

## **THE FAIR COMPETITION COMMISSION**

### **CONSUMER RIGHTS AND RESPONSIBILITIES**

The Fair Competition Commission is an independent government body established under the Fair Competition Act, 203 (No. 8 of 2003) to promote and protect effective competition in trade and commerce and to protect consumers from unfair and misleading market conduct.

The Fair Competition Commission is mandated to administer the Fair Competition Act, 2003 (FCA) which provides for competition and Consumer Protection.

Consumer Protection means all measures taken to protect an individual person against violation of his legitimate rights as consumer.

However, the consumer is obliged to understand the Fair Competition Act and how it can help him in pursuing his rights and remedies.

#### **UNIVERSAL CONSUMER RIGHTS**

Consumer Rights and Obligations are internationally recognised.  
These are:

**1. Right to basic needs:**

A consumer has the right to basic goods and services such as adequate foods, shelter and clothing.

**2. Right to Safety:**

A consumer has the right to be protected against unsafe goods and services. Unsafe goods can lead to the destruction of property, injury and even death.

**3. Right to be informed:**

A consumer is entitled to complete information on price, quantity and ingredients from providers of goods and services.

**4. Right to Choice:**

A consumer has the right of choice from a variety of goods and services sold in the market.

**5. Right to be heard:**

A consumer has the right to be heard on issues which concern inn including, policies, plans, programmes and decisions.

**6. Right to redress:**

A consumer has the right to redress on his grievances about substandard, unsafe, unduly expensive goods and services, unfair claims and other unfair consumer practices.

**7. Right to health and sustainable environment:**

A consumer has the right to live and work in an environment which does not threaten his health and life.

**8. Right to consumer education:**

A consumer has the right to education that will empower him to take informed and confident choices of goods and services.

## **CONSUMERS' RESPONSIBILITIES**

Consumer has the following responsibilities;

- 1) To be alert and to question about the price and quality of goods and services to ensure that he is fairly treated in business transactions.
- 2) To use goods and services appropriately while understanding the environmental consequences of consumption patterns.
- 3) To develop the strength and influence to promote and protect his consumption.
- 4) To read instructions and take precautions so as to safely choose equipment and products for use as instructed.
- 5) To search and use available information before purchase to ensure he always makes informed and responsible decisions pertaining to choices of goods and services.
- 6) To make opinions known by joining consumers association to make his voice heard and to encourage others to participate.
- 7) To fight for the quality through complaining effectively and refusing to accept shoddy workmanship.
- 8) To minimize environmental damage through careful choice and use of consumer goods and services. Take action to reduce waste, to reuse products whenever possible and to recycle whenever possible.

## **CONSUMER PROTECTION IN TANZANIA**

Consumer protection is derived from Articles 11, 14 and 18 of the Constitution of United Republic of Tanzania 1977 which recognize consumer rights and their protection roles,

There are legislation enacted to serve various matters but also protect the consumer as follows (to mention a few):

1. The Fair Competition Act, 2003
2. The Merchandise Marks Act, 1963.

3. The Standards Act, 1975
4. The Weights and Measures Act, 1982
5. Occupational Health and Safety Act, 2003.
6. The Food, Drugs and Cosmetics Act, 2003
7. The Environmental Management Act, 2004
8. The Industrial and Consumer Chemicals (Management and Control) Act, 2003
9. Sale of Goods Act, 1931.

### **Consumer Protection under Fair Competition Act No 8, 2003**

The following are consumer protection provisions in the FCA:

- Protection against price fixing, output restrictions and collective boycotts between competitors, which might affect their purchasing power or interfere with their rights (under section 9).
- Protection against suppliers who use their position of market dominance in a manner which affect or likely to affect the conduct by appreciably prevent, restrict or distort competition and hence affect consumers (under section 10).
- Protection against suppliers who represent goods of a particular standard, quality, grade, composition, style or model or have had a particular history or particular previous use, while in actual fact it is not true (under section 15 and 16).
- Protection against implied breach of contractual obligations by the supplier through misleading conducts (under sections 26-36).
- Accessing compensation against injury and loss by supplier. The supplier or manufacturer has to make sure that the goods or services supplied or rendered respectively to the consumers for a particular purpose are reasonably fit for consumption. (Under section 38).
- Protection against misrepresentation of goods supplied. Suppliers are required to describe and provide full and true information of goods and services to be supplied. The description or sample given to consumer before purchase must match with the goods purchased thereafter (under section. 39)
- Protection against the supplier who fail to ensure that facilities or parts of the kind specified in the notice, were available at, or delivered from a place or places specified in the notice. (Under section 42).

The Fair Competition Act No. 8, 2003 honours some universal consumer rights with regard to goods and services,

**Those rights are:**

- The right to choice under section 9(2) (b) and (c)
- The right to be heard under section 93(1) (a) and (b).
- The right to redress under PARTS V-VII.
- The right to be informed under section 93.
- The right to safety under PARTS VIII AND IX.

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