigeria. To a large extent the consumer guides his buying through a process of trial and error, which ought to be supplemented through public enlightenment by the government.

A number of organisations, quite independent of business interests, have either developed mainly to aid the consumer or have extended their services into the field. Some organisations have provided information of a specific nature concerning articles in which the ordinary citizen might be interested in. consumer organisations are usually founded with the following objectives:

a) To encourage the use of standards for consumer goods,

- b) To encourage information labeling
- c) To encourage truthful advertising, and
- d) To encourage informative salesmanship. (Levy, 2000)

In Nigeria, businesses indirectly provide the most important protection enjoyed by the ultimate consumer. The protection shows itself especially in the activities of individual companies, but also in group action through trade associations such as market unions and traders' associations.

The great majority of manufacturers and middlemen realize that the sale of satisfactory merchandise is one of the policies of giving the consumers the desired results. Consequently, most companies are constantly seeking to make their products or services more satisfactory than that of their competitors. It is in this competitive struggle for the consumer's favour that the buyer finds his greatest protection.

Trade associations in other parts of the world, are organised primarily to serve their industries. To an increasing extent, their activities are designed to serve the public. However, in Nigeria, they are organised to protect the interest of the members and not the ultimate consumers.

Government protection of the consumers can be seen in the laws and regulations of the various governments of Nigeria. For example, the trade Description Act of 1973, the Sale of Goods Act of 1979, the Hire-Purchase Act of 1990, Hotel Proprietors Law, Price Control Decree of 1970, the Rent Edict and the Consumer Credit Act of 1974 were promulgated in order to protect the consumer. Such governmental agencies as the Standards Organisation of Nigeria (SON), National Agency for Food and Drug Administration (NAFDAC), Consumer Protection Council (CPC), Public Complaints Commission (PPC) etc, were established solely for the safety and protection of the Nigerian Consumers. But do Nigerian Consumers take advantage of the laws, regulations and agencies established by the Nigerian government to protect their interest in the market place? A study conducted by Ijewere (2005), where respondents were required to indicate how they would respond when they feel cheated or wronged by a manufacturer, dealer or a retailer, support this view. The results of the study show that 42.1% of the respondents will complain to the offender and take no further action.

About 17% of the respondents would not take any action, while 14.1% of the respondents indicated that they would insist on redress, but give up if the offender is not ready to make amends. Finally, 3.3% of the respondents reported that they would use whatever means they could even if they are not legal to get justice. The results therefore indicate that if they feel cheated by a manufacturer, dealer or retailer, 59.7% of the respondents will either take no action, complain at all or will merely complain to the offender. See table 3 below.

TABLE 3: CONSUMERS RESPONSE TO CHEATING BY MANUFACTURER, DEALER OR RETAILER

S/N	Responses	Frequencies No	%
1.	I do not take any action	151	17.6
2.	I complain to the offender and take no further action	361	42.1
3.	I ask for redress but do not insist	53	6.2
4.	I will insist on redress but give up when the offender is not ready to make amends	121	14.1
5.	I go to any extent to obtain redress legally	57	6.6
6.	I use whatever means, I can even if it is not exactly legal.	28	3.3
7.	Others	87	10.1
	Total	585	100

Source: Author's Fieldwork, 2009

Since a large percentage of Nigerian Consumers do not bother to take any action against the manufacturers, dealers and retailer, going by the result of this study, it imply that the Nigerian consumers do not take advantage of the laws and agencies established by the Nigerian government to protect their interest in the market place. Agbonifoh and Oyegunle (1985) supported this position when they stated that although legal remedies have been put in place by the Nigerian Government, Consumers do not seem to take full advantage of them to seek redress and may not even be aware of their existence. Cranston (2003) expressed similar view by saying that legal remedies may be available to consumers in the event of business proving obstreperous, but the evidence demonstrate that many consumers are ignorant of their legal rights.

The implications of the above are that the Nigerian consumers also have a role to play in ensuring that their safety and protection in the market place against the exploitative tendency of the manufacturers, dealers and retailers is guaranteed.

CONCLUSION AND RECOMMENDATIONS

The average Nigerian Consumer has not been finding things easy in the market place over the years in view of the exploitative tendency of the manufacturers, dealers and retailers. They demonstrate this greedy attitude against the Nigeria Consumers in the form of producing fake products, adulterated products, imitation products, expired goods, profiteering, harmful and unsafe products, etc.

The result of the study revealed that the Nigerian consumers suffer all sorts of injustices in the market place in various degrees as already identified above. Lastly, it was also observed that the Nigerian government is very insincere in protecting the interest of the Nigerian consumers.

Consequent on the above, it is recommended that the manufacturers, government, consumer associations and the consumer themselves should do everything possible to protect the interest of the Nigerian consumers. This is the only way the Nigerian consumers can be guaranteed their safety in the market place.

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