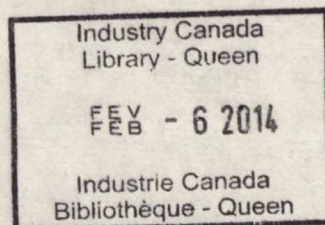


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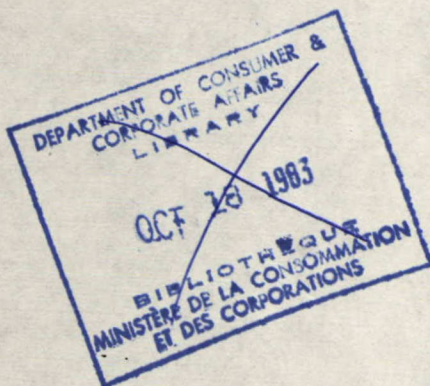
Consumer Concerns and Pressure for Government Action:

from the perspective of a federal department
of consumer and corporate affairs

prepared for: the Policy
Coordination
Bureau of Consumer and
Corporate Affairs Canada

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The views presented in this paper are those of
the authors and do not necessarily reflect the
views or positions of the Department of C.C.A.

TABLE OF CONTENTS

	<u>Page</u>
1. Introduction	1
1.1 Purpose	1
1.2 Information base problems	1
1.3 Report organization	6
2. A Federal Department of Consumer and Corporate Affairs - Necessary Assumptions	7
3. Two Frameworks for Discussing Consumer Issues	10
3.1 Public sector vs. private sector, substantive vs. procedural	11
3.2 "Coping" vs. "Redesigning"	13
4. Review of General Trends	15
4.1 Economic trends	15
4.2 Social trends	19
4.3 Political trends	20
4.4 Regulatory trends	22
4.5 Departmental trends	24
4.5.1 Inter-departmental trends	24
4.5.2 Intradepartmental trends	24
5. Survey of Consumer Trends	26
5.1 Nature of consumer concerns	26
5.2 General trends in consumer issues	26
5.3 Specific concerns identified	29
5.3.1 The Consumers' Association of Canada	29
5.3.2 The National Anti-Poverty Organization	30
5.3.3 Federal and Provincial Consumer Services	31
5.3.4 The Major National Political Parties	33
6. Specific Consumer Issue Areas	34
6.1 Hazardous products	34
6.2 Food issues	39
6.3 Housing	42
6.4 Health Care	45

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TABLE OF CONTENTS (cont'd)

	<u>Page</u>
6. Specific Consumer Issue Areas (cont'd)	
6.5 Telecommunication and Computer Interface	47
6.5.1 Telecommunications/broadcasting interface	48
6.5.2 Post Office and Alternative Mail Systems	50
6.5.3 Electronic Market Exchange Transactions	51
6.5.4 Information Exchange	54
6.6 Energy	57
6.7 Import Policy	61
6.8 Crown Corporations	64
6.9 Transportation	67
6.9.1 Air	69
6.9.2 Bus	70
6.9.3 Rail	70
6.9.4 Truck	71
6.10 Consumer Redress - Restitution and Deterrence	73
6.10.1 Two approaches to consumer redress	74
6.10.2 Product liability, consumer product warranties, class action and recall provisions	75
6.10.3 Services	80
6.10.4 Consumer Responsibility	81
7. Summary and Conclusions	84
Notes	97
Appendix (List of Selected References - by subject,	101

1. Introduction

1.1 Purpose

The first purpose of this report is to identify potential consumer problems in order to assist the Policy Coordination Bureau in determining long range policy issues and options for Consumer and Corporate Affairs Canada.* The second purpose is to identify likely pressures on government, and particularly on CCAC, for action or intervention on issues of consumer concern.

Only those issues pertaining to the "consumer" side of the department are included. Thus competition policy, securities legislation etc. are not addressed.

1.2 Information base problems

While the Department has from time to time surveyed the general environment in order to identify and describe emerging consumer issues, there has been no formal systematic, long term approach to what might be termed "consumer intelligence". This report, as one of several strategic overview papers, will go to form the beginnings of a systematic environmental monitoring process.

The result of this dearth of "consumer intelligence" has meant that the research methodology for this report has been eclectic and anything but rigorous. The primary approach has been to perform a literature search drawing on the consumer interest, public policy, public administration and political science literature.

*Throughout this report Consumer and Corporate Affairs Canada will be referred to as CCAC, CCA or the Department when the full title is not used.

Interviews were conducted with federal and provincial (British Columbia and Ontario) public officials, the Better Business Bureau, the Consumers' Association of Canada, the National Anti-Poverty Organization, all three official federal parties, and researchers in the field of consumer issues. A very general survey of popular publications was conducted. (2)

Where the United States has results from a number of broad and long range studies on consumer attitudes and concerns, (3) Canada has few comparable studies. The Ontario Government has conducted a consumer opinion survey in 1978 and 1980. (4) The objective was to identify key areas of consumer concern in order to assist the Ministry of Consumer and Commercial Relations in setting priorities for resource allocation. The major findings indicate that overall consumer concerns have not changed appreciably. Consumers appear to be living in a more stressed environment. Attitudes toward business have not softened; disappointment in the performance of business is widespread. Attitudes toward government centre around concern for rising government costs. Consumers recognize that increased activity in the consumer interest on the part of government can raise government spending even further. Thus, the study concludes that "the Ministry's mandate seems less compelling to Ontarians than it did in 1978". The reason appears to be that questions of economic survival centering around level of disposable income, purchasing power and employment have gained prominence and not that consumer issues have disappeared. The question left unanswered is: will traditional consumer issues resurface as a priority in better economic times, or are consumer issues broadening to include more macro-economic concerns?

Ash (1980) conducted a very comprehensive survey on consumer satisfaction/dissatisfaction with goods and services in the Canadian marketplace. Based on consumer experience with injury and financial loss occasioned by market transactions, on consumer complaining behavior and on product market penetration, Ash attempted to identify different priority categorizations for groups of consumer goods and services. Ash found that consumer problems were not the misfortune of one particular segment of consumers, that dissatisfaction tended to relate to intrinsic product quality or perceived performance, that occasions of financial loss and/or physical injury tended to result from a relatively small number of products and services, and that consumers tended to voice dissatisfaction through personal, rather than public channels. While his research was thorough and as comprehensive as any more product specific consumer satisfaction/dissatisfaction (CS/D) studies using Canadian data, the information requires continual updating and refinement in order to be of use to policy makers.

Barnes and Kelloway (1979) surveyed members of the Consumers' Association of Canada (CAC) and consumers who were not members, in order to discover differences, if any, in complaining behavior, attitude toward social and consumer issues and toward business and government intervention, sources of redress and perception of progress on consumer issues. They found that there was a significant difference between the two groups. On social issues CAC members listed inflation, a fair deal for consumers, energy and the environment as issues of personal importance, while non-members listed a fair deal for consumers, unemployment, inflation, energy and lower taxes. When listing areas of greatest concern to government, the

two groups were in closer agreement and listed unemployment, inflation, government spending and energy as the four priorities. When rating consumer issues, CAC members were more negative with respect to advertising and toward the adequacy of guarantees and warranties, and more positive on the success of the consumer movement and on the need for consumer education in the schools. Non-members were concerned about instructions that accompany products and expressed significantly more support for government involvement in consumer affairs. Such involvement might include banning television advertising, price controls and more consumer legislation. CAC members were far more willing to have a manufacturer taken to court, to have consumer education in the schools and to use media publicity as legitimate consumerist activities than were non-members who favoured more consultation between consumer groups and government.

Barnhill, Barksdale, and Perrealt (1980) conducted a comprehensive survey in 1979 of Canadian consumer attitudes toward marketing, consumerism and government, and compared the Canadian results with a similar survey done in the United States. They found that both Canadian and American consumers were highly skeptical in their attitude toward business in general, and toward marketing practices, consumerism and government. Both felt that business put profit before consumers. Canadians, however, expressed more "uncertainty" in their responses and tended to feel that consumer problems are more serious now than in the past. Furthermore Canadians, more than their American counterparts, felt that government should set minimum product standards, conduct and

publicly report brand tests and increase the regulation of advertising, sales and marketing activities.

Gathering data in 1977 Claxton and Ritchie (1980) investigated major prepurchase product and service problems. Beginning with the problem area of most concern they identified:

1. automobile repair;
2. home improvements;
3. automobile purchase;
4. furniture purchase;
5. appliance purchase;
6. home entertainment purchase;
7. life insurance purchase; and
8. household goods moving;

as the 8 major areas of concern. Claxton and Ritchie concluded that consumers are able to clearly identify specific problems and that there was substantial agreement on issues nationally as well as a high level of consumer frustration generally. In a more colloquial vein, consumers were looking for competent service from a trustworthy agent. When it came to prescribing solutions, consumers, more than government consumer officials were willing to invoke legal sanctions, penalties and prescribed standards.

With those exceptions noted, other sources of Canadian intelligence have been more isolated and less scientific. Even the less than perfect source of consumer concern, consumer complaints, are now handled in a more decentralized manner throughout the regional office network. Centralized consumer input through Box 99 has been discontinued and many complaints formerly monitored by CCAC are now referred to other federal departments, to provincial ministries, or to trade and professional organizations. While the task of attempting to predict the future is not a science, a more concrete

factual base may give a better picture of possible futures. The seeds of the future, after all, are in the present, and a better understanding of the current market and its environment may lead to better anticipation of future issues and demands.

1.3 Report organization

This report is organized into seven sections. Section two sets out assumptions about the role of a federal (as opposed to a provincial) department of consumer and corporate affairs. Section three proposes two broad frameworks for thinking about consumer issues. While these are not exhaustive in their conceptualization, they represent a less-traditional approach to consumer affairs and are offered in an attempt to broaden the focus as much as possible, realizing that subsequent strategic planning and public policy making will narrow the range of consumer issues addressed. A review of general trends follows in Section four. Reports prepared by others for this strategic overview exercise will address and analyse trends in more depth. This brief and general look at economic, social, political, regulatory and departmental trends sets out the critical environmental assumptions of this report, and, hopefully, gives perspective to the discussion that follows. Section five summarizes first generally, and then more specifically, consumer trends as identified through the current research. The more specific product/service and issue-focussed discussions are detailed in Section six. Topics covered include: hazardous products, food policy, housing, health care, the telecommunications/computer interface, energy, import policy, Crown corporations, transportation and consumer redress. The final section contains a summary and conclusions.

2. A Federal Department of Consumer and Corporate Affairs - Necessary Assumptions

Early in the consumer movement of the sixties, the federal government established the Department of Consumer and Corporate Affairs (1967). ⁽⁵⁾ The provinces and territories later followed the federal initiative and established their own departments of consumer affairs. Federal and provincial activity on consumer issues accelerated during the early - to - mid 1970's. In terms of generating legislation, Quebec has been the most productive jurisdiction in recent times. ⁽⁶⁾ With such active participation by the provinces it is important to set out the appropriate role for a federal department of consumer affairs.

Aside from the current provincial initiatives in consumer matters, the federal government is constrained by at least two factors. The first and most important constraint is the division of powers as outlined in the British North America Act. While most consumer problems originate as individual contractual agreements and are therefore a provincial matter, many general consumer issues such as fraud, advertising redress, standards, etc. are best regulated or dealt with at a national level. Furthermore, on many substantive issues of consumer concern there is a history of shared jurisdiction (e.g. credit, telecommunication, agriculture). Securing agreement on new shared relationships has been difficult. ⁽⁷⁾ The second constraint is that the Department of Consumer and Corporate Affairs is one department of many. Consumer concerns cross departmental boundaries and are therefore difficult to address

from a broadly focussed base with a diffuse and largely unorganized constituency group. This is not to say that there is no role for consumer-oriented activity by government at the federal level, only that such activity is constrained by legal and political forces.

In trying to identify future consumer issues and future consumer demands for government intervention it is important to identify the federal universe for consumer affairs. The following assumptions are made with respect to the role of a federal department of consumer and corporate affairs:

1. The mandate of the Department is to ensure the integrity and fair operation of the market exchange system. This assumes that there are market failures that can be rectified or that the adverse consequences of such failure can in some way be ameliorated. It also assumes that in some situations the consumer is at a disadvantage due to a disparity of knowledge, power, information or resources.
2. Other federal government departments do not explicitly separate out from the public interest that specific and identifiable perspective that can be attributed to the "consumer interest" (as opposed to a producer, owner or labour interest). A federal department of consumer affairs can identify and represent that particular perspective called "the consumer interest". (8)
3. There are areas of consumer concern with clear federal and departmental jurisdiction (legally) as well as other areas where federal action is necessary (if not sufficient) for positive governmental action by other federal government departments or by the provinces. Examples of the former include weights and measures, hazardous products, packaging and labelling, fraud and interest. Examples of the latter include the role of coordinator for uniform provincial legislation, research on basic consumer issues and on possible public policy responses and the role of information broker between consumers and industry, or among provinces or other federal government departments.
4. The "consumer constituency" of the consumer side of the Department's operation is very different from the "corporate clientele" of the corporate side of CCAC. The corporate clientele is often treated on a one-to-one basis with a fee attached to services rendered aimed at recovering the cost of regulating. Corporate clients are a more focussed

constituency when relationships aren't one-to-one. There are a variety of articulate and expert voices speaking for business, and the Department of Consumer and Corporate Affairs is only one of a number of avenues open to the representation of business.

For consumers, the Department of Consumer and Corporate Affairs is the one, and often the only, focal point for directing consumer concerns. Consumers are by nature a large, heterogeneous, diffuse, latent, interest sector that must find avenues for reducing the real economic barriers (disincentives) for individual and collective consumerist activity. The creation of the Department is one attempt by government to correct this, by offsetting the real costs of consumer interest activity in matters of federal concern or in matters where federal government activity could be useful.

5. Every area of concern that arises from a "consumer" is not necessarily the legitimate purview of the Department of Consumer and Corporate Affairs. Macro national economic policy, while affecting consumers, is not the legitimate concern of CCA; for example, unemployment, inflation, interest rates. Areas that are the primary concern of other departments, for example, energy, health, banks, and agriculture, may or may not demand or require the involvement of CCAC. Criteria for Departmental involvement include: one, the importance of the issue to consumers as a whole; two, the ability of the Department to bring a unique and effective contribution; and, three, the resources available to the Department. CCA therefore will not act, will not be able to act, and should not act in all circumstances.

In more general terms the role of a department of consumer affairs is:

1. to inform consumers so that they can make knowledgeable judgements regarding purchases of private and public goods and services;
2. to further corrective action against the misuse of both market and political power; and
3. to make consumers aware of their responsibilities to deal openly and honourably. (9)

3. Two Frameworks for Discussing Consumer Issues

The accompanying list of references, cited in the Appendix under "Consumer Interest and Consumer Trends", although not exhaustive, demonstrates that this elusive subject has been the centre of a considerable amount of attention. A reading of these sources makes it very clear that circumstances and environmental factors to a large extent define the existence and dimensions of a "consumer" issue. For example, if a merchant sells clothing that falls apart after two months use, Is there a consumer issue? There is if there are no alternative types of apparel, if the clothes are held out to be of normal wearing quality and if the short expected life of the product is not readily apparent (on inspection or using the price of known products as a guide). There is no problem if in fact the less durable product is one of a variety of apparel options, the clothes in question are not alleged to be durable and long lasting and there is direct evidence at the point of purchase that the clothing is of inferior quality.

To complicate matters further, consumer issues change over time, one year it is pensions, the next year food, the next month air travel. Furthermore, within each issue area the focus for concern will vary. Price is usually a primary concern, but quality, accessibility, availability, standardization or information may become the most pressing problem. Some books on consumer issues will approach the subject by product/service categories, others will pick general areas of concern such as redress, quality and pricing. Still others will take a multi-disciplinary focus and discuss

consumer issues under legal, economic and social dimensions. Some divide consumer concerns into substantive and procedural issues, but here, usually, the discussion is very broad. Each of these methods has its place. The issue at hand is, what framework(s) would be useful to a strategic overview of emerging consumer issues? Two have been chosen.

3.1 Public sector vs. private sector, substantive vs. procedural

While the separation of substantive from procedural issues is common practice, an increasing number of writers in the consumer area are including in their definition of individual or household consumption, the consumption of goods and services offered in the private market and through the public sector. (10) Figure 1 sets out one way to look at the public vs. private, substantive vs. procedural relationship.

With this framework in mind, the consumer policy maker may pose certain key questions, such as:

1. Where are consumer dollars (disposable income and taxes) now being spent?
(Presumably it is important that markets involving large expenditures should work well.)
2. What expenditures are voluntary and which, although voluntary, are largely non-discretionary?
(Presumably problems involving involuntary and non-discretionary goods and services should be rectified before those involving discretionary goods.)
3. In each of the goods and services categories, which purchases are the ones with the largest consumer risk?
(Presumably, high risk areas warrant closer scrutiny to ensure that they experience a minimum of consumer problems.)
4. In which areas is the consumer risk averse and therefore willing to pay a premium for certainty (safety, quality, etc.) and in which areas is the consumer willing to take a chance?
(Presumably those areas experiencing high risk aversion are particular targets for close investigation.)
5. For any particular consumer issue, do the substantive or the procedure issues dominate?

FIGURE 1
 FRAMEWORK FOR CATEGORIZING CONSUMER ISSUES:

		PROCEDURAL ISSUES				PUBLIC PRIVATE
		redress	information	voice opportunities	etc.	
SUBSTANTIVE ISSUES	for goods	price quality availability variety risk etc...				
	for services	price quality availability variety risk etc...				

3.2 "Coping" vs. "Redesigning"

A second way to look at consumer issues is to divide them into two types, depending on the problem solving approach. In those situations where it is assumed that the current institutional system, economic situation and legislative base will remain unchanged, the approach can be characterized as "constrained optimal decision making" or making the most of what is currently possible - "coping". Typical public policy responses include, increasing consumer, business, government dialogue, encouraging voluntary responses by business to consumer concerns, education of consumers on "wise" shopping, on complaint procedures, on available redress avenues and on alternatives to current consumption patterns. Any voluntary change in product offering, product design, service level or business practices would be categorized as a micro level concern.

The other approach is characterized by attempts to change the broad parameters or boundaries of activities. Where the world of consumer "coping" is circumscribed, the world of "redesigning" in the consumer interest is active at the margins, attempting to change the ground rules for the entire market rather than focussing on individual consumers, and on individual transactions.

It would not be fair to describe "redesigning" issues as necessarily legislative or regulatory (although they often get translated into a new law). Many current regulations focus on "coping" issues and are aimed at standard operating and specific procedural type matters. Legislation of a "redesigning" nature would include such statutes as the Combines Investigation Act and the Freedom of Information Act. These pieces of legislation set the boundaries within which market and information transactions can occur, but they do not prescribe the number, type or frequency of transactions. One

popular U.S. "redesigning" approach is the removal or reduction in the level of regulations - "deregulation".

While the discussion of consumer issues in this paper is done by subject area (housing, food, energy and so on) the two broad frameworks just described are offered as strategic planning and policy making tools to assist in the process of evaluating the relative importance and feasibility of active involvement in one or more areas. This paper raises a long list of current and future consumer concerns, not all of which can be addressed. It is hoped that with the two perspectives, offered by the suggested frameworks, strategic planning will be facilitated.

4. Review of General Trends

Before discussing either general or specific issues that are perceived to be important to Canadian consumers in the near future (next five years) it seems reasonable to survey the general environment to try and identify relevant trends. This section, then, will attempt to fulfil that function. It should also serve as a caveat for discussions under Section 6 - Specific Consumer Issue Areas. For if the identified trends do not materialize, many of the conclusions about consumer concerns and consumer demands may prove to be one hundred percent wrong.

4.1 Economic trends

For consumers, the current economic situation is the most salient and influential of environmental factors affecting their behavior. With the recent announcement that the Federal Government's annual deficit is 18 billion dollars, it appears that Canada cannot anticipate a fast recovery from the economic recession. Recovery seems to be at least eighteen months away and predictions are that recovery will be slow or gradual. It is likely that cautious consumer spending patterns now evident will be more strongly entrenched as consumers try to hedge against further erosion of their security by external economic forces. One may therefore assume that for the economy as a whole there will be no, or slow, growth.

There will, however, be pockets of growth. Services generally, financial transactions (credit, personal securities and electronic funds transfer) as well as information-related activities are predicted to be growth sectors. With respect to information,

questions of variety of information creators, access to information (public-private) and privacy, non-manipulation of information, and disparity of information/education will be increasingly relevant. The collective aspect of information is more salient than the individual aspect. For example, it is the pooling of information from databanks and the illegal access to personal files that is the major public policy concern. For consumers, the anticipated benefit of access rights to information is with respect to public or collective goods and services primarily (this may not be the case for business interests). On the other hand, concerns with services are likely to be more particularistic and related to individual experiences. One might well see then, an increasing concern for quality and reliability standards, and redress mechanisms for services. In both cases, for services and for information, concerns will centre primarily around "social" or difficult-to-quantify economic concerns involving quality.

The trend of unemployment coupled with inflation and high interest rates has been a more long-term phenomenon than previously anticipated. Consumers now are part of a more risky and less hopeful environment than consumers in the early 1970's. Impact of this change may be very different depending on life cycle and previous spending/saving patterns. Disparity is likely to widen.⁽¹¹⁾ Those who were borrowers a decade ago can now be savers and therefore may be much better off relative to those who are now entering a high-consumption stage in their life where borrowing is costly. Those without a stock of wealth, those with no or marginal employment

those forming first families, and those families with one income are being affected very severely. Those families with two career-oriented incomes and those families having homes without mortgages are operating at a distinct and increasingly wide advantage. Risk preferences will differ between these groups, perhaps markedly, yet as a whole, consumers will tend to be more risk averse and more cautious in their buying and less tolerant of government taxation and spending patterns.

Economic trade-offs will tend to be more sharply defined - winners and losers more clearly identified. This will tend to increase conflict and lead to resistance to change, especially on the part of those likely to lose. To be acceptable then, it would seem that changes made by business must translate into identifiable cost savings, while changes made by consumers must have short run gains (or compensation) as well as long run discernible benefits.

Citizens are becoming more concerned with their role as income earners than with their role as consumers. Issues that affect jobs will be volatile - e.g. trade/tariff questions or quota determinations. Taxation, tax expenditures and incentives will be subject to closer scrutiny. Provision of government (so-called "free") services will become increasingly important. Quality, availability and access to government services will be of greater importance as incomes diminish and alternatives narrow. The government will experience stronger but contradictory pressure from citizens to preserve jobs and support failing corporations, while at the same time reducing taxes, increasing public social spending and offering protection from economic loss. Long run benefits will be increasingly hard to sell

politically as short term pain increases and as a federal election nears. On a more optimistic note, it appears that any evidence of "better" government rather than a change up or down in the quantity of government spending will be seen as an improvement by consumers. (12)

Recessionary times may change consumer concerns. The cost of new consumer-oriented initiatives in the areas of labelling, point-of-sale information or advertising guidelines may cause consumers to reject previous supported public policy programs. On the other hand, the incidence of fraud, or victimizing of consumers, may increase, as the incentives for non-compliance rise. There may be a renewed concern for industrial concentration if the recession leads to significant business failure and/or merger activity in vulnerable sectors. Where previously consumers were worried about value for money in relation to goods and services, there appears to be a trend for increasing consumer concern with respect to education, vocational training, adult skills upgrading education and transferability of education certification. The focus of interest appears to be switching from home consumption objectives to income generating objectives.

As real disposable income shrinks due to reduced real gross income or to taxes, it is likely that the so-called "hidden" economy will grow. Consumers will barter goods and services and moonlight for cash leaving no records for income tax. The implications of such behavior are hard to predict. It may result in distortions of the intended distributional effects of the tax system, or in a softening of the intended effects of government intervention.

4.2 Social trends

Social trends are related to demographic trends. Canada's population is aging, immigration is slowing, as is the number of live births per 1,000 population. These trends will affect institutional needs - e.g. day care, extended and intermediate care, hospitals, as more and more of the population get older and as the need for all adults to work outside the home increases. There is a trend to replacing an increasing number of home activities with market-place activities - convenience foods, eating out, disposable products, diaper service, gardening, cleaning service, condominiums to decrease maintenance, out of home entertaining, renting home and garden equipment. This is not a universal trend, as some segments of the population are moving in just the opposite direction by choice and through changing economic circumstances. This movement is characterized by the adoption of a simpler lifestyle, reduced consumption and increased home production and/or home employment. As the population ages, as the need for more workers per household unit increases and as the cost of housing rises there may be a trend to multi-generational household units or to new "aggregated family" households (groups of families, collections of individuals).⁽¹³⁾

What does seem clear is that there is an increasing tendency for specialization in lifestyle, in both consumption and work patterns.⁽¹⁴⁾ This tendency may be compared to product differentiation of the marketing world. The implication for government is that a single public policy may no longer be appropriate; more flexible and targetted government programs and interventions may be necessary.

4.3 Political trends

Current trends on the political front may affect the type of legislative activity (regulation, deregulation or reregulation), the jurisdiction of influence, the absolute amount of legislation, and the representative nature of the public policy process.

Consumers as a whole presume that they are protected in the market. Protection is perceived to be conferred by government legislation and is seen to be an absolute good. One is either protected or unprotected. The concept of a level of protection commensurate with risk and costs used as decision variables is not well understood. While many consumers may accept such an approach once explained, others, particularly the few caught bearing personal loss, would feel such an approach to be unfair and demand either:

1. universal coverage protection, or
2. compensation for loss.

The former is favored generally, because it is seen as "comprehensive" and "preventative" and not involving "means tests" or proof.

As more people are hurt in the political/economic system, the appeal for increased government intervention of form 1 or 2 may indeed get louder and more articulate. ⁽¹⁵⁾ To the extent that Canada is perceived as a market-based, free-enterprise, wage economy that is offering fewer opportunities, a strong voice for more socialistic public policies will be heard and demand side solutions suggested.

However, just the opposite may occur, especially in the short run. Business and industry may pressure government to relax market

regulation in the hope that relaxation will lead to new growth and sustained private market activity. Measures previously implemented to help consumers may be dismantled, even with the tacit approval of consumers who see job needs to be greater than the benefits of protection. (16)

Federal-Provincial jurisdictional and power questions could frustrate any work on improving the environment for consumers, especially in areas of shared jurisdiction like consumer redress, medicare, communication. It appears that both levels of government are putting a high priority on visibility in government activity. The potential for conflict and stalemate is high. Furthermore, the role of the federal government in western Canada will continue to present difficulties as long as there are no elected members of the ruling party west of Winnipeg.

Regardless of the type of legislation, the passage of new legislation has become a very lengthy and uncertain process. Even amendments and so-called "housekeeping" changes to current acts are difficult to steer successfully through Parliament. (17)

Public interest groups and particularly consumer groups have continued to demand greater participation in the public policy arena, (18) yet it is still the business and industry or trade lobby that is the strongest, the best funded and the most vocal lobbying force. However, as citizens perceive government decision making to be increasingly centralized and as individuals have less personal control due to income reduction, the pressure for wider and more representative participation resulting in policies sensitive to a wide variety of needs could well emerge. At the same time, it seems

clear that other interest groups such as business, the provinces and others will not relent in applying pressure on the government. (19)

Politically, it would be fair to say that "consumer issues" have a low priority in government affairs. Even consumers accord consumer issues, at least private sector transactions level "coping" issues, less importance than employment and inflation. From the point of view of a politician, a strong consumerist platform may not only fail to attract voters, it may in fact repel them. This attitude may make it difficult for a federal department of consumer affairs to garner support in Parliament and within the federal government bureaucracy.

4.4 Regulatory trends

Quebec appears to be the trend setter for provincial legislation in the consumer field. The consumer legislation it recently adopted may herald the direction that the other provinces will follow. Quebec has now, more or less, declared a moratorium on further consumer legislation and instead will be concentrating on enforcement, education and tools for consumer self-help (advice, expert counsel, advocacy funding for groups).

At the federal level, aside from the increasingly lengthy legislative process, omnibus legislation or major revisions to existing statutes are very difficult to steer through Parliament. From a consumer perspective it seems likely that future legislative activity will be initiated by departments other than the Department of Consumer and Corporate Affairs (consumer side) and may well be contrary to the consumer interest, at least in some respects. This type of anti-consumer activity may occur in the area of direct economic regulation. (20) Furthermore, from the point of view of

consumers generally and the Department more specifically, it will be difficult to have the consumer perspective argued in areas of direct economic regulation (energy, trade, industrial development, agriculture) where the beneficiaries are few, concentrated, organized and well represented. Here the real forum for exchange is likely to be political rather than economic.

It should be noted that economic regulation is done through avenues other than statute. (21) Regulations made under existing statutes, tax/expenditure policies, grants and decisions of statutory regulatory agencies all may be used in the manner (perverse to the consumer interest) ascribed to legislative initiatives alone. To the extent that government regulatory activity persists, and to the extent that new evidence finds current regulation contrary to the consumer interest, the Department of Consumer and Corporate Affairs may be under increased pressure from consumers to act. Action may well be difficult, if not impossible. Issues may involve regulatory matters not directly related to the Department's legislative mandate and may be resolved politically and not through usual department level bureaucratic involvement.

Generally it will be extraordinarily difficult, if not impossible, to shift costs currently borne by consumers to business. One area where consumers may enjoy regulatory success is in the area of environmental health and safety. The use of socio-economic impact analysis (SEIA) has the potential of influencing decisions in these somewhat less political issues. As well, creative use of the new Access to Information Act may provide opportunities for new avenues of consumer-oriented activity in the area of regulation.

4.5 Departmental trends

4.5.1 Inter-departmental trends

Major inter-departmental trends concern the sharing of parliamentary time and the sharing of departmental spheres of activity.

Competition between federal government departments for Parliamentary and committee review time is likely to be a continuing concern for the Department of Consumer and Corporate Affairs. The keys to success appear to be sound long-range strategic planning and creative management.

More and more federal issues fall between current departmental purviews. In an inter-departmental situation a department must have something unique to offer in order to be effective in shaping policy.

Working committees need research on substantive issue, good information on the consumer perspective and/or sound strategic planning and management skills. A further asset is a strong bargaining position either within the inter-departmental committee, or with the group or groups affected by the policy outcome. (22)

4.5.2 Intradepartmental trends

In real terms the resources of Consumer and Corporate Affairs Canada have shrunk since the years of peak expenditures and peak person year resources (1975-1978). Currently (1980-82), the budget of CCAC appears to be levelling off in real terms relative to total federal expenditures and private sector economic activity. CCAC is an important regulatory department as it

administers on its own, or jointly with other federal government departments, 2/5 of all federal government regulatory statutes. On the "consumer" side, CCAC concerns overlap the substantive areas of other departments (e.g. Energy, Mines and Resources; Health and Welfare; Finance; Ministry of Transport; Department of Communications) and the jurisdictions of the provincial governments. (23)

CCAC, being a small and relatively new department, does not have a major influence in all areas of economic and social public policy making. CCAC, however, is included in the Economic Development spending envelope.

Relative to other departments, CCAC is characterized by a body of public service generalists, especially at the policy making level. This is not the case for more focussed issue area departments like finance, health, energy etc. While this lack of specialization is partly a function of the number of subject areas in which the Department is actively engaged, it may also be a function of its relative age. As the trend in consumers' organizations moves toward an increasingly sophisticated expert and specialized approach to consumer issues, it is anticipated that the Department will move in the same direction.

It is unclear whether the Department can anticipate a more vigorous and a more supportive consumer constituency. Certainly the work of the Department would be enhanced if it could claim to represent a sizeable and representative body of organized consumers. The combination of economic restraint and uncertainty, the trend to supply side concerns and the reorganization being experienced by both CCAC and the Consumers' Association of Canada creates some turbulence around the future department-constituency relationship of CCAC and CAC.

5. Survey of Consumer Trends

5.1 Nature of consumer concerns

Effective action in the consumer interest involves a blend of substantive arguments and procedural rights. These are necessary but not sufficient ingredients for success. To be successful, the consumer activist must have political support.

The basic nature of consumer concerns hinders effective consumer advocacy. Many consumer concerns are latent, not easily called forth and relevant only when aggregated. When a concern does surface it is often because of a crisis or scare. Planning and long term management of issues is almost impossible, as forecasting at best is general and imprecise. The continuous crop of new consumer issues make monitoring, follow through and evaluation very difficult. Furthermore, many consumer concerns are short term dislocations. Redress is sought. Consumers generally don't have the time, money or interest to follow through to investigate the underlying problem or to seek a longer term solution.

5.2 General trends in consumer issues

There is a need for more systematic long-range comprehensive monitoring of consumer concerns. While the major Canadian consumer interest/issue surveys have been reviewed in sub-section 1.2 of this report, this sub-section will summarize, in general terms, what the author sees as developing trends in consumer matters. The next sub-section will review more specifically the viewpoints of those involved in consumer affairs.

The future of the consumer movement might best be described by using an analogy. In the early days of television, prophets of doom predicted an early demise for both radio and the movies.

History has made such a prediction laughable. Radio is still going strong, and more people than ever are going to see films. What the prophets, blinded by the dazzle of home pictures and programs didn't realize was, that radio would change and adapt, and that movie-goers go to the theatre for needs home television can not meet. In an analogous fashion, it is very likely that despite the large stable of consumer protection legislation and the pressing concerns over income stability, consumerism will not die. Rather, the consumer movement will change. Many writers see consumerism becoming increasingly specialized and professional. (24) Some see a greater variety of consumer groups tailoring their activity to a specific subject or to a particular geographical location. Thus, just as radio changed from one-station-suits-all programming to ten stations with magazine style programming aimed at a selected audience segment, so too the consumer movement is bound to go. To carry the analogy a little further (and hopefully not past its usefulness) consumerists will identify those aspects of their activity that they can uniquely offer. Thus, like the movies that almost died with the advent of television, consumerists will develop the counterpart to technicolour, doplar sound and the wide screen. Former positive attributes will be sharpened and improved.

Over time the articulated needs of consumers have been translated into law or as voluntary programs. Where are the new frontiers of consumer interest? Since the only source of reliable intelligence of consumer concerns is consumers, the new wave consumerists (I am including here government consumer departments and non-government consumer groups) may engage in systematic proactive in-depth probes

of emerging consumer issues. (25) The new consumer era may be more research-oriented and more comfortable in situations of negotiation and co-operative problem solving early in the public policy process. The focus of activity is more likely to be in areas of high collective benefit for consumers generally, and as much concerned with consumer/government relations as with consumer/business relations. There will tend to be a focus on:

1. services - financial, professional and mechanical;
2. redress mechanisms - class action and injury and loss liability;
3. issues involving health and safety, especially involving chemicals and the use of radioactive substances;
4. income stability, especially on pensions and insurance;
5. concerns related to the interface of telecommunications and computer technology like privacy, proof of transaction, access, choice; and
6. areas of direct economic regulation such as marketing boards, transportation and communication tribunals, trade and tariff boards, and crown corporations (Post Office, CN, Telesat etc.).

This does not mean that the old issues will die. It is likely that the spotlight on price will move from food to energy and the cost of money. There is anticipated future activity on the part of government consumer departments as well as consumer groups in the area of standards, grading and inspection. Here there is concern that current levels of protection not diminish. Erosion of health care protection is also a significant emerging consumer issue. Concerns about information, education, inspection and enforcement will not diminish, but their fundamental importance will be assumed, as new issues are identified.

5.3 Specific concerns identified

The consumer issues identified by each of the broad groups of consumer interest actors will be discussed in turn, beginning with the Consumers' Association of Canada (CAC), the largest national consumers' group.

5.3.1 The Consumers' Association of Canada

Through its Regulated Industries Program (RIP) the CAC has already made a move to increased specialization and sophistication. Acting in the consumer interest before regulatory tribunals, RIP has been active in the area of telecommunications, broadcasting, air travel, household goods moving, trucking, freedom of information, agricultural marketing boards, the post office and regulatory reform. The program is now expanding its activities to include barriers to international trade, energy pricing structures, cross-media ownership issues and bussing. The other policy program of CAC, Association Policy and Activities, has identified their areas of future activity. These include:

1. Improved legislation in the area of food nutrition labelling, electronic funds transfer, meat grading and child restraints;
2. New legislation for better consumer redress through provisions for class action and through statutory warranties;
3. Improved direct economic regulation of marketing boards, medicare, tariffs and quotas, and new proprietary drugs;
4. Research into wholesale concentration in the food distribution system; and
5. Research and advocacy into: health and safety issues, including irradiated food, and pesticides; food, including a food strategy, and nutrition; and financial issues, including deposit insurance, mortgages, pensions, insurance and banking services.

At the national level CAC sees that times of economic restraint may lead to an increased role for volunteer consumers' organizations that can take on activities not able to be performed by the government.

Consumer priorities from the perspective of CAC's provincial bodies include: information and education; enforcement of legislation; new legislation in the area of redress; and consumer benefits, comparable to those presently enjoyed by urban consumers, for rural and disadvantaged consumers.

Over the past ten years, within the Consumers' Association there has been a distinct trend from an early focus on specific product, narrow market issues to a recent emphasis on broad product/service/redress issues with a wide market focus. This trend can be observed by analyzing CAC's resolutions and advocacy activities (briefs etc.). It is perhaps best exemplified by the comprehensive brief delivered by the British Columbia branch of CAC to the Special Progressive Conservative Caucus Committee on the Budget and the Economy. It covered a wide range of topics, including the effect of the budget on poor and middle-income Canadians, RRSP's, Income Averaging Annuity Contracts, mortgage interest rates, housing supply, postal rates, import policy, marketing boards, and competition policy.

5.3.2 The National Anti-Poverty Organization

The National Anti-Poverty Organization (NAPO) has currently (1981/82) undergone a major restructuring and leadership change. NAPO sees its clientele as the disadvantaged, the poor, the handicapped, the rural, and minority groups (including racial minorities). NAPO's major concern is relative income levels. Accordingly, the Organization has identified four areas for its future activities. They are:

1. Guaranteed Annual Income;
2. Housing;
3. Medicare; and
4. Level of Social Assistance Benefits.

NAPO does not appear to identify itself as primarily a "consumer" group. Thus, in terms of federal government support, NAPO turns first to Health and Welfare Canada, then to Canada Mortgage and Housing Corporation, Indian and Northern Affairs, Secretary of State and the Ministry of Social Service Development. Many of NAPO's concerns are best raised provincially and a large measure of NAPO energies will be focussed at the provincial level. This approach is consistent with recent writings on the "disadvantaged consumer".⁽²⁶⁾ Thus CCAC may anticipate little demand from NAPO for action on behalf of disadvantaged consumers. The one area where activity may be fruitful is in the area of in-depth and systematic research.⁽²⁷⁾

5.3.3 Federal and Provincial Consumer Services

Consultation with Consumer Services in Ottawa, with the Pacific Regional Branch of CCAC, with the British Columbia Ministry of Consumer and Corporate Affairs and with the Better Business Bureau in Vancouver, revealed that they all experienced a trend to fewer calls (complaints) over the past few years, with a noticeable drop (estimated 10%) from June 1982. The long-term drop was attributed largely to the reduced encouragement given to consumers to complain, the larger number of referral agencies (especially true for CCAC) and the more decentralized complaint handling system where (in the case of CCAC) complaints are not centrally collated. The number one and consistent problem is automobiles, including automobile warranty fulfilment and automobile repair. Credit-related issues including banking services and banking policy, mortgages and credit cards are high frequency complaint areas. Services generally

appear to be becoming an increasingly important consumer complaint area, including repair problems (home entertainment products particularly), personal services, educational experiences, and travel services. Mail order, especially for the "too good to be true" type advertisements cause considerable problems especially among the rural and elderly. B.C. provincial data show housing (construction, renovation and insulation), along with mobile homes and trailers to pose significant consumer problems.

Questions concerning redress mechanisms demonstrate a fairly widespread lack of knowledge about consumer protection laws. The tendency is for consumers to assume more protection is offered than is actually the case. The actions of the federal government departments that affect consumers often rebound to the "consumer office" for information or complaints. Better co-operation between departments, it is felt, may both help "consumer offices" serve consumers and may, in fact, prevent problems. Examples include the CHIP program and the decision to remove lead from gasoline. Most consumers who call tend to want quick answers and demand comprehensive protection. After gaining new information on the cost of high level protection, demands are often reduced, according to some consumerists. Most articulated consumer concerns relate to provincial law. Both levels of government and the Better Business Bureau have experienced a rise in the number of callers seeking pre-purchase information. These calls are generally referred to the Consumers' Association for generic shopping information or for comparative product test results. There was some concern expressed as to whether CAC was able to respond adequately to such calls.

5.3.4 The Major National Political Parties

A review of the current year resolutions of the three major political parties, Liberal, Progressive Conservative and New Democratic Party (NDP) reveals no resolutions that can be claimed to be adopted solely for their consumer interest aspect. All three parties have resolutions on pension reform and most include aspects supportive of consumer issues in that area. The Liberal and Progressive Conservative resolutions are on major national economic issues like jobs, inflation, energy policy, industrial development and regional expansion. The NDP include more "consumer type" issues, like resolutions on medicare, UFFI, competition policy, and control of newspapers. If there is any trend to be gleaned from this brief analysis, it is that promotion of the consumer interest will come, if it comes, only as the result of initiatives taken on broader questions of national concern.

6. Specific Consumer Issue Areas

6.1 Hazardous products

Currently the Department of Consumer and Corporate Affairs, product safety activity is primarily concerned with product safety in the home, particularly as it affects the safety of the very young and the very old. Poisoning, fire and design defects of children's products are the target of on-going activity. (28) The exception is the relatively recent involvement in the Urea Formaldehyde Foam Insulation (UFFI) area. This issue has raised a more general concern for other home building products and home furnishings that may contain chemicals that are released into the air, or that may be flammable. Air quality and flammability are, therefore, important future issues.

Constraints in the product safety area from the point of view of the branch appear to be engineering and scientific expertise for estimating the potential hazard and for designing standardized tests for enforcing new regulation in current areas of activities. Furthermore, a budgetary problem would arise if the Product Safety Branch pursued the general area of home building and furnishing hazards.

The trend today is for more and more people to spend their days (and evenings) away from home (whether in day care, places of employment, community facilities, or in travel-related places - i.e. public transportation, hotels, restaurants). It seems, therefore that air quality and flammability hazards relating to building materials and furnishings are, potentially, at least as dangerous in public and private institutional settings as in the home environment.

This is not to deny the importance of protecting the home environment. There are, of course, large segments of the population (the very young and the elderly) who spend a good deal of time at home and will likely continue to do so. However, consider the number of people exposed per public building and the potential danger for individuals in the institutional environment compared to the number exposed and potential dangers in the home setting. The incentives to switch products may be greater for public institutions, whose environment must be suitable to a broader mix of people. Furthermore, the target group of public-private institutions is potentially fewer and more easily reached and persuaded or policed. Government at all levels is involved in buildings for its own use and for its program use. Trade associations for hotels, hospitals and offices are obvious contact points for assessing the nature and extent of the potential problem. If this sector of the building and furnishing industry moved toward safer products, the home market would most likely benefit as well. It would become efficient to translate new products to residential use. While this line of reasoning may not be valid, it is definitely relevant to any assessment of the health and safety problems of building materials and furnishings for individuals. The word assessment is used here because the "problem" of toxic and/or flammable building materials and home furnishings has not yet been fully assessed. The UFFI situation has highlighted a potential problem area. (29)

Consumer concern with respect to hazardous products goes beyond in-home poisoning and fire prevention. Consumers are concerned about chemicals used in agricultural production and food processing.

While food additives are regulated under the Food and Drug Act, consumers distrust additives and do not see benefits (other than to the seller) of the increased level of chemicals and additives. (30) Several avenues for action have been suggested. (31) These include:

1. Better labelling - more information and clearer identification of additives;
2. More widely involved discussion on the risk trade-offs involved in deciding to add or delete additives;
3. Better testing of additives either through government labs or through government audit of private labs; and
4. Programs to certify "organic" foods (those grown without the addition of commercial additives in either the growing or processing).

Pesticides, herbicides, fertilizers etc. are also causing consumer alarm. The fear is generated largely by lack of information, lack of a visible system of protection and through current public alarms as a result of systems failure. With passage of the Access to Information Act, the public may require further disclosure of information. The Captan Inquiry may also fuel this trend. In fact, the Captan Inquiry may be a useful starting point in understanding the public and private issues involved. (32)

With the agricultural community experiencing difficult financial times there may be a resistance to action (in the consumer interest) in the area of the use of agricultural chemicals. Review of such chemicals is currently done under the auspices of the Department of Agriculture with input from the Department of Health and Welfare. Consumer input is missing. Assessment of costs and benefits from a public interest viewpoint is missing. There is a definite gap in this area of consumer protection. Federal jurisdiction is clear. More open assessment procedures and product evaluation

together with independent and publicly available risk/benefit assessments might well be a useful starting point in the debate between no chemicals, all chemicals or some chemicals. This area is one of several where consumption is involuntary, largely uncontrollable and often unintended. The question in this area is whether the Department of Consumer and Corporate Affairs can make a positive contribution to the agricultural chemicals review process or not. Options include providing non-company tests and research results, accumulating good information on consumer opinions and researching consumer preferences or expert opinion on the public risk/benefit calculation.

This concern for chemicals extends to the workplace. There has been a request by the provinces for the Branch to examine the possibility of extending regulation to the control of chemicals used in the workplace. While technically speaking the workplace environment is a producer or labourer concern and not a consumer concern, the involuntary consumption of or exposure to chemicals is an increasing public policy problem that needs a solution. The Department has already been asked to initiate investigation of the need for further government intervention. The voice, it seems, is likely to grow even stronger. This area appears to present a unique opportunity for positive federal or federal-provincial action by CCA in an area of recognized competence with broad public and government support. It is within the objectives of the Branch, which are "to reduce the potential for illness, injury or death due to product-related hazards", and could prove to be a prototype for other initiatives in the area of consumer safety. (34)

With this escalating concern for chemical and physical hazards will come the need for more inquiries or reviews more research to develop standard specifications and standards tests as well as the requirement for inspection, surveillance and evaluation. The pressure for standards and open and regular inspection will continue to build in the general area of product safety. Also the concern for product safety will extend from use and product market approval to transportation of dangerous products. While these latter two categories are more the purview of Transport Canada and the Department of the Environment, where large urban populations are at risk due to transport or disposal methods, the Department of Consumer and Corporate Affairs may be called upon for research, consumer risk/benefit information, or for joint action on the problem solution.

Thus, while concern for hazardous products and for the use, storage and disposal of chemicals increases, the role of the Department of Consumer and Corporate Affairs is not clear. What is clear, however, is that consumers and the provincial governments will be looking to the federal government for help. More specifically they will be looking to the Department of Consumer and Corporate Affairs for "expertise" on the consumer impact and on consumer attitudes and behaviors.

6.2 Food issues

While in the aggregate, people are spending less of their disposable income on food, food continues to be a concern for consumers generally. It is well known that low-income consumers spend a disproportionately high percentage of disposable income on food. However, with rising unemployment, high energy costs and

high interest rates, food has taken a backseat to job security, housing and energy costs even among the poor. At the same time, it must be realized that food will continue to be an ongoing concern and one in which consumers will expect the Department of Consumer and Corporate Affairs to be involved.

For purposes of discussion, food-related consumer concerns can be divided into:

1. Grading and inspection;
2. Labelling and information;
3. Nutrition; and
4. Industrial Organization (including price, profit, distribution and supply).

There seems to be general agreement that Canada benefits from a uniform grading system for meats, processed fruits and vegetables, and grains. Furthermore, consumer pressure for government activity in this area seems unlikely unless the current system were to change radically, eroding the uniform nature of the federal component. The major concerns would likely be for unbiased and regular quality control inspection coupled with effective sanctions for non-compliance. It is unlikely that the particularistic concern of the Consumers' Association of Canada in this area will abate. While it is likely that most consumers feel themselves to be well protected by current grading standards and inspection system, any "scandal" would very likely lead to calls for more stringent standards and more frequent inspections.

Labelling and information are more lively concerns. The listing of additives has already been identified as an emerging consumer concern.⁽³⁴⁾ Nutritional labelling appears to have steady but non-strident support. Research on the U.S. nutritional labelling program has given mixed results as to its usefulness.⁽³⁵⁾

The most recent labelling change in Canada (metrification) has been slow and results are not entirely coinciding with expectations. For instance, much of the conversion has been a soft conversion where metric units are not in easily divisible quantities. Furthermore, the current economic situation may have influenced consumer preferences. It seems reasonable that consumers now may not be willing to pay for the additional cost of nutritional labelling, further labelling of additives or for any further labelling at all. Labelling appears to be one area where a studied and well-researched approach would be both warranted and feasible.

There is widespread concern that the nutritional aspect of food be considered when developing food policy. The focus of nutritional concerns seems to be on labelling and advertising content, point of sale information, basic public school education, targetted adult education programs aimed toward "at risk" populations, institutional kitchens and education for health professionals. None of these target areas, with perhaps the exception of the first, would necessarily directly involve the Department of Consumer and Corporate Affairs. With respect to advertising, important issues would likely tend not to be classified as fraudulent or misleading and thus would more likely be pursued by way of voluntary standards or guidelines.⁽³⁶⁾ In fact, a co-operative voluntary approach would appear to be the most useful and effective strategy in the whole area of nutrition. Joint action with the federal Department of Health and Welfare and with the provinces, especially in the areas of education, public and community health through the development of information, teaching material and delivery strategies may prove to be a beneficial catalytic approach.⁽³⁷⁾

Major consumer food issues continue to revolve around profit and price. Consumers will continue to raise issues related to price spreads, middle function profit levels, collusion between food processors, distributors and retailers, and the relative bargaining power of consumers and retailers. The most recent concern involves the tendency for independent giant chain retail food outlets to join forces when purchasing from wholesalers. Based on past history, revision of basic factual quantitative information is the most relevant and useful response to such concerns. A more proactive response would include research on identifying possible untapped efficiencies in the processing, distributing and retail sector. This sector accounts for 60% of the retail food dollars and is recognized as being one area of food and marketing that requires more research.

The food area is characterized by contradiction. While the most commonly voiced consumer complaint centers on price (too high) the most popular food policy response centers on income (stabilization and maintenance) which usually has the effect of raising price. Some critics of supply management marketing boards argue that if consumers realized the large direct and indirect costs involved in preserving supply management, and were able to exercise choice, they would choose not to pay the cost of supply management. (38) Other evidence suggests that economic analysis is not sufficient and that consumers are concerned about industry viability, the retention of the rural community, and the family farm, and are willing to pay to ensure stability of supply and food self-sufficiency for Canada. In Canada, food policy is politically, more than economically determined. (39) Departmental activity is thus circumscribed.

Consumers expect CCAC to be involved in food policy despite the peripheral legislative mandate it holds in the area. Departmental options include:

1. Articulation of economic cost/benefit analysis;
2. Determination of consumer willingness to pay for food self-sufficiency and for the retention of inefficient producers etc.; and
3. Provision of consumer information on the costs of current regulatory schemes and on research results of economic and social analysis of food issues from a consumer viewpoint.

A more direct advocacy stance by the Department in the area of food policy was attempted in the mid-1970's, and is an option that should be reconsidered. (40) Effectiveness of the direct advocacy approach as assessed by senior policy officials was that the program achieved marginal rather than radical gains for consumers. These occurred mainly through delay and/or prevention of proposed new controls. Consumer benefit was considered to be positive but publicly invisible..

6.3 Housing

Often when consumers talk about housing they are really talking about owning a home. The concept of "housing" must be viewed more broadly to include structures other than houses and to include rental as well as ownership. Recent consumer concern about housing has appeared to focus on one issue - price. As prices rose rapidly in some markets (Vancouver being a prime example), non-home owners panicked fearing gross manipulation by developers or real estate agents and seeing a dream of home ownership vanish. Now house prices are falling and non-home owners and home owners alike are concerned. The problem is still price. For home owners, the hoped-for appreciation is not occurring and in some cases home

owners are burdened with mortgages at values higher than the current selling price of the house. For renters, even at lower prices, mortgage interest rates create prohibitive mortgage carrying costs and prevent home purchase. Yet research ⁽⁴¹⁾ has shown that, on average, between 1971-1980, income has risen at a rate higher than house prices or rents and that housing quality has increased over the same period. The major factor in the cost of housing has been the cost of money - interest rates. Yet this is only true within the last few years. Other factors have changed however. As the quality of the average house increases, consumers' expectations rise. Furthermore, it has been found that as long as consumers view their current accommodation as temporary they tend to see their housing as satisfactory. If the hope of moving is shattered by rollercoaster prices, continuing high interest rates and uncertainty about future earning ability of household members due to unemployment, consumer concern over housing should be expected. What can the Department of Consumer and Corporate Affairs do?

While the federal government has areas of clear jurisdiction relating to housing, through Canada Mortgage and Housing Corporation, the Ministry of State for Urban Affairs and through the National Housing Act and the Canada Building Code, the need for Consumer and Corporate Affairs involvement is not apparent, nor is CCAC expected to be involved. Zoning regulation, local building codes and inspection, rent control and the real estate transactions are essentially municipal or provincial matters.

There are, none-the-less, areas of consumer concern that might involve the Department in research, or in a role as catalyst in a federal-provincial or an interdepartmental setting.⁽⁴²⁾ These areas include the need for a more visible central liens registry and a more standardized transaction process across the provinces. Another is the need for revision to the Interest Act to specifically address the use of variable interest rate mortgages to ensure fair bargaining between mortgagor and mortgagee. The third is the need for the development and provision of information that encourages home buyers to shop around for the services of a real estate agent, mortgage lender, and lawyer or notary. A fourth is the promotion of a uniform and universal housing warranty program across the provinces with the possibility of including rental accommodation and existing homes. A fifth is the possibility of investigating emerging consumer needs in the area of home upgrading, retrofitting and retrograding to enhance current aging or obsolescent housing stock. And finally, a sixth involves an inquiry into the structure, conduct and performance of the real estate industry.

Area two, revision of the Interest Act, has been under discussion since 1960 and until recently there appeared to be little interest in revision by the Department of Finance. The need from a consumer perspective has yet to be documented. Area one, three and four, (liens registry, increased information and warranty program) like most housing matters are clearly provincial concerns. Federal involvement could take the form of initiating co-operation between the provinces or of providing consumer-oriented housing research (new house warranties may be one topic to investigate). The fifth

area (repair and upgrading) might be done in conjunction with CMHC or the Ministry of State for Urban Affairs, while the sixth (industrial organization research) would most likely be an area for the Combines Investigation Branch. Other areas of consumer concern with respect to housing will be discussed under energy and under consumer redress. (43)

6.4 Health Care

Health Care is fast becoming a prominent consumer concern. The rising cost of health care - the major expenditure item for many provinces and the federal government - is causing public concern about health care availability and quality of health care services. Medicare, the federal cost-share program of provincially administered health care insurance, is supported by most Canadians as a necessary and important system.

The current discussion within several provinces (notably British Columbia and Ontario) over health care rationing is causing consumer concern. With the aging of Canada's population as a whole, and with rising health care costs, such concerns are likely to grow. There will be public pressure for better budget and expenditure justification and for alternatives to current health care delivery systems, for different services, and for more efficient and effective delivery. The need for greater public involvement in health care policies will be felt.

What is the role of the federal government generally and of CCAC more specifically?

While the federal Medicare Care Act (as well as the Hospital Insurance and Diagnostic Services Act) set the conditions for the insurance scheme, health care is largely a provincial concern.

The provinces determine doctor's fees and set hospital budgets. Thus, the federal government role is limited but not insignificant. The focal point for federal government activity is narrow and consists of the Department of Health and Welfare and the respective committees of the House of Commons and the Senate. The role, if any, of the Department of Consumer and Corporate Affairs is unclear. This may well be one area where consumer concern must be taken into account primarily at the provincial level and through the Department of Health and Welfare. Alternatively, CCAC may initiate a public policy research program in conjunction with the Department of Health and Welfare aimed at identifying key demand side issues, priorities and proposed public policy initiatives. CCAC's involvement with Energy, Mines and Resources on demand side research in energy consumption might serve as a model.⁽⁴⁴⁾ A third approach would be to fund a national consumer health care organization or other public interest groups active in the area of health care.

Related to this area is concern for the regulation of health care professionals. The matter of federal jurisdiction has now been ruled on by the Supreme Court of Canada.⁽⁴⁵⁾ Several studies have discussed the many important consumer interest issues raised by the practice of professional self-regulation.⁽⁴⁶⁾ As on many other contemporary public policy issues, neither level of government has taken the initiative in promoting the consumer perspective in the matter of professional licencing and regulation. While this concern may fall administratively under the corporate side of Consumer and Corporate Affairs Canada via the Combines Investigation Act, it seems clear that now that the Supreme Court has made its ruling in the "Jabour case", the issue should be reassessed with a

view to future federal involvement. At the present time consumers feel ineffectual and without an adequate avenue for action. Consumer complaints regarding the professions are channelled back to the professional bodies for action. With a trend to rising costs and diminishing means, questions of fair pricing, professional quality service, liability for lack of standards of care etc. will be of greater consumer concern.

Nutrition is another health-related consumer interest area. It has been discussed under section 6.2 Food.

6.5 Telecommunication and Computer Interface

It is generally agreed that electronic transaction in the area of finance, information and entertainment will create a new environment for consumers. With the promised benefits, disbenefits or costs are anticipated. Yet no one knows the specific direction or shape of change now made possible by micro chip technology that has enabled fusion of computers and telecommunications. Rapid and continuing change in the area of systems development, software design, applications and hardware choice appears to be the most common prediction. The need for government intervention is also recognized, especially in the area of industrial development, research and development, regional expansion, foreign trade and overall policy formulation aimed at consumer protection and regulations. (47)

The marriage of telecommunications and computers has created a number of related but distinct public policy concerns of particular concern to consumers. For purposes of discussion they are divided into four areas:

1. Telecommunications/broadcasting interface;
2. Post Office and mail alternatives;
3. Electronic market exchange transactions; and
4. Information exchange.

6.5.1 Telecommunications/broadcasting interface

The Canadian Radio-Television Telecommunication Commission (CRTC) currently regulates both broadcast and telecommunications in Canada. In the case of telecommunications and to a certain extent in broadcasting, the CRTC shares its jurisdiction with the provinces. Two trends are increasingly apparent. The first is the trend toward more provincial involvement in broadcast and in telecommunications.⁽⁴⁸⁾ Second, the difference between broadcast and telecommunications is becoming less distinct as satellite transmission is used, as non-broadcast, non-program services are offered via cable, and as consumers and businesses acquire their own telecommunication terminal equipment, computers and modems that permit the creation of private voice/data communication systems. Consumer issues lie in such questions as:

1. Where does legitimate telecommunications monopoly end and the role of private market begin?;
2. What is the extent of cross-subsidization between user groups and to what extent should cross-subsidization (if any) continue?;
3. Where does the consumer interest lie in issues of cultural identity and the viability of a Canadian artistic production industry?; and
4. Where is content regulation necessary and appropriate?

These issues have been debated before the CRTC. Consumer input has come from consumers organizations (largely funded by the Department of Consumer and Corporate Affairs) and from the Director of Investigation and Research.

Activity has focussed primarily on the telecommunications side. (49) The need for research from a consumer perspective appears to lie in the following areas:

1. the impact of local measured service for telecommunications;
2. the determination and regulation of quality of service (telecommunications and broadcast);
3. the issues of access, choice, cost, and foreign operation in Canadian cable systems;
4. consumer willingness to pay for Canadian content, broadcast variety, non-broadcast services and information; and
5. efficient and equitable pricing for satellite channel capacity.

While the Department of Communications and the CRTC both fund research, the Department of Consumer and Corporate Affairs might consider doing its own research in the area, or working with other Departments to promote consumer-oriented research directed to current public policy issues in the area of telecommunication and broadcasting. This area is one where it is anticipated consumer impact will be substantial. The Department of Communications is largely concerned with the industrial development, region development, technical and international aspects of communications, (50) while the CRTC seeks to determine the public interest from a variety of special interest representations. The Department of Consumer and Corporate Affairs may well find a useful role in this area of rapid structural change through funding groups, performance of direct advocacy activity before the regulatory body or on interdepartmental technical or policy committees, and in public policy-oriented research.

6.5.2 Post Office and Alternative Mail Systems

With the advent of satellite technology, electronic mail, even electronic mail without the benefit of a post office, is both possible and feasible. The use of electronic data transmission on a direct line or "store and forward" basis is available through CNCP and the telephone system. Business information networks for a single company or on a time/share basis are now in operation. Consumer interest in this area includes:

1. How to measure and ensure the quality of personal first class mail service;
2. How to price mail service and how to ensure efficiency and innovation in service offerings; and
3. How to provide maximum benefits of competition without jeopardizing universal postal service to individual consumers and small business.

The Department of Consumer and Corporate Affairs has not been involved in the area of postal service. Perhaps this position should be reassessed (refer also to discussion under Crown Corporations). The Post Office has just proposed (June 1982) a very comprehensive definition of "letter" that, if adopted, may restrict the options of consumers and business alike and may lead to inefficiencies and stifle innovation. While this may be a significant proposal in its own right, its real significance, it would appear, lies in its foreshadowing of the nature of future consumer issues in the area of electronic mail and other electronic transactions. That is, that potential consumer benefits offered by new technology may be circumscribed by restrictive regulation to protect current industry investment and spheres of operation.

Department options in this area include:

1. Research on current post office operation, efficiencies, quality of service, comparison with other systems; (51)
2. Monitoring of consumer use of alternatives to the post office;
3. Co-operation with the Department of Communication in identifying consumer issues and in performing research aimed at public policy implementation; and
4. Engaging in direct consumer advocacy either through use of Department Staff (perhaps Restrictive Trade Practices) or through funding consumer advocacy.

6.5.3 Electronic Market Exchange Transactions

Consumers are already expressing concern about electronic transactions. The most basic concern involves the change in market transaction processes. Change, whatever its nature, is usually accompanied by apprehension and resistance.

The most prominent near-term change will involve financial transactions - a move toward the "chequeless/cashless society".

Consumer concerns in this area include: (52)

1. legal "proof" of transaction;
2. record keeping (the ability of consumers to keep records easily and the accuracy and availability of institutions' record keeping of personal files);
3. reversibility of transactions including both ease, and the question of liability;
4. the effect on consumer cost sensitivity and ability to budget;
5. privacy, including collection and exposure of personal records and the use of accumulated transactional data for private gain;
6. fraud, errors and malfunctioning, including particularly the issues of prevention, liability, onus and restitution;
7. options to electronic transactions;
8. degree of centralization and control of systems;
9. the distribution and quantum of costs and benefits; and
10. the regulatory regime, if any.

The loss of "float" or the time delay value attributable to the current lag between cheque or credit card purchase and actual payment of funds has been raised as a consumer concern. Certainly those consumers who now pay by charge card will be worse off with electronic funds transfer at point of sale. Other consumers, those paying cash, will benefit from no longer subsidizing credit or cheque customers. The net effect should be zero and therefore positive, as it eliminates a source of cross-subsidization.

It appears that consumer concern is well warranted generally, not because electronic funds transfer raises many unique and urgent public policy questions, but because the effect of widespread use of electronic funds transfer (EFT) may not be well handled (managed) and will exacerbate current legislative deficiencies in the area of credit transactions and privacy. If the attitude of American bankers is paralleled by that of Canada's bankers, there will be a push to allow competition to determine the handling of liability, error correction, reversal of transactions and the distribution of debit cards. (53) Consumers are becoming increasingly critical of banks and banking policy. (54) A laissez-faire attitude in the determination of debit card consumer policies is unlikely to be tolerated by consumers. At a minimum consumers will require for debit cards the same protection afforded under provincial legislation for credit cards. Furthermore, there will be pressure for credit-related privacy legislation and for uniform federal consumer rights for debit cards and electronic funds transactions. Such rights are likely to include

a reverse onus clause for errors, strict financial institution liability and automatic transaction reversal in cases of defective goods or unsatisfactory performance. Furthermore, there may be urging by consumers for systematic and continuous government surveillance of the development of EFT.

Although the major control of EFT rests with the Departments of Finance and Justice, consumer-oriented input is needed. With the disbanding of the sub-committee on legal and consumer aspects of EFT and with no consumer representative on the Canadian Payments System Committee, inclusion of a consumer perspective seems to be in jeopardy. A further complication results from the ambiguous federal/provincial jurisdictional question. A case can be made for clear federal jurisdiction under the banking, money and telecommunications heads. On the other hand, the role of the provinces in matters of civil and property rights is relevant to credit and sales transactions. Where the strict legal separation of powers lies is not so much a problem in the creation of EFT's as it is in the provision of user rights.

Incentive for action on behalf of consumers will not be strong within the Departments of Justice and Finance. Rather, provincial departments of consumer and corporate affairs along with the federal Department of Consumer and Corporate Affairs will feel pressure from consumers to legislate and enforce rights. The rise and fall of the Borrowers and Depositors Protection Act⁽⁵⁵⁾ and the more recent agitation over price stickers on goods in stores using optical character read devices⁽⁵⁶⁾ should serve as relevant case studies to guide strategies for public policy in the area of electronic funds transfer. Assurance of basic

information, privacy rights and effective and timely redress appear to be of primary importance. This may be an area where co-operation with industry (manufacturing and consumer financial services) and consumers may be fruitful.

6.5.4 Information exchange

The role of information in employment situations and in everyday living is acknowledged to be of increasing importance as the offerings of goods and services becomes more complex, as change occurs with greater frequency and as government, business, and personal activities become more interrelated.

The two major concerns of consumers regarding information are variety (with respect to source, type of information and medium) and accessibility (ease, cost, and availability). Consumers seek a variety of opinions and sources of information via a range of channels. As consumers segment themselves into more highly differentiated markets there is a need to ensure that maximum choice is provided. Choice could involve, types of information, sources of information and vehicles of delivery. Current public debate on concentration of mass media and on questions of cross media ownership and editorial control seem to contain an element of "consumer interest". What is the best way of ensuring that the consumer receives variety in news (information and opinion), from a variety of sources? Up to now activity on these issues has been pursued by the Director of Investigations and Research. Are there other avenues? Is there need for research into consumer opinion and behaviour with respect to mass media content, cross media ownership and industrial concentration? (57)

Telidon raises other information concerns. While no one is entirely sure if, or when Telidon will be as much a part of home life as the telephone and television, there is already a concern about the source and variety of information available. Information has public goods characteristics. This means that some types of information will tend to be underproduced. Such information could include generic shopping information, independent product and service test results, self-help information and factual information. This does not mean that such information will not be produced, only that the tendency is that commercial concerns and information promotional needs may dominate.⁽⁵⁸⁾ Furthermore, if there are substantial economies of scale associated with the generation of information for videotex use, the problem of "variety of sources" will arise.

With the high level of federal government involvement in Telidon it seems reasonable that, at a minimum, the Department of Consumer and Corporate Affairs would need to monitor the development of telidon to ensure that consumer needs are taken into account in meeting the broader public interest objectives of Federal Government involvement.

Pay T.V. as well raises questions of content variety and consumer choice. Will Pay T.V. increase the number and type of offerings to consumers? What will be the effect of moving from advertisement sponsorship and individual subscription to individual subscription only? Pay T.V. raises too, questions of accessibility. Will previously "free" entertainment offerings be provided only on a pay basis? If this occurs, is the consumer interest prejudiced? Issues such as cultural sovereignty and

the viability of a Canadian entertainment industry are more public policy questions where the consumer interest (except in relation to willingness to pay) is hard to identify. However, on issues of program variety and availability, consumer determination of content, and in matters of cross-subsidization between categories of Pay T.V. subscribers, the Department of Consumer and Corporate Affairs may be able to make an important contribution, either directly before the CRTC, on relevant interdepartmental committees, or indirectly through funding consumer-oriented groups.

Access to information has been a traditional rallying cry for consumer activists, yet experience in the United States suggests that their "Freedom of Information" legislation primarily benefits business and is much more costly than anticipated. Canada has just passed its Access to Information Act. Will consumers benefit from this new piece of legislation? How can consumers use their new rights of access to enhance the position of consumers generally? How might the Department of Consumer and Corporate Affairs use the legislation and/or inform consumers of their new rights? Surely new avenues of research will be opened up, along with information useful for consumer decision-making.

With more sophisticated information dissemination techniques, the question of information disparity is raised. Already the term "techno-peasant" has been used to describe those not verbally conversant or actively engaged with the computer. The danger from the consumer perspective is that there may develop a privileged information-loaded consumer group and an under-privileged information-deprived group. While this disparity already exists to some extent, the style and rate of development

of electronically-based information systems may increase or decrease the current disparity. This aspect of information technology should be of concern to the Department of Consumer and Corporate Affairs. Appropriate avenues for action may include research, involvement on interdepartmental committees (especially with the Department of Communications) and co-ordination of provincial concerns and federal interests.

These areas at the intersection of computer technology and telecommunications are characterized by uncertainty, change and by shared jurisdictional control, federal/provincial as well as between federal government departments. Identification and representation of the "consumer interest" will not be easy. It will mean breaking new ground, securing new information, finding new avenues of co-operation. It may well involve simultaneous activities - providing information, monitoring development, undertaking research and engaging in direct advocacy activities.

6.6 Energy

It is the sharply rising price of traditional energy sources that is causing consumer concern. As household energy costs rise absolutely, and as a proportion of disposable income, energy will continue to be an important consumer issue. Methods of cost-effective energy conservation, alternative energy sources, and cost/benefit calculating for one energy source over another are current consumer questions. While energy issues that result in public controversy over pollution or the use of nuclear materials will, in all likelihood, persist, it appears that the strongest

and most direct "consumer" concerns will focus on the decisions for choosing energy sources, for retrofitting homes and automobiles, for changing lifestyles related to energy consumption (coping), for approving new energy capacity, for energy pricing by utilities and for the government taxation process.

The whole area of "energy" is very encompassing. Currently energy is the special concern of Energy, Mines and Resources. Recently, however, the Cabinet is taking a direct interest in energy matters and energy policy is more a high-profile federal government package of initiatives of major national implications and less a product of the bureaucratic management of Energy, Mines and Resources. With the increased politicization of energy, the public policy input of any particular federal government department is not necessarily determinative.⁽⁵⁹⁾ It may not even be required or desired. Any activity in this area, then, by CCAC and other departments must be well-chosen.

The Department is currently engaged in consumer-oriented energy conservation research. This program, established in 1973, is part of a co-operative multi-departmental approach to public policy-oriented research. The Department of Consumer and Corporate Affairs is providing unique and potentially useful information and insights on the demand side of the energy questions.⁽⁶⁰⁾ Most, if not all, of the concurrent research is supply oriented.

Like many other issues of direct and specific interest to consumers, the most vital questions of public policy in the energy field are provincially determined. Thus the major capacity

question and the questions of provincial fuel/energy options available for household consumption are decisions of provincial utility boards or provincial cabinets. Energy utility price structures are also set provincially. Thus the basic choice parameters are drawn by the provincial government. Is there a role for Consumer and Corporate Affairs Canada? The answer appears to be more politically than substantively rooted.

Assuming that the Department wishes to be involved in some way in fuel choice, capacity, price structure issues, what are the options? One possibility would be for CCAC to engage in evaluative research, analyzing past public policies to check effectiveness with original objectives. The Department may also sponsor controlled and managed voluntary alternative price-structure experiments among selected populations. Other research projects could be developed by the Department on its own, or with the assistance of the provincial governments.⁽⁶¹⁾ The possibility of funding consumer groups interested in pursuing energy issues at a provincial level is a second basic strategic approach.

At the present time the Department's research on energy focusses on energy consumption/conservation attitudes and behavior and on the effectiveness of alternative public policy instruments in altering consumption behavior. A very simplistic summary of current findings indicates that price and information on price along with easy to implement incentives and low energy consumption standards for automobiles, appliances and housing are important variables in determining actual energy consumption patterns.⁽⁶²⁾

Consumption, it has been found, tends to be positively related to income, but actual household consumption patterns (auto, vs. space heating, vs. leisure consumption) vary among specific energy-use lifestyles.⁽⁶³⁾ Perhaps it is now appropriate to experiment with public policy programs that attempt to reduce energy-use by selected groups. This research may well need to be preceded by evaluation studies on current government conservation programs, CHIP, Enersave and Energuide being three examples. This seems to be particularly prudent in light of the unexpected catastrophe - UFFI problem encountered under the CHIP program. Furthermore it may be easier and less riskily to design and carry out an experimental program on a co-operative basis with EMR or CMHC than to attempt to initiate a permanent or universal program. This suggested avenue for action by the Department in no way implies that research should cease. Because the Department is one of a very few engaged in consumer-oriented demand side issues, the Department will undoubtedly be looked to for relevant and up-to-date information and research as a foundation for future public policy. Information strategies, intervention programs and consumer behavior, particularly trade-off decisions will be even more relevant as times of escalating energy costs, economic uncertainty and income and resource constraints make the tolerance for errors very low.

6.7 Import Policy

Two areas within the Department of Consumer and Corporate Affairs are active before the Tariff Board, the Textile and Clothing Board and the Anti-Dumping Tribunal. They are the Restrictive Trade Practices Commission and Policy Research, Analysis and Liaison Branch through the Policy Co-ordination Bureau. Studies done within the Department indicate that the consumer cost involved in restrictive tariff and quota policies outweighs the industry benefits up to 10 times over.⁽⁶⁴⁾ The Consumers'

Association of Canada (CAC) has argued for less restrictive tariffs and quotas for textiles and footwear. CAC's position has been strong nationally but not universally accepted within the provincial and local CAC membership. While the consumer cost imposed by restrictive quotas is high relative to industry benefit, neither CCAC or CAC has had an outstanding record of success in their interventions on import issues.

Relative to more localized and isolated non-systematic inequities experienced by consumers in day to day transactions, the cost benefit inequities of import policies are more identifiable, systematic, quantifiable and open to efficient and effective public policy rectification.⁽⁶⁵⁾ Tariffs and quotas are an obvious target for federal consumer representation from a theoretical and substantive perspective. Tariffs and border protection, however, have been active public policy issues since Confederation. It seems unlikely that the classic trade-offs between industry jobs and consumer interest or regional development and efficient markets will ever be resolved.⁽⁶⁶⁾ The debate will continue.

Three questions remain. One, will the consumer interest be represented? If the answer is yes, the next question is how? Protheroe (1980) has written a well-researched but devastating analysis of the role of the Department of Consumer and Corporate Affairs and its major client group, the Consumers' Association of Canada, in the area of trade policy. The Department's and CAC's approach to trade issues is perceived to be dogmatic and biased. Its opinions are therefore discounted by the many other more influential departments and, moreover, its opinions are not sought in instances where a "friendlier" and more sympathetic department might have been invited to participate. Limited expertise, lack of consumer support and high ministerial turnover have further hampered the Department according to Protheroe. If Protheroe's analysis is accepted, there are obvious avenues for improved effectiveness. Yet Protheroe himself does not appear to hold out hope for a strong and influential position for CCAC in trade questions. The process is highly political. Thus, any gains made on behalf of consumers would, in all likelihood, be marginal. A gain may be simply retention of the status quo or a softening of a strongly protectionist policy. A gain may be so invisible as to be "not a further loss". (67)

This raises the third question. If trade issues are to be pursued by Consumer and Corporate Affairs, and if a more effective strategy is identified and adopted, will activity in this area be justifiable politically? Consumers are not marching on Parliament Hill demanding fairer trade policies. While low income consumers often stand to gain the most from more liberalized trade, they are the least likely group of consumers to demand action. For the

majority of consumers their producer interest usually outweighs their consumer interest when there is a short run trade-off between lower prices and jobs. Furthermore, consumers are more concerned with domestic matters, such as promoting health and safety, product standards and packaging and labelling (all potential barriers to trade), than with international and macro-economic questions. (68)

Can CCAC get support from consumers on trade issues? Perhaps more importantly, can CCAC justify expenditure in an area of consumer advocacy without strong "client" support and without any (at least short run) prospect for quantifiable and identifiable results? (69)

The bottom line is, trade issues are an important consumer concern; the substantive issues are real, but it is unlikely that the Department will receive public pressure to act in the consumer interest on tariff and quota questions.

Issues of non-tariff barriers and of domestic or inter-provincial barriers to trade have not been raised. This is not because they are not relevant but only because so little is known about them, and given the potential for progress in the more conventional areas, these other two might well be considered positively as "avenues for future research". (70)

6.8 Crown Corporations

The inclusion of Crown Corporations (71) in a list of consumer issues stands out as a novel concern. It is included for a variety of reasons. They are:

1. Consumers are increasingly aware of and concerned about government involvement in what was previously the private sector.
2. Consumers are purchasing goods and services from crown corporations and, in some cases, are paying taxes to subsidize the operation of public corporations.
3. The number of crown corporations is growing (72) and the current absolute employment level of crown corporations compared to the public service sector and to the relevant industry is substantial. (73)
4. The role or objective of crown corporations is expanding from the provision of essential economic infrastructure to state-to-state trading, to the extension of Canadian ownership within a key industry, to maintenance of regional employment, and to the extension of provincial control over their respective economies.
5. There has been continuing concern over the internal and external accountability of crown corporations and their ability to balance the private corporation profit objective against the public mandate to fulfil a national social objective. (74)
6. Crown Corporations are involved in a number of important consumer sectors, transportation, communications, financial markets, and energy. The role of public enterprise in each of these sectors is important.

Tupper and Doern (1981) describe the process of exercising control over crown corporations, as a struggle between corporations, government and concerned interests. The inclusion of crown corporations in the list of consumer issues suggests that consumers are one of the "concerned interests". The difficulty, of course, is to further refine the nature of "consumer interests" in the public policy issues concerning public enterprise.

In their summary paper, Tupper and Doern (1981) attempt to draw broad generalizations and conclusions from the series of studies in their book. The most generalizable notion is that crown corporations are extraordinarily unique, that generalizations are exceedingly difficult and that most crown corporations live in a state of constant ambiguity. There are, however, fairly clear public policy issues that continue and that will require attention in the future. These include:

1. Questions concerning the balancing of profit and national interest objectives;
2. The relationship between crown corporations and private corporations; and
3. The privatization of public enterprises.

In addressing the "profit vs. public policy" trade-off issue, the Royal Commission on Financial Management and Accountability recommended four essential elements for improved accountability and better management.⁽⁷⁵⁾ The four aspects to enhanced public and internal accountability are: a clear statement of task and objectives (mandate); use of a Corporate Strategic Plan and Ministerial Directives (direction); Government approval of capital and operating budgets (control); and increased reporting to Board of Directors and to Parliament, including a once every 10 year Parliamentary review (reporting and evaluation). The question of direct compensation to crown corporations for pursuing profit reducing public objectives is another aspect of the profit vs. public policy trade-off debate. Yet before these sub-issues of accountability and compensation are considered the primary question that needs to be addressed, is whether or not a crown corporation is the most appropriate vehicle of government intervention.

Public enterprises are not usually monopolies, rather they are one corporation among several. Is this form of industrial structure harmful or beneficial from a consumer perspective? What is the effect on price, quality, variety of offering, innovation, efficiency etc? Should Crown corporations have for-profit-only subsidiaries? These are just some of the questions involving the public/private interface.

Privatization has been announced with respect to Canada Development Corporation (CDC). Petrocan was threatened under the Conservative government. The B.C. Government has privatized crown corporations using B.C. Resources Investment Corporation (BCRIC). How are consumers' interests affected by privatization? When is privatization a good public policy option? Can crown corporations partially privatize?

From a consumer perspective, corporate survival questions involving Air Canada and Canadian National will likely be at issue, as will the question of profit oriented subsidiaries for these same two companies. The routing, pricing structure, and continuation of VIA Rail will continue to engage consumer attention. As well, the Post Office and its operations will be of considerable interest to Canadian consumers. These specific examples are raised as possible areas of interest for a federal department of consumer and corporate affairs.⁽⁷⁶⁾ There are others, for example, the possible creation of a second "CBC", the operation of Atomic Energy of Canada Ltd., the creation and operation of the new Crown corporations formed as a result of the National Energy Program and the establishment of CDC Ltd. All of these just listed, appear to involve citizen concerns more than consumer concern and

will likely incorporate very wide-ranging political objectives outside the direct interest of the Department. What is clear, however, is that Crown corporations will be on the public policy agenda in the years ahead and that the issues raised will be of significance to consumers.

6.9 Transportation

Transportation is an extraordinarily important sector in the Canadian economy. This is due primarily to Canada's expansive geographical area, relatively sparse population and concentration of habitation close to the 49th parallel. Movement of goods and people constitutes a sizeable percentage of Canada's gross domestic product. (The Economic Council (1981) estimates 5.4% of GDP, not including private auto passenger travel, estimated at 85% of auto travel, and private trucking, estimated to exceed the value of "for hire" trucking.). Transportation includes air, rail, bus, truck, urban transit, taxi and water transport. All sectors are heavily regulated, although the extent of regulation and the regulatory authority varies with the transportation mode and the nature of the carriage - intra or interprovincial, passenger vs. freight, bulk vs. packaged etc. This section will focus on four areas of consumer interest in domestic transportation issues.

They are:

1. Domestic airline passenger travel;
2. Intercity domestic passenger bus service;
3. Passenger rail service and commodity pricing agreements (Crow Rate); and
4. Interprovincial trucking, including the movement of household goods.

These areas are chosen because of their particular importance to consumers and because of their long standing, yet current nature. Within the Department of Consumer and Corporate Affairs transportation issues have been a concern of the "corporate" side, mainly because the underlying issue has been the nature of the competitive environment. The applicability of this discussion, therefore, to the "consumer" side of CCAC's activities will have to be weighed carefully.

Transportation is heavily regulated, and the federal government is directly involved in all transportation sectors, via Crown corporations.⁽⁷⁷⁾ Contemporary research has concluded that regulation in the transport area is working against the interest of consumers, and even against the long run interest of the specific mode sectors themselves.⁽⁷⁸⁾ The general conclusions suggest:

1. that the current level of regulation of transportation is excessive and without economic or social justification and its effect is anti-competitive;
2. that the independent forces of "free enterprise" and competition have continued to create new and innovative transportation options. These new developments have usually lead to an increase in the level and purview of transportation regulation in an attempt to regularize and control new competitive forces;
3. that the regulatory apparatus that controls transportation is not designed, nor does it operate to encourage intramodal efficiency or intermodal competition (in fact, substantial levels of inefficiency have been identified); and
4. that the regulatory process both at the federal and provincial level is inadequate both substantively and procedurally.

6.9.1 Air

Turning to the specifically identified consumer issues, Kane (1980) has documented significant gains for consumers (and business) in the domestic passenger air service sector that have been realized as a result of service differentiation and price competition. Furthermore, it has been acknowledged by the airline industry that the relaxation in fare structuring has allowed the industry to capture new markets and to utilize excess capacity while, at least, covering marginal costs. Consumers have saved millions of dollars as the proportion of domestic flights subject to discounts increased from 0 in 1977 to 10% in 1978 (versus 30% in the United States). (79) In its final report of the Regulatory Reference, the Economic Council of Canada (1981) came out clearly in favour of continued reduction in price entry and route regulation of the domestic passenger air industry. Despite the evidence of current experience, in the fall of 1981, Transport Canada issued its "Proposed Domestic Air Carrier Policy". Not only did it ignore charter flights (an increasing proportion of revenue passenger miles) but it proposed a complete regulatory scheme for the division of air traffic throughout Canada based solely on current carriers and current technology. If adopted, the scheme would determine price, entry/exit, flight length, aircraft technology, number of each class of carrier and area of flight operations. The Parliamentary Standing Committee on Transportation reviewed the "Proposed Domestic Policy" and came out clearly in favour of increasing the opportunities for competition within the airline industry. The outcome of this debate is yet to be determined. Clearly there is a consumer interest to be upheld. This will be a highly visible issue and one of considerable consumer interest.

6.9.2 Bus

Reschenthaler (1982) has made a very convincing case for the "deregulation" of domestic intercity passenger bus service. According to Reschenthaler, current regulation is passive with respect to rates (fares), non-participative generally, barriers to entry are absolute, and bus fares are inflated (on a cost per mile basis) and result in supra-competitive prices. The situation he describes is roughly analogous to that of the domestic passenger air service prior to the introduction of Domestic Advanced Booking Charters in 1978. If, indeed, Reschenthaler is correct in his assessment, relaxed regulation allowing increased competition in the passenger bus industry could be revolutionary from a consumer perspective. Lower bus fares would primarily benefit low and middle income consumers. The public generally is very price sensitive when it comes to travel expenditures. It may be anticipated, therefore, that reduced fares would increase bus travel through creation of new demand as well as through substitution for private auto and rail travel.

6.9.3 Rail

Discussion of rail passenger service is related to the previous discussion on bus transportation. Reschenthaler (1981) cites evidence to suggest that the long run viability of rail passenger service (without capital investment in exclusive tracking and fast trains) is limited at best. His answer to both the economic problems of VIA Rail deficits and the social problem of branch line abandonment is to allow for a gradual relaxation in the regulation of the passenger intercity bus industry.

Certainly, passenger rail service is a very important consumer issue, especially for those living in the Prairie and Atlantic regions. There is little public information on the operations of VIA Rail, and the regulatory environment is not open to informed public participation. A further matter of concern related to rail transport, is the proposed changes to the Crow rate. This is a less obvious but no less important transportation issue for consumers. Like the VIA Rail issue it suffers from a general lack of public understanding. At the very least it would appear prudent for a department of consumer affairs to examine the proposed changes to ensure that the consumer interest has been fairly represented in the new policy, and that there is provision for detailed monitoring of the change occasioned by the new policy. It appears from current discussion on the Crow rates, that farmer, industry, rail and government interest (not consumer interest) are the ones under scrutiny.

6.9.4 Truck

Except in the area of household goods moving, consumers are not generally aware of, or concerned about, for hire trucking. Yet just as the adjustments to the Crow rate will have widespread "consumer" effects, so too does trucking affect consumers. Skoulas (1981) demonstrated that transportation costs constitute a significant proportion of production costs and that together with the sizeable, but less significant distribution costs, transportation costs overall constitute a significant portion of consumers' price for domestic and export goods. The Economic Council of Canada (1981) estimated the direct cost of applying

for new "trucking" licences and of opposing the applications of potential competitors to be \$40 million per year. The indirect costs were listed, and included; reduced operating efficiency, higher costs, more idle capacity, and inefficient routing. To the extent that this regulatory burden can be removed from the trucking industry, consumers will benefit.⁽⁸⁰⁾ The visibility of any action in this direction will be almost zero, despite the very real potential gains for consumers and business alike. More visible are actions related to household goods transportation. The Canadian Conference of Motor Transport Administrators have devised a revised common bill of lading that incorporates a number of consumer concerns. Most provinces have adopted this code. The questions now from the consumer perspective are; Is the code being adhered to?, Do consumers benefit from the inclusion of new rights?, Are there unforeseen costs or benefits resulting from the use of the code?; and, Are further changes warranted?

This, then, is a quick sampling of the type of consumer concerns, both latent and apparent, that reside in the area of transportation. From the perspective of a department of consumer affairs, transportation issues bear many similarities to agriculture/food issues. The structural, procedural and substantive aspects are somewhat analogous. The Department, then, might well consider together future activity on behalf of the consumer interest in transport and agricultural matters.

6.10 Consumer Redress - Restitution and Deterrence

Questions and problems in the area of consumer redress have been important to consumers since buyers and sellers began operating in an exchange system. The problem, therefore, is not new but its urgency appears to be.

As Canadian consumers live in an increasingly complex industrialized economy, as more and more products and services from both public and private sources are offered to mass markets, as buyer/seller/producer relationships become more attenuated and impersonal, and as market actors organize into corporations, trade associations, labour unions and public enterprises to make market transactions more efficient and less risky, consumers need new avenues for redress. The type of market failures that may be prevented, or compensated for through consumer redress mechanisms include: product liability causing physical injury and damage suffered by other property; breach of contract or warranty causing economic or other loss, and/or physical injury. The whole area of fraud has been omitted from this discussion. Currently the Department inspects manufacturing and retail outlets to ensure compliance with federal consumer protection legislation. The primary purpose of such surveillance is deterrence. The fact that several hundred or several thousand consumers may have suffered money loss (usually small on a per person basis) is not at issue. Only in a few instances ⁽⁸¹⁾ are consumers compensated for overcharge. While this area of consumer redress - for hidden frauds - is not explicitly covered in this discussion, it can be seen that more widely available consumer redress mechanisms, like class action, may allow the issue of consumer compensation for fraud to be addressed more efficiently and effectively.

6.10.1 Two approaches to consumer redress

Consumer redress may be approached in two fundamentally different ways. One may use "justice", or individual case by case compensation as the prime criteria of action or intervention. Using this approach, governments, business and non-governmental organizations have established complaint handling centers, mediation processes, quasi-judicial panels, ombudspersons, and have used small claims courts with or without legal aid or other assistance offered. The test of success in this approach is, was the consumer compensated? Did justice prevail? It is usually hoped or assumed that if "justice" wins out in individual cases, the settlements will have a deterrent effect on future activities or those found "at fault".

The second method of approach takes economic efficiency as the sole criterion. Rather than a case by case evaluation, analysis and action are based on aggregated measures of "collective benefit". This approach recognizes that some consumers will not be as well served, but that these will be few, and that because the large majority of consumers are well served there will be a deterrent effect.

While it seems appropriate for a federal department of consumer affairs to be concerned that both approaches are operating in the market, the focus of emerging consumer concern seems to be concentrated on the second approach. This discussion, thus, will address collective redress mechanisms or civil dispute resolution mechanisms.

Before moving to the topic of primary interest, it should be noted that Consumer and Corporate Affairs Canada now engages to a certain extent in complaint handling, consumer mediation, and negotiation with manufacturers on specific consumer issues. It is extraordinarily difficult to assess whether such activity is best done at the federal or provincial level, by government or other agencies, and if the current level and type of activities are optimal. The need for one-to-one assistance in consumer matters is not at question. What should be questioned routinely, though, is:

1. Where and for whom, should the services be most readily available?;
2. What is the best method or methods of offering such services?; and
3. What is an effective measure of success?

These are important public policy questions, but not ones that are likely to be raised in the usual public policy process because those potentially most affected are those least likely to press for government initiatives.

6.10.2 Product liability, consumer product warranties, class action and recall provisions

There is considerable interest from consumers in the area of consumer products liability and warranty. Typical consumer problems arise over questions of product safety and product durability.⁽⁸³⁾ It is even natural to assume that there will be problems. The cost of eliminating all product failures due to physical hazards, misperception or misrepresentation would be prohibitive. The two major issues to be resolved are:

1. What type and level of failure is acceptable?; and
2. What shall be the distribution of costs and risks involved in failure?

What consumers are demanding is that the government sanction a shift in the present system of allocating costs and risks in the area of product liability and product warranties. Currently the costs and risks are falling largely on consumers. Three broad regulatory alternatives form current consumer demands in this area. They are:

1. Direct regulation of product or processing, for example, product standards and process or operations licencing;
2. Information and education programs aimed at consumers and business, and including publication of non-compliance, horror stories etc. (84); and
3. Regulation to redistribute risk, loss and rights of action, for example, mandatory liability, insurance schemes, class action and recall provisions.

This discussion will focus on the third alternative. To a limited extent the first approach has been discussed under section 6.1, Hazardous products. (84)

The area of products liability and consumer products warranties can quickly evolve into a tangle of legal definitions, case law and thorny procedural and jurisdictional problems. The author is not a lawyer, and therefore, for simplicity products liability will be considered only in the context of injury to person or property, while consumer warranty will be viewed as recovery of damages for unfulfilled economic expectations or economic loss. Separating damages from losses caused by the use of defective goods and losses caused by the sale of goods, allows for the discussion of insurance schemes as an alternative to a doctrine of strict product liability.

Writers in the area of products liability, consumer product warranty and class action have thoroughly documented the deficiencies of the current system and have offered criteria useful for further research aimed at designing new legislation.⁽⁸⁶⁾ Two approaches to products liability have been suggested. The first is a move to strict producer liability. While some researchers find considerable jurisdictional problems involved with the implementation and enforcement of strict liability, others find no serious long term problems.⁽⁸⁷⁾ The second approach recommends a first-party-no-fault loss reparation scheme that would be for home-product-and-leisure-product-related injuries what Workers' Compensation is for work related injuries. It is claimed that this non-tortious, non-litigious approach would be feasible, more efficient and more efficacious from the point of view of compensation and deterrence than strict product liability.⁽⁸⁸⁾ Other writers have reservations about the deterrent value of either scheme.⁽⁸⁹⁾ A variation for both these approaches involves a progressive approach - a move first to strict liability or no-fault insurance for personal damages with physical or property damages included at a later date.

Whichever route is chosen, there is likely to be positive consumer response and encouragement. There will be, however, a need for wide public debate. Therefore good research and continuous consultation at the federal and provincial level would appear to be necessary.

This also seems to be the case for the product warranty issue. Recent investigations in the area of consumer products warranties have demonstrated the problems of introducing well intentioned but inadequately researched legislation that did not consider the impact of the proposed changes, likely consumer response or the anticipated cost/benefit ratio.⁽⁹⁰⁾ Yet the majority of consumer complaints involving defective products involve economic losses rather than personal injury and therefore, are compensatable only through products warranty and sale of goods law. This somewhat contradictory recognition of urgency, and warning against an overly zealous and hasty response, has led Canadian legal experts to recommend further public policy-oriented research into the area of warranty and sales of goods reform. All caution that the legal (court based) response is insufficient and suggest that a more comprehensive approach be taken. This would include information programs, creation of new remedies (including class action and dispute handling mechanisms), a working toward provincial uniformity and experimentation with a variety of warranty offerings (unbundled warranties, public and private tiered warranties).

Provincial jurisdiction in the area of consumer product warranties has not been successfully challenged. This may limit the nature of any federal government involvement but will not eliminate the possibility of a federal role in the area of research and the development of a joint federal-provincial initiative toward uniformity and more efficient and effective warranties. The federal role in the area of strict liability or in no-fault insurance to compensate for product related personal injury would by necessity be one of researcher and catalyst.

The provision of class action rights has been conferred in Quebec. Ontario has just published a Law Reform Commission Report on Class Action. While the federal government may still attempt to provide for class action in the next round of amendments to the Combines Investigation Act, the constitutionality of federally conferred class action rights is questionable. To the extent that class action provisions allow consumers to band together to enforce collectively that which would be uneconomic to litigate individually, some of the deficiencies of current redress rights may be overcome. It will not, however, change the level of proof, nor the limitations on who may be sued. Class action may provide consumers with a useful legal tool to take up questions of widespread economic loss (like the rusty Ford issue).⁽⁹¹⁾ This is an area where the federal government has not been very involved, preferring to concentrate on areas of safety and hidden hazards.

Canada has no legislation that requires manufacturers to recall defective products once the defect is known to be a potential safety problem. Canadian consumers, aware of the U.S. recall provisions, especially for motor vehicles and electrical appliances, tend to expect the same recall notification and defective product redress as their American counterparts. Canadians do suffer economic loss due to product design defect, especially motor vehicle design. While the opening of Blaineville Testing Center to the automotive industry for testing purposes may be indirectly beneficial to consumers, more direct legislative provisions for mandatory recall of defective products is an important consumer concern that would have high visibility and widespread political support.

6.10.3 Services

This entire discussion has focussed on goods, and has not addressed the question of liability for personal or physical damage arising from the fulfilment of services or of warranties for the service sector. With the continuing rise in the service portion of GNP, services are becoming an important area of consumer dissatisfaction. Automobile, repair, home renovations, and repairs to home entertainment products are high on the "most frequent" list of agencies dealing with consumer complaints.⁽⁹²⁾ Consumer protection for service offerings has not kept pace with that available for goods. It is alleged that the law with respect to services dates back to the 18th and 19th Centuries where the only requirement is that services be performed in a "workmanlike manner". If there is an action in tort the doctrine of the Law of Negligence is applied and the question revolves around the degree of skill or care needed for the performance of the service. Here the onus of proof rests with the complainant (consumer) who must prove negligence while the supplier proves "reasonable care".⁽⁹³⁾ It is this large, untapped area of consumer redress that will be the most likely target for future consumer demands. It seems reasonable to expect that consumers will want to include services in any action on liability, warranty or class action that might be confined to goods only.⁽⁹⁴⁾

6.10.4 Consumer Responsibility

Discussions of consumer redress usually include at least some mention of consumer responsibility. Schemes that compensate negligent consumers or programs that fail to deter (or even encourage) reckless consumer behavior are neither popular nor productive. The past spate of "protection"-oriented consumer legislation at both the federal and provincial levels has led recent consumer writers to a new concern for consumer responsibility.⁽⁹⁵⁾ Davis (1979) discovered, not too surprisingly, that consumers accept rights with alacrity and responsibility with reluctance. Lee (1981) quotes Esther Peterson, Special Assistant for Consumer Affairs at the federal level in the United States, as saying that consumers can't rely on government anymore - they must be more self reliant, more responsible. Lee takes this responsibility one step further when he argues for more "consumer" responsibility in both the roles of consumer and of producer. Edwards (1981) sets out a hierarchy of consumer "coping" skills necessary for the exercise of consumer responsibility. She relates basic individual and household decision making skills to citizenship skills necessary not only for consumer satisfaction, but for effective public policy making. Consumers seem to recognize their lack of responsibility. A recent survey done by Sentry Insurance found: ⁽⁹⁶⁾

1. Consumers agree 2 to 1, that there is enough information available to make sensible decisions;
2. Consumers agree 4 to 1 that most consumers don't use the information available;
3. Consumers agree 4 to 1 that many consumer mistakes are careless; and

4. Consumers agree 5 to 1 that if people are careful and use good judgment they still get good value for their money.

While these results are for American consumers, a 1980 survey comparing American and Canadian attitudes toward marketing, consumerism and government⁽⁹⁷⁾ revealed that both Canadians and Americans are highly skeptical of the market environment. Both feel that despite efforts made to ameliorate the situation, consumers are being exploited. However, Canadians expressed more "uncertainty" in their responses and felt consumer problems were more serious now than in the past. Moreover, Canadians more than Americans felt that government should intervene directly. Thus there is a paradox. Consumers recognize their own powers of redress, yet continue to call on government to intervene.

Government responsibility with respect to consumer responsibility is a paradoxical issue as well. Some may argue that any government involvement in "consumer responsibility" denies the objects of the involvement. Consumers, moreover are not likely to publicly rally for action aimed at increased consumer responsibility either by individuals or voluntary groups, or by government action. Still, it does seem that redress rights and matters of consumer responsibility must be considered together in arriving at any public policy position.

The entire spectrum of consumer redress issues with their arrays of public policy options appears to be an area of future consumer interest. As income concerns dominate, faulty products or those that result in injury or economic loss will be tolerated less. As consumers turn to repair and renovation rather than

product replacement, redress for faulty or inadequate services will become more important. Given Canadian proclivity for turning to government to solve market problems, CCAC can anticipate consumer pressure for action in the area of consumer redress.

7. Summary and Conclusions

The object of this report is to identify emerging consumer issues and to anticipate pressures for action and intervention likely to be exerted on Consumer and Corporate Affairs Canada as a result of future consumer problems and issues. Only "consumer side" concerns are canvassed. Competition policy, securities legislation, pensions and other traditional "corporate side" issues are omitted despite their obvious relevance to consumers. As well, traditional areas of consumer concern such as ; financial transactions, financial security, advertising, information, standards and licencing, enforcement and consumer representation are not explored.

The lack of well-designed longitudinal and cross-sectional studies on the problems and attitudes of Canadian consumers has made this research undertaking eclectic in approach and non-rigorous in design. Information was gathered from library research in a number of interrelated disciplines, and through interviews with consumer experts both inside and outside government. There was a very general survey conducted on recent consumer complaints received by government and not-for-profit organizations, federally and provincially. As well, current popular consumer publications were reviewed.

The report is organized into seven sections. Section one provides the introduction, including a brief summary of recent research on Canadian consumer issues and attitudes. Consumer problems, it has been discovered, are not the misfortune of one particular segment of consumers. Particular consumer dissatisfaction tends to relate to intrinsic product quality or perceived performance.

Occasions of financial loss or injury tend to result from a relatively small number of products and services (especially services). Consumers have not lost interest in areas of traditional consumer concern, such as information, education and advertising, but questions of economic survival centering around levels of disposable income, purchasing power, and employment have gained in prominence. While Canadian consumers tend to voice their complaints via non-governmental and non-public channels and while Canadians are increasingly skeptical about the ability of government to deal effectively with current consumer concerns, Canadian consumers are more willing than those in the United States to press for government intervention. Moreover, the average citizen, notwithstanding generalized concern with the level of government expenditure, is more willing than consumer professionals to prescribe government sanctions to correct market problems. Voluntary action by business, more vigorous consumer redress action, or negotiated responses are actions favoured by consumer activists and governmental consumer experts.

Section two sets out assumptions concerning the role of a federal, as opposed to a provincial, department of consumer and corporate affairs. The role of consumer-oriented activity by government at the federal level is constrained by legal and political forces. A federal department can, however, help to ensure the integrity and fair operation of the market exchange system, especially in cases of market failure causing consumers to be disadvantaged. It can identify and represent that particular perspective called the "consumer interest". Where it can not act unilaterally, it can act as a catalyst to provincial initiatives

aimed to benefit consumers. A general definition of the role of a department of consumer and corporate affairs is offered on page 9.

Section three suggests two frameworks for thinking about consumer issues and about possible government responses. The first framework separates substantive and procedural questions and issues with a further division for goods versus services. This two dimensional issue comparison is then given a third dimension - public sector versus private sector. The second framework addresses responses to consumer issues. It divides responses into two broad approaches - "coping" and "redesigning". While the rest of the report appears to ignore the suggested frameworks, the frameworks are intended to assist strategic planners and policy makers in evaluating and dealing with the issue specific discussions that follow in section 6. Section six offers a "smorgasbord" of issues and options without any recommendations. The frameworks are presented in the hope that they will serve as tools for decision making (utensils for attacking the smorgasbord).

A survey of observed general environmental trends follows in Section four. Assumptions outlined in this section under the headings of economic, social, political, regulatory and departmental trends provide necessary background for the discussions that follow in Section six, on specific issue topics.

Section five summarizes, first generally, and then more specifically, consumer trends as identified in the literature review, complaint analysis, and interviewing process. The nature of consumer action involves not only substantive arguments and

procedural rights but, effective action requires political support. Yet the basic nature of consumers hinders effective consumer-oriented activity. Despite these observations it is concluded that the consumer movement is not dead, but is in the process of transformation. More specifically, the new consumer era may be more research-oriented and more comfortable in situations of negotiation and co-operative problem solving early in the public policy process. The focus of activity is more likely to be in areas of high collective benefit for consumers generally, and as much concerned with consumer/government relations as with consumer/business relations. There will tend to be a focus on:

1. services - financial, professional and mechanical;
2. redress mechanisms - class action and injury and loss liability;
3. issues involving health and safety, especially involving chemicals and the use of radioactive substances;
4. income stability, especially on pensions and insurance;
5. concerns related to the interface of telecommunications and computer technology like privacy, proof of transaction, access, choice; and
6. areas of direct economic regulation such as marketing boards, transportation and communication tribunals, trade and tariff boards, and crown corporations (Post Office, CN, Telesat etc.)

It is likely that the spotlight on price will move from food to energy and the cost of money. Concerns about information, education, inspection and enforcement will not diminish, but their fundamental importance will be assumed, as new issues are identified.

Section six focusses on specific consumer issues. The most important aspects of each of these discussions is highlighted below.

1. Hazardous Products - This is an area of increasing consumer concern. Specific areas of concern involve: in-home fire

safety and air quality standards, use of chemicals in agricultural processes and in food preservation and processing, chemical use and storage in the workplace, and chemical use, storage and transportation in populated areas. It is anticipated that the public and other government departments will look to the Department of Consumer and Corporate Affairs for "expertise" on the consumer impact and on consumer attitudes and behaviors.

2. Food Issues - Although food issues are not as salient now as energy, inflation and interest rate problems, food will be a continuing consumer concern, and one in which consumers will expect the Department to be involved. The most pressing consumer topics in the food area involve nutritional labelling, the industrial organization issues of the processing distributing and retailing sector of the food industry and supply management marketing boards. While grading and labelling and activity in the area of nutrition are not unimportant, only a major degradation of current Departmental activity would trigger widespread consumer concern for the former. In the case of nutrition, the activity of the Department is very circumscribed. A key dilemma faced by the Department with respect to food is to determine the merit and defensibility of engaging in an area where major consumer gains are largely invisible and preventative rather than proactive.
3. Housing - While consumers are concerned about the cost of housing, consumers do not expect Consumer and Corporate Affairs to be involved in housing issues. The most likely

avenues of Department involvement would be in the area of consumer oriented research (in renovating, upgrading and retrofitting homes and in energy use), or in a role as a catalyst in a federal-provincial or an interdepartmental setting on issues such as a central liens registry, a comprehensive housing warranty scheme or an information program on housing transactions costs.

4. Health Care - Health care is fast becoming a prominent consumer concern. Because the delivery of health care is almost entirely a provincial matter the role of the Department is unclear. Options include; initiating a public policy research program in conjunction with Health and Welfare Canada to identify key demand side issues (especially the matter of professional licencing and regulation), and funding a national health care organization or other broadly focussed public interest groups.
5. Telecommunication and Computer Interface - Discussion in this sub-section is broken into four parts; the telecommunication/broadcasting interface, the Post Office and mail alternatives, electronic market exchange transactions, and information exchange. These areas at the intersection of computer technology and telecommunications are characterized by uncertainty, change, and by shared jurisdictional control. Identification of the consumer interest will be challenging. It will require breaking new ground, securing new information and finding new avenues of co-operation. In the telecommunication/broadcasting interface, consumer issues involve such questions as:

1. Where does legitimate telecommunications monopoly end and the role of private market begin?;
2. What is the extent of cross-subsidization between user groups and to what extent should cross-subsidization (if any) continue?;
3. Where does the consumer interest lie in issues of cultural identity and the viability of a Canadian artistic production industry?; and
4. Where is content regulation necessary and appropriate?

The Department may find a useful role in this area of rapid structural change through funding groups, performance of direct advocacy activities before regulatory bodies or on inter-departmental technical or policy committees, and in public policy research.

The Post Office, now a Crown corporation, is a target of consumer concern. There is a fear that the potential benefits available to ordinary consumers as a result of the "information transmission revolution" may be curtailed by restrictive regulation. The Department has several options for action in this non-traditional arena.

Consumer concerns in the area of electronic market exchange transactions are many, and although the specific concerns (proof, reversibility, fraud, privacy, to name a few) do not present unique public policy concerns, they do present a threat to consumers. The threat arises from the real possibility that former consumer rights in matters of financial exchange will be eroded. Currently there does not appear to be any government body, aside from CCAC, specifically concerned with the consumer interest in electronic funds transfer. It seems likely that consumers

will press for systematic and continuous government surveillance of the department of EFT.

The two major concerns of consumers with respect to information are variety (of sources, of types of information and of mediums) and accessibility (ease, cost and availability). Information has public goods characteristics and this may mean that important types of consumer information are underproduced. Current arenas of concern include use of Telidon Pay T.V. and implementation of the Access to Information Act. Appropriate avenues for action may include research, involvement on interdepartmental committees and co-ordination of provincial concerns and federal interests.

6. Energy - Energy will continue to be an important consumer issue throughout the decade. Methods of cost effective energy conservation, cost/benefit calculation for choosing among alternative energy sources, and techniques for changing lifestyles related to energy consumption (coping) are current consumer concerns. Possible avenues for CMC involvement include: evaluative research, analyzing past public policies to check effectiveness with original objectives, sponsorship of controlled voluntary alternative price-structure experiments among selected populations, funding of consumer interest groups to pursue energy issues at the provincial level, or co-operative research with Energy, Mines and Resources. With the increased politicization of energy, the public policy input of any particular federal government department is not necessarily determinative

Any Departmental activity therefore will need to be well chosen.

7. Import policy - Trade issues are an important consumer concern. Relative to more localized and isolated non-systematic inequities experienced by consumers in day-to-day transactions, the cost/benefit inequities of import policies are more identifiable, systematic, quantifiable and open to efficient and effective public policy rectification. Yet it is unlikely that the Department will receive public pressure to act in the consumer interest on tariff and quota questions. Thus it must be determined if the Department can effect positive change for consumers in the tariff area, and if such activity is justifiable given the low level of visible consumer support and the marginal nature of anticipated gains.
8. Crown Corporations - There are fairly clear public policy issues that involve the operation and regulation of Crown corporations. These include: the balancing of profit and national interest objectives; the relationship between Crown corporations and private corporations, and the privatization of public enterprises. From a consumer perspective, corporate survival questions involving Air Canada and Canadian National will likely be at issue, as will the question of profit oriented subsidiaries for these same two companies. The routing, pricing structure, and continuation of VIA Rail and the operation of the Post Office will be of considerable interest to Canadian consumers,

and may offer possible avenues of action for the Department. Other more general or citizen level issues involving Crown corporations are also on the horizon.

9. Transportation - Contemporary research has concluded that regulation in the transport area is working against the long run interest of consumers and even against the long run interest of the specific mode sectors themselves. Four areas of consumer interest in domestic transportation issues are discussed. They include: domestic airline passenger travel, intercity domestic passenger bus service, rail service (including commodity pricing agreements) and interprovincial trucking, including the movement of household goods. Examples of regulation acting against the consumer interest in each sector are provided. To the extent that the Department can help remove this regulatory burden (especially in the area of intercity bussing, for-hire trucking, and household goods moving) and can help prevent the imposition of new and more restrictive regulation (e.g. airlines), consumers should benefit.
10. Consumer Redress - The focus of emerging consumer concern is on collective redress mechanisms or civil dispute resolution mechanisms (as opposed to case by case consumer complaint resolution or mediation). The type of market failures that may be prevented, or compensated for through consumer redress mechanisms include: product liability causing physical injury and damage suffered by other

property; and breach of contract or warranty causing economic or other loss, and/or physical injury. Consumers are seeking government action to shift the present system of allocating costs and risks associated with products liability and warranty, away from the individual consumer. The aim of all activity discussed in this section is to deter future loss or injury and to compensate those who have suffered. Three broad regulatory alternatives form current consumer demands in this area. They are:

1. Direct regulation of product or processing, for example, product standards and process or operations licencing;
2. Information and education programs aimed at consumers and business, and including publication of non-compliance, horror stories etc; and
3. Regulation to redistribute risk, loss and rights of action, for example, mandatory liability insurance schemes, class action and recall provisions.

In the area of product liability a move to strict producer liability or to a first-party- no-fault loss reparation scheme for consumer products would improve on the current situation and benefit consumers. Action on consumer product warranty legislation, while of great concern to consumers, appears to require a more cautious and studied approach. Class action and recall legislation for defective or unsafe consumer products are two areas of concentrated consumer concern. It seems reasonable to expect that consumers will want to include services in any action on liability, warranty or class action that might be confined to goods only. In all these issues;

products liability, consumer products warranty, class action and mandatory recall legislation, the role of provincial governments will be key and the role of the federal government uncertain, but potentially catalytic. Despite continued demands for government action, consumers do recognize that they fail to use information and redress avenues currently available. Thus it seems that any scheme designed to improve collective consumer redress mechanisms should consider the issue of consumer responsibility and avoid compensation for, or encouragement of, "reckless" consumer behavior.

The task now is to assess these emerging issues, together with the findings of the research on financial transactions and financial security, and to develop a long term strategy for government action in the area of consumer affairs. This task will involve identifying the major tradeoffs and decision points identified in this report and other research, defining a range of strategic approaches and developing a set of assumptions about the nature of a successful long run strategy for Consumer and Corporate Affairs Canada and for the Policy Coordination Bureau. This step could also entail a more detailed look at alternative instruments or techniques of government involvement, a more detailed appraisal of one or more of the issue areas identified and/or a more systematic consideration of internal Departmental resources and working arrangements.

It is clear from the research conducted that the consumer movement is in a period of transition and is moving toward a more sophisticated, intellectual and comprehensive approach to consumer concerns. The focus of consumer attention appears to be changing from home consumption objectives to income generating objectives. Consumers, too, appear to be concerned about collective benefits and public goods and see their activities involving the public as well as the private sector. From a government perspective there is a trend toward continued provincial involvement, toward the need for a more research oriented and co-operative inter-departmental and intergovernmental approach and toward the need to pursue more targetted, flexible and even experimental avenues of government intervention.

Notes

1. See accompanying "List of Selected References" listed by subject area.
2. Publications reviewed included: consumer publications (Journal of Consumer Affairs, Journal of Consumer Studies and Home Economics, Journal of Consumer Policy, Advances in Consumer Research, Association of Consumer Research Proceedings, Journal of Marketing, Journal of Marketing Research, American Council on Consumer Interest, Journal of Consumer Research, the Canadian Consumer/Le Consommateur Canadien, Consumers' Reports); and business publications (Canadian Business, Business Quarterly, Business Week, Fortune, Canadian Business Review, Business Horizons, Harvard Business Review, Canadian Business Economics, Business and Society Review, Journal of Contemporary Business, Journal of Business Research, Canadian Public Administration, Canadian Public Policy).
3. For example see: Marketing Sciences Institute (1977); Rossmeier (1978); Grainer et al. (1979); Stanley (1980); and Barksdale and Perreault (1980), all listed under "Consumer Trends" in the Appendix.
4. See Moyer (1978) and Moyer (1981) under "Consumer Trends".
5. For a history of the Department of Consumer and Corporate Affairs, see Phidd and Doern (1978) and Stanbury and Burns in Doern (1982) under "General References".
6. See Perrien (1979).
7. See references listed under "Provincial Aspects" in the Appendix.
8. Ben Lewis (1939) described the public interest as the politically determined outcome of the mix of three sub-interests - labour, owners of capital and consumers. One may also picture this blend of interests residing in a single individual where on any given issue the relative strength of each of the interests may be stronger or weaker depending on the circumstances. For other references to the "consumer interest" see the Appendix.
9. This definition is one written by McGowan (1978) to describe consumerism. The only change made has been the addition of services. This particular definition was chosen because it is more comprehensive than most, in that it includes, both public and private goods and services, it recognizes market and political (procedural) abuses and, it assigns importance to responsibilities as well as to rights.
10. Examples include: Ziegel (1972); McGowan (1978); Young (1977, 1978); Morse (1981); Mayer (1981); Sheth (1974); Jones (1976); Edwards (1981); Rossmeier (1978); Lee (1981) and Shapiro and Heslop (1982).

11. See Shama (1980); Drucker (1968); Thurow (1980); and Osberg (1981); listed under "General Trends".
12. See Arucoin (1981) listed under "Consumer Trends".
13. See: Kernaghan (1982); Stone (1977); and Nelson (1981) listed under "General Trends".
14. See Ritchie, McDougall and Claxton (1981); Bloom and Greyser (1981); Nicosia and Mayer (1976); and Barnes and Kelloway (1979).
15. See Morse (1981); Barnhill, Barksdale and Perreault (1980); Claxton and Ritchie (1981); Stanley (1980); and James (1978) listed under "Consumer Trends".
16. Barksdale and Perreault (1980) observe "declining faith in government intervention on behalf of consumers" (p. 27). Despite this trend, observed over 10 years, the majority of American respondents favour market intervention for all but advertising, sales and marketing activity.
17. For example the Bank Act had to be extended three times before the statutorily mandated revision was passed. Several major bills, including the revision to the Combines Investigation Act, Bankruptcy Act, the National Transportation Act have not passed after several introductions.
18. See "Public Policy Participation" in List of References and Trebilcock (1975); Kane (1980); Stanbury (1975); and Janisch (1982) under "Consumer Interest".
19. See Perrien (1979).
20. Examples include the new "Proposed Domestic Airline Policy" tabled by the Minister of Transportation, proposals for a natural beef marketing board, attempts by the Post Office to have "letter" defined very broadly, and the August 1982 proposal of the Department of Communications for an 8% tax on cable rates.
21. See Trebilcock et al. (1982).
22. See Protheroe (1980) and French (1980).
23. See Doern (1982).
24. See Bloom and Greyser (1981); Perrien (1978); Mayer (1981) and Marketing Sciences Institute (1977); listed under "Consumer Trends".
25. See citations under "Research" in the List of References.
26. See Andreasen (1975) listed under "Disadvantaged Consumers".

27. As a result of these finding concerning NAPO, the concerns of the disadvantaged consumer were not included for discussion as a separate issue area. Rather, a list of references was compiled. Research such as that conducted by Liefeld (1981?) on rural versus urban consumers, as well as research to enquire into the primary problem of the poor (no money or no shopping skills) may be rewarding avenues for further research.
28. Accidents are the number one killer of children. Canada's record compared to other developed nations indicates that there is opportunity to reduce deaths among this high risk age group.
29. See the papers and records of proceeding of the Federal Inquiry into Urea Formaldehyde Foam Insulation.
30. See Minister of National Health and Welfare (1980), Food Additives: What do you think?
31. See note 30.
32. See the verbatim proceedings of the Inquiry into Captan.
33. It is recognized that progress in this area is already well advanced. This, therefore, may be a prototype for future activity of the Department, and may well warrant detailed evaluation and follow up checks. The Department has been involved before in "industrial" hazardous products issues. One example involves the banning of Polychlorinated biphenyls in the wells of electronic microscopes.
34. See sub-section 5.3.1, p. 29.
35. See Freiden (1981); Klopp and MacDonald (1981); Weiss (1982); and Tyebjee (1979).
36. A large number of consumer complaints directed to the Canadian Advertising Advisory Board are judged to be within the voluntary code but the complaint arises primarily as a matter of "taste" or individual values, not felt to be widely held. In areas where prosecution may have been taken, the recent decision in the "lite" Beer case (Attorney General vs. Labatt's Brewery of Canada (SCC) (1979) 30 N.R. 496) has put into question the "criminal nature" (and hence the constitutionality) of several statutes administered by CCAC and used to prosecute misleading advertising.
37. The Department through the Food Policy Group (when it was in existence) has already proven that this can be done successfully. In conjunction with Health and Welfare and with the provinces the Food Policy Group initiated an innovative summer "Food Talk" program. Whether by coincidence, or otherwise, it has been observed that Health and Welfare Canada gave more attention to consumer food issues when CCAC had an operating and fully staffed Food Policy Group.

38. See Forbes (1974, 1982), Forbes et al. (1982); Arcus (1981); Barichello (1981); Borcharding (1981); Grubel and Schwint (1977); Economic Council of Canada (1981) and Auditor General (1982) listed under "Food".
39. See Stewart (1974) and Loyns (1979) listed under "Food".
40. See note 37. Parallel success with the Department of Agriculture was not observed, although the introduction of "anti consumer" regulation aimed to protect the agricultural producer was slowed and softened somewhat.
41. See Goldberg and Mark (1981) listed under "Housing".
42. See Goldberg and Mark (1981); Walden (1981) and Goldberg and Horwood (1978) listed under "Housing".
43. See Ritchie, McDougall and Claxton (1981); McDougall et al. (1980); and Nemetz (1980) listed under "Energy" and Meeks and Oudekerk (1981) listed under "Redress".
44. See Henion II and Kinnear (1979) listed under "Energy".
45. Ruling was announced August 10, 1982, by the Supreme Court of Canada.
46. See references listed under "Professional Regulation".
47. See Serafini and Andrieu (1981) listed under "Electronic Transfer".
48. See Clyne (1979) listed under "Electronic Transfer".
49. See CRTC Telecommunications Bulletin issued since 1977.
50. Historically communications technology has been a direct output of research for military purposes.
51. This is an area where new rights to information may open new avenues for research and activity by CCAC.
52. See references listed under "Electronic Transfer".
53. See Gussman (1980).
54. For example there has been a Parliamentary Inquiry headed by John Evans (M.P.) to enquire into bank profits. Majority and minority reports have been released (July and August 1982).

55. See Susan K. Burns (1981), "The Borrowers and Depositors Protection Act: A Case Study in Legislative Failure", unpublished Masters thesis, University of British Columbia.
56. See Shapiro and Heslop (1982).
57. See Royal Commission (1981) Report on Newspapers, Thomas Kent, Chairman.
58. See Serafini and Andrieu (1981).
59. For example the energy price sharing agreement between the federal government and Alberta (and later with other producing provinces) was done on a highly individualistic and political level. The National Energy Policy appears to be more a creature of Cabinet than of the bureaucratic level of Energy, Mines and Resources (along or in conjunction with other departments). On the provincial front, Consumers Gas of Toronto has withdrawn (August 1982) its previous application for a substantial rate increase and for rate restructuring in a response to political pleas of restraint.
60. See Ritchie, McDougall and Claxton (1981); McDougall, Gordon, Claxton and Ritchie (1981); McDougall and Keller (1981); McDougall et al. (1980); Nemetz (1979) and Nemetz (1980; listed under "Energy".
61. See Nemetz (1980) for examples.
62. See Nemetz (1980).
63. See Ritchie, McDougall and Claxton (1981).
64. See Campbell (1981) listed under "Imports Policy".
65. See Stone (1982); Protheroe (1980) and Lazar (1981) listed under "Import Policy".
66. This is not, however, unique to consumer issues. Other areas of similar longstanding debate involve food and transportation policy.
67. There is an analogy, then, between this evaluation and the discussion on supply management marketing boards - see section 6.2 Food.
68. See Protheroe (1980).
69. It is in the area of consumer support that the analogy between trade issues and food issues breaks down. Consumers, as a whole tend to support and demand government action in the area of food, while most consumers neither demand nor support government action aimed at reducing trade barriers.

70. See Lazar (1981), Haack, Hughes and Shapiro (1980) and Safarian (1980) listed under "Import Policy".
71. Crown Corporations are defined as autonomous in management but susceptible to direction with respect to policy. A Crown corporation must meet 6 criteria. These are:
 - It must be established by constituent act, letter patent/articles of incorporation, or by provincial act;
 - It must perform a task akin to private sector entrepreneurial undertakings in a market setting;
 - It must be wholly owned by government;
 - It must have a Board of Directors who are assigned to the care and management of the corporation (as in the private sector);
 - It must be a separate employer, outside the Public Service Employment Act; and
 - It may be subject to Ministerial direction. (Taken from the Royal Commission on Financial Management and Accountability (1979)).
72. See Tupper and Doern (1982).
73. See the Royal Commission on Financial Management and Accountability (1979).
74. See note 73.
75. Gordon (1981) echoes the recommendations of the Royal Commission (1979).
76. See Tupper and Doern (1982) specifically, and those references listed under "Crown Corporations".
77. See previous section on Crown corporations.
78. See Economic Council of Canada (1981); Reschenthaler (1982); Harvey (1980), Jordan (1981); Johnston and Ritchie (1980); Reschenthaler and Roberts (1979); Ruppenthal and Harriman (1980) and Kane (1980).
79. See Rob Taylor (1979), "Air Fares Analysis", Ottawa: Economic Council of Canada, CSIP, unpublished paper and A.P. Ellison (1980), "Deregulation: The U.S. Airline Experience", study prepared for the Economic Council of Canada Regulation Reference, mimeo as cited in A.P. Ellison and W.T. Stanbury (1980), Airline Regulation and Public Policy, Ottawa: Economic Council of Canada, working draft prepared for the Regulation Reference.
80. The Ontario Government is currently convening an inquiry into the trucking industry and trucking regulations as they apply to Ontario.

81. Compensation is provided under the Gas and Electricity Meter Inspections Act.
82. See the extensive list of references under the heading "Complaints". The general consensus seems to be; that complaints are important, that complaints are usually not well handled, and that voluntary complaints provide insufficient information to effectively monitor consumer problems.
83. See Ash (1980) listed under "Consumer Trends".
84. The concept of "product life cost" is becoming a popular one with consumers who seek to compare total expected cost of one product compared to another. As products are expected to last longer, repair cost and long term warranty agreements need to be considered required information for sound consumer decision making.
85. Both direct regulation via standards and licencing and information/education programs, specified under 1. and 2. are important areas for consumers. Both areas may well have been included for discussion in this paper. Time constraints and the knowledge that other researchers were addressing "instruments of government action" meant that these two areas have been omitted.
86. See Star (1979), Margolis (1982); Schwatz et al (1979); Belobaba (1982a, 1982b); Sharpe (1981), Halpern and Carr (1981), Kennedy, Dewees, Pritchard and Trebilcock (1980) all listed under "Redress".
87. Schwartz et al. (1979) appear to prefer the strict liability option while Star (1979) and Belobaba (1982a, 1982b) tend to disagree.
88. See Belobaba (1982a, 1982b).
89. See Star (1979) and his specific caveats.
90. See Kennedy (198?).
91. In the early 1970's the Government of B.C. took a representative action on behalf of several other provinces to provide consumers with redress on auto defects. This model may be effective in other circumstances as well.

92. Margolis (1982) appears to dispute this when he concludes that most consumer problems in the auto repair industry can be avoided by consumers themselves. Margolis, however, failed to include in his study, the quality and competency of repair work. It is this aspect of repair that is most important to consumers (Claxton and Ritchie, 1981). Furthermore, Margolis measured loss in a theoretical sense and did not account for extra consumer dollars spend for which there is recovery only by a stream of benefits over time.
93. See Simmons (1980).
94. See Margolis (1982), Ash (1980), Simmons (1980) and Bernitz (1980).
95. See Kennedy (1982), Edwards (1981) and Davis (1979).
96. See Rossmeier (1978).
97. See Barnhill (1980).

A P P E N D I X

List of Selected References:

Advertising
Complaints
Consumer Interest
Consumer Trends
Crown Corporations
Disadvantaged Consumers
Electronic Transfer
Energy
Food
General References
General Trends
Hazardous Products
Health Care
Housing
Import Policy
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Redress
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