

# World Consumer Day – Healthy Food

Business

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by Sarath Wijesinghe

## World Consumer Day

( March 12, 2015, Colombo, Sri Lanka Guardian) The World Consumer day is the day the consumers flex their muscles to demand their due place in the society, as one of the most powerful but a neglected group. It is President John F Kennedy, who initiated the modern trends on consumerism in the modern way, though the concept of consumerism runs back to thousands of years intermingled with business, Competitive Law and theories forwarded by thinkers such as Aristotle and Hobbs on the subject. World Consumer Day was first observed on 15th March 1983, which is now continuing to celebrate worldwide. Two years later, on 9th April 1985 the United Nation's General Assembly adopted the UN Guidelines for consumer protection, following a decade of hard lobbying and hard work of consumer organizations worldwide. The guidelines adopted the principles of this eight consumer rights to provide a framework for strengthening national consumer protection policies of respective states and governments, which has changed according to the respective trade practices and economic policies. The "Consumer" worldwide is a powerful force well organized with the media worldwide. In the United Kingdom, when a leading "Coca Cola" company was using water from Thames River for production, it is the media and magazines such as "Which" who were in the forefront to confront the Giant multinational companies. They say in the West that consumer is always right and he is the king. Organized consumer could dictate terms to the supplier and manufacturer. Unfortunately in Sri Lanka the consumerism and consumer activism is less organized, developed and less powerful. It is a moot question whether in Sri Lanka and Asia consumer is the King or at least aware of the power and right of this powerful force. It is time for the Civil Society, NGO's and other organizations to come forward at this hour of need to save and protect the consumer against exploitation and unhealthy trade practices of the trader, manufacturer and ineffective regulation. Current topic is healthy diet, which is current that has direct effect on the present and the future generation of our nation.

## Consumer

Consumers refers to individuals or households that use goods and services generated within the economy, who uses any product or service. In free market economics, consumers are presumed to dictate what goods are produced and are generally considered the centre of economic activity.

## UN & Consumer Rights

The identified rights by the UN are \* Right to satisfaction of basic needs, \* Right to safety, \* Right to be informed \* Right to choose, \* Right to redress \* Right to consumer education and right for a healthy environment and by adoption of the guidelines, consumer rights were finally elevated to a position of international recognition and legitimacy, acknowledged by developed and developing countries alike, yet they can continue to be ignored or trivialized by governments producers companies and powerful interests. These rights sometimes are otherwise embodied in the legislature. Chapter on our fundamental rights jurisdiction and public law remedies available in our system of law has some opening in the promoting protecting and enjoying consumer rights, which is a basic human right. These rights are codified and implemented in various ways. The best and the most effective mode is consumer activism, which is also known as consumerism, which is in the top of the agenda worldwide today. Obviously, today is the zenith of the activity of world consumerism for the year.

## World in Crisis

***Today, world is in crisis and in trouble as a result of consuming unhealthy food jointly by developed and developing countries equally, whereby the curse has spread worldwide demanding immediate constructive and permanent action by Governments and the Public Sectors in order to save the world from long and short term complicated disease. Out of few main causes resulting death due to unhealthy food are in the forefront on the mass death squad and out of which Over Weight and Obesity, High Blood Pressure, High Blood Glucose and High Cholesterol is in the forefront. Surprisingly obesity alone is costing US \$ 2 billion per year which is fast growing with other groups.***

## Events at IPS

World Consumer Day organized by the Institute of Policy Studies (IPS) is a part of activism for the protection of the Sri Lankan consumer. We are grateful to Consumer International for this strong activism and urge their member, Consumer Affairs Authority to engage on the consumer activism on the World Consumer Day as an awareness leadership event as the main regulator in Sri Lanka on consumerism. We hope next year CAA will take the lead on Consumer Activism through the consumer organizations established under its umbrella.

## Grave Danger

Sri Lankan population (Sri Lankan consumers) are in grave danger of being reaching to be the leader of Asia in the club of Diabetic and Obesity. Unfortunately in Sri Lanka, the water we drink is poisonous, contaminated and foods and vegetables we consume, either natural or cooked form

are semi poisonous, Fruits, Vegetables and rice are over fertilized due to excess in high usage of chemicals, threatening us to be a Nation of Cancer ,Kidney Diseases and other medical complications. Due to bad food patterns and unhealthy food, we are reaching to be the leader in the diabetic meanness in South Asia, which takes 1.5 million lives per year.

It is a mandate of the regulator to protect consumer against marketing of goods or provisions of services, which are hazardous to life and property of consumers, protect consumers against unfair trade practices and guarantee that consumer interests are given due consideration. To ensure wherever possible consumer will have adequate access to goods and services and to seek redress against unfair trade practices restrictive trade practices and other forms of exploitation. (CAA Act)

## **Junk Food**

Junk Food is unhealthy and/or has poor nutritional value according to food standards agency in the United Kingdom. It contains high levels of saturated fat, salt, sugar, numerous food additives such as monosodium glutamate and trans fats. At the same time Junk Food is lacking in proteins, vitamins and fiber. It is popular with suppliers because it is cheap to manufacture and has a long shelf life and does not necessarily need refrigeration. It is popular in the USA and the trend is spreading fast over the world encroaching poor and underdeveloped countries as well because it is so easy to purchase, requires little or no preparation with lots of tasty flavor. It is always associated with Obesity, Heart Diseases, Type 2 Diabetes, Dental Decay and many other diseases.

Mostly junk food is snack which is mainly consumed for enjoyment than health and good living. This is a cancerous habit which is fast spreading all over the world due to ferocious advertising techniques, by multinational companies mainly targeting and aiming at the future generation. Pseudo Heroes and names such as Pokeman, Batman, Superman and hundreds of games are being used via supermarket “Giants” and modern IT mechanics and many other modern forms of enjoyments to attract children and young generation for JF. Former Prime Minister of Great Britain increased the government funding to schools for a balanced diet for the children discouraging them from consuming “JUNK” which has the potential to ruin the nation in the near future. JUNK food chains have got the message and started introducing salad and health food to the children and public. It is sad that our children and even adults drink cola which is short and long term poisonous without consuming “Tambili” which is one of the best cheap and healthy drinks available at a much lower price than Cola. It is informed that we have 40,000 food outlets out of which only a few are safe, and adopt safety standards. In this country any one could start a food outlet without any requirement. Multi National, local Junk Food outlets are spreading all over the country fast. It has become a style for the young and even the elder generation to eat from these chains, which are now deserted in the West as consumers are now health conscious. They read and look into the health aspects before consumption of any food or drugs.

## **Consumer Protection**

Consumer protection law or consumer law is considering an area of public law that regulates private law relationships between individual consumers and the business that sell those goods and services. Within law, the notion of consumer is primarily used in relation to consumer protection laws and the definition of consumer is often restricted to living persons not corporate or businesses and excludes commercial users. Consumer protection is a form of government regulations which protects the interests of consumers. Consumer under the CAA act is defined as actual or potential user of any goods or services made available for a consideration by any trader or manufacturer. This gives a broader meaning to include all citizens as consumer as even a person who intends to purchase any consumer item or service is considered to be a consumer by definition. Government may require businesses to disclose detailed information about products particularly in areas where safety or public health is an issue such as food. Consumer protectionism linked to consumer rights and to the formation of consumer organizations which help consumers make better choice in the market place. This shows that there should be joint force by the Government, Trader, Manufacturer, Industrialist and the consumer to make our country a better place to live.

### **Western Ideology**

According to western ideology consumer interests can also be protected by promoting competition in the market which directly and indirectly serves consumers, consistent with economic efficiency but this topic is treated in competition law. Unfortunately act no 9 of 2003 has omitted this area, which is being used in USA, Japan , UK and Europe to bring cost down by competition of trade. Good news is that steps are being taken to reintroduce this area of law to the proposed act. Our traditional system of price control was completely overhauled by the introduction of the free economy and subsequently introduction of the present Consumer Authority Act no 9 of 2003, which has replaced the Consumer protection act, Fair Tiding Commission act, and control of Price act which implemented the policies of governments of closed and planned economy. Today the only piece of legislation in this area of law is the CAA act in which the consumer is protected mainly by regulatory powers in Part 11 of the act which has power of indirect price control, of certain items only by enforcing Section 18 of the act. Under the act the Government is expected to protect not only the consumers but the Trader as well. It states that policy of the Government is to provide for tbetter practitioner of consumers through the regularities of trade and the prices of goods and services and to protect tracers and manufactures against unfair treaded practices and restrictive trade practices. CAA act is helpless before number of multinational and Company Giants. Prima, Gas Milk food and cement companies stand firm against regulatory powers of CAA by ignoring the decisions of the Authority. Dishonest trader has a field day due to the lacuna in the implementation process of the instrument. Government alone will not be in a position to deliver goods. It will only act as a catalyst as provided in the act which encourages formation of consumer organizations. Steps are being taken to amend the legislation shortly for more effective mechanism of consumerism in Sri Lanka.

### **Other Regions in the World**

California CAA regulates 2.3 millions professionals successfully. Europeans Union regulates the consumerism in all EU countries including UK by EU directives which is powerful all over Europe, This gives food of thoughts for us to make use of SAARC as a vehicle following the steps of EU in consumerism and legal system as well. In Africa consumerism is powerful and effective, specially in South Africa. In India consumerism act is effective with consumer codes and public interest litigation.

In the UK many Cooperatives own chains of supermarkets, and Japan cooperative movement has 14 million members. Consumer in other parts of the world are organist and powerful and today the world consumer day is show of strength and solicit among all citizens who are consumers as John Kennedy has suggested at the World consumer day in USA. In Sri Lanka consumer has embraced the Credit Card System and to patronized food and Tesco type chains of mega shops by eliminating the small time traders and small markets with fresh fruits and vegetables.

Is the CAA is a toothless Institution

The CAA act is a mixture of USA, Australian. Canadian and Tradition UK/Sri Lankan system enacted with lot of hopes but unsuccessful as it lacks teeth for implementation. It is the main regulator and the watch dog. It has power to control prices of identified items and regulate trade by undertaking studies(s9), issuer directions(s10) prohibit sale above market price(11), determining standards(s12) Inquire into complaints(13) Enter into agreements with traders(s14) Prohibit refusal to sell(s15) Prevent hording of goods(s17) control of consumer items or services after Minster has made a gazette notification and other regulatory powers under part 11. The execution and implementation is via the ordinary courts and it is only CAA has power to procure. CAA has proposed the “Consumer Courts” which is prevalent in India where any aggrieved party can invoke the jurisdiction and the concept of Citizens Advice Bureau which is the consumer activism network in the United Kingdom. Steps taken up recently by conducting cases in one court in Colombo is a step in the right direction as a step forward. Consumers await the implementation of the concept in full for the consumers to enjoy their due place in the society.

## **Our Ultimate Goal**

Our ultimate goal is to protect the consumer and maintain the goodwill and equilibrium with all other players such as consumer, trader, manufacturer and the regulator. We need alert consumer and Just trader. Consumer should be alert and smart. He should know when to buy, where to buy and how to buy and to lead a simple life to bring down the cost of living. Trader can be just while trading the honest profession. The umpire in the process is the Government as the regulator and the watch dog of fair play and impartiality. CAA has mooted this concept through three weekly consumer pages in all media. The responsibility is in the hands of the consumer which has the ultimate power and authority to activate others and himself. The best opportunity and the vehicle is the world consumer day and the organizations surrounding the world mechanism for a better day for the consumer for healthy consumer items and services of high standard of quality at a reasonable price.

*The writer is a Solicitor, Attorney at Law, Former President – Consumer Affairs Authority. He also served as the Sri Lankan Ambassador to UAE and Israel.*

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