D.PHARM • SECOND YEAR

Pharmacy Law & Ethics

CHAPTER 19

Consumer Protection Act



ENGLISH CHAPTER NOTES

DIPLOMA IN PHARMACY

CONSUMER PROTECTION ACT (CPA)

DEVELOPMENT

1986 — 1986 – the original Consumer Protection Act created a simple consumer-redress system.

2019 — 2019 – the Consumer Protection Act, 2019 replaced the 1986 Act and received Presidential assent on 9 August 2019.

20 July 2020 — **20 July 2020** – major provisions of the 2019 Act came into force.

MEANING AND PURPOSE

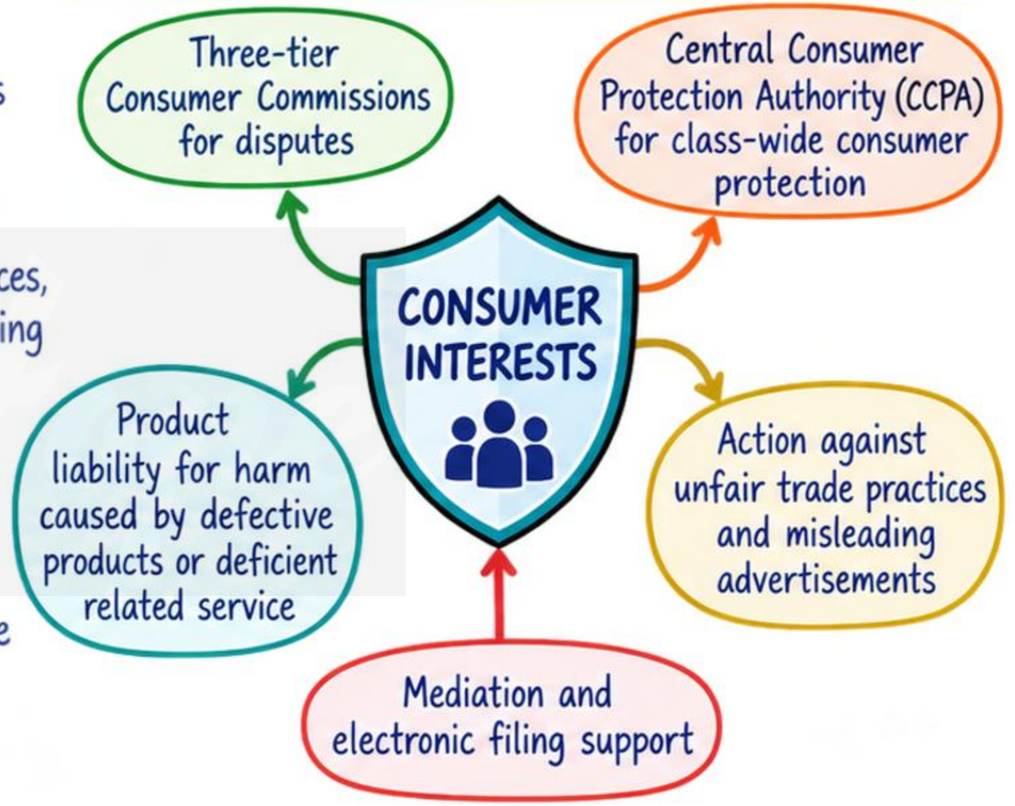
The Consumer Protection Act is welfare legislation that protects consumer interests and provides timely, effective settlement of consumer disputes.

It deals with defective goods, deficient services, unfair or restrictive trade practices, misleading advertisements and product-related harm.

SCOPE

The Act applies to goods and services unless expressly excluded. Transactions may be offline or online, including electronic purchase, teleshopping, direct selling and multi-level marketing.

MAJOR FEATURES OF THE 2019 FRAMEWORK



PHARMACY LINK



Medicines are goods. A medicine buyer who satisfies the statutory definition may seek redress for a defective product, unfair practice or deficient paid service.

KEY TERMS RELEVANT TO PHARMACY

CONSUMER

a person who buys goods or hires / avails a service for consideration, including an approved user or beneficiary. It excludes resale or a commercial purpose, except goods used exclusively to earn a livelihood by self-employment.

EXCLUSIONS

GOODS

movable property; medicines, dressings and packaged pharmaceutical products are goods.

SERVICE

a service of any description made available to potential users.
A wholly free service and a contract of personal service are excluded.

EXCLUSIONS



DEFECT

a fault, imperfection or shortcoming in the quality, quantity, potency, purity or standard of goods required by law or contract.

Example: sub-potent, contaminated or expired medicine.

DEFICIENCY

a fault, imperfection, shortcoming or inadequacy in the quality, nature or manner of performance of a service required by law or contract.

Example: negligent paid dispensing service causing the wrong medicine or strength.

UNFAIR TRADE PRACTICE

an unfair or deceptive method used to promote sale, supply or service; examples include false claims, misleading representation and refusal to issue a bill or cash memo.

PRODUCT LIABILITY

responsibility of a product manufacturer, product seller or product service provider, in the situations stated by the Act, to compensate for harm caused by a defective product or related deficient service.

REMEMBER Whether a person or activity is covered depends on the facts and the statutory definitions; CPA remedies can operate alongside drug, pharmacy and other applicable laws.

UNFAIR TRADE PRACTICES IN PHARMACY

PRACTICES THAT MAY CREATE CONSUMER LIABILITY

1. selling expired, adulterated, spurious, misbranded, unauthorised or recalled medicine
2. supplying a product stored outside required temperature or other storage conditions
3. charging above the printed MRP or hiding the price
4. false cure claims, misleading advertisement, or concealing an important warning
5. refusing to give a bill / cash memo or giving incorrect transaction details
6. negligent supply of the wrong medicine, strength, dosage form or quantity
7. pressuring a person to buy an unnecessary product for profit

STOP



SAFE PHARMACY PRACTICE

1. Verify patient, prescription, medicine, strength, dosage form and quantity.
2. Check licence status, source, seal, batch, expiry, recall and storage condition.
3. Follow the prescription and applicable law; generic substitution must be legally permitted and clinically appropriate.
4. Give a correct bill and charge transparently; never exceed printed MRP.
5. Counsel on dose, route, duration, important precautions, storage and missed doses.
6. Handle complaints, suspected defects, recalls and adverse events promptly and document action.
7. Protect confidentiality and avoid conflicts of interest or deceptive promotion.

ACCOUNTABILITY

LEGAL
— follow consumer, drug and pricing law

ETHICAL
— act for patient welfare

PROFESSIONAL
— maintain competence, records and quality.

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