

## **CONSUMERISM THE SHAME OF MARKETING IN NIGERIA. CHALLENGES TO CORPORATE PRACTICES**

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**ABSTRACT:** *Is it legitimate that consumers should make their dissatisfactions known? Do consumers in Nigeria ever have any chance to complain about defective products? Are producers using God's name to certify that their products can be sold here on earth and in heaven? Defective products are becoming more evident, and producers are denying all the defective products they manufacture. With consumers greater education and sophistication, they are increasingly demanding for their rights and power. ICT has made it much more easier. They are asking for their rights to safety, information, choice and hearing, unlike in the past. This when consumers raise their voices in protest against unsafe or adulterated products, when government official investigate illegal deals by both businessmen and the legislatures (oil subsidy and power supply probes – Otedola and Farouk Lawal), when protests emanate from our various campuses of tertiary institutions or our streets as a result of the increase in the pump price of fuel and kerosene, or failure of business to clear up the environment, all are complaining that business and those who run or supervise it is a nuisance to the consumers and do not take the consumers into confidence in affairs that concern them. This paper discusses the historical origin of consumerism, the causes, the factors contributing to the rise in Nigeria, its growing importance and the various measures that the government, individuals, organizations, journalists, and the marketer's specific measures to react to increasing consumerism in Nigeria. It concludes by looking at the future of consumerism in Nigeria and what actions organizations needed to take to react to it positively. Many companies are trading in the intrinsic values of the brand. Consumer complaints is part of business, is part of business because they have positive effects for the organisation and their products, as it is a way by which wayward businesses and organisations are made aware of their lapses, and can begin to right the wrongs spotted out by the consumers. Customers and consumers are the kings, queens, princes and princesses of business, are sovereign and must be treated excellently well and fairly, to enable the companies to maintain their profitability, market share and loyalty. Ayozie (2012), Akpanenua (1999) declared that the consumer entity in Nigeria is hapless, hopeless and helpless. To him consumer sovereignty sounds fairly fallacious and folly. Consumerism will answer this.*

**KEYWORDS:** *Consumerism, Consumer rights, Marketing, Servicom, Consumer laws, Consumer movements.*

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### **INTRODUCTION**

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and organisations are made aware of their lapses, and can begin to right the wrongs spotted out by the consumers. Customers and consumers are the kings, queens, princes and princesses of business, are sovereign and must be treated excellently well and fairly, to enable the companies to maintain their profitability, market share and loyalty. Ayozie (2012), Akpanenua (1999) declared that the consumer entity in Nigeria is hapless, hopeless and helpless. To him consumer sovereignty sounds fairly fallacious and folly.

Marketing is a constantly evolving craft and discipline. As society changes, so do our ideas of what constitutes effective and socially responsible marketing. Starting in the mid-1960s, several forces arose to challenge some of the major premises of marketing practice. These forces constitute a new marketing environment and pose challenging questions about the appropriate character of effective and socially responsible marketing in the years ahead. Some of these new forces in marketing are Consumerism, Environmentalism, Shortages, E-mail Marketing, Inflation, Government Regulations and Marketing Ethics. The focal point of this paper will be on CONSUMERISM.

### **Marketing and Consumerism**

Marketing's ethical issues are of course, inextricably bound up with consumerism, and the implications for both reach beyond the boundaries of 'marketing management'. The response of marketing to consumerism presents us with philosophical as well as practical questions. Kotler's (2005) call for a 'revised marketing concept' would take into account the long-term moral and social issues with which marketing should now concern itself. Before examining further such a concept, we should recognize certain practicalities which complicate the issue.

The essence of marketing strategy is to think and plan for the long term. This strategic approach is also essential if a firm wishes to adopt an increased social orientation and respond positively to consumerism. The economies of business life on the other hand, tend to invoke short-term concern, and while the evidence of successful long-term strategy is all around us, this is never easily achieved. It is likely that such difficulties will be accentuated by the addition of a consumerist/social dimension to long-range planning. The second important consideration is that of the social/economic environment itself. Consumerism, taken to its logical and ultimate conclusion, implies a major redistribution of wealth and power.

### **Origin and Development of Consumerism (Globally and in Nigeria)**

#### **Origin**

Starting in the 1960s, American business firms found themselves the target of a growing consumer movement. Consumers had become better educated; products had become increasingly complex and hazardous; discontent with American institutions was widespread; influential writers accused big business of wasteful and manipulative practices; presidential messages of John F. Kennedy and Johnson discussed consumer rights. Congressional investigations of certain companies and their practices proved very embarrassing and finally. Onah (1988). Ralph Nader appeared on the scene to crystallize many of these issues.

#### **Consumerism in Nigeria**

There is no known recorded history of consumerist movements or activist in Nigeria. But in the early 1970s, due to industrialization and mass production of goods, and with increased education and sophistication of the buyers/consumers, there were greater demand for quality products and the need to be informed. Many of the consumers complained to the consumer

protection unit, a section established in the Federal Ministry of Trade in Abuja and Lagos, to take care of the problems of the consumers from the unscrupulous activities of most business organizations. There were journalistic exposures, especially in the Print and Electronic medium, that Newspaper and magazines have dedicated consumer rights page sections. The electronic media also dedicated airtime towards exposing the deficiencies in business practices and in the products. The Federal Radio Corporation of Nigeria, the Nigeria Television Authority, the African Independent Television and Ray Power were in the vanguard of the exposures. There were new laws by the legislature and from the government, and a growing numbers of pressure groups were established in most commercial cities of Aba, Lagos, Onitsha, Ibadan, Kaduna and Kano. These pressure groups have put more restraints on marketers and producers. Now marketers have to clear their plans with the company's legal, public-relations, public affairs, and the consumer affairs department. What this entails is that public and private marketing transactions have now moved into the public domain in Nigeria. These days in Nigeria, every business and consumer entity in Nigeria has formed itself into an association e.g. Bricklayers, Shoe Shiners, Motorcycle Riders, Blacksmith, Mobile Telephone Consumers, Airline Users, and Luxurious Bus Users Associations. There are endless list.

Governments are not alone in the fight for consumer protection. Apart from the cases cited above of the efforts by the governments to protect the consumer, we have such organisations and associations as the Tenants Association, the Consumer Association in Lagos, Aba, Kaduna and Onitsha, the Enugu Consumer Movement, the Consumer Club of Awgu, the Consumer Association of Abuja and the Consumer Protection Council of Nigeria.

These organisations and/or associations are formed with similar objectives, such as:

- (a) To review the position of consumers in relation to suppliers who are traders and sellers.
- (b) To explore ways and means of checking the perennial scarcity created by unscrupulous traders.
- (c) To curb the ever-rising prices which create inflation and render the earnings of workers worthless.
- (d) To promote consumer education.
- (e) To provide consumers with information on various consumer issues.

These associations have tried in their little ways, but the effect of their operations is yet to be felt in the society. These organisations and associations will surely come to the fore in time as scarcity of goods continues, and as citizens become more aware of their rights, especially with the advent of the ICT (Internet Communication Technology), and the mobile telephone and other communication devices.

### **Consumerism**

Due to the poor marketing practices, consumers have taken the initiative to make sure that business firms serve them properly. They now demand help and advice on weights and measures, safety, standards, informative labeling, reliable performance, advertising claim, and other forms of guaranteed satisfaction through the press and consumer protection movements. Consumerism aims to protect the rights and interests of consumers and help them deal with all organizations with which they have an exchange relationship.

### **Consumerism Definition and Explanation**

Ayozie (2002) sees it as an organized movement of citizens and government to strengthen the rights and powers of buyers in relation to sellers. Consumerists have advocated and win the right to know the true interest list of a loan, the true lost per standard unit of competing

brands, the basic ingredients in a product, the nutritional quality of food, the freshness of products and the true benefits of a product. In response to consumerism, several companies in Nigeria, both small, medium and large have established consumer affairs departments to help formulate policies and respond to consumer complaints.

Consumerism is simply seen as a “social movement seeking to augment the rights and power of buyers in relation to seller”. Kotler (2009), Baker (1976).

Consumerism is defined as, “activities of government, business and independent organisations that are designed to protect individuals from practices that infringe upon their rights and consumption. This view of consumerism emphasizes direct relationship between the individual consumer and the business firm” Sethi (1974).

To understand the full implications of the above definition, it is worth while examining what these rights have traditionally been held to be. The sellers have the following rights;

1. To introduce any product in any style or size provided that it is nor injurious to health and safety, and provided that potentially hazardous products are supplied together with appropriate warnings.
2. To price products at any level provided that there is no discrimination among similar classes of buyers.
3. To say what they like in promotion of their products provided that any message is not dishonest or misleading to content or execution.
4. To spend any amount of money the wish, to promote their product and to introduce any buying incentive schemes provided that these cannot be defined as unfair competition.

Buyers in their turn have their own rights and the right to expect certain things from sellers and their products.

1. Not to buy products offered to them.
2. To expect the product to be safe.
3. To expect that the product is in fact essentially the same as the seller has represented.

An appreciation and knowledge of the respective rights of the buyer and seller helps to put the consumer problems into perspective.

Comparing these rights, many believe that the balance of power lies on the sellers’ side. It is true that the buyer can refuse to buy product. But it is generally felt that the buyer is really without sufficient information, education, and protection to make wise decisions in the face of highly sophisticated sellers. Consumer advocates therefore call for the following as additional consumer rights:

4. The right to be adequately informed about the more important aspects of the product.
5. The right to be protected against questionable products and marketing practices.
6. The right to influence products and marketing practices in direction that will enhance the “quality of life”.

The right to be informed includes such things as the right to know the true interest and cost of a loan (truth-in-lending), the true cost per standard unit of competing brands (unit pricing), the ingredients in a product (ingredient labeling), the nutritional quality of foods (nutritional labeling), the freshness of products (truth-in-advertising).

The proposal related to additional consumer protection includes the strengthening of consumers’ position in case of business fraud as presently undertaken by the Economic and Financial Crimes Commission (EFCC), the Central Bank of Nigeria (CBN), National Deposit Insurance Corporation (NDIC) and Asset Management Company (AMCON) as in the liquidated commercial banks in Nigeria, the requirement of more safety to be designed into

products, (NAFDAC) – National Agency for Food Drugs and Administration and Control and the issuing of greater powers to existing government agencies.

The proposals relating to quality-of-life considerations include regulating the ingredients that go into certain products (detergents, gasoline) and packaging (soft-drink containers), reducing the level of advertising and promotional “noise (in both print, electronic, internet and outdoor)” and creating consumer representation on company boards to introduce consumer welfare considerations in business decision making.

### **What actually should the consumer rights be?**

In 1962 President John F. Kennedy (Kotler 2009) clearly delineated four basic consumer rights. His declaration was probably the most important single step in the advancement of consumerism. He proposed the following ‘consumer rights’.

1. **The right to safety:** Consumers have the right to expect that products do not possess hidden dangers. This was the basis of Nader’s campaign against the automobile industry. In the UK, the aftermath of the thalidomide affair forced attention to turn on food and drugs. Occasionally, such attention has led to allegations of alarmist activity by consumerists. In the US the use of cyclamates in artificial sweeteners was alleged to have a carcinogenic effect. Subsequent investigations held that such products were harmless in the quantities normally consumed by human beings.
2. **The right to be informed:** Consumers should be protected from inadequate and misleading product information and from deceptions in advertising, guarantees and product labeling. Possibly the most extreme example is that of cigarette advertising and the introduction of government health warnings. Other examples are less controversial, but the idea remains the same: consumers should be responsible for their purchase decisions only after having been in receipt of adequate product information.
3. **The right to choose:** Consumers have the right to real competition among sellers and should not be subjected to confusing promotion and product labeling. An experiment in California showed that such was the variety and complexity of labeling, that supermarket shoppers were incapable of relating quantity to cost when making purchases.
4. **The right to be heard:** Consumers have the right to express their dissatisfactions in a manner which will attract attention and so achieve positive results. Consumerists argue that individual consumers, apart from having no ‘voice’, do not necessarily have the time or the skills to make complex choice decisions or to absorb product information when it is preferred. Organized bodies should, therefore, be established to speak for them. A further argument is that modern shopping methods have distanced the seller from the buyer so that dissatisfactions are difficult to voice with any degree of success.

The need to protect the above rights has led to the enactment of laws in many countries such as Sales of Goods Act (1893) and the creation of government agencies such as Standard Organization of Nigeria, National Agency for Food, Drugs and Administration Control (NAFDAC), the Consumers Right Protection Council (CRPC), SERVICOM and AMCON.

### **Additional Types of Rights and Abuses Suffered by the Consumers in Nigeria**

Rights to which abuses are inflicted against consumers may be classified as protection of consumers against threat:

- to life and property
- to market in perfections, deception and fraud
- from other consumers. Sethi (1974)

### **Threat to Life and Property**

Technological breakthroughs are presumably responsible for threat to life and property and could be classified into two main classes.

1. *Protection from the voluntary consumption of goods and services* – It refers to buying consumer durables or non-durables which a consumer knows are defective. Indulgence in smoking and drinking or the boarding of an overloaded vehicle sometime with poor tyres, for example cigarettes and alcohols have been confirmed by health experts as slow killers.
2. *Protection from involuntary consumption of polluted environment* – Indeed, we live in the midst of smog, oil stained beaches, polluted water, automobile and garbage grave yards environmental and urban decay, they are not only eyes sores, but also offend our senses and threaten our health and well being and stifle development.

### **Protection against Unethical Business Behaviour**

Sethi (1974) explained this as economic loss, sacrifice or disutility suffered by the consumer in the market place. This could be categorized into four categories.

- *Protection Against the Dark-side of the Market Place* - This involves activities which the producers and marketers deliberately deceive the consumer with fraudulent advert and high pressure tactics. Sethi (1974). That business has been deceiving consumers by misleading advertisement became dramatic in Kenya, where three multi-national baby food companies – Glaxo, Nestle and Cow and Gate had accepted a new code of ethics introduced by the Kenyan Minister of Health – “that breast feeding is the best method of feeding an infant in the first months of life”. Earlier, the baby food companies informed the public that manufactured baby foods were better than breast milk. The Minister forced them to reverse that claim.
- *Freedom of Choice in Relation to Monopoly Power* - Healthy competition has been driven out of the market place by price collusions among oligopolists and by subversive activities. In some Nigerian Markets, Market Traders’ Associations ration market days among themselves in order to create artificial oligopolistic market environment where consumers have limited choices to make.
- *The right to be informed of product attributes* - Information affecting quality, safety, portability, disposability, efficacy, design, style; size, weight, colour, cost, guarantee/warrantees, service policy and service availability of a product. These pieces of information are usually not forthcoming.
- *The right to fair hearing* - It is concerned with the plight of consumers while seeking redress. Fair hearing is almost non-existent in the Nigeria market place. Justice is expensive in Nigeria, to seek redress is therefore out of the reach of a man in the street. However, a celebrated cases filed in 1982 in a high court by a retired Permanent Secretary against Peugeot Automobile of Nigeria Ltd (PAN), praying the court to declare the new Peugeot 305-SR unfit for the Nigerian market. He disclosed that he spent over N400 a month for repairs while the air-conditioning unit on his brand new 305-SR have never worked. (Akpanemia 1998).

### **Protection from other Consumers**

This is subjected to two topical areas namely;

- the deterioration of the physical environment, and
- social safety and humanity imbalance.

\* *The Deterioration of the Physical Environment* – The Societal consensus is that, there is a deterioration in our physical environment. It is a long term effect of technological breakthroughs which falls into two dimensions:

(i) Aggressive resources depletion and exploitation:- The desire for industrial and technological innovations which lays a heavy burden on natural resources indicates that limitation to growth is apparent. Moreover, the natural vegetation disappears on daily basis giving room to accommodation and cultivation.

(ii) Environmental Pollution:- The major sources of pollution include solid waste disposal, water and air pollution.

\* *Social Safety and Humanity Imbalance* - In a mass consumption society, the physical safety considerations should not be dismissed with a wave of hand.

In our society, there is evidence of the importance of social pressure of conspicuous and non-conspicuous consumptions. This is going to be discussed under the following headings:

(i) Safety and Protection from other Consumers:- This include the effects of smoking on non-smokers, reckless discarding of potentially dangerous containers, bottles, metal cans, automobile bodies, tyres, agricultural and mining waste. Turning on musical sets at maximum without minding how it affects the next door neighbour, reckless and mindless use of the places of convenience. The oozing of carbon from a damaged vehicle exhaust – pipe into the air, indiscriminate use of deafening horns by motorists or the abandoning of breakdown vehicles on the middle of high ways recklessly without adequate safety warning devices.

### **Causes of Consumerism in Nigeria and Globally**

Onah (1988), Ayozie (2002), Kotler (2008), listed the prominent causes of consumerism as the following, in Nigeria and globally:

- Inadequate standards of performance of many products; e.g. Electronic products, drugs, detergents, milk, sachet and bottled water, soft drinks, meat, etc.
- Completely misleading and untrue advertising claims together with inadequate product information, and deceptive selling practices, all of which has led to clear-cut abuses and infringement upon the rights of consumers. It has been reported that consumer groups are campaigning vigorously in Nigeria, and globally for the right to use free broadcasting time for counter-advertising as a public service.
- Increasing technological complexity, standardization, automation, mass production and marketing of goods, all of which make it impossible to consider individual needs or those of few people in the design and manufacture of products. In fact, consumerism as we know it today, is a reaction against the depersonalization of consumption arising from mass production and mass distribution.
- Poorly designed, shoddy, catchy-kobo-kobo, goods that are incomplete or ill-conceived. (Sachet “Pure Water”).
- Desire to keep outdated goods in the market because of investments already put on it.

### **Consumerism Today in Nigeria**

Despite the initial reluctance of firms to respond to the consumer movement in Nigeria, the 2000s have witnessed definite progress in the attitudes and actions of business organizations in Nigeria. That this has been due to enlightenment. What is more certain is that governmental and legal action has obliged companies not only to initiate change but also has permitted the realization that consumerism has become a fixture of society which, if properly approached, can provide positive opportunities for marketing management. The creation of a NDIC, AMCON, SERVICOM, NAFDAC, CBN and Consumer Protection Council testifies to the government's commitment to consumer protection. The following laws and action below details the extent of remedies in law and sources of advice which are available to consumers. It is, therefore, perhaps lamentable that statutes and official bodies have had to be the instrument of change, but what is important for the consumer is the fact that change has taken place. It is significant that major companies in the retail sector have adopted unit pricing voluntarily or have insisted on explicit labeling details. Other businesses have published true rates of interest (annual percentage rates) for credit deals or have used the fact that their products adhere to the respective regulations as a major theme of their promotional campaigns. Whether this is altruism or a response to legislation is not really relevant; the important thing is that these initiatives have been taken place in Nigeria. Some of this very relevant and specific laws defines the extent of government sensitivity to consumerism in Nigeria are.

#### **Factors Contributing to the rise of Consumerism in Nigeria**

It is only when business and industry deny the consumer his rights that he reacts vehemently. The rise of consumerism in Nigeria can be attributed to several factors.

Onah (1988) enumerated the Nigeria factors as Ohms

#### **Unscrupulous Business Practice**

In the attempt to get rich quick some businessmen and women indulge in unscrupulous business practices. For example, many expired drugs/canned foods are on widespread sale in our markets in Nigeria. Currently, food poisoning has been incessant in our households and educational institutions. This is because spoilt tinned foods, dirty sachet water, adulterated products and dirty food items, find their way in to our markets instead of being destroyed. The consumer has become helpless in the hands of some of our businessmen and women. The porous Nigerian borders and the unscrupulous activities of our law enforcement agencies, and business people have made illegal business to thrive not minding the stringent laws against it. Smuggling of items is illegal in Nigeria.

#### **Scarcity**

Scarcity of goods and services in Nigeria has given birth to high prices. The continuous increase in retail prices in the face of perennial scarcity has frustrated many consumers, especially with kerosene, diesel and petroleum where the pump prices kept in rising beyond the reach of the average consumer in Nigeria.

#### **Education**

Today's consumer is better educated than his forebears and thus less unwilling to accept the exaggerated salesmanship and misleading advertisements, shoddy goods and even bits of deceit that buyers once considered the natural hazards of commerce.

With the Universal Basic Education programme, the ICT (Internet Communication Technology) and internet the impact of education will be felt more than ever before.

### **Intentionally Planned Obsolescence**

Mass production and mass marketing have put more products on the market than the consumer is willing to take. This has often led to wild claims by advertisers and even the itinerant sales people about what products can do and the use of sophisticated psychological devices in radio and television programmes to get the consumer to buy the product. (Onah 2004, 1998)

### **Raising Public Expectations of High Standards of Business Conduct and Social Responsibility**

With the increase in the level of education and standard of living in Nigeria, the public expectation of business conduct has risen too. People are now much more aware of their rights as consumers and demand the same from business. Businesses in Nigeria, as in other places, are expected to perform some social responsibilities. Many individuals today accuse business operating in Nigeria of exploitation and profiteering. This is evidenced in the Niger Delta oil militants problem, communal clashes, oil fire disasters, and other cases in other communities.

### **Economic and Social Dislocation**

Consumerism comes as a result of serious economic, political and social dislocation. This type of situation is marked by the rise in consumer prices and declined real incomes. The Nigerian economy is today facing these economic and social ills. The minimum wage crisis, oil subsidy strikes are all indications of economic, political and social dislocations in Nigeria.

### **Wild Claims**

Consumerism exists in Nigeria because of the four peculiar ills rampant in some businesses today, namely deceptive promotions, hidden charges, sloppy service and unsafe or impure products. Such claims are rampant in the local drugs and herbs produced by the Nigerian herbalists, and in other locally produced and marketed products.

Lack of self-discipline by business firms and reluctance on their part to enforce national and international laws relating to production and marketing of products and services.

Rising incomes and standards of living, plus increasing education all of which have increased the concern of consumers for quality of life and better productions.

Increasing prices which decrease the rise in the real purchasing power and making wise spending imperative, and post-purchase dissatisfaction unbearable.

The influence of writers, consumer protectionists, and political leaders such as Ralph Nader, F. J. Schlink, Stuart Chase, Arthur Kallet, J. K. Galbraith and J. F. Kennedy. They have all sought protection for consumers through their writings and speeches. Some activists have exposed the tendency of some companies to sell dangerous drugs, unsafe cosmetics, and adulterated foods. They have advocated rigorous scientific

testing and product standards as well as product description to provide consumers with information for making wise purchasing decisions.

### **The Increasing Importance of Consumerism in Nigeria**

Consumerism today is enhanced by several social and economic factors which were not evident in earlier traditional expressions of consumerism, and the difficulty of judgements that the consumer faces. The individual consumer finds it difficult to judge the quality of the product in terms of price, package, content, brand proliferation, product obsolescence, after sales services and other product features. The average consumer, especially in Nigeria, has not been exposed to the type of sophistication he is now witnessing. The number of illiterates outnumbers the literates, therefore, the protection of the consumer is the paramount importance.

- Consumerism is important because inflation has made purchase behaviour even more difficult. Rising prices have led consumers expect to increased quality expectations which are not achieved, thus again contributing to the frustration of consumers.
- Information supplied through advertisements is ambiguous, sometimes confusing, mainly false and deceptive claims because the consumer is ignorant of the standards. It is important that the government have stepped in to protect the consumer.
- The competition that results amongst the various producers causes consumers to be confused and this affects their purchases. For example, the ordinary consumer finds it difficult to distinguish between ordinary petrol, kerosene or diesel sold by Mobil and that sold by Agip, or to distinguish between Benson and hedges and Rothmans cigarettes, so he needs protection.
- Advertisement encourages purchases by emotion rather than reason or rationality, and as such the government, organisations and associations should come to the aid of the consumers.

### **Practical Measures for Consumerism in Nigeria**

Attempts to protect the consumer in Nigeria have come from four major sources, namely government, and through its laws, actions and legislations, organisations/associations, journalistic exposes and from the individual consumers. In order to appreciate the stage consumerism has reached in Nigeria we shall discuss the role each of these parties are playing.

#### **Government Policy Measures**

In Nigeria today, some of the most serious attempts to protect consumers and ensure their welfare come from the Federal and State governments. These attempts are both economic and social.

One of the causes of consumerism in Nigeria today is the continuous increase in prices. The then Federal Military Government in the 1970s tried to protect the consumer by the enactment of the Price Control Decree, 1970 and the setting of price ceiling for petroleum and other products. By the enactment of the Price Control Decree, Price Control Committees have been set up in each of the states to monitor the specific prices assigned to products. The government has put a ceiling on the prices of controlled commodities like petroleum to ensure that consumers do not pay more than necessary.

Because the level of consumer awareness in Nigeria is relatively low, consumers are saddled with poor products and services and are subjected to unwarranted hardship over basic services. The Nigerian President has acknowledged that Nigerians have for too long been short changed by the quality of public and private services, which often are not delivered without undue influence. He has noted that public offices in Nigeria are riddled with inefficiency and corruption and have become impediments to the effective implementation of government policies. In a bid to reverse this trend the Nigerian government in 2004 introduced the “SERVICOM” described as service compact with all Nigerians.

According to the government, “SERVICOM” is a social contract between the Federal Government and the people of Nigeria. SERVICOM gives the right to demand for good service. Details of the rights are contained in the SERVICOM charters which are available to the public in all government agencies wherever services are provided. The charters tell the public what to expect and how to expect it, and provided a clear process of grievance and redress in case of service failure. SERVICOM is based on quality services designed around consumers requirements. The scheme applies to all government establishments, including ministries, agencies, parastatals, and other government departments. Under the scheme each government entity is required to prepare and publish a SERVICOM charter which must include basic components, such as a description of service, mission, and vision statements, details about customers service delivery that customers may expect, and a grievance and redress mechanism. In addition, it must contain a statement of what the service requires from staff, management and customers, or even the government. The SERVICOM office monitors the implementation of SERVICOM Charters by service providers. The office conducts a periodic evaluation of service providers and publishes results of its findings. It also facilitates the resolution of consumer complaints by service providers.

The Standards Organisation of Nigeria is another of the public agencies concerned with the welfare of the consumer. It was formed for the purpose of insuring that products and services conform to certain specified standards. It stipulates quality, weights and measures that must be conformed with by business. The APCON Decree 55 of 1988, also stipulates the types of Advert that should be run, and the standard of knowledge of the practitioners in Nigeria.

In protecting the life of consumers the Government has also gone on to promulgate the Food and Drugs Decree, 1974. This Decree prohibits sale of certain food, drugs, cosmetics, sale or advertisement of food as treatment for certain diseases, and various misleading practices. The first right of the consumer – the right to safety – mentioned above, is emphasised by this Decree.

The right of the Nigeria consumer to have good and safe accommodation has often been violated. Both the Federal and State governments for example the Lagos State have come to the aid of consumers by the promulgation of a rent decree and edicts by both the military and civilian governments. In order to execute the decree and edicts, rent tribunals were established both in Lagos and in some other states of the Federation. This trend is bound to continue unless landlords change their attitudes to exploiting the tenants.

Today in Nigeria we notice government’s partial or total commitment to the consumer. The government has not stopped formulating laws and regulations for consumer protection; it has also gone further and put them into action. In the years past a pharmaceutical company was

closed down by the Federal Government, some imported canned beer, toothpaste, textile materials, and food were barred from the Nigerian markets, so many pharmaceutical products destroyed and burnt publicly by NAFDAC and the Custom Services at Onitsha, Aba and Kano cities, and a lot of Adverts stopped by the Advertising Practitioners Council of Nigeria (APCON), and the Central Bank of Nigeria for financial and service advertisements.

Companies and individuals are today being dragged to court on various offences violating the rights of the consumer, as can be seen in the case of Phizer Pharmaceuticals in Kano and Kaduna states, and my pickin product in Lagos, and other cases in other part of Nigeria.

### **Organisations/Associations**

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### **Journalistic Exposés**

Our various newspapers and magazines have certain pages devoted to consumer issues, for example the Consumers' Affairs page of the Daily Times, Punch, Vanguard, Concord, and the Guardian newspapers. Here various issues concerning consumers are discussed by scholars, consumers, writers and researchers who are encouraged to publish their findings in these papers. In the past the Association of Market Women in Lagos State launched a monthly magazine, Shopping News, to provide information and vital statistics for the consumers in the State. Its other purposes also include the provision of an opportunity for visitors to familiarise themselves with the location of shopping facilities in the State. There is also a publication on mortgages and houses for sales in Lagos and in other cities in Nigeria, so as to provide the consumer with a choice in purchase.

### **Consumers' Measures Towards Consumerism**

A lot has been said and written about safeguarding the rights and interests of consumers. Proposals for improving the position of the consumer have come from radicals, researchers, activists and lawyers, who believe that the consumer's present situation is the inevitable result of an exploitative and deceptive system. Often these so-called consumer advocates in our society have called for a fundamental reorganisation of the entire economic system. Often, both the Federal and State governments have been criticised by individual consumers

and consumer organisations and associations in Nigeria, but little attention has been given to consumer responsibilities which accompany these rights. The writer is a great champion of consumer rights to safety and good products and had personally taken up issues of safe products with defaulting companies.

### **Corporate Activities**

Firms, in their own way, contribute towards consumer protection; but most business activities in favour of consumerism have been geared towards playing safe. Attempts are made to avoid confrontation with law enforcement officers and to avoid going to court. A popular measure adopted by most Nigerian businesses is the installation in their premises of suggestion boxes for consumers, consumers affairs department, public affairs department, relationship marketing and public relations and corporate affairs' units.

### **The Extent of Protection Offered According to the Laws enacted in Nigeria**

Perhaps, the most commonly recommended succour for consumers is governmental legislation and regulations. It is against this background that Federal Government of Nigeria set up a number of regulatory bodies and Acts for various areas of consumer problems. Some of these are:

- Standard Organisation of Nigeria (SON)
- Food and Drug Act 1977 (National Agency for Food and Drug Administration and Control 1993).
- The Price Intelligence Agency (PIA)
- Consumer Protection Association of Nigeria
- Consumers' Protection Council

### **Standard Organisation of Nigeria (SON)**

The purpose of SON was mainly to standardise methods and products in industries throughout Nigeria and to ensure compliance with government policy on standardisation. Some of the locally produced products have not attained the standard of SON and hence a cog in the wheel of development and a challenge not only to business ethics but also to the existence of SON.

### **The Price Control Board (PCB)**

This body came into existence on 3<sup>rd</sup> July, 1977. It was charged with the responsibility of regulating prices of all commodities sold in the Nigerian markets. To determine what is considered the fair price and to arrest or recommend for arrest violators of PCB degree. The Price Control Board had never performed this duty creditably thereby slowing down the pace of development and fulfilment of business ethics.

### **Food and Drug Act (FAD) 1977 / National Agency for Food and Drug Administration and Control (1993)**

It was charged with the function of regulating the manufacture, sale, and advert of food, drugs, cosmetics and to repeal the existing state laws on those matters. To impound and arrest those contravening those provisions. To prevent the marketing of drugs that are considered harmful to human beings. Today, there are more fake drugs than ever before in the country while quacks and opportunists dominate the dispensing and sales of drugs. Recently, four officials of National Drug Law Enforcement Agency (NDLEA) were sentenced to 15 years each by the Miscellaneous Offences Tribunal in Lagos for conspiracy, aiding and abetting the escape of some detainees in the agency cells at Ilupeju, Lagos. In a situation like this, how

could a society be developed at the pace it is expected? Those are the stuffs that some officials of regulatory bodies are made up of.

### **The Price Intelligence Agency (PIA)**

It was established as a research arm of the Price Control Board and was required to:

- (a) Undertake regular study, monitoring and interpretation of price movements and their effects on other development in the national economy;
- (b) Recommend measures of regulating prices in various sectors of the economy and controlling of hoarding;
- (c) Monitor and supervise resale price maintenance arrangements; and
- (d) Bring pressure to bear on manufacturers and importers to publish regularly the agreed prices of commodities and the list of distributor(s) and their locations throughout the country. The PIA has not performed these functions creditably and as such has neither contributed meaningfully to national developments or to the promotion of consumerism.

### **Consumer Protection Association of Nigeria**

The Association was launched in 1982 by the Minister of State in the Ministry of Industry, Dr. Israel Igbani. The National President of the Association stated the purpose of the Association to include:

- The promotion and stimulation of consumer awareness.
- The protection of consumer rights and interests.
- The provision of dialogue between consumers, the government, manufacturers, distributors and retailers.
- The serving as a clearing house for all consumers complaints and the seeking of redress for consumers.

The fanfare, that greeted the launching hardly died down when the association slide into limbo.

### **The Consumer Protection Council (CPC)**

For the first time in Nigeria the government directly address the issue of consumers. And by Decree 60 of 1992, the government directly established a consumer protection council which was later integrated into the 1995 budget speech read by the late Head of State, General Sani Abacha. Apart from the fact that there is a move to set ups consumers' protection committees at state levels, much have not been known about the activities of the council till date in Nigeria.

### **Consumer Law and Protection in English Legal System.**

The consumer movement has had a profound effect upon the Nigeria legal system. The rate of change in consumer marketing since the early 1960s has brought with it equivalent change in the law which has been considerably modified to protect the consumer from unfair practices. The law relating to consumer protection is not a clearly defined code; it is made up of extensions and amendments to Nigeria contract laws. Its basis is in legislation (such as the Factors Act 1889) which was designed to define the law as to contractual relationships between traders. In Nigeria there is no such thing as a 'consumer law' as a single entity, nor is there a comprehensive code of consumer protection. There are, nevertheless, a wealth of statutory instruments which have been introduced during the last 30 years designed to effect specific control over potential injustices and exploit actions of the consumer. There is also

the existing contract law which has a high degree of relevance to current situations in which the consumer may be at a disadvantage.

The following is a list of statutes which have particular importance for the consumer. It is not meant to be exhaustive, but is included so as to provide an insight into the legal development of consumer protection. These laws existed in the British common laws which by extension can be applicable in Nigeria. The specific laws to protect the Nigerian consumers have been outlined above.

- Business Advertisements (Disclosure) Order 1987
- Consumer Credit (Credit Reference Agency) Regulations
- Price Marketing (Bargain Offers) Order 1979

Further remedies in law for the consumer are to be found in the contract law. Although it has already been stated that there is no such thing as 'consumer law', and although existing legislation is somewhat hybrid in nature, it is possible to place the law as it relates to the consumer into two broad categories. First, remedies exist under private law and second, remedies have been created by administrative and governmental action. These latter remedies are backed up by criminal law and come under the jurisdiction of the Director General of Fair Trading.

#### **Remedies available under private law Sale of Goods Act 1979 (English Common Law)**

The original Sale of Goods Act was passed in 1893 and has been constantly amended since then. The 1999 Act defines the statutory rights of the buyer (and seller) with respect to the transfer of property in goods for a money consideration (the price). The 'inalienable' rights of the consumer are set out by the Act. These concern the transference of title from the seller to the buyer, the description and the quality of the goods.

An important component; of the Act concerns the question of 'merchantable quality'. The definition of merchantable quality is the cause of some debate. The definition which currently applies can be paraphrased as follows:

*Goods of any kind are of merchantable quality...if they are as fit for the purpose for which goods of that kind are commonly bought and which it is reasonable to expect them to be having regard to the description, price and circumstances of purchase.*

Linked to the idea of merchantable quality is the 'fitness for purpose' for which goods are bought and the 'availability' of those goods which are also implied terms of the Act. These specific laws are linked to the consumers right to safety and to information.

#### **The Supply of Services (English Common Law)**

As marketing is concerned with the provision of both goods and services, we should also consider consumer rights when the product is a service rather than a tangible good. There are well-established precedents which refer to contracts for services. The Unfair Contract Terms Act 1977 is particularly concerned with the application of exemption clauses by the supplier of services. The 'reasonableness test' affords protection for both buyer and seller when such clauses are included in a contract.

The Supply of Goods and Services Act 1982 has furnished the consumer with further specific attention. Services must be carried out with 'reasonable care and skill', 'within a reasonable time' and at 'a reasonable charge'. Of course, what is 'reasonable', is dependent on the facts and circumstances of the case and how these are interpreted by the judge.

### **Misrepresentation and False Trade Descriptions of Goods (English Common Law)**

Perhaps the most often quoted piece of consumer legislation in England is the Trade Descriptions Act of 1968 and 1972 (TDA).

The TDA is clearly of particular relevance to advertising practice. While the TDA does not specifically deal with claims as to 'value' and 'worth' (such claims are controlled by the Price Marking (Bargain Offers) Order 1979, the creative jargon of the advertiser's copy may lead to the making of intentional or unintentionally false claims about a good or service. The Nigerian equivalent is the APCON Decree 55 of 1988. Specific laws are also contained in the APCON bye laws as see in the Decree. This leads us to an important legal point on the subject of advertising that of the traders' puff. Claims made about a brand of perfume or beer, or the hackneyed 'desirable residence' of the estate agent's jargon are not likely to be construed as being legally binding. If, however, the advertiser uses a phrase such as 'results guaranteed', such a promise is sufficiently definite as to be legally enforceable. If a company makes a claim about its products, it is up to the courts to decide whether the statement is legally enforceable or merely a 'puff' of creative imagination.

The subject of false trade descriptions is linked to that of misrepresentation, which is dealt with separately under the Misrepresentation Act of 1967. The easiest way to understand misrepresentation is to remember that it must relate to a question of fact and that any representation only becomes legally significant if it turns out to be false. The categories of misrepresentation should also be appreciated. These are; fraudulent, negligent or innocent. In the latter case, damages are not usually available to the consumer, although costs and expenses arising from the trader's action may be awarded.

### **Consumer Credit**

The Consumer Credit Act 1974 is an example of direct response to consumer protection as the purchase transaction becomes more complicated and open to abuse.

The Act controls the advertising of credit and canvassing where dishonesty is concerned, and it requires the company which offers credit to disclose fully all information about the agreement, including the rights of cancellation. The consumer also has the 'right to a remedy' if a so-called 'credit bargain' is subsequently found to be extortionate. More recently a 'cooling off' period has been introduced during which the consumer may reflect on a purchase, and decide whether or not to go ahead with the responsibilities of a credit agreement.

### **Product Liability**

The consumer usually makes a contract of sale with a retailer. Under the terms of the Sale of Goods Act, the usual recourse to justice in the event of complaint is made to the retailer and not to the manufacturer. These are, however, occasions when the consumer has the right to bring a case against the manufacturer of defective goods. Such liability with respect to safety is set out in the Consumer Safety Act 1978 and the Consumer Protection Act 1961. Similarly, where a guarantee is offered by the manufacturer, the offer for sale is deemed to have been made by that party and not the retailer.

In civil law, a consumer has the right to sue in the 'tort' of negligence, because a manufacturer has the legal duty of care to ensure that his goods are not dangerous (this being subject to a series of limitations). Although remedies in fact existed long before the consumer

movement, such an action is nevertheless a powerful weapon in the modern consumer's armoury in cases of negligence.

### **Marketing's Response to Consumerism**

Consumerism is truly the shame of marketing as Kotler (2009) observes. This is because, consumerism shows that the marketing concept has not been fully implemented in many companies. Many companies still rest their policies and practices on a product-orientation i.e. they base their activities on a desire to fulfil their own needs and not those of the consumer; they think of giving the consumer what they can make rather giving him what he really wants. In a sense, however, consumerism constitutes a marketing opportunity and a signpost for strategy. In particular, it tells management what products can be bought and therefore what to do, what to make, how products are to be designed, advertised, priced, and marketed. It minimises risk and wasteful use of resources. In fact, it has aims which are synonymous with those of marketing, since the purpose of marketing is to identify, respond to, and satisfy customer needs profitably.

The following specific measures can be taken by marketing firms in response to consumerism. Ayozie (2003), Onah (1988) enumerated some of these measures in Nigeria.

- Open-dating of products particularly foods and drinks to reassure customers of safety and build goodwill and relationship;
- Unit-pricing of products to facilities easy comparison of competitive brands of merchandise;
- Effective and top-quality after sales service arrangements especially for automobiles and technical products. Provision could be made for first-class after sales service and rapid delivery products and services;
- Provision of adequate, factual, and helpful information about the products and services which people seek to use. This should include product-care labelling, greater clarity of instructions that accompany the products, honest and relevant advertising, nutritional labelling, ingredient labelling, consumer education, etc;
- Dealing with consumer complaints quickly and responding to inquiries and grievances;
- Improving customer contact through better point-of-sale materials, consumer educational programmes, and through retail personnels who are properly trained and educated;
- Establishment of an advisory committee of consumers who will have a real voice in company decisions and deliberate and continuing consultation with such consumer representatives in order to get in advance what will best meet consumers' needs. The aim should not be to satisfy the minimum standards required by the law but rather to go as far as is practicable;
- Making a genuine effort to implement the marketing concept by always putting customers' needs above other considerations. This requires adequate testing of products and the establishment of a consumer affairs and research department whose task will be to represent effectively the interests of consumers in company decisions;
- Establishment of very active and reliable consumer affairs, public affairs, consumer complaints, public relations units and departments in companies, operated by qualified, efficient and highly proactive personnel, who are willing to deal satisfactorily with customer complaints immediately;
- Having a consumer complaints tool, free telephone lines where consumer complaints can be received; and

- Having reliable emails replying promptly to emails and text messages, and set up informative websites.

### **The Future of Consumerism in Nigeria**

The present trend of the consumer movement suggests that consumerism will continue in Nigeria due to the legal, political, social and economic pressures. The consumer movement will be enhanced now that Nigeria is in a civilian democratic rule. Consumer issues will be used by politicians to win votes. This will lead to an increase in consumers' voice in government.

The Universal Basic Education programme which was launched in 1999/2000, the ICT, internet and mobile telephones will have its impact on the number of consumer organisations. Ultimately UBE will help to increase the level of education. There is very likelihood that consumer unrest will persist with increases in the level of education in the country. There will be more demand for consumer protection.

As Nigeria gets more industrialised, health, marketing and safety problems will continue to increase rather than decrease.

In future, the demands on firms will become greater. Several guidelines have been suggested which businesses in Nigeria should follow in their response to consumerism in Nigeria.

1. Establish a separate corporate division for consumer affairs. This division should participate in all corporate decisions that have consumer implications. It should participate in research and design, advertising, credit, pricing, quality assurance and in handling consumer complaints
2. Change corporate practices that are perceived as deceptive. The consumer affairs division should identify corporate practices that are perceived as deceptive and/or antagonistic by consumers, and handling promptly consumer complaints.
3. Educate channel and distribution members on the need for a consumerism effort throughout the channel system, and on how to respond to complaints and enquiries.
4. Incorporate the increased costs of consumerism efforts into the corporate operating budget.

The main purpose of these consumerism efforts and programme will be to:

- (a) Enhance the quality of communications between the consumers and the firm and to incorporate valid complaints into corporate decisions. Corporate leaders have to some basic options, they may take positive actions in this matter or they may ignore it. If they ignore it, they must be prepared for a government and legal actions to protect the consumers or protests and boycotts by the consumers themselves.
- (b) Individual consumers are not living up to their responsibilities; rather, they encourage high prices and trade malpractices. They encourage hoarding and profiteering by buying goods above stipulated prices and sometimes without receipts. Consumers blame our government but they fail to support government actions and measures against business malpractices. Many are not ready to endure or compel companies to change their sharp business practices and change or improve defective products.
- (c) Nigerian consumers should be courageous and stand on their own feet to fight abuse in the country. It might be costly and time consuming but rewarding in the long run.
- (d) If consumerism is to survive in Nigeria, consumers in Nigeria must be prepared to make sacrifices. It is high time Nigerian consumers resorted to consumer boycotts in response to rising food and commodity prices. The greatest weapon of consumers all over the world is consumer boycotts. Sellers cannot survive without consumers.

## CONCLUSION

A great deal of the demands which the consumer movement originally made have now been met. This is not to say that the need for consumer protection has diminished, or that it is likely to do so. There is also the danger that after several years of success, those responsible for administering and improving consumer protection will become complacent, less dynamic and less responsive to changes. Consumerists are also becoming involved with protection at the macro level. The progress always made must not be allowed to slide, but it is likely that future consumerist interest will focus more on macro price levels (such as lobbying the Petroleum Prices Regulatory and Monitoring Councils, Federal Government of Nigeria, Federal Ministry of Petroleum Resources, on oil prices) and on multi-national business, rather than the day-to-day problems on the streets. Increasing attention is also paid to environmental and ecological issues as observed in the Niger Delta and some northern states in Nigeria, and it must also be remembered that as society is confronted by new social and economic problems, so the consumer movement must respond by adapting to the ensuing challenges.

The biggest weapon of the consumer has traditionally been held to be that of the 'silent vote', that is the right not to buy unsatisfactory goods; this is the concept of consumer sovereignty. Logically, therefore, companies who mis-serve the market will usually run out of customers. Consumerists argue that the onus is not on the consumer to veto unsatisfactory goods after having first been disappointed, rather than it is up to the sellers of goods to take all reasonable steps to ensure satisfaction before offering goods for sale. They further argue that such a step will be greatly facilitated if certain basic consumer 'rights' are recognized.

The present activities of various consumeristic parties, the researches and the government show that consumerism has come to stay in Nigeria. Business should regard it as an opportunity for rather than a threat to consumer satisfaction.

The implications of consumerism is that business must educate the public about their operations. There has to be increased attention to consumer problems and programmes that will improve customer relations. If businessmen do not willingly respond to consumer problems and complaints, they may be faced with more government control through legislation.

Many problems in Nigeria are caused at least in part, by the consumer's own ineptness, carelessness or ignorance and/or a reluctance to put forward the effort required to make informed buying decisions. Consumers, as shoppers, fail to act in a responsible manner. Deception, fraud or dishonesty may be evidenced on the part of either seller or buyer. Consumers have to change their attitude toward government measures for consumer protection.

Consumerism is now in Nigeria, and businesses should respond thoughtfully and rationally to issues rather than being defensive or reacting negatively or not at all.

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