

NON-COMPLIANT ASPECTS IN SUPERMARKETS FROM THE PERSPECTIVE OF CONSUMER PROTECTION. GENERAL ELEMENTS

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Abstract

Consumer protection is very important when we talk about everything that involves the activity in the supermarket, just to support the consumer and give him confidence that everything he buys from them, are products that comply with the rules of quality and safety according to law, national and European standards. This paper addresses some of the non-compliant issues facing consumers when purchasing products from the supermarket and highlights some misleading practices used by retailers as well as consumer behaviour regarding them. Thus, a questionnaire with a number of 20 questions was applied which had a number of 168 respondents. The conclusion regarding the behaviour of consumers when they have been in contact with non-compliant products is that they react passively, so that 91.1% of respondents have never made a complaint to one of the institutions entitled to consumer protection.

Key words: (maximum 6): consumer, consumer protection, non-compliant, supermarket, România

INTRODUCTION

At the level of the European Union, consumer protection is carefully analysed and debated, so it is one of the topics constantly updated precisely to come to the aid of the consumer.

Consumers or end users is "public" the most important in the market (Merce, 2010). It is the consumer who dictates the evolution of the market, the increase in demand for various products or not. Consumer behaviour, in a specific approach, can be defined as a concept par excellence multidimensional, as a specific result of a system of dynamic relationships between the processes of perception, information, attitude, motivation and effective manifestation (Albu, 2006).

However, the term consumer protection is consecrated among authorities to describe the direct and domain-specific measures related to: complaints management, ensuring the transparency framework in the activity of suppliers, compensation of the injured, business ethics, supervision and control of abusive clauses and modalities of selling financial products to the retail market, issuing public communications such

as alerts or recommendations, analysing the impact of niche financial products (Calu, 2021).

European consumer protection measures aim at protecting the health and safety, as well as the economic and legal interests of European consumers, regardless of where they live, travel or shop in the EU (European Parliament, 2022).

Directive 2001/95 / EC is the Directive establishing a system for the general safety of products which provides that any consumer product placed on the market, even if not subject to specific sectoral legislation, must nevertheless comply with certain standards. on consumer information, measures needed to avoid security threats, monitoring of product safety and traceability (European Parliament, 2022). Thus, in the case of any product that may pose a danger to consumers, regardless of its type, the European Commission is immediately informed through the well-organized system, precisely so that that product can be withdrawn from the market throughout the EU.

Policy makers and food marketers are encouraged to develop a simple and easily recognisable mark (relating to quality, food safety and nutrition) to assist consumer decision-making (Pieniak, 2013).

Commission obtains information about consumers by monitoring consumer markets and national consumer conditions and studying their behaviour. Effective enforcement and consumer product safety is one of the key conditions for a functioning internal market (Catana, 2012).

In Romania, only one institution is in charge with food and feed safety, i.e. National Sanitary Veterinary and Food Safety Authority (NSVFSA) which is subordinated to the Government and under the coordination of Prime Minister. Within the NSVFSA operates the national RASFF contact point which it is in continuous exchange of information with the European Commission (Stancu, 2012).

MATERIAL AND METHOD

In the study, the study was used to study the literature, articles addressing the topic, specialized sites such as the European Commission, NACP Romania, DSVSA Romania to present both the state of knowledge on the topic, EU directives, but also concrete cases of unconfirmed in supermarkets following the countermeasures made by NACP.

At the same time, the questionnaire was used as a research tool. A questionnaire is a research tool consisting of a series of questions and other requests in order to gather information from people. They are often designed to statistically analyse responses. The questionnaire was invented by Sir Francis Galton (Isac-Maniu, 2013). The elaboration of the questionnaire is a complex problem, and the prospecting of the market based on it requires

professionalism but also the concrete testing of the different possible variants (Colibaba, 2001).

The questionnaire includes a number of 20 closed-ended questions, which were made available for completion in a 14-day online environment. Thus, the results of the 168 completed questionnaires were analysed and interpreted, precisely in order to highlight the situations encountered by consumers in the context of non-conformities of the products purchased from the supermarket.

RESULTS AND DISCUSSION

European consumers are protected against two main categories of unfair commercial practices (Your Europe, 2020):

- deceptive practices, which are manifested by direct action (providing false information) or omission (failure to provide important information)
- aggressive practices, the purpose of which is to force you to buy.

According to the law, no. 363 of 21 December 2007, on combating consumer misconduct in relation to consumers and harmonizing regulations with European consumer protection legislation, the consumer is any natural person or group of natural persons formed in associations who, in commercial practices covered by this law, acts for purposes outside its commercial, industrial or production activity, artisanal or liberal (Law 363/2007).

The struggle between traders that is constantly taking over market segments, but especially in times of economic boom, can lead to ingenious and effective presentations, advertisements and marketing mechanisms, but also to illegitimate methods of capturing customers and unfair practices of traders, which are the opposite of fair and honest business practices, violating the general principle of good faith and, therefore, being sanctioned and combated by law (Piperea, 2017).

The fierce competition on the Romanian merchants market means that every detail is charged by customers. Prices take precedence over the choice of used supermarket chain, but there are other aspects that can throw a manager in the middle of a huge crisis of customer confidence, namely: hygiene, errors, employee training, waiting, expired products (***, 2017).

As presented in the methodology of elaboration of the paper, NAPC constantly performs controls at the national level to ensure that situations where there are unconfirmed in supermarkets are kept under control. Thus, it was observed that in all counties where such controls were performed, non-conformities were reported in the analysed period October 2021 - February 2022.



Fig. 1. Map of NACP controls during October 2021 February 2022 (non-compliant products)

Source: Own representation based upon the centralised information available online

The most common problems found as follows (NAPC):

- marketing of products outside the validity term;
- marketing of products outside the date of minimum durability that had insects in the package;
- marketing of non-compliant frozen products (products with modified colour and ice accumulations in the packaging);
- marketing of fruits and meat products with obvious organoleptic changes and traces of mould;
- use of an unhygienic pre-packaged and frozen products display space, with label residues, mechanical impurities, dead insects (flies and cockroaches);
- misleading commercial practices - the use of promotional business phrases, which cannot be proven by documents or which prove to be untrue by comparing store prices (e.g. “Super Offer”, “Lowest Price”, etc.);
- inconsistency between the price on the shelf and the one at the cash register;
- sale of damaged products with packaging.

In view of the above, we present only two questions from the applied questionnaire (which is found in full in the diploma project of the same title) to highlight the fact that most respondents make their purchases in the supermarket and that they noticed various errors on the fiscal vouchers.

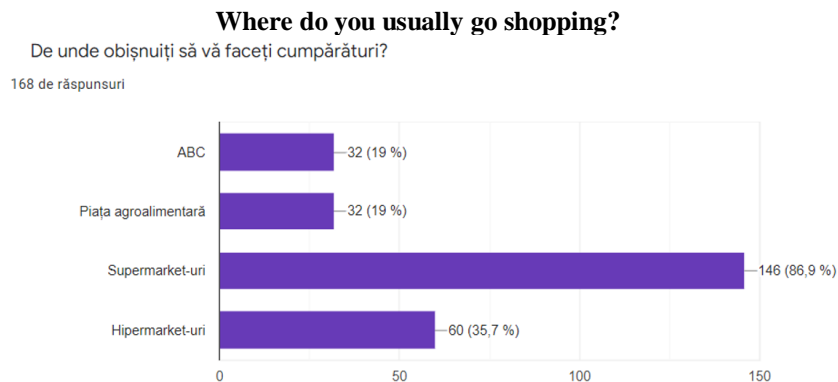


Fig. 2. Questionnaire chart - Where do you usually go shopping (Question no. 4)
Source: Own adaptation

It is observed that the majority of respondents shop at the supermarket - 86.9%, and 19% choose to buy agri-food markets to the detriment of other categories of stores, which shows that today's consumer is one who wants to buy all essential purchases in one place just to save time for this activity (see Figure 2).

After issuing the tax receipt, did you notice any price or quantity or product errors?

După emiterea bonului fiscal, vi s-a întâmplat să observați greșeli de preț, greșeli de cantitate sau de produs ?

166 de răspunsuri

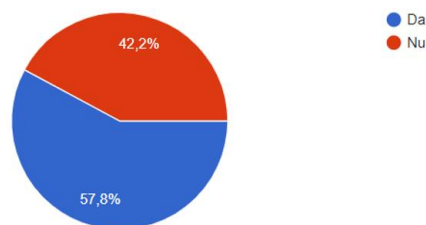


Figure 3. Questionnaire chart (Question No 11)
Source: Own adaptation

A category of non-compliance in supermarkets also refers to differences in price, quantity or product that may appear on the receipt, so we note that 57.8% of respondents said they had encountered such a situation, a very high percentage. Therefore, it is recommended that those responsible for these issues pay special attention to the constant verification of various situations of this type that may occur. One of the main causes of

these inconsistencies is often insufficient staff and lack of training (see Figure 3).

CONCLUSIONS

The non-compliant aspects are quite numerous as the research have shown. Yet not all of them are due to the illicit intention but rather are a result of the proper training of the staff.

Consumer protection is of outmost importance at the end of the day as it is about trust, about having the consumer informed and safe and also is about the reputation of producers who should be directly interested in it.

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