

International Association of Consumer Law Newsletter October 2008 Issue 4

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Forthcoming Courses, Conferences & Seminars

Responsible Credit Conference London 2008 Organised by the IFF

(updated programme / Please note that the programme has undergone several changes due to the aggravation of the crisis situation) –

8th International Conference on Financial Services

13/14 November 2008 – New Connaught Rooms, London

Global banking in crisis! Now is the time for Responsible Credit

stop press – 50 half price places available for small not for profit agencies, first come, first served – early bird prices for all others available until 7 October

Taxpayers all over the world are now footing the bill to rescue banks. Yet, it is households who are feeling the worst effects of the meltdown in the global financial system. Mortgage rates are rising after consumers have been encouraged to take on excessive housing debt, savings and pensions are threatened, and unemployment is rising. Irresponsible lending practices are the cause of this crisis. Excessive financial risk was passed down from banks to the public. Now the banks have lost faith in households to manage these, lost trust in each other's ability to repay debts, and the supply of finance has frozen over. The response to this crisis must involve immediate support for households, but it must also lay the ground for new rules to govern the future provision of credit.

Join us in London to discuss the causes of this crisis and its impact on consumers and to contribute to the development of remedies to the biggest banking crisis in 60 years. *Over 30 top name speakers, including keynote addresses from Kitty Ussher M.P, UK Economic Secretary to the Treasury and Martin Wolf, C.B.E. Financial Times, and with speaker representatives from the European Bankers Federation, British Bankers Association, Italian Bankers Association, consumer activists, debt advice agencies, and independent experts from over 15 countries, from across Europe, U.S.A, Japan, and South Africa.*

Please note that the language of the conference is English. However, we may be able to provide some assistance to speakers of French, German, Italian, and Spanish. If you require this, please alert us on your booking form. / *Accommodation finder service available – for details of prices.*

FOR MORE INFORMATION CONTACT:
IFF Institut für Finanzdienstleistungen e.V.

Tel: 0049 - 40 30 96 91-0

Fax: 0049 - 40 30 96 91 22

www.iff-hamburg.de

12th IACL International Conference
Consumer Law - Globalisation, Poverty and Development

The 12th International Conference on Consumer Law is organised under the auspices of the International Association of Consumer Law and organised by the NALSAR University of Law (www.nalsarlawuniv.ac.in) in Hyderabad, India on February 25-27, 2009. **Many thanks to all that have responded to the call for papers. The call for papers is now closed.**

We are in the process of organising the event, but all speakers that have submitted an abstract should now have received a response from Christine Riefa (Christine.riefa@brunel.ac.uk), Geraint Howells, Gail Pearson or Vidyullatha Reddy (12consumerconference@gmail.com). If for some reason you have submitted an abstract and did not hear from one of us, please do get in touch. Registration for the event will open shortly. The registration fee, that includes the conference material, lunches during the conference and a dinner, is 250 USD for participants from abroad and 5000 Indian rupees for participants from India. The organizers will negotiate with suitable hotels special rates for the participants. For more information about the conference, see NALSAR webpage www.nalsarlawuniv.ac.in (link from the front page to the conference).

The organising committee looks forward to meeting speakers and delegates at the event. A full programme will be advertised shortly.

Modernising and Harmonising Consumer Contract Law
Manchester University 12-13 January 2009

The next months will be crucial for the development of consumer contract law in Europe and the United Kingdom. The European Commission is likely to propose a horizontal consumer contract directive by the end of the year and the United Kingdom government is considering modernising consumer law, perhaps by significantly reforming sales and contract law.

For this reason Manchester Law School and Münster's Centre for European Private Law are hosting a conference bringing together leading contract law scholars and policy makers from across Europe. In the context of the proposed directive and national developments the aim will be to consider what elements should be in a modern consumer contract law and the extent to which the laws of member states should be harmonized so that consumers can fully benefit from the internal market. The idea of the conference is to provide a forum for high level academic discussion.

Those interested in attending should contact Geraint Howells who will be on G.Howells@Lancaster.ac.uk until 1 September and Geraint.Howells@Manchester.ac.uk thereafter. Modest fees will apply for academics.

New Courses

The Samford University, Cumberland School of Law, in Alabama offers the following courses:

- Master of Comparative Law program for non-U.S. lawyers,
- Summer-abroad program at Sidney Sussex College in Cambridge
- Exchange program with The Norwich Law School at the University of East Anglia.

For more information, please contact Professor Mike Floyd of the University of Samford (USA), Tel: (205) 726-2304, or email: mdfloyd@samford.edu

Journal's call for papers

Consumer Journal – Call for paper

Papers are invited for the 4th edition of the *Consumer Journal*, a publication of the Consumer Awareness Organisation, a non-governmental organisation based in Nigeria. Interested contributors should send their papers to the address below for assessment and possible publication. Contributors are free to discuss any issue relating to consumer protection including statutory enactments; landmark judicial decisions; activities of regulatory agencies; health-related issues; industry codes of practice; consumer dispute resolution schemes; and indeed, any other contemporary issue of consumer protection.

A submission must be an original and unpublished work of the contributor and should contain detailed references of all material reproduced or adapted. A soft copy of the paper typeset on Microsoft Word should be submitted by e-mail attachment. Deadline for submission: 30 November 2008.

Contact: Dr. Felicia Nwanne Monye, Faculty of Law, University of Nigeria, Enugu Campus, Nigeria, E-mail: caorgn@yahoo.com

Revista Autônoma de Direito Privado – Call for paper

Papers are invited for assessment and possible publication in the *Revista Autônoma de Direito Privado*, a Brazilian journal which addresses legal issues impacting on Private Law in general and particularly on consumer protection. Contributors are free to discuss any issue relating to Private Law or to consumer protection including statutory enactments; judicial decisions; activities of regulatory agencies; health-related issues; industry codes of practice; consumer dispute resolution schemes; and indeed, any other contemporary issue on Private Law.

The submission must be an original and unpublished work **in Brazil**, and can be written in English, French, German, Italian, Spanish, or Portuguese. It should also contain detailed references of all reproduced or adapted material. Papers are assessed within eight weeks of submission. After that, the result is going to be communicated to the author. Papers may be submitted preferably by e-mail attachment; a hard copy of the paper typeset on Microsoft Word together with the soft copy should be submitted to Professor Roberto Grassi Neto at the address below.

Deadline for Submission: Abstract: 30 November 2008, Main Paper: 31 December 2008.

Contact: Roberto Grassi Neto, Professor of Law, Faculdade Autônoma de Direito (FADISP Law School), R. João Moura, 313 – Pinheiros, São Paulo, SP, Brazil CEP 05412-001, email: rgrassineto@uol.com.br, Mob: (55) 11. 8439.9209, Tel: (55) 11. 3263.0863.

Journal of Consumer Policy – Call for paper

Special Issue on “Time Allocation, Consumption, and Consumer Policy (Working Title)” / Editor: Lucia Reisch (Copenhagen Business School) and Guest Editors: Wencke Gwozdz (CBS), Alfonso Sousa-Poza (University of Hohenheim)

Surprisingly little academic attention has been given to shifting patterns in time use in the past few decades, despite dramatic changes in time use. Since the 1980s, working time has declined in OECD countries by more than seven hours per week for both men and women, and, although total work (i.e. both paid and unpaid) is quite similar between genders, there is a gender-specific composition of this total work: women reduced their housework substantially, yet men increased theirs only marginally. Reduced working hours have also gone hand-in-hand with increases in leisure time. Additionally, big changes in the structure and timing of activities have taken place, e.g., individuals do not have as much uninterrupted time for one sole activity as they used to have in the past. Such changes do not only affect the allocation of time, but also private consumption in many areas. This, in turn, means a challenge for consumer policy.

This special issue of the Journal of Consumer Policy (JCP) focuses on understanding the causes and implications of these changing patterns of time allocation and consumption – from both an academic and a policy perspective. Relevant questions that can be addressed within this special issue are, *for example*:

Consumer aspects:

- Do we get financially richer - yet “time poorer”?
- What does this mean for the individual consumer?
- What has caused these changes in time allocation?

Policy aspects:

- What are the implications for consumer policy? Do, e.g., the “time-poor” pay more?
- Have policy measures influenced the way we allocate our time?
- Which policy instruments are needed to cope with the changes in time allocation?

Other aspects:

- Is there gender-specific behaviour with regard to time allocation and consumption?
- How can persistent gender differences in time use be explained?
- What are the effects of mother’s time structures on their children’s consumption (e.g. children’s eating patterns, mass media consumption, etc.)?
- Does marketing / advertisements enhance gender differences in time use patterns?

The editors of this special issue welcome contributions reflecting different perspectives, methodological approaches, international and cross-cultural contexts. While empirical papers are strongly encouraged, theoretical and conceptual contributions which address issues arising from time consumption and wider aspects of the time use debate within consumer policy research are particularly welcome.

The papers for this special issue have to be submitted before 31st March 2009.

Further details for submission are available at the journal website:

<http://www.springerlink.com/content/100283/>

About the Journal

The interdisciplinary *Journal of Consumer Policy* (Springer Publ.) is a (double blind) peer reviewed journal publishing theoretical and empirical works that use a wide variety of methodological approaches that advance the studies of consumer behaviour, explore the

interests of consumers and consequences of actions of consumers as well as consumers' policy issues. It publishes four issues per year since more than three decades (Vol. 31).

JCP encompasses a broad range of issues concerned with consumer affairs. It looks at the consumer's dependence on existing social and economic structures, helps to define the consumer's interest, and discusses the ways in which consumer welfare can be fostered – or

educational institutions, and the mass media. It publishes theoretical and empirical research on consumer and producer conduct, emphasizing the implications for consumers and increasing communication between the parties in the marketplace.

Articles cover consumer issues in law, economics, and behavioural sciences. Current areas of topical interest include the impact of new information technologies, the economics of information, the consequences of regulation or deregulation of markets, problems related to an increasing internationalization of trade and marketing practices, consumers in less affluent societies, the efficacy of economic cooperation, consumers and the environment, problems with products and services provided by the public sector, the setting of priorities by consumer organizations and agencies, gender issues, product safety and product liability, and the interaction between consumption and associated forms of behaviour such as work and leisure.

News from around the world

NIGERIA

Nigeria records huge compensation in personal injury case

(Our thanks to Felicia Monye for this information).

In a relative sense, Nigeria can be said to have recorded what may be regarded as a “huge compensation” in a personal injury case. In *Abosede Elugbaju & Anor v. National Electric Power Authority (NEPA)* (Unreported: Suit No FHC/L/CS/1265/2002, delivered on 11/07/07), a Federal High Court awarded the sum of seventeen million, nine hundred and seventy thousand naira (₦17,970,000.00 i.e. about ₦18m) to a plaintiff who had suffered severe bodily injuries arising from the negligence of the defendant.

It is remarkable that the Nigerian courts are rather conservative in the sums awarded as damages in personal injury cases. Below is a list of some prominent personal injury cases in Nigeria and the sums awarded as damages;

- a. *Osemobor v. Nigeria Biscuits (Nig) Ltd* [1973] NCLR 382, nausea and vomiting caused by a decayed tooth in a biscuit - ₦659.98
- b. *Nigerian Bottling Co. (Nig). Ltd v. Ngonadi* [1985] SC 313, serious personal injuries and permanent disfigurement caused by the explosion of a kerosene refrigerator - ₦30,000.00
- c. *Solu v. Total (Nig) Ltd*, Unreported: Lagos State High Court Suit No. ID/619/85, death of a family member and permanent disability of another arising from the explosion of a defective gas cylinder – ₦5,000.00 and ₦45,000.00 respectively.
- d. *Soremi v. Nigerian Bottling Co. (Nig) Ltd*, [1977] 12CCHCJ 2735, physical discomfort resulting from the nauseating presence of a piece of screwed up paper in a bottle of Sprite – ₦500.00
- e. *Technoplastic (Nig) Ltd v. Sale Jatau* (1986) 4 NWLR (Pt. 380 771 CA, loss of three fingers due to a defective machine – ₦10,800.00
- f. *Nigeria Airways Ltd v. Solomon Olu Abe* [1988] NWLR (Pt. 90) 524 CA, compound fracture of fibula and tibia arising from an accident occasioned by the negligence of the defendant – ₦20,000.00
- g. *Dumuje v. Nigerian Breweries Plc.* Suit No. EHC/236/94, delivered on 04/7/01, illness arising from the intake of a dead cockroach in a Malt drink – ₦2m

In the instant case (*Abosedo Elugbaju & Anor v. (NEPA)*), the plaintiff was in her shop on the fateful day when suddenly the defendant's cable snapped from an electric pole and fell on the roof of the shop giving her serious electric burn. She was rushed to the hospital unconscious, hospitalised and subjected to intensive treatment including an above the knee amputation, skin grafting and blood transfusion. She spent nine months in the hospital.

Evidence showed that the electric pole in question was weak and ought to have been changed by NEPA long before the incident. There was no evidence that the shop was dangerously located.

The plaintiff claimed the sum of ₦32,000,000.00 as special and general damages against NEPA for negligence. After a thorough review of the evidence, the court held that the Authority owed the plaintiff a duty of care to ensure that its installations were properly maintained to avert any possible injury. The failure by the defendant to keep its installations under proper maintenance was viewed as an act of gross negligence. Based on these findings, the court awarded the sum of ₦17,970,000.00 as special and general damages.

Although it may be conceded that it is reasonable to view the sums awarded in the previous cases stated above in relation to the value of the naira at the respective dates of awards, the fact remains that the award in *Elugbaju* is relatively outstanding. For now, this case remains a good reference point for prospective claimants who might otherwise be disillusioned by the paltry sums awarded in some previous cases.

KOREA

For information about Consumer Protection Law, we would like to direct readers to the site of the Korea Consumer Agency (KCA), which has content in English:

http://www.kca.go.kr/jsp/eng/news_01_view.jsp?no=70

The KCA publishes a regular newsletter. For the archive, see:

http://www.kca.go.kr/jsp/eng/info_01.jsp

A few of the latest stories are reproduced here (out thanks to Go Own Jung, for sending us this information):

Imported multi vitamins and laundry detergent are much more expensive than other countries

Price of laundry detergent, imported multi vitamins, imported automobiles and oil are more expensive than G7 countries (U.S.S, Japan) and major Southeast Asian countries(China, Singapore) [Read more](#)

Beware of Consumer Damages from Airline Services!

In light of the summer vacation season, the Korea Consumer Agency(President:Myung-hee PARK) reminds consumers to be careful when using airline services as consumer damages and complaints involving airline services are being increased as follows [Read more](#)

Popular KBS TV program, 'Wise Consumer'

KBS(Korea Broadcasting System) co-planned and co-produced a section of a popular TV program with the Korea Consumer Agency and the Korea Fair Trade Commission to be broadcast for a span of 10 episodes under the title of the "wise consumer" [Read more](#)

Anti-Spyware, have you ever checked if there is an automatic payment extension?

The consumer complaint involving the Anti-spyware services are being steadily filed by the Korea Consumer Agency as of late. After using the Anti-spyware service to cure computer malware such as spyware or virus, the consumers find out that a monthly payment has been made without their consents. [Read more](#)

Stronger lawful duties of internet sales brokers in online markets

Along with the reputation of the strong IT country, Korea has been proactive in preparing the Act on the Consumer Protection in the Electronic commerce Transactionas. Korea adopted 'OECD Guidelines for Consumer Protection in the context Electronic commerce' and prepared the guidelines for consumer protection in the Electronic Commerce. [Read more](#)

Books

Books

(News about new books as well as book reviews are welcome for our next editions).

New Textbook - Consumer Protection Law

Lynden Griggs (Senior Lecturer, Faculty of Law, University of Tasmania), Eileen Webb (Senior Lecturer, Faculty of Law, University of Western Australia) & Aviva Freilich (Lecturer, Faculty of Law, University of Western Australia)
Published by OUP 2008

Consumer Protection Law offers a comprehensive, yet accessible account of the major principles that govern consumer transactions in Australia. The focus of this text is the legislation, principally the Trade Practices Act 1974, but where appropriate, reference is made to the equivalent Fair Trading legislation with individual chapters devoted to the Consumer Credit Codes, and the consumer protection provisions in respect of financial services and financial products contained in the Corporations Act 2001 and the Australian Securities and Investments Commission Act 2001.

- Offers an accessible account of the major principles that govern consumer transactions in Australia.
- Accessible format and up-to-date.
- Learner-centred focus with strong pedagogy throughout to actively engage the reader through case illustrations, problem questions (with the answers available), reflective thinking to encourage student based group discussions.

Contents:

- 1 Introduction – The Policy Objectives and Foundation of Consumer Law
- 2 Application, Administration and Interpretation
- 3 Misleading or Deceptive Conduct
- 4 Unfair Practices
- 5 Unconscionable Conduct
- 6 Product Safety, Information Standards and Industry Codes
- 7 Actions Against Retailers
- 8 Manufacturers Liability
- 9 Financial Services and Products
- 10 Remedies and Enforcement
- 11 Consumer Credit Code

European Perspectives on Producers' liability

Direct Producers' Liability for Non-conformity and the Sellers' Right of Redress
Herausgegeben von Martin Ebers, André Janssen, Olaf Meyer
Published by Selier, 2008.

The Consumer Sales Directive has to a large extent harmonised the consumer's rights and remedies against professional sellers. As a next step, the European Commission now favours the introduction of an EU wide direct producers' liability. Currently, the situation in Europe is divided: Whereas in most jurisdictions consumers can only bring claims against their sellers, a growing number of countries recognise a direct claim of the consumer or final buyer against the producer.

This book compiles national reports from more than 20 European countries on the consumer's remedies for non-conforming goods and the final seller's right of redress. Additional contributions approach this topic from the perspectives of law & economics, legal history, and behavioural psychology. A comprehensive introductory chapter provides a comparative report on the different models of producers' liability, including their impact on the internal market, and sets out elements for further harmonisation.

For more information, see:

http://www.sellier.de/pages/de/buecher_s_elp/europarecht/627.european_perspectives_on_producers_liability.htm

Mastering Negotiable Instruments (UCC articles 3 and 4) and Other Payment Systems

By Professor Michael D. Floyd, has just been published by Carolina Academic Press (USA). For more information, contact the author Michael D. Floyd, Professor of Law, Samford University, Cumberland School of Law, Birmingham, Alabama 35229, Tel: (205) 726-2304, or email: mdfloyd@samford.edu.