

RUAHA CATHOLIC UNIVERSITY



RUCU

**LEGAL PROTECTION OF CONSUMERS OF HOMEMADE
DETERGENTS: A LESSON TANZANIA SHOULD LEARN FROM
U.S.A**

**A Research Paper Submitted in Partial Fulfillment of the Requirements
for the Award of Bachelor of Laws Degree (LL.B) of Ruaha Catholic
University**

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At The

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August, 2019

CERTIFICATION

I, the undersigned, do certify that I have read and hereby recommend for acceptance by the Ruaha Catholic University dissertation entitled: Legal Protection of Consumers on Homemade Detergents: A Lesson Tanzania Should Learn From U.S.A in partial fulfillment of the requirement for the award of a Bachelor of Law of the Ruaha Catholic University.

.....

Ms. Caroline Ruvuga

(Supervisor)

Date:.....2019

DECLARATION

I, **Kadaso Gladness D**, do hereby declare that this research is my own original work and it has not been presented and will not be presented to any other University for a similar or any other degree award.

Signature..... Date.....2019

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DEDICATION

This work is dedicated to my beloved parents, Daniel Kadaso and Maryloyce Jonathan, my brothers Jonathan, Joseph and Benny, and my sisters Grace and Rhoda for their tireless emotional and financial support and encouragement for the entire time of my studies. Stay blessed.

LIST OF ABBREVIATIONS

ARSO	African Regional Organization for Standardization
COPOLCO	Committee on Consumer Policy
EACCA	East African Community Competition Act
ECOSOC	Economic and Social Council
EU	European Union
FCA	Fair Competition Act
FCC	Fair competition commission
IEC	International electro-technical commission
ISA	International standardization association
ISO	International organization for standardization
ITU	International telecommunication union
TBS	Tanzania Bureau of Standard
TBT	Technical Barriers to Trade Agreement
UNCTAD	United Nations Conference on Trade and Development
UNGCP	United Nations Guidelines of Consumer Protection
U.S.A	United States of America
WTO	World Trade Organization

LIST OF LAWS

INTERNATIONAL LEGAL INSTRUMENTS

United Nations Guidelines for Consumer Protection (as expanded in 1999)

The Agreement on Technical Barriers to Trade 1995

International Organization for Standardization, 1947

Statute establishing the International Organization for Standardization Act, 1947

REGIONAL LEGAL INSTRUMENTS

African Regional Organization for Standardization, 1977

The East African Community Consumer Protection Act, [2006]

NATIONAL LAWS

The Constitution of the United Republic of Tanzania Cap 2 of 1977 Revised Edition 2005 (as amended from time to time)

The Fair Competition Act, [No. 8 of 2003]

The Standards Act, [No. 2 of 2009]

The standards Act, [No. 3 of 1975]

The Standards (Tested Products) Regulations, [GN No.404, 2009]

Federal Hazardous Substance Act of 1960 (codified at 15 U.S.C 1261 -1278),

Consumer Product Safety Act of 1972 (codified at U.S.C 2051-2084),

Poison Prevention Packaging Act of 1970 (Pub L. 91-601, 84 Stat. 167074)

LIST OF CASES

Arouberg v Federal Trade Commission, 132 F2d 165(7thCir.1942)

MacPherson v Buick Motor Co, 217 N.Y 382, 111 N.E 1050 (1916)

Grant v Australian Kniting Mills, [1935] UKPC 62

Soap Co. v. Ecolab, Inc, 646 So 2d 1366 (1994)

Winter bottom v. Wright, (1842) 10 M&W 109

Fidelity Fed Sav &Loan Assn v Den La Fiesta, 458 U.S141 (1982)

ABSTRACT

This research critically examines the position of the law in the protection of consumer in Tanzania by looking what has been done in the United States of America. The titled Legal Protection of Consumers on Homemade Detergents: A Lesson Tanzania Should Learn from U.S.A facilitate as to how laws of these two states give protection to the consumer.

The researcher observed that, the United Republic of Tanzania legal system does not provide suitable consumer protection when it comes to homemade detergents. There is an increase of products in the market which do not comply with consumer protection standards and the Government has not taken any initiative to deal with the problem as the way USA did. Tanzania needs to learn from the U. S. A laws which have tried to protect consumers of homemade detergents by enacting laws which set the mandatory requirements to be fulfilled by producers of any products which are intended to be used by consumers before an after reaching the market.

The researcher to furnish this Legal research used field and library research in order to examine as to how the matter affects the society. Work of other prominent jurists were used as reference in order to create genuine work. Therefore, different concepts like consumer, as well as detergents were discussed by the researcher, legal framework, and Legal Analysis of the laws is made in order to see what lessons Tanzania can learn from United States of

America consumer protection on homemade detergents. Lastly, the researcher gave a conclusion and recommendations upon the research.

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CHAPTER ONE:

GENERAL INTRODUCTION

1.1 BACKGROUND OF THE PROBLEM

Background under this legal research is divided into two parts. Researcher under this legal research manages to examine background of the problem from United States of America and United Republic of Tanzania.

1.2.1 IN THE UNITED REPUBLIC OF TANZANIA

During 1980s formal president of United Republic of Tanzania Hassan Mwinyi was the first president in United Republic of Tanzania to embark on a programme of trade liberalization, which was followed by the policy of privatizing within the state as well as state to dispose enterprises to private sectors.¹ Private sectors became an engine for market growth as the government withdrew itself from being a direct economic manufacturer, distributor and price controller.²

Consumer protection on economy was poor which led to the influx of substandard goods and services.³ However, the shift to free market economy was

¹ R. Skarstein, *Economic Liberalization and Smallholder Productivity in Tanzania. From Promised Success to Real Failure, 1985-1998*, Journal of Agrarian Change, Vol. 5 Number 3, 2005, 341.

² https://www.tanzaniagateway.org/docs/Tanz_Agr_Productivity_Published

³ L.F. Bugoti, *Concept of Consumer Protection in Tanzania: Rights and Duties of Consumers*, 2015, 8

not prepared by Tanzanians due to unawareness and little knowledge on how to deal with goods and services in the market whereby existence of new policy and threats associated therein took place. Despite the fact that, there were laws such as the Standards Act of 1975 to control the market, but they were not sufficient to tackle different services and goods on the market including homemade detergents.⁴

Until 1994 whereby parliament of United Republic of Tanzania promulgate Fair Trade Practices Act that had hybrid concepts and borrowed provisions from Competition laws of Australia, Kenya and Canada to cover services and goods in the market.⁵ Under this Act, anticompetitive activities and behavior had to be justified if significantly were observed to affect competition in the market. During the implementation, some weaknesses relating to competition in the market were addressed talked within new law except the aspect of homemade products such as homemade detergents never addressed within the law of united Republic of Tanzania.⁶

Furthermore, in 2003 the new law was enacted⁷ to overcome the weaknesses which were not covered by the Fair Trade Practices Act. The Act tried to cover up some weaknesses left by the 1994 Act, even though there is still a challenges as far as of the objectives of the Act is concerning in the protection

⁴ Supra note, 3.

⁵ M. Hilton, *Consumerism in Twentieth Century Britain: The Search for a Historical Movement*, Cambridge University Press, Cambridge 2003, 186

⁶ *Ibid*

⁷ The Fair Competition Act, No. 8, 2003

of Homemade detergents. Therefore, problem of abuse of consumer and violation of their protection in the use of homemade detergents is left out without solution within the in the United Republic of Tanzania.⁸

Consumer protection in Tanzania is linked to the adoption of free market economy. Under the free market economy whosoever manages to produce could access the market, but subject to the standards set forth by the law. The increase of entrepreneurship in Tanzania appears to increase the locally manufactured products in the domestic market where most of them are below the standards.⁹ Tanzania seeing the life of the people are in danger toward important areas such as health, safety environment and general welfare of her people decided to enact serious laws and regulations such as the Standards Act¹⁰ and its regulations¹¹ in order to regulate the important areas mentioned above for protection of consumers in Tanzania.

Locally manufactured products continue to flood the domestic market and the statistics show that in the past three years 5-10 % of products are locally manufactured products which are substandard. TBS was established under the Ministry of Industry and Trade as the National Standards Institute and became

⁸ *Supra*, Note 6, 186

⁹ J. M. Mlay, *A Dissertation on Consumer Protection: An Examination of National, Regional and International with some References to Locally Manufactured Packed Food in Tanzania*, 2016 LLM Thesis (Unreported), 11

¹⁰ Act No. 2 of 2009

¹¹ Regulations made under Section 36 of the Standards Act of 2009

effective in April 1976. Later the law was amended and became the TBS through an amendment to the Standards Act.¹²

Again the Standards Act, 1975 was repealed and replaced by the Standards Act which gave the Bureau more powers in carrying out its mandate. The Bureau was established as part of the efforts by the Government to strengthen the supporting institutional infrastructure for the industry and commerce sectors of the economy. Particularly, TBS was empowered to undertake measures for quality control of products of all descriptions and to promote standardization in industry and commerce.¹³ However, issue of homemade detergent is left uncovered by Tanzanian Laws to date.

1.2.2 IN THE UNITED STATES OF AMERICA

Whereas the situation is different from USA whereby there are specific laws which regulates protection of consumers in the use of Homemade Detergents.¹⁴ In the USA the background of the problem in relation to homemade detergents originated from ancient Babylon 2800 BC whereby people at that time used to clean dishes, laundry as well as home.¹⁵

Therefore it was until 17th Century where homemade detergents came into fashion in America and Europe. So the State saw, there is a need of having laws to facilitate collection of Tax into these luxurious things. After two century

¹² *Ibid*

¹³ *Supra* note 9

¹⁴ <https://www.fda.gov>, (Accessed on 05th May, 2019)

¹⁵ <https://www.cleaninginstitute.org/understanding-products/why-clean/soap-detergents-history>

in 19th Century tax removed for the soap was seen to be an important product in the community.

Moreover, “A major step toward large-scale soap making occurred in 1791 when a French chemist, Nicholas Leblanc, patented a process for making soda ash from common salt. Soda ash is obtained from ashes and can be combined with fat to form soap. This discovery made soap-making one of America's fastest-growing industries by 1850, along with other advancements and development of power to operate factories.”¹⁶

The manufacturing of the detergents was necessary until 1916 during the World War I and World War II were there was shortage animal and fats from vegetables used to make soap.¹⁷

Therefore, chemist decided to use chemicals with similar ingredients as provided before, here considered to be the time where anyone was able to make detergents at home so long as there was availability of the raw material and idea of mix them to the person want to make detergent.¹⁸

Therefore, in order to protect consumers in the use of the detergents in America, laws such as Federal Hazardous Substance Act (codified at 15 U.S.C 1261 -1278), Consumer Product Safety Act 1972 (codified at U.S.C 2051-2084), as well as Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, 84 Stat.

¹⁶ *Ibid.*

¹⁷ <https://www.dtergentsandsoap.co>, (Accessed on 25th May , 2019)

¹⁸ <https://www.naturallivingfamily.com/chemicals-laundry-detergents> (Accessed on 25th May, 2019)

167074) were introduced in order to provide protection to the consumers in the use of homemade detergents.¹⁹

1.2 STATEMENT OF THE PROBLEM

The incorporation of laws in Tanzania such as the Fair Competition Act No 8 of 2003 and the Standards Act No. 2 of 2009 aimed at protecting consumers against unfair business practices as well as regulating the standard of goods and services before they reach to the consumers. However, the laws are too silent in protecting consumers' rights especially on the use homemade detergent. The laws of Tanzania do not establish specific standards which reflect homemade detergents. Therefore, a society seems to face an ambiguity in enforcing their rights due to the lack of laws for consumer protection in the use of homemade detergents.

Whereas, in the United State of America consumers of homemade detergents are protected under the laws such as Federal Hazardous Substance Act (codified at 15 U.S.C 1261 -1278), Consumer Product Safety Act 1972 (codified at U.S.C 2051-2084) as well as Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, 84 Stat. 167074), regardless the products are homemade or industrial products. Therefore, this study intends to show the lesson that Tanzania should learn from the laws of U. S.A which at larger extent were able to protect consumers of homemade detergents.

¹⁹ https://www.acs.org/content/acs/en/education/laws_of_america/homemade/detergents , (Accessed on 25th May, 2019)

1.4 LITERATURE REVIEW

Sharma, in the book called *Business Regulatory Framework*²⁰ was able to cover the issue of consumer protection as to how easy to reach a consumer, it important in the society as well as the need of the government to take into consideration protection of the user of local products. Also author, went further and emphasis that, to eradicate substandard goods everybody in the society should disregard it in the market. Also, Author did not support co-existence of the law that dealing with consumer protection against locally manufactured goods since does not meet the required standards.

However author did not touch the aspect of homemade detergents in Tanzania and other local products involves the use of chemical before single manufactured products to reach the consumer.

Sebastian, in the book called *Tanzania: Third Lack of Awareness Stalls war on Fake Good*²¹ was able to cover protection of consumer by focusing on the laws. Herein, the author was able to pin point that, protection requires collaboration of public and private enforcement. Also, the complementariness of both public and private enforcers varies significantly between products safeties, unfair contract terms or unfair commercial practices should be taken into consideration for the purpose of saving the consumer.

²⁰A. Sharma, *Business Regulatory Framework*, V. O (India) Enterprises, Delhi 2010, 288.

²¹ M. Sebastian, *Tanzania: Third Lack of Awareness Stalls war on Fake Good*, Dar es Salaam, 2011

Also, author went further and narrated enforcement of laws which protect consumer in the developed continent such as European Continent. However, researcher under this legal research observed that, the author fails touch the issue of homemade detergent in African continent especially in Tanzania.

Weir (*et al*) in the Article called *Complementary and Alternative Medicine and Consumer Law*,²² the author on his writing was able to connect between consumer law and health sectors. Author, went further to the extent of discovering the institution of the suit by the consumers in case their rights has been breached. Furthermore, the author was able to narrate the obligation of the state to have laws which take into consideration rights of the consumer.

However, author was not able to show the legal lesson that Tanzania can learn from U.S.A in the protection of consumer against substandard local products in the market such as detergents and their effects when reach to consumers.

Micklitz and F. Cafaggi, in their book called *New Frontiers of Consumer Protection; the Interplay between Private and Public Enforcement*,²³ were able to cover the aspect of consumer protection in the angle of enforcement which has become a problematic keystone in the enforcement. Also, authors went further and focus on how to regulate entry and exit of products as well as services in the market. The authors further observed that, consumer protection requires a

²² M. Weir (*et al*), *Complementary and Alternative Medicine and Consumer Law*, Competition and Consumer Law Journal, Bond University, 2013

²³ H. A. Micklitz and F. Cafaggi, *New Frontiers of Consumer Protection, the Interplay Between Private and Public Enforcement*, Edward Elgar Publishing Ltd, Intersentia, 2010, 1&38.

combination of both public, private enforcement whereas the complimentary of both public and private enforcers varies significantly between product safety. In addition to that unfair commercial practices within the societies should be considered to ensure consumers' rights are protected.

However, authors failed to observe as to how homemade detergent affects African society since domestic laws which have mandate to protect the rights of the consumers are silent. Also authors failed to show the relationship of the law between developed country and developing country such as Tanzania and USA in the protection of consumer in the use of local products such as detergent.

Suresh Lal, in the book called *Introduction Consume Rights and Responsibilities*,²⁴ was able to cover the rights of the consumer such as right to safety, right to be informed as well as right to choose. Also, author went further and focuses on the measures to be considered in order to promote those rights of the consumer by observing United Nations Guidelines.

Furthermore, the author was able to touch different jurisdiction in the protection of consumers in the use of different manufactured goods by gave example of the law in India to be not comprehensive in the explanation of the offences. Lack of the expired date from the local product, as well as official

²⁴ [https://www.researchgate.net/publication/311562679/B.Suresh Lal, *Introduction Consume Rights and Responsibilities*, 2016](https://www.researchgate.net/publication/311562679/B.Suresh%20Lal,%20Introduction%20Consume%20Rights%20and%20Responsibilities)

records and citizen character in the use of the product it was observed to be inadequate by the author.

Therefore, author failed to cover the same aspect as discussed in Indian in as far as the issue of consumer is concerning. Also fail to focus on the developing countries like Tanzania in the protection of consumers especially in the local products manufactured by local traders comparing to the developed country such as USA.

Goldring, on book called *Consumer Protection Law*,²⁵ was able to address on the concept of consumer protection and gave the meaning of the terms including consumer. Furthermore, author also focused on the importance of consumer protection whereby, can be done through consumer affairs agencies that are involved with protection of consumers.

Therefore, author failed to show the need of consumer protection to be reconsidered in in the country like Tanzania especially on the issue of homemade detergents since there is other strong state like USA considered having laws which seems to cover rights of the consumer in different angle.

Goode on the book called *Commercial Law in the Next Millennium*²⁶ was able to cover how does the commercial law for common law jurisdiction relating to other jurisdiction by looking on the evolution of the commercial law as well as contract market specific on the public and private law. Furthermore, author

²⁵J. Goldring, et al., *Consumer Protection Law*, The Federal Press, Leichhardt, 1998, 117.

²⁶R. Goode, *Commercial Law in the Next Millennium*, Sweet and Maxwell Limited, London, 1998, 32.

was able to narrate the concept of property rights in the aspects of interest and sales.

Therefore, author did not tackle commercial law in relation of the rights of the consumer when local products such as detergents produced by local people without reflecting the standard of the product which can be used by consumer.

1.5 HYPOTHESIS

Tanzania laws need to learn from USA laws on consumer protection, since it appears that Tanzanian laws do not give protection to consumers of homemade detergents as the USA laws.

1.6 OBJECTIVES

1.6.1 MAIN OBJECTIVE

To examine how consumer protection laws deal with homemade detergents.

1.6.2 SPECIFIC OBJECTIVES

Firstly, to legally analyze the position of the law between Tanzania and USA in relation to awareness of Tanzanians upon the notion of Homemade Detergents

Secondly, to critically assessing the solution to the complexity associate with consumer protection especially on the use of homemade detergents by looking what has been done in the USA

Thirdly, to investigate in depth the views of the scholars as to which position of the laws between USA and Tanzania protects consumer in relation to the homemade detergents concept

1.7 SIGNIFICANCE OF THE RESEARCH

To create awareness to others who have little knowledge in the aspect of homemade detergents in relation to the protection of consumer since there is few and narrow assessments conducted by different authors.

The researcher also intends to teach the society on the effects of producing and use local products such as detergents which remain uncovered under Tanzania Law.

Furthermore to bring the matter before law makers to reform the laws governing consumer protection in the aspect of homemade detergents, and presence of persuasive notes to the colleagues during the study of consumer law as subject.

1.8 RESEARCH METHODOLOGY

Since this Legal Research requires Researcher to link between legal and social matters. Therefore, under this Legal paper researcher used Empirical Research in order to find connection between social and legal matters. Therefore, under this research the researcher was able to show how does the law still is at

the point of not protecting consumer on the use of Homemade Detergent by examine lesson Tanzania can learn from U.S.A.

1.8.1 RESEARCH DESIGN

Under this legal research, research design includes primary data collection methods in order to examine the position of the Laws in the protection of the Consumer of Homemade Detergents in a lessons sphere. Therefore, herein researcher focuses on the field research in the collect data from different 20 people, whereby 5 people from Ruaha Catholic Staff, 5 people who are producers of Homemade detergents, five sellers and lastly five people who are consumer of Homemade Detergents.

Furthermore, secondary data collection methods where a researcher able to collect data from different documented material such as journals, case, books, dissertation, and many other documents including newspaper and different sources from internet.

1.8.2 SAMPLE AND SAMPLE DESIGN

This Legal research involves non-random design which Researcher was able to obtained data from different fifteen different people. Therefore, five people from RUCU, five people deal with production and five people who is consumer of Homemade Detergents.

1.8.3 DATA COLLECTION METHODS

The researcher was able to collect data through primary and secondary methods through the use of interview, questionnaires, internets and library research. The researcher uses this method because it saves time and personal opinions. Furthermore, the interview and questionnaires involves closed questions and open questions to give opinion.

1.8.4 DATA INTERPRETATION

Under this Legal Research qualitative method is used to interpret data obtained from field and library.

1.9 SCOPE AND LIMITATION

1.9.1 SCOPE

The scope of this Research basing on the Legal lessons Tanzania should observed form USA in the protection of consumer of Homemade Detergents. Whereas, in as far as geographical is concerning researcher critically focuses of the two jurisdictions Tanzania and USA.

1.9.2 LIMITATION

Researcher faced some limitations when conducting this research since there were no enough resources such as books which talks about the problem in question. Also, the researcher faced some difficulties when conducting interviews because the interviewees refused to give support to the research about their knowledge of the problem especially producers of detergents.

CHAPTER TWO:

CONCEPTUAL AND LEGAL FRAMEWORK ON THE PROTECTION OF CONSUMER IN THE USE OF HOMEMADE DETERGENTS

2.1 INTRODUCTION

This chapter deals with definition of terms such as detergents, homemade detergents, Consumer, Consumer Rights. Also in this Chapter a thorough discussion is made over the genesis of the rights of consumers on the aspect homemade detergent by making reference to laws which governs the protection to the consumers by looking USA as a country of Lessons.

2.2 DEFINITION OF DETERGENTS

The term detergent used synonyms to cleaner, cleanser, washing-up liquid, as well as soap powder.²⁷ However, detergents can be defined as essential chemical materials which can be in two forms either liquid or powder form which can be used for the purpose of washing or cleaning clothes, as well as dishes.²⁸

Also the term detergent can be defined as cleaning agent which is used alike to soap. Moreover it is considered that, the general formation structure of

²⁷ <https://www.thesauras.yourdictionary.com/detergent>. Accessed on 15th June, 2019

²⁸ <https://www.collindictionary.com/amp/english/detergent&ved=2ahUKEwi4>. Accessed on 15th June, 2019

the detergent determined by structure of $R-SO_4+Na^+$, whereby R used to symbolize the term alkyl.²⁹

2.2.3 EXAMPLE OF DETERGENTS

Detergents which can either in Soft soaps or in hard soaps, this is the kind of soaps which contain potassium salt, sodium salts, and surface active compound.³⁰ Moreover, the composition within these soaps considered to substances clean contaminated area or any part which can be reached.³¹

2.2.4 CLASSIFICATION OF DETERGENTS

There are three groups of detergents including; Anionic Detergents, Cationic Detergents, and Ethoxylates detergents which can either be liquids or powders.³² Moreover, can be defined as follows;

a. Anionic Detergents

This is defined as “a natural or synthetic chemical substance such as a soap, which does not ionize when placed. Furthermore, this class of detergents when dissolved contributes hydrophobic ion which carries a negative charge to the solution.”³³

²⁹ <https://www.thoughtco.com/definition-of-detergents-in-chemistry-604428>, 15th June, 2019

³⁰ <https://www.bloodpressurreuk.org/microsites/salt/Home/Howtoeatsalt/html>. (Accessed on 15th June, 2019)

³¹ <https://www.uspto.gov/web/patents/classification>. (Accessed on 15th June, 2019)

³² <https://www.enotes.com/homework-help/define-detergents-its-types-308411>. (Accessed on 15th June, 2019)

³³ <https://www.medical-dictionary.thefreedictionary.com/anionic+detergent>. (Accessed on 15th June, 2019)

b. Cationic Detergents

Can be defined as type of detergents in which contain positive ion known as cation. Moreover, in this type of detergents there is a group of ammonium in which each hydrogen has been replaced by an alkyl or aryl group.³⁴ Furthermore, this type of detergents is capable of acting as anionic or cationic detergents.³⁵

c. *Ethoxylates* detergents

³⁶This is the compound which is used in many industries. This is the combination of fatty alcohol and ethylene oxide whereby the combination of these two compound result into molecule which contain the oleophilic and hydrophilic which is used whenever oil come to contact with water.

2.3 HOMEMADE LAUNDRY DETERGENTS

The term homemade detergents means a soap which formulated by chemical such as sulfates, fragrances, as well as phenols. Furthermore, there is chemical such as petroleum distillates which is harmful that can be added in the homemade detergents for soap to be more active whereas it is considered to cause cancer and lung disease to consumer.³⁷

³⁴ <https://www.thefreedictionary.com/cationic%20detergent&ved=2ahUKEwiagvS4>. (Accessed on 15th June, 2019)

³⁵ <https://www.britannica.com/technology/cationic-detergents&ved=2ahUKEw>. (Accessed on 15th June, 2019)

³⁶ <https://www.oxiteno.us/what-is-alcohol-ethoxylate-uses/>. (Accessed on 15th June, 2019)

³⁷ <https://www.wellnessmama.com/462/homemade-laundry-detergents>. (Accessed on 15th June, 2019)

2.4 CONCEPT OF CONSUMER

The term consumer is defining to mean any person who buys a product or services for personal use and not for the purpose of resale. Moreover, consumer in other term known as any person who affected by advertisement in the market, also person with discretion to buy or not any service or products.³⁸

According to Bryan Adam, in the *Black's Law Dictionary*, the term consumer is defined as “a person who buys goods or services for personal, family or household use with no intention of resale.”³⁹

Moreover, the term consumer is defined in the case of *Arouberg v Federal Trade Commission* as the vast multitude which includes the ignorant, the unthinking and the credulous that in making purchases do not stop to analyze but too often are governed by appearances and general impressions. This means that, though consumers represent the huge number of participants but they carry very few information about the products sold by their counterparts who are selling and they have more information about their products.⁴⁰

2.5 CONSUMER PROTECTION

The term consumer protection is referred to as laws and other forms of government regulation designed or promulgated to protection to the consumers in the use of any service or products as us homemade detergents.⁴¹

³⁸ <https://www.investorwords.com/1055/consumer.html>. (Accessed on 15th June, 2019)

³⁹ B. Adam, *Black's Law Dictionary*, Thomson West Publisher, St. Paul 1984, 335

⁴⁰ 132 F 2 d 165 (7th Cir 1942)

⁴¹ <https://www.study.com/academy/lesson/what-is-consumer-protection-product-liability-laws-rights.html>, Accessed on 15th June, 2019

2.5.1 IMPORTANCE OF CONSUMER PROTECTION

Consumer protection this is the term used in the protection of consumer from any unfair practices seems to affect his or her rights. Therefore, in the protection of consumer education about consumer's right are provided.⁴²

2.5.2 THE NEED OF CONSUMER PROTECTION

Furthermore, consumer protection is needed due to the reason that, consumers need protection against unsafe and dangerous products such as homemade detergent manufactured without considering the standard of the chemicals used.⁴³

After defining the concepts of terms used in the research, researcher critically examined the Laws dealing with protection of consumers in the use of homemade Detergents. These Laws are divided into three parts, first part covers laws at International level, the second part covers laws at regional level and third laws at national level.

⁴² <https://www.toppr.com/guides/business-studies/consumer>, (Accessed on 15th June, 2019)

⁴³ <https://www.businessmanagementideas.com>, (Accessed on 15th June, 2019)

2.5 INTERNATIONAL LAWS GOVERN RIGHTS OF CONSUMER AGAINST HOMEMADE DETERGENTS

2.5.1 UNITED NATIONS GUIDELINES FOR CONSUMER PROTECTION (UNGCP)

In 16th April 1985 was the day guideline adopted by the United General Assembly⁴⁴ through the consensus of majority as a valuable to set out principles for consumer protection against any product or service which might be harmful to the consumer.⁴⁵

Moreover, guideline was followed by campaign of consumer protection associations in many countries under the umbrella of Consumers International (formerly known as the International Organization of Consumer Unions).⁴⁶

Furthermore, the Guidelines together with State part to the agreement agreed to include specific provisions which regulate goods and services, moreover State parts required to promulgate regulations, as well as Laws which gives procedural guidelines in case a person affected with the any product manufactured by the manufacturer.⁴⁷

⁴⁴ United Nations Conference on Trade and Developments, United Nations Guidelines for Consumer Protection, Resolution 39/248 of 16th April, 1985, and Social Council resolution 1999/7 of 26th July, 1999.

⁴⁵ <https://www.unctad.org/en/pages/DITC/CompetitionLaw/UN-Guidelines-on-Consumer>. (Accessed of 15th June, 2019)

⁴⁶ <https://www.consumersinternational.org/take-action/recognition-of-world>. (Accessed of 15th June, 2019)

⁴⁷ <https://www.hrlibrary.umn.edu/links/consumerprotection>. Accessed on 15th June, 2019

However, this observed in the protection of the consumer against homemade detergents left to the State itself. However by looking on the legal lesson Tanzania should adopt from USA, since Tanzania seems to have no law which reflects the guidelines comparing to the USA.⁴⁸

2.5.2 THE AGREEMENT ON TECHNICAL BARRIERS TO TRADE

TBT Agreement is one of the annexure of the World Trade Organization created in 1995. The agreement helps to ensure that national regulations and confirming assessment procedures to their requirements do not create unnecessary barriers to trade.⁴⁹ Furthermore, the main purpose of the agreement is to make sure there are identified regulations and standard as well as absence of unnecessary obstacle on the market. Moreover, state part to the agreement required to promulgate the law which protect consumer against harmful product and services in market as well as other interest relating to consumer.⁵⁰

However, it has been years now since Tanzania promulgate the laws which it said to reflect International Requirements. But it seems the law from Tanzania to lack the provision which focus on the protection of consumer against homemade detergents comparing to U.S.A having a specific law protects consumer against homemade detergents.⁵¹

⁴⁸ Federal Hazardous Substance Act, (Codified at 15 U.S.C 1261-1278) of 1960 amended on 2011.

⁴⁹ UNCTAD/EMD/Misc.232/Add.22 of 1999

⁵⁰ https://www.researchgate.net/publication/251141328_The_United_Nations_Agreements. (Accessed on 15th June, 2019)

⁵¹ <https://www.sgs.com/en/consumer-goods-retail/cosmetics>. Accessed on 15th June, 2019

2.5.3 INTERNATIONAL ORGANIZATION FOR STANDARDIZATION (ISO)

Standardization this is the result of industrialization, whereby at the end of the 19th century and the very beginning of globalization, the need for standards became International.⁵² Moreover, the purpose of ISO is broadly defined under Article 2 and shall be “to promote the development of Standardization and related activities in the world with a view to facilitating International exchange of goods and services and to developing co-operation in the spheres of intellectual, scientific, technological and economic act.”⁵³

However, Tanzania and U.S.A became signatory State part to the ISO whereby after USA promulgated the law for the purpose to protect consumer against any harmful products as well as any service to the consumer. Whereas in Tanzania the law seems being silent especially in the protection of the consumer in the aspect of Homemade detergents.⁵⁴

2.6 REGIONAL INSTRUMENTS

2.6.1 AFRICAN REGIONAL ORGANIZATION FOR STANDARDIZATION

The African Regional Organization for Standardization is intergovernmental organizations established in 1977, Ghana. ARSO is one of the six regional standards organizations formally recognized by the ISO Council.⁵⁵

⁵² <https://www.9001simplified.com/iso-9001-certification-steps.php&ved>. Accessed on 15th June, 2019

⁵³ Statute establishing the International Organization for Standardization Act, 1947

⁵⁴ *Supra* note 43

⁵⁵ R. Lasztity, *Food Quality and Standards Vol.1 Encyclopedia of Life Support Systems*, Roles Publisher, Oxford 2009,114

Also, ARSO works with the ISO in exchanging information relating to implementation of International standards to any goods manufactured.⁵⁶

In 2013 the ARSO established a Consumer Committee known as ARSO-COCO. The Committee has a role to promote consumer participation in African Standardization process as a means of giving them an opportunity to articulate consumer interests in the Standardization and conformity assessment. The Committee also promotes the exchange of information and experience on standards, informing consumers the benefits of standards and ensuring African standards meet the market.⁵⁷

2.6.2 EAST AFRICA COMMUNITY COMPETITION ACT

The East African Community Competition Act (EACCA) was enacted in 2006 for the purpose of promoting and protecting fair competition in the community. The Act also intended to provide consumer welfare and establish the East African Community Competition Authority for related matters.⁵⁸

The Act was enacted by the East African Community and assented to by the United Republic of Tanzania president, Republic of Kenya president and the Republic of Uganda president. The Objectives of the EACCA among other things is, to enhance the welfare of the people in the community by providing

⁵⁶<http://www.iso-and-africa.h> (Accessed on 8 April 2019)

⁵⁷<http://www.arso-coco.org> (Accessed on 10 April 2019)

⁵⁸The East African Community Competition Act, [No. 2 of 2006]

consumers access to products and services within the community at competitive prices and better quality.⁵⁹

The EACCA is considered to as the major legislation that provides for consumer protection within the community. The EACCA provides for consumer protection on various aspects like product safety standards, product information standards and product liability in respect of unsuitable goods. In addition, the EACCA prohibits anticompetitive practices, abuse of dominant market⁶⁰ and general penalties.⁶¹

2.6 DOMESTIC LAWS GOVERN CONSUMER PROTECTION AGAINST HOMEMADE DETERGENTS

2.6.1 CONSUMER PROTECTION IN TANZANIA

a. The Constitution of the United Republic of Tanzania of 1977

The Constitution being the parent law where other laws of the land derive their legitimacy provides for the basic rights of consumers such as: The freedom of association, consumers are given the freedom to form independent consumer associations and confer them with the required legal standing to represent both individual and collective consumer rights in the decision making process and in the court.⁶² Furthermore, the right to life, in order to promote the interests of

⁵⁹*Ibid*

⁶⁰*Ibid*

⁶¹*Ibid*

⁶²Constitution of United Republic of Tanzania of 1977 as amended from time to time, Article 20

consumers and to ensure a high level of consumer protection, the Constitution provides to protecting the health and safety of consumers, as well as to promoting their right to information,⁶³ education and redress.⁶⁴

b. The Fair Competition Act

The Fair Competition Act (hereinafter referred to as FCA) was enacted in 2003 for the purpose of promoting and protecting effective competition in trade and commerce.⁶⁵ The primary objective of the FCA is to enhance the welfare of the people of Tanzania by promoting and protect effective competition in markets.⁶⁶

The FCA incorporated several consumer rights as provided in the Constitution and other International instruments such as right to choice, right to be heard, right to redress, right to safety and right to information and education.⁶⁷ Also, the FCA protects consumers against various anticompetitive practices by producers like unfair business practices, misleading and deceptive conducts, and harmful products.⁶⁸

Apart from that, the FCA establishes three institutions which are responsible for implementing the FCA's objectives. These institutions include the Fair Competition Commission, the Fair Competition Tribunal, and the

⁶³Article 18

⁶⁴Article 14

⁶⁵The long title of Act No. 8 of 2003

⁶⁶*Ibid*, section 3

⁶⁷*Ibid*, sections 9(2)(b)(c), 93(1)(a)(b), 93 and parts V to IX

⁶⁸*Ibid*, sections 15 to 21, 37 to 47

National Consumer Advocacy Council. However, by looking the law, it seems homemade detergents does not covered under the law. Therefore, the protection of the consumer based on the law need to be covered.

c. The Standards Act No. 2 of 2009

The current Standards Act repealed the 1975 Standards Act. The Act No. 2 provides for the promotion of the Standardization of specifications of commodities and services in Tanzania reestablish the bureau of standards and provide better provisions for the functions, management and control of bureau.⁶⁹The Act established the Tanzania Bureau of Standards (TBS) as a body corporate responsible to undertake measures for quality control of commodities, services and to promote Standardization in industrial and trade.⁷⁰

TBS works with other regional and international organizations for Standardization in order to protect consumers through implementing the standards set by the ISO and other regional standards in Tanzania. However, the standard of the products covered under the law, homemade detergents and the rights of the consumer does not covered.

⁶⁹Long title of Act No.2 of 2009

⁷⁰*Ibid*, section 4

2.6.1 CONSUMER PROTECTION IN UNITED STATE OF AMERICA

- a. Federal Hazardous Substance Act (codified at 15 U.S.C 1261 -1278),

This is the federal law in the USA for the purpose of regulating household products. Under this law any household want to manufacture any products required to seek permission whereby assessment will be conducted by Consumer Product Safety Commission to make sure the product is not harmful for consumer in the market. This is cemented under Section 2 of the Act.⁷¹ In additional to that, this is the law which requiring household producers to labeling their products in order to warning the consumer against child and themselves.⁷²

- b. Consumer Product Safety Act 1972 (codified at U.S.C 2051-2084)

This is the Act promulgated for the purpose of reduce risk of injuries to the consumer against the use of the homemade products. Normally under the law there are specific standards for the producer to observe before product reaching a consumer for the purpose of the protection.⁷³

Moreover, this is important law since establishes specific agency, give the explanatory details in as far as standard of the goods or service is concerning in the market. Also there is mandate upon the agencies to ban products which failed to observe the standard required under the law.⁷⁴

⁷¹ Federal Hazardous Substance Act (codified at 15 U.S.C 1261 -1278) of 1960

⁷²<https://www.cpsc.gov/Business-Manufacturing/Business-Education/Business>. Accessed on 15th June, 2019

⁷³ <https://www.cpsc.gov/safety-education/safety-guides/general-information>. Accessed on 15th June, 2019

⁷⁴ Consumer Product Safety Act (Tentative Translation) Number 31 of 1973)

c. Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, 84 Stat. 167074)

This is the law promulgated for the purpose of protecting child against household packages. Packages should be manufactured to the standard that the child below the age of five cannot open easily. Also, the law requires that, elderly also are protects against this harmful products manufactured at home.⁷⁵

Moreover, the Environmental Protection Agency this is the body established for the purpose of the regulating those packages from household seems to cause effects to the consumer at large.⁷⁶

Critically assessing those laws in relation to the protection of the consumer against homemade detergents by looking what has been done a U.S.A, Therefore, it is clear that mandate given to the State upon the promulgation of the law which protects consumer.

However, Tanzania laws in the protection of the consumer especially on the aspects of Homemade Detergents it is completely silent due to the promulgated at the time where manufactures product was the task of the commercial industries. Whereas, the laws of the USA observed the requirements of the International Instruments in the protection of the rights of consumer against homemade products, this shows that the laws of the USA is more sufficient comparing to the Law of the United Republic of Tanzania.

⁷⁵ Section 3(a) of the Poison Prevention Packaging Act of 1670 version of 2008

⁷⁶ Section 2(3) of the Poison Prevention Packaging Act of 1670 version of 2008

2.7 CONCLUSION

In a nutshell, researcher under this chapter is able to cover the Conceptual Framework and Legal framework based on the study *Homemade Detergents: A Legal Lesson Tanzania should comply with from United States of America*. Therefore, herein under this legal research different concepts such as consumer, detergents and its examples covered by researcher under this legal research.

In addition to that, under this chapter is able to tackle the concept of homemade laundry detergents and their composition, including Anionic Detergents, Cationic Detergents, and Ethoxylates detergents which can be either liquids or powders. Also in order to furnish this chapter researcher is able to cover the ingredients of homemade detergents including; Washing Soda, Soda Borax, as well as Bar Soap covered by researcher under this research as among the ingredients of homemade detergents. Moreover, within this Legal Research to find the link researcher is able to cover different laws relating to homemade detergents including National Laws and International Laws.

At national level there is The Constitution of United Republic of Tanzania, The Fair Competition Act, The Standards Act No. 2 of 2009, Federal Hazardous Substance Act, Consumer Product Safety Act 1972, as well as Poison Prevention Packaging Act of 1970. Furthermore, under this Chapter researcher managed to critically examine International Instruments in the Protection of the Consumer and come up with assessment of which law covers the protection of the consumer against homemade detergents.

CHAPTER THREE:

**LEGAL LESSON ON CONSUMER PROTECTION OF
HOMEMADE DETERGENTS TANZANIA SHOULD LEARN
FROM U.S.A**

4.1 INTRODUCTION

With regards to this chapter researcher is able to find different opinions and views from different twenty people who are consumers and producers of homemade detergents where their interested in Consumer Law in Tanzania is at large. Also, the curiosity to know the position of another countries which considered to be developed State in the protection of consumer in as far as homemade detergents is concerning. Therefore, different opinions and views in relation to the position of the law collected from 10 different people from Ruaha Catholic University staff among of them are users and producers, as well as 10 people from Iringa region who are consumers and producers of homemade detergents.⁷⁷

4.2 LEGAL ANALYSIS

With regards to this Chapter researcher focused on the legal analysis in relation with protection of consumers in the use homemade detergents in relation to the requirements of the Law. Therefore, under this part within this Chapter

⁷⁷Data Collected from 15th June, 2019 up to 24th June, 2019

researcher focus on the laws that used under Chapter Two on the Conceptual and Legal Framework on the aspect of homemade detergents in Tanzania and United States.

4.2.1 POSITION OF TANZANIA

It is true that, by examining laws from United Republic of Tanzania, the laws from United States managed to govern protection of consumers in the use products at large. Therefore, in this case Tanzania has a lot to learn from it as lessons.⁷⁸

This lead the researcher to tackle Laws from United Republic of Tanzania such as The Constitution of United Republic of Tanzania which is considered to be a mother Law of the country. It acts as a framework which gives a guideline where other laws of the land need to conform with. However, this law is totally silent in the products produced at home with no precaution such as Homemade Detergents to consumer. Moreover, there is ambiguity instance to the extent that it becomes difficult to identify the rights of the consumers in the use of homemade detergents at the moments affects their health.⁷⁹

Secondly, in Chapter Three there is another Law from United Republic of Tanzania use titled Fair Competition Act; within this law which is considered to be the one regulate competition in Tanzania it is totally silent in the aspect of homemade detergents in relation to the rights and health of the consumer.⁸⁰

⁷⁸ <https://www.investopedia.com>, Accessed on 25th June 2019

⁷⁹ Constitution, *Supra* note 62

⁸⁰ Fair Competition, *Supra* note 65

Moreover, the Law fails to provide mechanism to deal with the products produced by local people since there are a lot of them in the societies and they are affordable comparing to the detergents produced from Commercial Industries.⁸¹

Thirdly, the Standards Act, this is the law promulgated with the Parliament of United Republic of Tanzania to regulate standard of goods and services to the consumer that should observe a certain standard to the extent of not affecting their health. In additional, this law at large failed to give the standard of homemade goods such as packages of detergents produced by the people at our societies. Furthermore, the Law failed to show the standard of the Chemicals that can be used as combinations in the formation of Homemade Detergents.⁸²

Therefore, researcher based on this law govern standard through critically examination find the Law failed to tackle right to health, safety to the Consumer at larger extent.

4.2.2 POSITION OF UNITED STATE

The position of United States in the protection of Consumer rights in the Homemade Detergents is quite different comparing to the United Republic of Tanzania. U.S have specific Laws to deal with homemade products such as detergents, these laws including Federal Hazardous Substance Act (codified at

⁸¹ *Ibid*

⁸² Act No. 2 of 2009, Supra note 69

15 U.S.C 1261 -1278), Consumer Product Safety Act 1972 (codified at U.S.C 2051-2084), as well as Poison Prevention Packaging Act of 1970 (Pub. L. 91-601, 84 Stat. 167074) can be analyzed as follows;

Firstly; Federal Hazardous Substance Act this is the law that governs license or permission from Consumer Product Safety Commission for those who wants to be producers of homemade products including homemade detergents.⁸³

Also, the Law establishes mechanism such as inspecting the products before they reach the consumers as well as does not distort the market in the presence of lower standard product. Furthermore, law makers from US were able to protect consumers against homemade detergents by making sure household producers are labeling their products in order to warn the consumers against their child as well as elder consumer who have health problems in the use of products.⁸⁴

Cemented in the case of *MacPherson v Buick Motor Co.* the court observed that “a person could be liable for a defective product to someone other than the immediate purchaser. In *Chysky*, Cardozo joined Judge McLaughlin's opinion, which relied on Cardozo's statement in *MacPherson* that the basis of liability in that case was in tort, not contract. "If the exceptions expressed in *MacPherson* had been a smokescreen for the basic

⁸³ *Supra* note 71

⁸⁴ *Ibid*

principle that a producer of a defective product would be liable to anyone who might be expected to use it.”⁸⁵

Secondly, Consumer Product Safety Act 1972 this is among of the laws which governs the right of the consumers in the use of homemade detergents by providing standards producers need to observe during the production of detergents before even the product reaches consumers.⁸⁶

Grant v Australian Knitting Mills, this is considered to be a landmark case "in consumer and negligence law from 1935, holding that where a manufacturer knows that a consumer may be injured if the manufacturer does not take reasonable care, the manufacturer owes a duty to the consumer to take that reasonable care. It continues to be cited as an authority in legal cases, and used as an example for students studying law.”⁸⁷

Moreover, within the law there is establishment of the agency’s specific to deal with homemade products before reaching consumers or markets, in doing so law empower Argent to confiscate the product in case it does not fit the requirements. Whereas, this requirement of the standard of the Homemade Detergents is not covered under International Law even in a single provision of the Law including The Constitution of United Republic of Tanzania.⁸⁸

Lastly; Poison Prevention Packaging Act of 1970 this is the law which governs packaging of the homemade products including homemade detergents.

⁸⁵ 217 N.Y 382, 111 N.E 1050 (1916)

⁸⁶ *Supra* note 74

⁸⁷ [1935] UKPC 62

⁸⁸ Constitution, *Supra* note 79

Within the law, producers of homemade detergents required to consider packages to be manufactured to the standard that the child below the age of five cannot open easily. Moreover, for the purpose of protecting consumers and environment against homemade detergents' packaging the Law established Environmental Protection Agency in order consumer and place where consumer lives to be at intensive protection.⁸⁹

Critically assess the analysis from the Laws between United Republic of Tanzania and United States. Researcher through intensive reading came to the answer that, the laws from United States in the protection of Consumer rights in the use of Homemade Detergents more comprehensively tackles the matter concerning, comparing to the Laws of United Republic of Tanzania. United Republic of Tanzania, laws are in the form of Complex manner to the extent that, it is hard to distinguish between homemade products as well as industrial products' protection.

Also, in the critical examine, the protection of Consumer on the laws of United States the researcher observed that consumers are protected even in a court of law. This was cemented in the case *Soap Co. v. Ecolab, Inc.* This is an appeal case before Court of Appeal of Chicago. Appeal originated from a case involving tortious liability in the interference of business relations. Therefore, the matter before the court between Soap Company and Andy Anderson whereby appeal from a summary judgment was entered in favor of the

⁸⁹ *Supra* note 75

defendants, Ecolab, Inc., and Mike Todd. Andy Anderson is the president and principal shareholder of the Soap Company, an Alabama corporation that manufactures and sells laundry and dishwashing detergents to commercial businesses. Mike Todd is a salesman for Ecolab, which also manufactures and sells commercial detergents.”⁹⁰

Therefore “before founding the Soap Company, Anderson was a service manager for Ecolab in Birmingham. The Soap Company began as a service company to repair commercial laundry and dishwashing machines. Later, it started manufacturing soap products for these machines. Initially, the Soap Company offered free service on the customer's equipment along with the purchase of detergents. The Soap Company attracted new customers, many of which were former customers of Ecolab. Court observed that there is a need of determine whether detergents sold under price affects consumer or not. Court came to the conclusion commission for detergents already check before product placed on the market therefore, products considered being safe for consumer, and not malicious plan to put the Soap Company out of business.”⁹¹

4.3 ANALYSIS OF THE FIELD RESEARCH

With regards to the this part, Researcher focused on the analysis of the data collected fro the field in relation to the laws in proving that the problem of

⁹⁰ 646 So. 2d 1366 (1994)

⁹¹ *Ibid*

homemade detergents in the protection of rights of the consumer not only arise from the laws but also considered being a problem in the society.⁹²

Therefore, researcher under the aspects of homemade Detergents within this legal Research focus on analyzing findings based on the consumers of Homemade Detergents and producers of Homemade Detergents. Furthermore, researcher, managed to critically examine and analyze data grouped according to the reasons came from the questions. Moreover, researcher was able to create questions within questionnaire in the forms of closed questions and open ended questions in order to get response without interviewees being bored. Also, the names of the interviewees are strictly confidential based on their suggestion based on the Matter.⁹³

CONSIDER TABLES UNDER ANNEXURES A

4.3.2 SELLERS'S OVERVIEW

With regards to this part researcher was able to conduct the analysis of the data collected from the field in relation to the rights of the consumers of homemade detergents in details as summarized in the table below;⁹⁴

Researcher during data collection a researcher interviewed ten people including consumers and producers of the products. Moreover, one of the interviewees was in the view that there is liability to producer of homemade

⁹² These data were collected on between 14th June 2019 and 26th June 2019.

⁹³ *Ibid*

⁹⁴ Data collected, *supra* note 88

detergent in case the product is defective and affects the life of consumer, whereas others they had no ideas if there is liability when detergents is defective to the health of human being.⁹⁵

Furthermore, in the second question only one person responded to the question narrating that, there is Specific Laws protects Consumer but had no idea on the title and specific provisions deals with homemade detergents specific.⁹⁶

Moreover, in the response to the third question ten people in number including Consumers and Producers responded in the views that presence of the law will help in the protection of the rights and liability between producers and consumers of Homemade detergents comparing to the situation of not having laws at all.

Lastly in **TABLE A** and **B** ten people in number including consumers and producers were on the view that, there will be consequences to the health of human being since there are no laws which regulate how homemade products are produced and packed. Consumers will be at risk since there is no liability to the producers of homemade detergents established under the Laws.⁹⁷

Also, in the same Table researcher observed that the reasons for adopting Law in the protection of Consumer will facilitate the right of the consumers to be known in relation to the economic industrial changes adopted by Government of United Republic of Tanzania. ⁹⁸

⁹⁵ *Ibid*

⁹⁶ Data were collected, *supra* note 88

⁹⁷ *Ibid*

⁹⁸ *Ibid*

Also in the analysis according to the reasons the researcher was able to critically analyze the data from the interviewees who are producers and observed the position of the law when adopted should not bar producers economically rather than stating clauses that will be considered as warning to the consumers.⁹⁹

Lastly, analysis observed under **Table B**¹⁰⁰ due to the changes Tanzania adopted interviewees were on the views that local people should be able to foster themselves economically, the law should be as it is until the developments shift from one lower stage to the higher stage.

Therefore, based on the findings conducted from the field and from the law in relation to this Legal Research, a researcher was able to critically examine in percentage the problem and able to observe more than 80% of the views collected from the people in as far as homemade detergents is concerned they had no ideas in the rights of consumers upon use of Homemade Detergents. Whereas, 15% of the interviewees had an idea in as far as homemade detergents is concerned. Also, 5% of the people had no ideas with the rights as well as position of the law to protect consumer upon use of homemade products,¹⁰¹

Therefore, the researcher through critical analysis conducted supports that the laws from United Republic of Tanzania in the protection of Consumer are more silent comparing to the Law from the United States in the lights and liabilities of consumer and producers of Homemade Detergents.¹⁰²

⁹⁹ *Ibid*

¹⁰⁰ These data were collected on between 14th June 2019 and 26th June 2019.

¹⁰¹ *Ibid*

¹⁰² *Ibid*

This is due to the facts that the whole system of law in Tanzania governing the relationship between producers and consumers does not observe the International requirements in dealing with homemade detergents comparing to the System of Laws from United States. In additional to that, the researcher under this Legal Research is able to prove that the System of Law of United Republic of Tanzania does not regulate matters affecting protection of consumers in the use of Homemade Detergents compared to the Laws of United States of America where there are laws that covers the protection to the consumers.¹⁰³

Therein consumers should be given warning upon any product; also the packages of the homemade detergent should be sufficient to the extent that the child and elder people cannot open easily. Moreover, researcher critically examined that, in the United States of America protection of the consumer against homemade detergent considered to the extent even the environments of consumers are not affected by the wastes as a result of production of homemade detergents.¹⁰⁴

This has been observed by researcher that, lack of warning to the consumer upon product as to whether homemade product or warning, the liability will fall to the producer since he or she is the one who is supposed to give precaution to the consumer. In the case of *Winterbottom v. Wright*, The

¹⁰³ *Supra* note 97.

¹⁰⁴ *Ibid*

Court found a way around the lack of privity between the consumer and the packager by adopting the rule that “a party who puts falsely labeled poison into the market and thus "puts human life in imminent danger" should respond in damages to the ultimate consumer.”¹⁰⁵

Furthermore, in the case of *Fidelity Fed Sav & Loan Assn v. De la Cuesta*, Held that changing of the label on the package or any product as a warning to the consumer there must be approval from authority for that change. Failure to do that considered to be an offence against producer.¹⁰⁶

4.5 CONCLUSION

In a nutshell, researcher under this chapter, based on the findings collected from field research as well as library research, was able to collect and views and opinions from the interviewees. Also, researcher observed that, a huge of problem faced on the protection of consumers on the use of homemade detergent is that, most of the people including consumers and producers of Homemade Detergents lack knowledge upon the composition of such products.

Also, researcher observed that, lack of knowledge of the laws from consumers in the United Republic of Tanzania in case their rights have been breached can be redressed by the court considered, is one among of the reasons. Consumer failed to report existence of harmful product in the society comparing

¹⁰⁵ (1842) 10 M&W 109

¹⁰⁶ 458 U.S 141 (1982)

to the United State of America whereby people express problem as discussed in the Legal Framework.

Therefore, existence of the laws in the United Republic of Tanzania comparing to the Laws of United States of America, it is clear that the Laws of United Republic of Tanzania does not cover the protection of consumers in the use of homemade detergents. Therefore proper system of laws in Tanzania in the protection of consumer upon the infringements of liability of the manufacturers should reformulate to reflect rights of the consumer as in the United States.

CHAPTER FOUR:

CONCLUSION AND RECOMMENDATIONS

4.1 INTRODUCTION

Researcher under this Chapter is able to give Recommendation and Conclusion of the general Research base on the Legal lesson Tanzania should comply with from USA in the protection of consumer in the aspect Homemade Detergents. Therefore, in giving Recommendations researcher under this legal paper is able to recommend as to what should be done in order to overcome the complexity within the Laws and Societies in the protection of Consumer in the use of Homemade Detergents. Whereas, the conclusion given generally focus on each Chapter on this Legal Research as follows;

4.3 CONCLUSION

In a nutshell researcher under this legal research based on the comprehensive details above focused on the title Legal Protection of Consumer Homemade Detergents: A Lesson Tanzania Should Learn from U. S. A . Therefore, to generate understanding of the topic under this Legal Research, research was able to critically evaluate work of different scholars who give their views in as far as homemade detergents is concerning as well as consumer protection upon it.

Moreover, researcher is able to critically examine and analyze the provisions of the Law from Tanzania and United States relating to homemade detergents since this is legal lesson Tanzania should learn from.

Therefore, in doing so researcher focused on the laws categorized into two angles includes International Arena and National Arena in the protection of consumer rights in the use of homemade products including Homemade Detergents.

Also, apart from the Laws researcher was able to trace the historical background between Tanzania and United States in as far homemade detergents as key point under this Legal Research in order to know the origin of the problem in the protection to consumer.

Moreover, researcher in accomplishing this legal research herein was able to tackle conceptual legal framework in relation to the study in order to generate understanding of the matter concerned to the reader as well as obtaining logical analysis of the general work.

After all analysis the researcher comes across with the conclusions that, the protection of consumer in Tanzania laws are in ambiguity instances in the protection of Consumer comparing to the laws from United State. Therefore, Tanzania needs to learn from U. S. A on how to protect consumers of homemade detergents through enacting laws that shows standards required to be fulfilled by any producers of homemade detergents. Tanzania needs to learn from the laws of USA by incorporating in our laws provisions which requires producers of any

homemade products including detergents to obtain license and permission from the authority concerned to produce such products. Also laws should set standards of homemade detergents such as proper packaging of the products, product information, precautions, product labeling as well as expiry date.

4.2 RECOMMENDATIONS

Apart from the whole details given in the Chapters above, this part recommends what should be done in Tanzania so as to protect to protect consumers interests in the use of homemade detergents.

4.2.1 RECOMMENDATIONS TO THE LEGISLATURE

By virtue of Article 98(1) of the Constitution of United Republic of Tanzania,¹⁰⁷ Legislature empowered with full mandate to make and amend any law of governs maters in United Republic of Tanzania which occurs to cause effect on the protection to consumer in the use of Homemade Detergents. Therefore, researcher logically gives recommendations as follows;

Researcher recommends the amendment of Standard Act of 2009.¹⁰⁸ The amendment of the law should incorporate the protection to the consumer especially on the homemade detergents in the protection to the consumer as observed in the United States' Law such as Federal Hazardous Substance Act.¹⁰⁹

¹⁰⁷ Constitution, supra note 62

¹⁰⁸ The Starndard Act, Supra 69

¹⁰⁹The Federal Act, Supra 71

4.2.1 RECOMMENDATIONS TO INSTITUTIONS RESPONSIBLE FOR CONSUMER PROTECTION

The researcher recommends that, Institutions responsible for consumer protection needs to develop and implement consumer education and information programs. These programs will enable consumers to be informed of their rights and responsibilities, and to be selective in the exercise of their consumption choices.¹¹⁰

Also the researcher recommends that, Institutions should promote and protect economic interests of consumers. This means that the institutions should ensure consumer obtain optimum benefit from their economic resources, by ensuring that goods meet satisfactory production and performance standards.¹¹¹

Furthermore, the researcher recommends that, the offices of TBS should be brought near consumers, since they are found in Dar es Salaam and few other places like Namanga, tunduma and holili. So it is submitted that, the offices should be extended at least in each region so as to put consumers in a position to reach them easily especially when they are in need of their assistance.¹¹²

¹¹⁰ https://www.unctad.org/meetings/en/presentation/cicip2012_EMCP_S3_Kisyombe, Accessed on 25th June, 2019

¹¹¹ *Ibid*

¹¹² *Supra* note 103

4.2.2 RECOMMENDATIONS TO PRODUCERS OF HOMEMADE DETERGENTS

This group is of crucial importance in the market. It is the group that provides consumers with goods and services. However, it is a group that humiliates consumers in terms of bargaining power. Producers should not term consumers as enemies; instead they should act in good faith in the market and produce goods which are safe for human consumption. Also producers are recommended to disclose all necessary information of the products and services as regards to usage, package, contents, expiry dates and precautions. These apply even to those dealing with homemade detergents.¹¹³

4.2.3 RECOMMENDATIONS TO CONSUMERS

The researcher is of the opinion that, consumers should not forget their rights and obligations. They have the duty to react and seek for their rights such as asking questions to persons dealing with homemade detergents as to the quality of the products, and inspecting the products to see whether they comply with required standards.¹¹⁴

Also, there is a need for consumers to form associations. Consumer associations helps in serving the consumer interests through organizing campaigns nonspecific issues to enable consumers collectively to voice their

¹¹³ <https://www.fortheloveofclean.com/laundry-love>, Accessed on 25th June 2019

¹¹⁴ *Supra* note 105

views and demonstrate their strength.¹¹⁵ Consumer in the use of homemade detergents recommended to take precaution before use products concerning. Therefore, researcher highly recommended to consumer read instructions of the products, considering the packages of the product against their children and elderly at their home for the protection.¹¹⁶

Also, researcher recommend health check to the consumer before use homemade detergents in case they are allergic to the chemical used in the formation of homemade products such as detergents.¹¹⁷

Moreover, consumers and the government needs to cooperate so as to protect consumer interests by reporting to the authority those dealing with homemade detergents which do not comply with the consumer protection standards required by the laws.

Moreover, the huge problem in the protection come into existence due to the laws promulgated to regulate affairs of the consumer which are archaic because at the time of formation there was no huge influence of the people to involve themselves in the manufacturing of homemade detergents.

In additional to that, researcher recommends that, institutions with obligation of protecting consumers should be able to work together with the body with an authority to promulgate laws deals with protection of consumer in the

¹¹⁵ <https://www.naturewasher.com/consumer-education/&ved=2ahUKEwiq>, Accessed on 25th June 2019

¹¹⁶ *Supra* note 108

¹¹⁷ *Ibid*

reformulation for the purpose of covering the aspect of consumer protection on the use of Homemade Detergents.

Furthermore, researcher is on the opinion that institution should be able to employ prominent jurist to deal with protection of consumer in the use homemade products including homemade detergent. Therefore in doing so, for the jurist entrusted to work under institution should act in fiduciary relation to the extent of avoiding taking bribe for producers of homemade detergents which causes harm to the consumer and still production continuing.

**ANNEXURES:
ANALYSIS OF THE FIELD RESEARCH**

TABLE A:

RESPONDENTS BASED ON CONSUMERS

Respondents: Male &Female	Consumer: Male	Consumer: Female
	8	12
Total		20

TABLE B:

RESPONDENTS BASE ON THE PRODUCERS

Producers: Male &Female	Producer: Male	Producer: Female
	4	16
Total		20

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