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FEATURE ARTICLE

Persistent Misleading Practices Facing Fijian Shoppers

In a fair and functioning marketplace, consumers should be able to trust that the information they receive from businesses is accurate, complete, and honest. They should feel confident that the product they purchase is exactly what was promised, and that the price reflects the full value of the item. But this is not always the case.

Across Fiji, consumers increasingly raising concerns about deceptive advertising, misleading product descriptions, and unfair pricing tactics. These practices are not just unethical, they are illegal. Yet, they persist, leaving many consumers feeling frustrated, misled, and powerless.

This article examines key issues that highlight the challenges consumers face due to deceptive practices by certain businesses. It is important to begin by acknowledging that not all businesses engage in unethical behavior. In fact, the majority operate responsibly, respecting consumer rights and striving to earn a fair and honest living. Unfortunately, a minority of bad actors undermine public trust and tarnish the reputation of the broader business community.

Case Study: Missing Adaptor Raises Concerns About Deceptive Selling

A recent case reported to the Consumer Council involved a consumer who bought a satellite internet kit advertised as a complete set. After purchase, they discovered that the essential Mounting Kit had to be bought separately. Later, while inspecting the packaging, the consumer found a QR code linking to the supplier's website, which showed the kit was originally meant to include all components—including a crucial adaptor. However, the adaptor had been removed and was being sold separately at an inflated price, forcing the consumer to pay extra for something that should have been included.

What happened here is a clear example of deceptive advertising, where a product is advertised as complete, but important parts are removed and sold separately without informing the buyer. This kind of practice tricks consumers into spending more than they expect and is against consumer rights.

It also highlights why transparent business practices and honest advertising are so important. Consumers have the right to get what they're promised, and they shouldn't have to pay extra for something that should already be included.

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Understanding Fair Trade Practices

Fair trade practices are guided by the principle that all market actors, consumers and businesses alike, should operate in a manner that is honest, transparent, and equitable. This means:

- Providing full and accurate product information
- Advertising products and services truthfully
- Charging fair and disclosed prices
- Avoiding misleading representations or hidden costs
- Respecting consumer rights and addressing complaints transparently

When businesses fail to meet these standards, they not only lose consumer trust but also violate the laws designed to protect the public from exploitation.

Deceptive Advertising

Deceptive advertising can take many forms. It includes presenting a product as something it is not, omitting key information, exaggerating performance claims, or hiding critical costs until after the purchase is made. These practices manipulate consumer decision-making and give dishonest traders an unfair advantage over competitors who abide by the rules.

Imagine a consumer seeing an online or in-store advertisement for a device bundle that includes everything needed to get started. Based on that representation, the consumer proceeds to make the purchase, only to be told later that an essential part must be bought separately. This is bad business.

Fiji has strong consumer protection laws in place to ensure that consumers are treated fairly and not misled. The consumer protection laws provide the legal framework to regulate fair trading and to prohibit misleading or deceptive conduct.

Section 75: Misleading or Deceptive Conduct

“A person must not, in trade or commerce, engage in conduct that is misleading or deceptive or is likely to mislead or deceive.”

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Even if the business did not explicitly state “includes adaptor,” the overall representation, that it is a complete product, creates a reasonable expectation that all required components are included. When that expectation is broken, it violates Section 75.

Section 76: False or Misleading Representations

This section deals more specifically with statements made about goods or services. Section 76 prohibits businesses from making:

“False or misleading representations concerning the standard, quality, value, grade, composition, style or model of goods.”

If a product is advertised as a certain type or grade, but does not meet that description, the trader is in breach. In the example above, representing a package as “complete” or “ready-to-use” when it is not, constitutes a false or misleading representation of its value and functionality.

Moreover, Section 76(b) covers misleading statements about the price of goods. Selling a product and then informing the consumer that an additional purchase is necessary (which was not disclosed earlier) would fall under this provision.

Section 77: Unfair Trading Practices

Section 77 addresses unfair practices, including “bait advertising.” Bait advertising occurs when a product is advertised at a certain price or in a certain condition to attract customers, only for them to discover that the actual offer differs.

For instance, advertising a full product bundle but supplying only part of it, requiring the consumer to spend more to make it functional, is a classic bait tactic. It lures consumers in under false pretences, which is explicitly prohibited under this law.

The Consumer's Role in Ensuring Fairness

While the Council and regulators can take enforcement action, consumers must also be proactive in protecting themselves. This means:

- Always asking for clarity: If a deal seems too good to be true, ask what exactly is included and whether any extras must be purchased separately.

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Mobile App

- Reading the fine print: Businesses may try to hide exclusions in terms and conditions—look closely before making a purchase.
- Saving receipts and advertisements: If you're misled, these can serve as vital evidence when lodging a complaint.
- Reporting violations: If you feel a business has misled you, don't stay silent. Reporting the issue helps protect others and holds traders accountable.

Consumers are not helpless, they are protected by law, and they have the right to demand transparency and accountability.

A Fair Marketplace Benefits Everyone

Fair trade practices do more than just protect consumers; they also benefit honest businesses. When unethical traders are allowed to operate unchecked, they undercut responsible businesses that follow the law. This creates an uneven playing field where dishonesty becomes a competitive strategy.

Enforcing fair trading rules promotes healthy competition, boosts consumer confidence, and contributes to a more stable economy.

The Consumer Council of Fiji continues to call on all businesses to:

- Represent their products accurately
- Disclose all relevant costs and exclusions
- Avoid pressure-selling or bait tactics
- Honour the spirit, not just the letter, of consumer protection laws

Speak Up, Stand Up

The case of the missing adaptor is not just about one product or one company, it is a reflection of a larger issue affecting consumers across Fiji. Deceptive advertising and unfair pricing tactics erode consumer trust and weaken our economic integrity.

But through strong laws, vigilant enforcement, and informed consumers, we can build a more just marketplace, one where fairness, honesty, and transparency are non-negotiable.

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If you believe you have been misled or exploited, do not hesitate to report it to the Council. Together, we can ensure that fair trade practices are not the exception, but the norm.

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