

“Consumer protection in market transactions in Nigeria”

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Consumer protection in market transactions in Nigeria

Abstract

This study examines the complex issue of consumer protection in Nigeria, with a view to understanding the role of relevant stakeholders in protecting the rights of Nigerian consumers. Data were generated using depth interview conducted among selected consumers/users and institutional buyers. The study also employed observation method especially in supermarkets, open markets, departmental stores in Enugu and Onitsha (Nigeria). The study concludes among others that most consumers do not take time to study the label on products before buying. As a result, they rarely have full information about the product that would help them protect their rights. Also, most consumers indicated that languages or terms used to describe the product especially pharmaceutical products, are extremely too technical to comprehend. Second, consumers' awareness of consumer protection laws is rather low, which results in absence of litigations against sellers even in cases of obvious infringement. The paper among others proposes intensified consumer education as a strategic choice for enlightenment and empowerment.

Keywords: consumer protection, Nigeria, consumerism, consumer activism, consumer right, consumer empowerment.

Introduction

The current intense emphasis on consumer economy, private sector led development, the increasing wave of globalization, and unprecedented growth in information and communication technology (ICT) among others have all combined to reawaken interest in consumers' right in the transaction process. This resurgence is not restricted to the developing countries but has been shown to be prevalent in the highly developed democracies of the world. In Nigeria as in some developing countries of the world, the enactment and enforcement of consumer protection laws have witnessed appreciable emphasis particularly with the return of democratic rule in the country. All these are taking place at a time when consumers' right and even protection life are seriously been challenged by the unprecedented growth in fake and sub-standard products in the Nigerian markets as evidenced by the recurring destruction of unwholesome food and drugs by the National Agency for Food and Drug Administration and Control (NAFDAC) and other regulatory agencies in the recent years. This problem cuts across virtually all the sectors of the Nigerian economy including service providers (Monye, 2003). Such wanton exploitation has resulted in gross abuse of consumers' rights, which at times results in loss of human life. Surprisingly, all these are happening in a context where manufacturers, sellers and service providers, on the other hand, have continued to assert their unfettering acceptance and application of both marketing concept with as attested for by the corporate mission and vision statements that decorate the literature of most of these organizations in Nigeria.

As early as 1970s, Nigerian government responded

to the demand for protecting consumers through enacting laws and decrees such as Food and Drug Decree I (1974), National Agency for Food and Drug Administration and Control (NAFDAC) Act 1993, Consumer Protection Council (CPC) Act, 1992, all aimed at protecting the rights of consumers in exchange relationships. Paradoxically, there exists very limited evidence to suggest that Nigerian consumers are seeking redress in the face of their apparent exploitation and abuse in the exchange process. A situation that tries to suggest rather forcefully of a normally absurd, becoming absurdly normal. Such absurdity and the obvious case of consumers' passivity no doubt have created serious gap in the literature that requires to be addressed. This study, therefore, aims at examining the complex issue of consumer protection in Nigeria, with a view to understanding the role of consumers, organizations, and public policy in protecting the rights of Nigerian consumers.

1. Brief review of literature

Studies (e.g., Adelina and Julie, 1995) have shown that consumers often encounter dissatisfactory experience in their consumption experience. Consumer dissatisfaction is used in the same sense as used by Schouten (1990) to mean the discrepancy between expected and realized performance or dissatisfaction with an attribute. Once a dissatisfaction occurs, there are options available under consumer complaining behavior (CCB), namely: to resolve it; do nothing; take private action by switching brands or suppliers, boycotting the product/service or warning family and friends; take public action by seeking redress directly from the retailer and/or manufacturer and/or indirectly, bringing legal action, complaining to the media and/or registering a complaint with a consumer association (Day and Landon, 1977; Singh, 1988).

In today's increasingly competitive environment, consumers are becoming more discriminating in

their purchases and making complaints about poor after-sales services, product quality and value for money (Brownlie and Lemond, 1992). Consumer complaint behavior has become a subject of increasing interest to consumer behaviorists and the level of perceived satisfaction and dissatisfaction in the market place is presumed to influence subsequent attitudes, intentions, and complaint behavior (Bearden and Teel, 1983). Responding effectively and efficiently to consumer complaints is an important area for retailers and manufacturers to address in order to provide differentiation in the market place and maintain customer loyalty.

Consumer dissatisfaction often arises from poor business practices and is an area retailers must address in their efforts to provide good customer service and encourage repeat sales and store loyalty. In sufficient numbers, complaints can result in loss of market share for a company (Jacoby, 1981) but good complaints handling by the retailer engenders confidence in consumers, provides a good company image and helps to reduce defect rates (Mitchell and Critchlow, 1993). Nevertheless, many retailers do not have established procedures to deal with customer dissatisfaction effectively. Yet if effective systems are in place, dissatisfied customers who previously took their custom elsewhere may start to complain (Fornell, 1988). The retailer then has a chance to rectify the problem, provide good customer service thus encouraging the customer's patronage rather than losing it completely; which has obvious financial consequences. The need for retailers to understand Consumer Complaint Behavior (CCB) and respond to it effectively is an increasingly important issue in the provision of the retail service offering for the remainder of this century.

Consumer complaint behavior is a distinct process, which begins when the consumer has evaluated a consumption experience (resulting in dissatisfaction) and ends when the consumer has completed all behavioral and non-behavioral responses to the experience (Public, Private, no action) (Day, 1980). In addition, for each CCB episode, which includes some form of public action, the consumer may re-evaluate his/her total satisfaction/dissatisfaction (of the product/service and/or company) in light of the success or failure of business efforts to resolve his/her problem (Gilly and Gelb, 1982).

The duration of the consumption experience (during which consumer satisfaction or dissatisfaction evaluations are made) is dependent on the type of product. For inexpensive and quickly consumed items, such as food, the consumer can decide

immediately whether he/she was happy or unhappy with the experience. By contrast, items which are consumed over longer periods of time beyond the immediate post-purchase stage, such as durable goods, take longer period to assess.

The literature on Consumer Complaint Behavior (CCB) indicates the complexity of the process by which a consumer will decide what she/he will do after experiencing dissatisfaction. Many factors such as the influence of marketers, consumer related factors, circumstantial or environmental factors may infringe on the consumer complaint behavior process undertaken by dissatisfied consumers (Day et al., 1977). One of the major factors for the increasing interest in Consumer Complaint Behavior (CCB) is its potential impact on other key marketing phenomena such as brand and store loyalty and repurchase intentions (Day, 1984); word of mouth communication (Richens, 1983), as well as on business complaint handling strategies (Fornell and Westbrook, 1984).

One of the most striking set of results from CCB research is the number of consumers who, despite experiencing extreme dissatisfaction with a product or service, actually do nothing about it (Richens, 1985). In a study of grocery shoppers, 70 percent of respondents indicated that they did not complain at all (Gronhaug, 1977) and in a study of the personal care industry, 45 percent expressed the no action option (Diener, 1978). These high figures of non-action have been attributed to factors such as the low cost of the items, minor importance of the problem and ease of switching brands (Barnes and Kelloway, 1980). The most frequent explanation for not taking any complaining action (for all products/services) has been, "I didn't think it was worth the time and effort" (Grabicke, 1981). This would suggest that a comparison of the costs of taking action with the benefits of a successful action has resulted in the consumer concluding that costs exceeded benefits.

A second type of action, which also would not normally be brought to the attention of the business, is private in nature – an action that implies little effort on the behalf of consumers to complain. Knowledge of the private actions of consumers may be more significant to marketers than the visible actions of those who seek redress or complain about their experiences (Day and Landon, 1976). This is not surprising given that a negative word-of-mouth can have a major influence on the buying behavior of others (Plymire, 1991). Of the private actions, two-thirds of the sample decided to switch brands or warn others about their dissatisfying experience.

Another approach to Consumer Complaints Behavior is to take a public action. A nationwide

survey recorded that out of the 562 consumers who made efforts to submit their complaints to the seller, only 42.6 percent were classified as successful and 53.9 percent were left feeling dissatisfied (Grainer, 1979). From this, only a small portion of complaints ever read third parties such as solicitors, consumer protection agencies (Diener, 1975). It would appear that the use of these sources is dependent on the type of problem and products/services as well as the consumers' awareness of specific redress schemes – which has been found to be low. However, good complaint handling by the seller helps to reduce the number of complainants who take their grievances to court (Mitchell and Critchlow, 1993).

Summarily, for the case of electrical goods, episode specific factors (nature of products; cost/benefits of complaining; price; importance of product and time required for consumption) were shown to bear a great influence on whether a dissatisfied consumer sought redress, complained (publicly and/or privately) or did nothing. Although the nature of the product was found to be the largest single catalyst, giving rise to the high ratio of public to private complaints, other situational factors (type and severity of problem, inconvenience of not having the product and business response to complaints) were also found to be significant determinants. The electrical goods sector is renowned for having very poor customer service standards and being price rather than service driven (News and Reports, 1992). This has far-reaching implications for the business, particularly as poor experiences may intensify private actions.

To decrease the impact of dissatisfaction that can occur and lessen the incidence of negative word-of-mouth, companies need to show, at least, that they are responsive to legitimate complaints. The best way to show responsiveness is by prompt and courteous handling of dissatisfactions. The more quickly a complaint is resolved, the greater the chance of satisfaction is clearly one message which was raised by this study. Finally, in dealing with complaints, truly marketing-oriented companies must examine not only the costs of the remedy, but also the costs of not settling the complaint. These latter costs are, of course, more difficult to assess, but managers must be aware that they include the potential for negative word-of-mouth in addition to the potential lost repeat business.

2. Consumer protection

Historically, consumer protection as a special area of interest and public regulation in particular was and still is a response to the era of industrial revolution and the increasing complexity of goods and services which have put the consumer at a

disadvantage (Kanyip, 1997). The sophistication of the products of the industry and their complex nature and the general disability of the consumer regarding his capacity to detect any defect in the product on a visual inspection, as to determine their fitness for purpose, gave rise to enactment of laws, rules and regulations and the setting up of regulatory agencies with specialized manpower and knowledge to protect the consumer, as well as safeguard the economic health of society (Monye, 2005).

The average consumer, especially in Nigeria, has not been exposed to the types of products and service sophistication and proliferation he is now experiencing. Unfortunately, the number of illiterates outnumbers the literates; therefore, the protection of the consumers is of paramount importance (Onah, 1979). The phrase “consumer protection” has been defined as “legislation, which protects the interest of consumers”. This definition is clearly restrictive. It excludes other forms of protection, which are not statutory, such as protection from judiciary, trade associations and other voluntary consumer organizations (Monye, 2003). The Encyclopedia Americana defines consumer protection as “safeguarding the buying public from dangerous or inferior goods and services and from fraudulent and other unfair selling practices”. This definition is, however, not comprehensive. It has been shown that the concept of consumerism goes beyond the notion of buyer. Thus consumer protection can be defined as “the act of safeguarding the interests of the consumer in matters relating to the supply of goods and services, fraudulent and hazardous practices as well as environmental degradation”.

2.1. Methodology. Data were obtained from consumers, manufacturers, service providers and sellers of assorted products and services using questionnaire. Also, personal interviews were conducted among selected consumers/users and institutional buyers. The study also employed observation method especially in supermarkets, open markets, departmental stores in Enugu and Onitsha in order to find out whether consumers look out for product information before effecting purchase or not. Five visits were made to open markets, super markets, and departmental stores in order to observe consumers' complaints, their consciousness of their rights in exchange relationships, and how their grievances are handled. Personal interview was used to supplement the much-needed data, which could not be gathered either from the questionnaire or secondary sources.

2.2. Analysis. The analysis that follows adopts a thematic pattern. Accordingly, the following themes

that deal directly with the main theme of the paper are analyzed:

2.2.1. Product information. 35 respondents (38%) said that they read the label on a product before buying whereas 62% do not read the label. This behavior corresponds with the observations made in the course of the study in the various shopping outlets covered in the study. Of the 35 respondents that read the label on a product before buying, 23% look out for direction for use, 9% are interested in the information on ingredients used; while more than half of the respondents (18 or 51%) look out for date of manufacture and expiry date. Six or 17% search for brand name, batch number and name of manufacturer of the product. 12 or 21% of the respondents who do not read product label said that they could not do this because of illiteracy. 29 respondents or 50% said the languages/terms used are always technical, whereas 17 or 29% indicated that they have no time to read it.

2.2.2. Opinion on the adequacy of laws protecting consumers right. In an attempt to understand consumers' evaluation of the adequacy of the existing laws protecting their rights in the seller-buyer relation, 54 or 59% out of the 93 respondents surveyed are of the opinion that laws protecting Nigerian consumers are enough to safeguard them in the market place. Only 39 or 42% indicated that the laws are not enough. When this question was probed further in an interview with selected respondents, it was obvious that the question of not being enough is not unconnected with what they considered 'weak implementation' of the existing laws. There seems to be a consensus that only the National Food and Drug Administration and Control (NAFDAC) are 'proactive, pragmatic and serious' in their enforcement of relevant laws. This suggests that the activities of other agencies (if any) are yet to be felt by consumers.

2.2.3. Awareness of consumer associations. Consumer associations are recognized channels through which consumers themselves enforce their rights in the exchange process. This means that consumers that are conscious of their rights must strive to identify these associations and get actively involved with a view to utilizing such avenue to enforce his/her right. Accordingly, ignorance on the existence of these associations may be a proxy to weak consumer right enforcement behavior. In this regard, 13 respondents, representing 14% of the surveyed sample, claimed that they are aware of consumer associations in Nigeria. Majority (86%) of the respondents are not aware of such associations. Perhaps, this could be one of the factors militating against the growth of consumerism in Nigeria. This also suggests that the existing ones and their

activities (if any) are not being adequately publicized in the media for consumers to know and embrace them.

2.2.4. Ability to identify fake products. Out of 93 respondents, 36 or 39% indicated that they can identify sub-standard, fake or adulterated products. Consumers' inability to identify a fake product could explain why fake and adulterated products are still being patronized in a market place. This implies that manufacturers and service providers should embrace informative advertising to their target audience to enable them (consumers) dictate the "difference" in the market place.

2.2.5. Knowledge of consumer protection laws and institutions, and their objectives. Again, it is believed that consumers' consciousness of the existing laws on consumer protection will go a long way in encouraging the enforcement of consumer rights by consumers. In this regard, eight relevant laws and institutions on consumer protection were listed and consumers were asked to indicate the number of these decrees and institutions they are familiar with. Majority of the respondents, 62 or 67%, claimed that they are familiar with one or two of the laws and institutions. 21 or 23% of the respondents indicated familiarity with four laws and institutions whereas 7 or 7% said they are familiar with six. Out of the 93 respondents, only three or 3% indicated that they are familiar with all the Decrees and Boards.

For those who assert knowledge of one, two, four, six and all the eight listed legislations; they were further asked whether they know the key objective of such legislations. Out of the 93 respondents that indicated knowledge of one or all the laws and institutions listed, only 42 or 45% know the key objective of these laws and institutions whereas 51 or 55% do not know the main objective.

To further test the extent of consumers knowledge of the main objective of the laws and institutions, which they claim they (consumers) are familiar with, they were asked to indicate the objectives they (listed legislations) share in common. 31 respondents representing 33% of the total respondents (93) are of the opinion that their common objective is the protection of producers/resellers whereas only 25 or 27% indicated that they share consumer protection as their common objective. Further, 5% of the respondents who claimed they know some of the consumer laws listed do not even know their common objective.

2.2.6. Consumers' knowledge of their rights. When discussing consumers' rights, it is pertinent to understand the extent to which consumers have

knowledge concerning their rights in an exchange process. One of the ways to establish this, is to understand whether they ask for receipts in each transaction as this represents a clear evidence that the transaction took place in the first instance. Thus, they were asked whether they always obtain receipts for products they buy or services rendered to them. Most (65%) of the consumers indicated that they do not ask for receipt after making purchases. Only 33 respondents or 35% indicated that they obtain receipt after every purchase.

Also, to further ascertain whether consumers are conscious of their rights in exchange relationship, they were asked to indicate their action whenever they discover a purchased product to be fake, sub-standard or adulterated. 55% of the respondents would stop buying the brand of product, 32% said that they will take it as their luck, and 13% said that they would fight for their rights through legal processes.

Further, 76% of the respondents have never taken any report of fake, sub-standard or adulterated product to such agency like SON or NAFDAC. Only 24% said that they have taken legal action or reported to consumer protection agencies. These responses corroborate with the answers consumers provided during personal and focus groups discussions where they anchored their unwillingness to go to court on Nigerian “factor”. They are of the view that Nigerian “factor” perverts the course of justice.

Major conclusions

Some findings are obvious from the above analysis. First, most consumers do not take time to study the label on products before buying. As a result, they rarely know when the product was manufactured, the batch number, and the expiry date. In some cases consumers indicated that the languages or terms used to describe the product, especially pharmaceutical products, are always technical. They found it difficult to understand the terms.

Second, consumers’ awareness of the laws that protect them in exchange relationship is low with its concomitant law and in some cases absence of litigations against sellers even in cases of obvious infringement. It is therefore not surprising that a good number of the respondents claimed not to be familiar with the objectives of most of the consumer protection laws and institutions. These conclusions are further collaborated by the total absence of vibrant consumer association in the area surveyed.

Third, most consumers do not obtain receipt/invoice after purchase. The non-availability of receipt makes it difficult for consumers to take legal action when they discover that they have been cheated, exploited

or bought fake products. Issuance of receipt(s) to a consumer after purchase is his right and not a privilege. This is a clear indicator that most of these consumers are ignorant of their rights in buyer-seller relationship. The few ones that are conscious of their rights find it difficult to seek redress in court because of fear of Nigerian “factor” which perverts the course of justice.

Recommendations and implications

The enforcement of consumers’ right should not be considered sole responsibility of the government, as such; it makes sense for civil societies to participate in the enforcement of consumers’ right as part of the campaign against social ills. Also, the Nigerian press has a key role to play in advancing the cause of consumers. One possible means to achieve this is to devote a sections of daily/weekly newspapers for consumer education and enlightenment. Television and radio station can introduce a weekly program bordering on consumer protection and their rights.

Organizations should establish a division of consumer affairs to participate and represent consumers in all corporate decisions; respond to consumer inquiries and complaints; inform and educate the consumers. The department shall also be concerned with monitoring consumer satisfaction with company products, predicting and detecting areas of consumer discontent and representing consumers and other social interest in corporate policy-making.

Safety consciousness of the manufacturers: Manufacturers should safeguard their interests by watching out for fake brands of their products. Manufacturers of these fake products should be traced through the sellers of the products and appropriate action taken. Tamper proof devices should also be adopted. The manufacturer should take care of any noticed lapses in the mode of corking or sealing his product. Failure to do so should be seen as a breach of duty on the part of the manufacturers.

Government being the trustee of consumers’ trust should perform the following functions: enhanced commitment of government and regulatory agencies. Enhanced commitment of the government in consumer protection will go a long way towards improving the level of consumer protection. Thus, in addition to various laws and agencies that have been put in place, adequate working tools such as funding, training, and facilities should be provided to enable the agencies to carry out their obligations as provided in the laws establishing them. Consumer Protection Council (CPC) has been saddled since

inception with poor funding with its crippling effects on their operations. Moreover, all the enforcement officers should see their roles beyond financial rewards. They should consider themselves custodians of public health and safety.

There should be intensified consumer education. To

achieve this, regulatory agencies should embark on intensive enlightenment campaigns. This will make the average consumer aware of his rights, expose him to channels of redress and pave way for informed choice of products, consequently forcing sub-standard and fake products out of the market.

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