

Food Adulteration and Awareness of Consumer Right Protection: An Empirical Study in Sutrapur and Dhupkhola Area of Dhaka City

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Abstract : The research conducts an empirical study to identify and explore the scenario of food adulteration and awareness of consumer right protection in Dhaka city. The findings of this examination are located and then interpreted with a view of assessing how far Bangladesh needs to go for having a food environment free from contamination and adulteration. Outlining principles controlling food adulteration including integrated farm to table concept, preventive measures, risk analysis and transparency, taking into consideration legal framework against food adulteration, analyzing everything so far as awareness of consumer right protection in relation to food adulteration is concerned, it is demonstrated that this regime is to be secured in a coherent manner and must be perceived by law-makers as matters of public policy. Legislations contain in-built mechanism to promote smooth justice concerning food adulteration and protection of rights of consumers. Moreover, insufficient surveillance, inadequate skilled manpower, inadequate or no laboratories to test food in many cases remain part of the problem of food adulteration. It is revealed from survey that consumers are aware but food adulteration is still continuing. Skilled manpower, sufficient apparatus to determine shelf life of products, co-ordination among different government bodies and above all stringent enforcement of laws are required to stop food adulteration. It is proposed that the obstacles need to be addressed and require context-specific solutions.

Introduction

Food adulteration means those hazards, chronic or acute, that may make food injurious to the health of consumers. World Health Organization (WHO) Expert Consultation of 1986 elaborated important food hazards that include microbial hazards, pesticide residues, misuse of additives, chemical contaminants, biological toxins and adulteration. Although microbiological contamination and chemical hazards have received most attention in the Expert Consultation of 1986 it is recognized that food adulteration and food fraud should not be neglected considering their effect on public health. Human rights for safe food are now-a-days ignored in Bangladesh indiscriminately which is shown in news, features and articles published in different newspapers in Bangladesh. Most of the foods manufactured or processed

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are either adulterated in varying degrees or unsafe for human consumption. Consciousness of the protection of consumer rights is a recent phenomenon which is closely affiliated with food adulteration that helps protect human health from such adulteration. Laws and organizations designed to ensure rights of consumers as well as fair trade competition and the free flow of truthful information in marketplace are supposed to play good role in this respect. At present, consumers are much worried about what they buy and eat. Instead of the laws and organizations that control and monitor food industries, food frauds or adulterations are increasing day by day in an alarming rate in Bangladesh.

The present research endeavors to make a linkage between unsafe and unhealthy food and awareness of consumers as a measure for their protection from products, processes, and services hazardous to public health, and after making the relation, it tries to show how lack of awareness of consumers consume unhealthy and adulterated food in the country. It seeks to bring into focus the way to consume safe and nutritious foods that meets the individual's dietary needs and food preferences for an active and healthy life. It examines the present legal framework in assessing relation between food adulteration and consciousness of consumers in this regard. The Nirapad Khadya Ain (No. XXXXIII), 2013 (The Food Safety Act, 2013); and the Vokta Odhikar Shanrakkhan Ain (No. XXVI), 2009 (the Consumers' Rights Protection Act, 2009) and other ancillary laws are taken into consideration in analyzing existing legal framework. Finally, it argues that overcoming food adulteration requires awareness of consumers of their rights to keep themselves away from hazardous foods. A right based approach is required to slowly minimize and finally remove activities of unscrupulous people from doing adulteration.

Aims and Objectives of the Study

The study is confined to analysis and investigation of food adulteration and awareness in relation to consumer right protection. Though the review of literature expresses a lot of factors, it is not concerned of scientific test of food rather keeps its attention on adulterated food items identified by the Bangladesh Standard and Testing Institution (the BSTI) along with other institutions and on consumers' awareness level in connection with food adulteration.¹ It confines itself to the Consumers' Right Protection Act, 2009 and the Food Safety Act, 2013. The present thesis attempts an integration of principles, laws, and their application and implementation barriers.

The major objectives of the research are: I. To study and conceptualize food safety concerns and consumer rights protection issues; II. To identify and bring into focus deadly effects of adulterated food that led to the enactment of the Consumer Rights Protection Act, 2009; III. To understand the nature of violation of consumer rights in relation to most of the foodstuffs; IV. To explore reasons behind rampant food adulteration despite the presence of a number of legal instruments and consumer rights protection agencies and of good amount of educated consumers and food providers or traders or producers; V. To examine factors leading to lack of awareness with regard to consumption of unsafe and hazardous food; VI. To analyze national

instruments; VII. To propose measures through right based approach of developing awareness to minimize and uproot all kinds of corrupted practices of adulteration.

Background and Necessity Categorization

Food adulteration or food fraud is a much bigger problem than assumed in the world. But this has been in existence since the Victorian era.² Currently, majority of the consumers in Bangladesh are facing a number of specific problems, namely, adulteration, product inconsistent with price, deceptive advertisement, deceptive packaging and branding, false information about goods and services, cheating in weights and measures, false date, fraudulent production process and selling etc. The problems persist at every level of food chain from preparation to consumption. Food manufacturers, processors, restaurants, fast food outlets and so forth are much involved in one way or another in this corrupted practice of adulteration.

In a study conducted by Sharifa and Tahmeed, titled 'Food Adulteration and Consumer Awareness in Dhaka City'³ during 1995 to 2011, it was revealed that most of the foods consumed in this city are adulterated, which warrants actions by the government and the industry and consumers. It was found from the report that a number of 12 brands of juices from 8 companies were collected in 2005 from different markets of Dhaka by Consumer Association Bangladesh (CAB) and tested at Bangladesh Standard and Testing Institute (BSTI) wherein 11 (92%) out of the 12 samples had BSTI certification mark, although 8 (73%) of them failed to conform to the fixed standard. Two orange juices were not fruit juices at all, and two juices had the preservative sulphur dioxide at more than the permitted level of 10 ppm.⁴ One brand of mango juice was of substandard and did not have BSTI certification mark. The labels on the package also lacked information on percentage of the ingredients (58%), production date (25%), and expiry date (17%). During 2005-2006, a total of 135 samples of mineral water, iodized salt, juice, soyabean oil, mustard oil, and banaspati/ghee were collected from the market and tested. Among those, 90 (67%) did not conform to the Bangladesh Standard (BDS).

The unhygienic and unsafe treatment of food is seriously impacting public health by causing numerous chronic and non-chronic diseases. It was found by the National Taskforce on Food Adulteration (NTFS) formed by the Government of Bangladesh that adulterated foodstuffs each year cause various food borne illnesses, including diarrhoea, malnutrition and other diseases leading to death of many people in Bangladesh.⁵ Especially children are more vulnerable than adults as unsafe food is a major cause of child mortality.⁶

Therefore, existing literatures touching upon the subject matter of this research suggest that there is no comprehensive work showing food adulteration crisis resulting from lack of awareness of consumer rights protection in Dhaka city. This research through highlighting the plights of consumers argues that such a problem must be mitigated through the use of national laws and policy, a strong political will of national governments, increasing the involvement of civil society organizations and after all educating the consumers and specially mothers with regard to baby foods.

Research Methodology

An empirical study surrounding food adulteration and awareness of consumer right protection has been adopted and the detailed methodology of the whole research spread over the next sections including this one. The study is based on qualitative and quantitative research designs. For the purpose of research title, remedial measures are observed from different angles or viewpoints. This process, called triangulation, is used by quantitative and qualitative research designs.⁷ Theoretical analysis including literature review aids to the development of the study. Qualitative and quantitative research methods include two, namely, (a) content analysis by reviewing of scholarly literature, published writings and survey of 100 consumers found from the respective katcha bazaars (kitchen market), and (b) face to face in-depth individual interviews on the basis of structured and unstructured questionnaire. The research work relies on both primary and secondary data. For the purpose of primary data, a survey is conducted in two katcha bazaars, namely, Sutrapur and Dupkhola of Dhaka, the capital city of Bangladesh. The span of months is four starting from January, 2019 to April, 2019. Again, all data, as far as possible, of food adulteration of more than one year starting from January 1, 2018 to February 28, 2019 are examined. The population of this study is consumers. Besides, Public food analysts, sanitary inspectors, metropolitan magistrate, staff of Dhaka City Corporation are also the population of this research. The study is dependent for primary data on the Constitution of Bangladesh, Bare Acts and Rules. With a view to gathering further primary data, interview with certain stakeholders are conducted. To reach a satisfactory result, secondary data, like, books, articles, newspaper, annual reports, internet surfing, government's documents and reports, research publications, presentation papers are reviewed.

Sampling Methods

The research title is known to mass people but, due to shortage of time and fund, sample size has been limited to 100 consumers from Sutrapur and Dupkhola Katcha bazaar each and so sampling is undertaken taking representatives from aforementioned groups. It is necessary to mention here that round number is generally used in research works for the purpose of furnishing easy survey data. Herein rounding means making a number simpler but keeping its value close to what it was. Rounding Up and Rounding Down are used to round to the nearest ten. If the digit to the right of rounding digit is a five or greater, 5 through 9, it has been rounded up. That means, 1 has been added to the digit it is rounded and dropped the digit to the right, replacing it with zero. If the digit to the right of rounding digit is less than 5, 0 through 4, it has been rounded down. It means that the digit has been dropped to the right of the digit it is rounded, replacing it with zero.

Principles Controlling Food Adulteration

Food control is closely associated with the term food adulteration and food control covers all stages of production, processing and distribution of food. There are four key principles of food safety. The first one is 'integrated farm-to-table concept'. It refers to safety and quality built into food products covering from production to

consumption thereof. Food control system requires addressing all stages of food supply chain, including imported food. Consumers expect protection from all hazards at all stages of the chain, i.e. 'the farm-to-table' continuum. This calls for a comprehensive and integrated approach in which all the producer, processor, transporter, distributor, vendor, regulator and consumer play a vital role in ensuring food safety and quality.

The second one is 'preventive measure.' It is much better to prevent food hazards arising than to simply monitor food at the point of sale or consumption. Sampling and analysing the final product does not provide adequate protection to consumers. The introduction of preventive measures at all stages of the food production and distribution chain instead of inspection and rejection at the final stage makes better economic sense, because unsuitable products can be identified earlier along the chain. An important assessment tool used in the food industry is the Hazard Analysis Critical Control Point system (HACCP). HACCP can be applied at all stages in the production, processing and handling of food products. It is a preventive measure designed to provide a systematic structure to the identification and control of foodborne hazards. Government of the country has to recognize the application of the HACCP approach by the food industry as a fundamental tool for improving safety of food.

The third one is 'risk analysis'. Food control requires the analysis of risks associated with unsafe food. There are three main components of risk analysis in food safety, namely risk assessment, risk management and risk communication. At the risk assessment stage food hazards and risks are identified and described. Risk management means weighing up the alternatives and selecting appropriate options for prevention and control of food hazards. Risk communication is the stage in which information about the risks and hazards is shared among all people involved.

The fourth one is 'transparency.' Consumers need to have confidence in the safety and quality of food and this depends, in part, on their perception of integrity to and effectiveness of food control activities. All decision-making processes within the food control system require being transparent. This means that all stakeholders, that is, all people who have the interest in food and food control have to be able to find out as to how and why decisions are taken. Decisions must be explained, that is, risk communication should be explained to or shared with people so that they can understand as to why a decision is important. In this way, consumer confidence requires to be kept high.

Legal Framework against Food Adulteration

Articles 15 and 18 of the Constitution of Bangladesh are the basis of consumer protection laws in the country. In line with provisions of the two articles, Bangladesh has enacted in 2009 the Consumers' Right Protection Act to deal with consumer affairs. Prior to 2009, a unified consumer Act did not exist and about 40 different pieces of legislation formed the legal regime in the field of consumer protection regulating different goods and services in the country. Moreover, the Parliament of the country has passed the Food Safety Act, 2013 on October 10, 2013 after

repealing and re-enacting existing outdated laws in this regard in order to make provisions for the establishment of an efficient, effective and scientific authority and for regulating, through coordination, the activities relating to production, import, processing, stockpiling, supplying, marketing and sales of food so that peoples' right to access to safe food through appropriate application of scientific processes is ensured. The Food Safety Act, 2013 has become effective from February 1, 2015 and the Bangladesh Food Safety Authority was set up on February 2, 2015 in order to meet aspirations of citizens regarding safe food. Furthermore, these laws of the country with a view to protecting rights of consumers provide for the establishment or authorization of different institutions including (i) Consumer Rights Protection Department, (ii) National Consumer Rights Protection Council (iii) Special Tribunal, (iv) Mobile Court, (v) Drug Court, (vi) Pure Food Court, (vii) Criminal Courts, (viii) Civil Courts, (ix) Marine Courts, (x) BSTI, (xi) Claims Tribunal etc.

As learnt, adulteration of food means failure to comply with the definition of safe food given by the Food and Agriculture Organization (FAO) and the World Health Organization (WHO). Park defined food adulteration as including: "various forms of practices, such as, mixing, substituting, concealing the quality of food by mislabeling, putting up decomposed or expired food, and adding toxic substances".⁸ Adulteration is defined in section 2(18) of the Act of 2009 and adulterated food is defined in section 2(29) of the Act of 2013. Provisions regarding food adulteration are available in section 25C of the Special Powers Act, 1974. It is revealed that adulterated food means a food or any part thereof which is mixed with such amount of ingredients that (a) is harmful to public health and is prohibited in law or (b) impairs food and diminishes the food value or nutritive qualities of such food or (c) increases its weight or quantity so as to become injurious to health of the food consumers. Besides, the Consumers' Right Protection Act, 2009 in section 2 (19) defines 'consumer' as a person who, without resale or commercial purpose, (a) buys goods for a consideration and uses these personally or commercially for earning his livelihood; or (b) hires any service for a consideration and enjoys it.

Pure Food Court under section 64 of the Act of 2013 is now empowered to impose adequate penalty under the Schedule to the Act.⁹ The Act of 2013 has repealed the Pure Food Ordinance, 1959 and made up the inadequacy of punishment mentioned in section 272 of the Penal Code (PC), 1860.¹⁰ Side by side the Food Safety Act of 2013, the Consumers' Right Protection Act of 2009 and the Special Powers Act of 1974 are functioning.¹¹ Therefore, it appears that legal framework in the country is strong enough to fight against food adulteration. However, lots of criticisms concerning laws and practices on and around food adulteration in the country are found. Overlapping of the laws is opined by many experts as a problem for Bangladesh to implement measures against criminality associated with violation of consumer rights. Besides, different laws on the same subject, different types of punishment for the same offence under different laws, court fees for filing a suit for compensation, delay in proceedings, investigation procedure left to the police instead of independent authorities, insufficient laboratories, absence of laboratories to test certain food items, lack of monitoring mechanism etc. have been observed as

potential impediments to the enforcement of the laws concerned. Nonetheless, one of the officials of the BSTI said that “there are hundreds of food items in the market but the BSTI has the ability to test only 58 types of food products.”¹²

In Search of Existence of Food Adulteration in Dhaka City

In determining whether a food item is adulterated or not, it is required to look at various tests experimented in laboratories of Dhaka, namely, the PHFL of Dhaka City Corporation,¹³ the BSTI, and the International Centre for Diarrhea Disease Research, Bangladesh (ICDDRDB). Adulteration of food might be due to negligence but deliberate adulteration of products by toxic chemicals or radioactive materials and its increasing volume in size and weight, among the many crooked methods, is rampant. It is difficult to find anyone who does not encounter an unpleasant moment of food related illness at least once a year. The following Table: 1 reveals the truth.

Table: 1

Food Adulteration Detected by the BSTI in 2018 and 2019

Year	No. of food items	No. of samples tested	No. of samples adulterated
2018	24	175	36
2019	27	406	52

It appears from the above Table: 1 that 36 samples were found adulterated by the BSTI in 2018 out of 175 tested samples of food. The percentage of adulterated food was 20.57%. Further, 52 samples were detected in 2019 adulterated out of 406 tested samples of food and the percentage of adulterated food is 12.80%.

Table: 2

Adulterants Used in Different Food Items in 2018

Food Items	Adulterant
Spices, sauces, juices, lentils and oils	Colouring agents
Fish, fruit, meat and milk	Formalin and carbide
Milk	Sulphuric acid
Dried fish	Oleomargarine or lard and DDT
Jilapi	Burnt engine oil
Biriyani	Textile dye
Beguni, potato and vegetable chops, paju and jilapi	Inedible colours

Table: 2 shows what adulterants detected by the BSTI were used in different food items in Dhaka city. PHFL officials said: “Conforming to a test parameter does not necessarily ensure purity of a food item. The manufacturers can manipulate by adding artificial ingredients to food items so that the test results are within acceptable limits.”¹⁴ For example, in pasteurized milk, instead of milk protein, they can add cheaper vegetable protein, like soya protein and get test result within the expected limit.¹⁵

Screening on Date Expired Food

Before purchasing any foodstuff, consumers usually take a look at expiration dates known as the shelf life of a consumable product. Dates are printed on food items they buy. It is mandatory in the country by law to print the manufacturing and expiry date of a food item on its packaging. The BSTI can penalize food producers for breaching Bangladesh Standards of Weights and Measures (Packaging & Commodities) Rules, 2007.¹⁶ However, the BSTI does not have an independent research facility to determine the shelf life. The organization just looks into the ingredients and the weights declared by producers, and verify if it matches with the product. BSTI law has no detail on shelf life. Because of the absence of provisions, it is possible in many cases that a product's expiry date is over but it is still shown to be consumable. The opposite is also possible where the product has shelf life but has rotten inside the packaging. The following table shows the events of punishment inflicted for keeping date expired food items in Dhaka city, administered by the Rapid Action Battalion (RAB), a force parallel to police in Bangladesh.

Table: 3

Date Expired Foods Confiscated by a RAB led Mobile Court in 2019

Name of Foods (Date expired)	Quantity	Expired on	Name of the Cold Storage (Found guilty)	Fine Imposed
Beef, fish, lamb meat and different types of sea food like shrimp, marine fish, foreign noodles, chicken tikka, parrot beef, chicken peace, lobster salad, chicken and fish, foreign chocolate and pasta	190 maunds of buffalo meat, 800 of lamb, 5000 kgs of chicken, 100 maunds of lamb ribs and 200 maunds of beef	October 2017	Save and Fresh Food Ltd., Tejgaon	Tk. 20 lakh
			Sevida Food, Tejgaon	Tk. 8 Lakh
			Food Chain Asia, Tejgaon	Tk. 30 Lakh

Table: 3 demonstrates information regarding foods mentioned in its first column. Recently a Rapid Action Battalion (RAB) led Mobile court confiscated date expired fish, beef and lamb meat worth around Tk. 5 crore and owners of that cold storage were fined. An Executive Magistrate of that drive opined: "Appropriate steps would be taken against four importers of those date expired items."¹⁷ He added: "A big lot of those foodstuffs were sold in the last Ramadan and the rest would be sold in the upcoming Ramadan."¹⁸ Undoubtedly, this scenario of keeping date expired food items has violated consumer right as it is an anti-consumer right practice and falls under section 2(20)(K) of the Consumers' Right Protection Act, 2009.¹⁹ Besides, date

expired foodstuffs have been adequately addressed in the country by sections 2 (14), 2 (18), 29, 32 and Chapter Five of the Food Safety Act of 2013.

However, mobile courts often conduct raids at shops and food manufacturing factories and penalize those who do not have BSTI approval or have date expired items on the shelf. But the magistrates have to depend on the dates printed on the labels. If there is no specific allegation and the date of expiry is found okay, the product is determined as safe to consume. As BSTI does not have the ability to determine the shelf life, it permits a product, of which the shelf life has not been determined in conformity with international standard, to be sold in market. The following table shows the knowledge level of respondents on food adulteration of Sutrapur and Dupkhola kitchen market in Dhaka city.

Table: 4
Knowledge of the Respondents on Food Adulteration, Sutrapur and Dupkhola Kitchen Markets, Dhaka, 2019

Knowledge of the Respondents on Food Adulteration	Total Sample (N=100) n%	
	Sutrapur Kitchen Market	Dupkhola Kitchen Market
Do you know about food adulteration?		
• Yes	100(100)	100(100)
• No	0(100)	0(100)
Can you say as to which food items are commonly adulterated?*		
• Rice	30(100)	50(100)
• Dal (Lentil)	30(100)	30(100)
• Bread and Bakery Food	20(100)	20(100)
• Milk	40(100)	30(100)
• Juice	10(100)	10(100)
• Sugar	10(100)	10(100)
• Vegetables	10(100)	10(100)
• Fruits	80(100)	70(100)
• Fishes	30(100)	30(100)
• Water	10(100)	10(100)
• Mutton/Beef/Chicken	20(100)	20(100)
• Oil	20(100)	20(100)
• Egg	30(100)	30(100)
	* 10% of the respondents opined that all the foodstuffs are contaminated while 10% did not know as to which food items are adulterated.	* 20% of the respondents opined that all the foodstuffs are contaminated while 10% did not know as to which food items are adulterated.

<p>What are the common adulterants?***</p> <ul style="list-style-type: none"> • Formalin • Colour • Chemical • Preservative 	<p>50(100) 60(100) 20(100) 70(100) ** 20% of the respondents did not know as to which adulterants are used.</p>	<p>20(100) 30(100) 20(100) 20(100) ** 60% of the respondents did not know as to which adulterants are used.</p>
<p>Why these adulterants are used?***</p> <ul style="list-style-type: none"> • To make foodstuffs fresh for a long period and to prevent decaying. • With the end of decreasing production cost and raising income. • To deceive the consumers. 	<p>50(100) 40(100) 10(100) *** Some of the respondents mentioned more than one cause which are noted above.</p>	<p>50(100) 40(100) 10(100) *** Some of the respondents mentioned more than one cause which are noted above.</p>
<p>Whether adulterated food is</p> <ul style="list-style-type: none"> • good for health? or • bad for health? 	<p>0(100) 100(100)</p>	<p>0(100) 100(100)</p>
<p>Do you know the name of any disease that occurs due to consumption of adulterated food?</p> <ul style="list-style-type: none"> • Cancer • Kidney and heart failures • Hamper of children's mental and physical growth • Gastric • Ulcer • Diarrhea • Breathing problem of the children • Unusual death • Hairfall • Premature gray hair • Jaundice' 	<p>20(100) 20(100) 10(100) 90(100) 20(100) 80(100) 10(100) 10(100) 10(100) 10(100) 10(100) 10(100)</p>	<p>30(100) 20(100) 0(100) 60(100) 20(100) 70(100) 10(100) 10(100) 10(100) 10(100) 10(100)</p>

What matters do you consider while buying food items?	70(100)	
• Production and expiry date	30 (100)	50(100)
• Brand	80(100)	10 (100)
• Quality	50(100)	50(100)
• Package	60(100)	0(100)
• Price	30(100)	60(100)
• BSTI approval	20(100)	30(100)
• Weight	40(100)	20(100)
• Used materials	60(100)	40(100)
• Do not know		60(100)
While buying food, do you notice as to whether the food item has BSTI approval?	60(100)	70(100)
• Yes	40(100)	30(100)
• No		
Where did you know about food adulteration from?	10(100)	10(100)
• Friends	20(100)	10(100)
• Facebook/internet surfing	50(100)	50(100)
• Print media	70(100)	30(100)
• Electronic media	30(100)	30(100)
• Bazar/fast food shop/grocery shop	10(100)	10(100)
• Personal inquiry		

One Facebook user, a member of Bangladesh Food Safety Authority (BFSA), in a recent Facebook post wrote: “Can the safety and quality of a food product be confirmed just by looking at the date printed on its packaging? The answer is no in one word. It may save you from punishment under the law but this stated shelf life has no scientific base in the country.”²⁰ The BFSA official, who has experience in conducting mobile courts, added: “If a manufacturer puts five days of shelf life instead of ten on a bread packaging, can the manufacturer answer on which basis it is done? We do not even have the ability to determine that.”²¹ He said: “Renowned biscuit manufactures usually give a month’s expiry for their products. Why is that not 20 days, 35 days? There is no answer. There is no authority to test after how many days the biscuits become rotten.”²² He claimed that there have been instances where food products were withdrawn from the market as their expiry date was over but then new dates were printed on them and reintroduced in the market as a fresh food item.

4.1 An Appraisal of Anti-Adulteration Drive: Scrutinizing Deficiencies and Alternative Tactics

Food adulteration is a serious public health problem in the country. Legal and other authorities concerned to the issue are trying hard to stop this illegal practice. But it is not stopping due to several reasons. On several occasions, the government realized

finest through conducting sudden drives. Some of those drives are noted below in two tables.

Table: 5

Anti- adulteration Drive of Mobile Court of Rapid Action Battalion in 2018

Name of the Shop or Restaurant	Fines imposed
Swapno's Banani outlet	Tk. 10 lakh
Meenabazar's Shantinagar outlet	Tk. 2 lakh
Agora super shop	Tk. 1 lakh
Nandon super shop	Tk. 3.5 lakh
Boomers café	Tk. 1 lakh
SBARRO café	Tk. 50,000

Table: 6

Anti- adulteration Drive of Mobile Court of Armed Police Battalion and Dhaka North City Corporation in 2019

Name of the Restaurant	Fines imposed
Disney Dine Restaurant	Tk. 50,000
Kabab Jangson Limited	Tk. 10, 000
Nababi Bhoj	Tk. 35, 000
Solution Lounge	Tk. 25, 000
11 restaurants of Jamuna Future Park Food Court	Tk. 28 00000

Tables: 5 and 6 reveal the quantum of punishment awarded by respective authorities mentioned therein. The above noted punishment is adequate so far as the existing situation is concerned. Besides, Safe Food Authority in an anti-adulteration drive on the 20th January, 2019 fined the Olympia Bakery, Wary branch Tk. 4 Lacs for keeping goods without any level and for keeping date expired items.²³ Even different kinds of bakery products were being made and preserved in unhygienic condition and people found working therein without wearing any gloves.²⁴

Mobile court fines dishonest businessmen, but they again continue their illegal business. People need to boycott them socially. A metropolitan magistrate conducting mobile food court activities claimed that the food adulteration situation had improved considerably, particularly maintenance of hygienic conditions and the use of expiry date on food products were noticeable.²⁵ He also mentioned that the mobile court activities were sometimes hampered by non-cooperation of the field workers of BSTI and Dhaka City Corporation (DCC).²⁶ Nevertheless, a staff at one of the DCC offices stated: "Do you think food adulteration has decreased? It has decreased only on the surface; things go on underneath. As long as corruption prevails in the country, it will not decrease. The dishonest traders get the information of mobile court raid beforehand through mobile phone."²⁷

Table: 7
Knowledge and Attitude of the Respondents on Food Adulteration Law and
Current Adulteration Situation at Sutrapur and Dupkhola Kitchen Market,
Dhaka in 2019

Knowledge and Attitude of the Respondents on Food Adulteration Law and Current Adulteration Situation	Total Sample (N=100) n%	
	Sutrapur Kitchen Market	Dupkhola Kitchen Market
Did you ever complain to the shopowner against food adulteration? <ul style="list-style-type: none"> • Yes • No 	40 (100) 60 (100)	30 (100) 70 (100)
Did you share anytime the matter of food adulteration with anyone? <ul style="list-style-type: none"> • Yes • No 	80 (100) 20 (100)	80 (100) 20 (100)
Do you know that there are laws in the country controlling food adulteration? <ul style="list-style-type: none"> • Yes • No 	90 (100) 10 (100)	100 (100) 0 (100)
Do you think that existing laws are enough for controlling food adulteration?*	10 (100) 80 (100) * 10% of the respondents did not have knowledge over the question.	0 (100) 100 (100) * 10% of the respondents did not have knowledge over the question.
Can you tell the name of any law in this regard? <ul style="list-style-type: none"> • Yes • No 	30 (100) 70 (100)	60 (100) 40 (100)
Do you know that there is a law titled, the Consumers' Right Protection Act in the country? <ul style="list-style-type: none"> • Yes • No 	60 (100) 40 (100)	90 (100) 10 (100)
Do you know that there is a scope to institute a suit with a view of protecting the rights of consumers under the Consumers' Right Protection Act, 2009?	80 (100)	90 (100)

<ul style="list-style-type: none"> • Yes • No 	10 (100)	10 (100)
<p>What type of protections or remedies are available in the abovementioned law? **</p> <ul style="list-style-type: none"> • Provision for punishment or fine • Mobile court raid • BSTI standard • Institution of suit • Did not know 	<p>10 (100)</p> <p>10 (100)</p> <p>0 (100)</p> <p>0 (100)</p> <p>40 (100)</p>	<p>30 (100)</p> <p>10 (100)</p> <p>20 (100)</p> <p>10 (100)</p> <p>50 (100)</p> <p>**Respondents who knew about food adulteration expressed more than one protection.</p>
<p>Can you tell the name of institutions which are working in order to control food adulteration? ***</p> <ul style="list-style-type: none"> • Public Health Food Laboratory of Dhaka City Corporation • Bangladesh Standard and Testing Institute • Consumers Association of Bangladesh • Mobile Food Court • Consumer Rights Protection Department • National Consumer Rights Protection Council • Pure Food Court/Ministry of Food • Ordinary Criminal Court • Ordinary Civil Court 	<p>0 (100)</p> <p>70 (100)</p> <p>0 (100)</p> <p>50 (100)</p> <p>0 (100)</p> <p>0 (100)</p> <p>30 (100)</p> <p>0 (100)</p> <p>0 (100)</p> <p>***20% of the respondents did not know the name of any single institution.</p>	<p>0 (100)</p> <p>20 (100)</p> <p>0 (100)</p> <p>20 (100)</p> <p>0 (100)</p> <p>0 (100)</p> <p>0 (100)</p> <p>*** 70% of the respondents did not respond.</p>
<p>How did you evaluate the activities of the BSTI, City Corporation or Chief Metropolitan Magistrate Mobile Court? ~</p> <ul style="list-style-type: none"> • Effectively functioning as activities are adequate. 	20 (100)	20 (100)

<ul style="list-style-type: none"> • Not effective functioning as activities are not adequate • Needs proper monitoring • Lack of surveillance • They are endeavouring • They are not endeavouring • Needs continuous raid 	<p>60 (100)</p> <p>0 (100)</p> <p>10 (100)</p> <p>20 (100)</p> <p>0 (100)</p> <p>20 (100)</p> <p>^ Some of the respondents give more than one responses.</p>	<p>20 (100)</p> <p>20 (100)</p> <p>0 (100)</p> <p>30 (100)</p> <p>0 (100)</p> <p>0 (100)</p> <p>^ 10% of the respondents did not respond.</p>
<p>Is food adulteration being controlled?</p> <ul style="list-style-type: none"> • Yes • No 	<p>0 (100)</p> <p>100 (100)</p>	<p>0 (100)</p> <p>100 (100)</p>
<p>If not controlled, then why? ♣</p> <ul style="list-style-type: none"> • Punishment is not adequate • Lack of awareness • Syndicate in market • Lack of intention of the government/No adequate and appropriate steps. • Adulterated food are made more attracted through advertisement • Peoples bad habit as they buy knowing fully that the food item is adulterated • Lack of surveillance of relevant authorities 	<p>0 (100)</p> <p>30 (100)</p> <p>10 (100)</p> <p>40 (100)</p> <p>10 (100)</p> <p>20 (100)</p> <p>0 (100)</p> <p>♣10 % of the respondents could not specify any reasoning.</p>	<p>20 (100)</p> <p>10 (100)</p> <p>20 (100)</p> <p>0 (100)</p> <p>10 (100)</p> <p>30 (100)</p> <p>20 (100)</p> <p>♣20 % of the respondents could not specify any reasoning.</p>
<p>Who are involved in food adulteration? ♣♣</p> <ul style="list-style-type: none"> • Manufacturers/Producers • Processor • Transporter • Distributor • whole seller • Retailer 	<p>100 (100)</p> <p>0 (100)</p> <p>0 (100)</p> <p>0 (100)</p> <p>0 (10)</p> <p>0 (100)</p>	<p>70 (100)</p> <p>0 (100)</p> <p>10 (100)</p> <p>10 (100)</p> <p>0 (100)</p> <p>10 (100)</p> <p>♣♣ 10% of the respondents did not answer</p>

How can it be decreased? ♥		
• Rigid steps to be taken by the government (Monitoring/inspection/surveillance/Mobile court raid)	50 (100)	60 (100)
• Destroying factories involved in food adulteration	10 (100)	10 (100)
• Banning contaminated food items	0 (100)	0 (100)
• Providing stricter punishment	10 (100)	20 (100)
• Consumers to be aware	10 (100)	30 (100)
• Realization of producers, manufacturers, sellers, transporters and distributors/Ethical sense	10 (100)	20 (100)
• Law Abiding Attitude	0	0 (100)
• Making new law	(100)	♥ 10% of the respondents did not respond.

Table: 7 evidences knowledge and attitude of the respondents on food adulteration law and current adulteration situation at Sutrapur and Dupkhola Kitchen Markets of Dhaka city. While conducting the survey, the respondents are asked as to whether they think the existing laws are sufficient for controlling food adulteration. As shown in Table: 7, only 10% and 0% of the respondents respectively at Sutrapur and Dupkhola Kitchen Markets express that existing laws are sufficient for addressing the concerned issues but these have to be applied effectively and with sufficient care and attention. The data puts the researcher in a dilemma as the respondents do not believe that food adulteration can be decreased through enacting new laws. They believe that rigid steps taken by the government can curb the problem. When they are asked as to who is a consumer, 90% of the respondents give the accurate definition of consumer as found in the Consumers' Right Protection Act of 2009. It means that people in the country are aware enough of food adulteration. Even then it is not declining.

It is surprising that like many occasional drives against various crimes, the fight against unsafe food has assumed the character of a seasonal activity. While this should have been a continuous and unrelenting activity round the year across the country, sporadic and infrequent moves here and there leave no permanent impact on the sellers and producers of spurious food items of all varieties. Bangladesh Food Safety Authority (BFSA), the state watchdog to regulate the sector, monitors the capital's food markets under the supervision of one executive magistrate. The drive usually brings no effective fruit as it is absurd on the part of only one magistrate to monitor the whole contaminated food market.

It appears that food adulteration has been on the rise due to increased investment, expansion of market and high consumer demand. An Executive Magistrate of Rapid Action Battalion told that many dishonest businessmen are adulterating food and selling to consumers to make money.²⁸ While conducting a raid against food

adulteration on the 7th October, 2018, BSTI and RAB officials opined: “Many companies were sealed, fined; persons awarded imprisonment, later on they again started contaminating food items due to lack of surveillance.”²⁹ A properly institutionalized mechanism with sufficient manpower and regular monitoring round the year can only bring things to some semblance of order.³⁰

Suggestions and Conclusions

Food adulteration in the country has undoubtedly reached an alarming state posing a grave risk to public health. Now it is time to declare war on adulterated food because unscrupulous businessmen are making a quick buck by selling substandard and adulterated food items across the country under the very nose of the authorities concerned. Besides, increased investment, expansion of market and high consumer demand speed up the occurrence of food adulteration. It is without denial that corruption at almost every sector exists in the country. As long as corruption prevails in the country, it will not decrease. The dishonest traders get the information of mobile court raid beforehand through mobile phone.³¹

It is known that urban people are more aware of food adulteration than the people living in villages because of higher literacy rate and availability of information through media in urban areas. As mentioned earlier, the study is limited to two kitchen markets of Dhaka city. So a partial scenario of Dhaka city has been revealed in it. The whole country including villages is outside the ambit of this research. The knowledge, attitude and practice of the consumers interviewed do not represent that of all citizens in the country and need further large scale survey.

However, the extent of food adulteration calls for a whole package of initiatives. This involves producing, handling, storing and preparing foods in such a way as to prevent infection and contamination in the entire chain. However, in situations prevailing in this country it is not merely about maintaining a clean chain but putting strong deterrents so that criminality in business could be stopped. It is astonishing that traders are applying formalin and harmful elements and colours on products every now and then, though the Special Powers Act prescribes death penalty for such offence.³² Providing punishment is not the only solution. Constant inspection and surveillance round the year are required to stop food adulteration.

Sources of harmful stuffs must be plugged, if necessary, by way of ban on imported or local products. It is a common perception that food items in the country are poisoned with formalin only. This is only a fraction of the problem. Pesticides harm more. Each year 50,000 tonnes of chemical pesticides are being used in agriculture of the country.³³ Pesticide residue levels in agricultural products are twenty times higher than the safe limit.³⁴ Therefore, the use of pesticides requires to be controlled at the stage of cultivation to prevent food adulteration and its import has to be banned. As there is no government initiative to control Integrated Pest Management (IPM) in agriculture and promote organic cultivation, government initiatives have to be started as soon as possible to control IPM and to promote organic cultivation. Anti-formalin along with anti-food adulteration drives that are limited to the capital only require to spread over the whole country. Furthermore, strong advocacy against the detrimental effects of consumption of adulterated food requires to be routinely done.

At the same time, training on safe and scientific methods of preservation of food products are to be of high priority as an attempt to curb adulteration. In addition, publicity of the consumer protection law or other existing food adulteration laws and different aspects of food adulteration through mass media could play a crucial role in raising consumer awareness regarding the problem. BSTI requires to be equipped with sufficient apparatus to determine shelf life. PHFL must have its branch offices in divisional cities of the country in order to fight against massive food adulteration. Furthermore, co-ordination among different government bodies is required.

Till date several writ petitions concerning food adulteration have been filed. In a recent writ petition filed by rights organization, named, Conscious Consumer Society (CCS) seeking courts' directive to withdraw 52 food products from the market, the High Court Division of the Supreme Court of Bangladesh expressed its dissatisfaction over the BSTI, Directorate of National Consumer Rights Protection and other relevant authorities for not taking legal steps against the companies responsible for manufacturing products mentioned in the case.³⁶ So far as food adulteration is concerned, these are the tasks of the executives but not that of the judiciary. Writ petitions would not have been filed if specialized government agencies would work properly. Hence, proper functioning of the government authorities is required.

The overall picture, so far as food adulteration and awareness of consumer protection in the country are concerned, is far from satisfaction. A fresh look at the issue is required so as to eliminate the problem of food adulteration. But this is also true that the fight is not easy. If stringent enforcement of relevant laws were made and strict actions were taken by the government according to directions pointed out above, then it could decrease. Needless to mention here that the dispensation of justice denotes the civilization and rich cultural heritage of a country and its concern for the democratic values. Therefore, earnest efforts have to be spent for it. Finally, it is submitted that suggestions offered in the preceding paragraphs are not meant to create an illusion that these would create total elimination, once these suggestions are implemented. It is reiterated that the search for way to curbing food adulteration and raising awareness about protection of consumer rights constantly remains a never-ending revisiting of issues. Many possibilities of solutions cannot be predicted always, and for all places and all scenarios. What is seen to occur in Dhaka city at present certainly calls for ameliorative efforts.

Notes & References

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- ¹ The functions of the BSTI are: a) To set up Bangladesh standards of quality and dimensions and prepare and promote the general adoption of standards on national and international basis relating to materials, commodities, structures, practices and operations and, from time to time, to withdraw, revise, alter and amend the same; b) To consider and recommend to the government of Bangladesh standards for the measurement of length, weight, volume and energy; c) To promote standardization, quality control, metrology and simplification in industry and commerce
 - ² Collins, E. J. T., "Food Adulteration and Food Safety in Britain in the 19th and Early 20th Centuries", *Food Policy* 18, no. 2 (1993), p. 95

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- ³ Nasreen, S. and Ahmed, T., “Food Adulteration and Consumer Awareness in Dhaka City, 1995-2011”, *Journal of Population, Health and Nutrition* 32, no. 3 (2014), pp. 452-464
- ⁴ milligrams per liter
- ⁵ Ali, A. N. M. A., “Food Safety and Public Health Issues in Bangladesh: A Regulatory Concern”, *European Food and Feed Law Review* 8, no. 1 (2013), pp. 31-40
- ⁶ Childrens’ Environmental Health, WHO, available at: <<https://www.who.int/ceh/risks/en/>>, last visited on 09.10.2019
- ⁷ Neuman, W. L., *Social Research Methods-Quantitative and Qualitative Approaches* (New Delhi: Pearson Education Inc., 2006), p. 149
- ⁸ Park, K., *Park’s Textbook of Preventive and Social Medicine* (Jabalpur: Banarsidas Bhanot, 2005), p. 35
- ⁹ See above, note iii, p. 455
- ¹⁰ The Bangladesh Standards of Weights and Measures (Packaging & Commodities) Rules, 2007 says that the package must contain the name of the product, the producer’s name, weight, ingredients, batch number, date of manufacturing and date of expiry
- ¹¹ Somoy Sangbad, a television channel of Bangladesh, February 26, 2019
- ¹¹ How reliable are the expiration dates on the goods you buy? Dhaka Tribune, October 16, 2017
- ¹² How reliable are the expiration dates on the goods you buy? Dhaka Tribune, October 16, 2017
- ¹³ PHFL is under the Dhaka City Corporation (DCC)
- ¹⁴ See above, note iii, p. 455
- ¹⁵ *Ibid*
- ¹⁶ The Bangladesh Standards of Weights and Measures (Packaging & Commodities) Rules, 2007 says that the package must contain the name of the product, the producer’s name, weight, ingredients, batch number, date of manufacturing and date of expiry
- ¹⁷ See above, note xi, p. 455
- ¹⁸ *Ibid*
- ¹⁹ Section 2 (20) (K) of the Act of 2009 says that “‘anti-consumer right practice’ means to sell or offer to sell goods or medicine the date of which has expired”
- ²⁰ See above, note xi, November 11, 2019
- ²¹ *Ibid*
- ²² See above, note xi, January 21, 2019
- ²³ *Ibid*
- ²⁴ *Ibid*
- ²⁵ Section 58 of the Food Safety Act of 2013 reads as follows: Whoever violates any provision of this Act as specified in column 3 of the Schedule, shall be deemed to have committed an offence under this Act, and shall be punished with the penalty specified in column 4 for such first offence and with the penalty specified in column 5 for repetition of such offence
- ²⁶ The penalty as noted in section 272 of the PC 1860 for adulteration of food or drink is a maximum term of six months imprisonment or up to a maximum fine of Bangladesh Taka (BDT) 1000

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- ²⁷ Punishment concerning food adulteration is mentioned in sections 37 and 42 of the Consumers Right Protection Act, 2009 and in section 25C (1) of the Special Powers Act, 1974
- ²⁸ *Ibid*
- ²⁹ See above, note iii, p. 456
- ³⁰ None to Check Food Adulteration, the Daily Sun, March 04, 2019
- ³¹ ETV News, October 07, 2018
- ³² Fighting Food Adulteration, the Financial Express, available at: <http://E:/adulteration%202018/Fighting%20food%20adulteration.htm>, last visited on 12.08.2019
- ³³ Get Prison Sentence for Food Adulteration, available at: <https://www.daily-sun.com/post/366267/2019/01/24/4-persons-get-prison-sentence-for-food-adulteration>, last visited on 05.05.2019
- ³⁴ It is Not Just Formalin, available at: <https://www.dhakatribune.com/uncategorized/2014/06/15/its-not-just-formalin>, last visited on 05.05.2019
- ³⁵ *Ibid*
- ³⁶ HC wants 52 Substandard Products Recalled, the Dhaka Tribune, May 12, 2019
- ³⁶ HC wants 52 Substandard Products Recalled, the Dhaka Tribune, May 12, 2019