

## **A STUDY OF CONSUMERS' PROTECTION IN THE ARAD COUNTY**

### **STUDIU PRIVIND PROTECȚIA CONSUMATORILOR ÎN JUDEȚUL ARAD**

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*The National Authority for Consumers' Protection is concerned to survey the market of agro-alimentary produce; as a result of the punctual programme, it develops control activities in order to check quality / conformity of foodstuff supplied for sale. Meat preparations are the most demanded and preferred; this is why they have paid particular attention to quality, labelling, marketing, and storage. Of the total 87 complaints concerning lack of compliance with the standards of such items as fruits, milk, meat, vegetables, bread and bakery, alcoholic and non-alcoholic beverages, coffee, chocolate, and fish preparations, only 31 proved justified. We can see that of the total complaints only 35.63% are justified and that they concern such produce as biscuits, fresh and refrigerated fish, vegetable and fruit juices, pet foods, spirits, beer, and non-alcoholic beverages.*

**Key words:** consumers' protection, foodstuff

#### **Introduction**

Romanian citizens are protected as consumers both through the establishment of the necessary legal frame to promote legitimate and fundamental rights and through the building up of an institutional system capable of monitoring the way adapted rules are being observed (1).

The Romanian State has adopted the legislation in the field in 1990 through a Government's Ordinance no. 21/1992 concerning consumers' protection. This represented the first act stipulating consumers' rights, the institutional and associative frame in which they can be practiced and protected, as well as sanctions applicable in case of disrespect of legal regulations (3, 4).

Through the Government's Ordinance no. 21/1992 and the Law no. 11/1994, they stipulate that the body accredited to enforce Consumers' Protection in Romania is the National Authority for Consumers' Protection; it has the role of ensuring the proper legal frame for a high level of consumers' protection. In this respect, the Authority has adopted a strategy that aims at protecting Romanian consumers, whose main objectives in the sense of promoting consumers' interests on the market are (5):

- achieving a high level of consumers' protection;
- enforcing legislation in the field of consumers' protection;
- strengthening information, counselling, and consumers' education activities.

To do so, they have also adopted a system meant to make the producers responsible for produce not meeting safety requirements; they have also developed regulations concerning the practical ways consumers can be reimbursed for the improper produce they buy (Law no. 240/2004). The rule-maker also had in mind the seller's responsibility towards faulted items or improper services: thus, they must replace, remedy, or reimburse the counter-value of the produce with quality faults.

### **Material and Methods**

Consumers' right to be informed on the quality of some produce and the failure to do it asked for measures that allow the consumers to appeal to justice for compensations from the producer or from the seller guilty of marketing improper produce. This is the reason why we carried out a study concerning the situation of the complaints recorded by the Regional Inspectorate for Consumers' Protection in the Region 5 West and of the way these complaints have been resolved in the Arad County. We have grouped these complaints depending on the nature of the foodstuff in discussion to be able to draw conclusions and suggest measures to be taken for a true consumers' protection in the Arad county.

### **Results and Discussions**

Agro-alimentary produce consumers' claims concern mainly their rights of being properly informed about the quality and the safety of certain produce and, last but not least, about their right of being a free arbiter before and after the purchase act.

In the area analysed, the Arad County, there is a Regional Inspectorate for Consumers' Protection whose attributions are as follows:

- to test the consumers on the quality of agro-alimentary produce;
- to inform on certain abuse from economic agents that cashed undue amounts of money or that offered for sale improper goods or services;
- to popularise in the mass media the consumers' inputs as well as the obligations of the economic agents in accordance with present legal norms;
- to distribute folders and guides concerning the rules to be observed in the selling-buying process of a produce and the way consumers should act when damaged by the purchase of an improper food.

The most frequent prejudices were caused by the following (2):

- marketing produce with quality faults or that could have endangered consumers' health or safety;
- marketing produce with no identification elements (name of the produce, brand, producer, amount, price, shelf life, quality features, additives or ingredients – if any, storage conditions, nutritive value, etc.);
- storing produce for marketing in conditions that do not ensure the conservation of quality features;
- marketing counterfeit produce;
- advertising other features than real ones;
- avoiding reimbursement for damages produced by the sale of produce that do not meet contractual clauses or refusing to replace faulty produce or to reimburse their counter-value.

At the end of the year 2007, the National Authority for Consumers' Protection controlled all the marketing network and drew the attention of the public on meat preparation quality: over a period of 6 months, they could record general violations (the number of complaints increased with 47%) and the share of improper meat preparations confirmed by laboratory analyses increased with 36% (5).

Thus, this control covered 851 economic operators. A number of 74,850 kg of meat preparations was checked, of which over 40,000 did not meet legal requirements concerning consumers' protection. Of the 87 samples analysed, 45% did not meet legal requirements. They applied 520 contravention files for a value of 1,486,550 lei and took the following measures:

- withdrawing from marketing 36,500 kg of meat produce for a value of 226,267 lei;
- withdrawing from marketing 2,320 kg of improper foodstuffs for a value of 23,050 lei.

The situation of the complaints such as recorded by the Regional Inspectorate for Consumers' Protection of the Arad County for the year 2007 is presented in Table 1.

We can see that, of the total 87 complaints, only 31 were justified, i.e. 23.6% of the total complaints recorded in the Region 5 West. Of these complaints, 22.6% were solved by the Regional Inspectorate for Consumers' Protection of the Arad County.

To also note that of the total complaints concerning milk and dairy produce, only 16.66% were justified, while only 20% of the complaints concerning fruits were justified. In the case of fresh and frozen meat, of the total complaints, only 27.3% were justified, while in the case of biscuits and similar produce, only 50% of the complaints were justified. As far as nuts (hazelnuts, filberts, walnuts) are concerned, they have solved 100% of the complaints, while only 0-16.70% of the complaints concerning milk and dairy produce were solved, values close to those recorded in the case of bread and bakery produce.

Table 1

Total complaints recorded by the National Authority for Consumers' Protection  
(NACP) and in the Arad County (AC) in 2007

Foodstuff group	Total complaints		Justified complaints		Share (%)
	AC	NACP	AC	NACP	
<b>Total</b>	87	369	31	137	35.60
Fresh or frozen meat	12	42	6	22	27.30
Meat preparations	10	40	1	13	7.70
Fresh fish	1	3	1	2	50.00
Frozen fish	2	2	2	2	100.00
Fish preparations, canned fish	2	5	0	2	-
Milk and dairy produce	5	24	1	6	16.70
Powder milk	1	1	0	0	-
Cheese	3	13	0	0	-
Eggs	3	7	0	1	-
Bread and bakery produce	9	33	2	13	15.40
Biscuits	2	3	1	2	50.00
Pastries	2	20	0	5	-
Fruits	4	19	1	5	20.00
Nuts	2	4	1	6	16.70
Fruit juices	2	6	1	2	50.00
Coffee and tea	1	3	0	0	-
Wines	1	2	0	0	-
Spirits	3	6	1	2	50.00
Beer	2	6	1	2	50.00
Mineral water	2	3	1	1	100.00
Non-alcoholic beverages	1	3	1	2	50.00
Other produce	15	110	8	48	16.70
Pet foods	1	2	1	2	50.00

### Conclusions

Through the measures taken at both national and regional levels, through the adoption of laws stipulating penalties for marketers that market produce infringing consumers' rights they can reach the main objectives aiming at promoting consumers' interests. The Regional Inspectorate for Consumers' Protection in Arad acted to protect consumers' rights, i.e. they popularised legal regulations concerning consumers' rights in the selling – buying process, supplying anybody interested with guides and manuals.

Comparing the situation in the Arad County with that of the Region 5 West, we can say that 50% of the total complaints were justified.

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