

# Forcing sale of medicines on consumers is unlawful

## Consumer Focus



**PUSHPA GIRIMAJI**

**More power to the consumer is our motto, whether buying *rajma* or a watch. PUSHPA GIRIMAJI tells you how to get empowered.**

Consumers have been complaining about how chemists are insisting them on buying an entire strip of ten tablets or capsules and refusing to sell less. Well, this is not only a violation of the consumer's right to buy the quantity that he or she wants or requires, but also a restrictive trade practice that puts an unnecessary financial burden on the consumer.

Some of the chemists that I spoke to said that with fast moving drugs, they have no problem with selling less than ten. However, when it comes to slow moving medicines, they insist on consumers buying an entire strip because distributors or pharmaceutical companies refuse to take back unsold medicines if the strips are cut. So

the chemists prefer to force the consumer to spend more than suffer any loss from those cut strips and in the bargain, the loser is the consumer.

This is totally unacceptable, particularly because today, the costs of medicines have shot up phenomenally and I know of consumers who buy medicines in small quantities because they cannot afford to buy the entire week's requirement. Then there are also cases where the prescription is only for a day or two and why should the consumer buy more than what is required? It's time the drug control authorities intervened and ensured that this matter between the pharmaceutical companies, distributors and the pharmacists is sorted out so that consumers do not suffer.

The drug control authorities also need to take a close look at the way crucial information is printed on medicine strips because chemists also point out that on some strips, the brand name and the date of manufacture and expiry are printed in such a way that if they try to retain the portion containing the date and sell the other part, then they lose the name. Besides, on most strips, the date of manufacture and expiry are printed only on one side and this also leads to problems as only one party can keep the portion that has this information, they say. Surely, these are small mat-

ters that can easily be sorted out by repeating the information on the strip?

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Davender Rathee: As per the doctor's prescription, I needed to buy two tablets, meant to be taken on two days. But the chemist insisted that I have to buy at least ten tablets and would not listen to any reason. Finally I was forced to buy ten and waste money and also the tablets. I have taken the bill and I have the doctor's prescription and I want to know if there is any provision to prosecute people like him who blackmail poor people and get away with it. Please suggest a remedy.

Answer: Forcing such conditions of sale on a consumer is a restrictive trade practice under the Consumer Protection Act. It also violates the consumer's right to buy only what is needed. You can file a complaint before the consumer court on this issue. Alternately, you can also bring this issue to the notice of the drug control department, the pharmacy council and the union health ministry, asking them to sort out the problem and also issue directions to chemists against such a practice. You can also write to the Competition Commission of India and ask them if they will take up this issue. After all, it constitutes a restrictive trade practice that imposes unjustified costs on consumers.

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