



**A POLICY BRIEF ON:
ENSURING CONSUMER PROTECTION IN TANZANIA:
A RESPONSE TO THE COOKING OIL HEALTH
INCIDENT IN YOMBO DOVYA**

**ISSUED: 19TH FEBRUARY 2025
BY: LEGAL AND HUMAN RIGHTS CENTRE (LHRC)**

Background information

LHRC has prepared this policy briefly following the incident affecting citizens due to the alleged poisoning^[2] of cooking oil in Yombo Dovy, Temeke. As a result, LHRC found it necessary to draft this Policy Brief to emphasize the need for a robust legal framework protecting consumers in the United Republic of Tanzania.

This document outlines laws, precedent cases, and various guidelines that highlight the objective of consumer protection. Additionally, Policy Brief provides legal recommendations to improve the consumer protection system. It is evident that the lack of strong consumer protection measures leads to the violation of Article 14 of the United Republic of Tanzania's Constitution, which guarantees the Right to Life.

1. Introduction

In the second week of January 2025, an alarming public health incident occurred in Yombo Dovy, an administrative locality in Makangarawe ward, within Temeke district, Dar es Salaam. Several residents, approximately 204, reported severe health complications after consuming food prepared with locally purchased cooking oil. The affected individuals exhibited serious skin-related health issues, with some seeking medical attention, while others were unable to do so due to financial constraints prompting widespread public concern.

The incident, widely covered by the media,^[1] led the government to form an investigative team of experts to ascertain the root cause of the problem, including potential product contamination, expiry, or production malpractice.^[2] The official report was expected to be released in the period of 14 days since the samples were taken for laboratory testing.^[3]

¹ [Nipashe Digital, About 204 people affected after allegedly consuming contaminated, published on January 17, 2025, accessed on January 29, 2024. Available at: WATU 204 WATUMIA MAFUTA YA KUPIKIA, WADHURIKA TEMEKE - YouTube. cooking oil;](#)

² *Ibid.*

³ *Nipashe Digital, loc cit.*

Legal and Human Rights Centre (LHRC), in alignment with its strategic focus on socio-economic rights, considers this incident a violation of consumer rights and a direct threat to the right to life as enshrined under Article 14 of the Constitution of the United Republic of Tanzania (URT), 1977. This policy brief aims to highlight key issues analyze the legal and regulatory frameworks, identify gaps, and propose practical and actionable recommendations to enhance consumer protection in the United Republic of Tanzania.

2. Key Issues

1. Violation of Consumer Rights: Consumers have fundamental rights, including the right to safety, information, choice, to be heard, redress, health, a sustainable environment, and education These rights are guaranteed under the provisions of the international legal instruments that Tanzania is a Member State and is encouraged to implement.^[4] The incident in Temeke indicates potential negligence by the producer and gaps in regulatory enforcement.
2. Right to Life: Article 14 of the URT Constitution guarantees the right to life and protection thereof from threats posed by unsafe products, underscoring the responsibility of producers and regulatory bodies to uphold consumer safety.
3. Duty of Care: Under tort law principles, manufacturers are required to ensure their products do not harm consumers, as established in legal precedents.^[5]
4. Regulatory Oversight: The Tanzania Bureau of Standards (TBS), mandated by Section 4 of the Standards Act of 2009, for ensuring product safety and quality. However, this incident exposes potential shortcomings in enforcement mechanisms.
5. Legal Gaps: Tanzania lacks a comprehensive (separate or codified) consumer protection law that clearly outlines rights, obligations, and enforcement mechanisms

⁴ *Guideline 5 of the United Nations Guidelines for Consumer Protection (UNGCP) of 1985 (2015 Edition)*

⁵ *Donoghue v. Stevenson (1932) AC 562*

3. Legal and Regulatory Framework

- **Constitution of the United Republic of Tanzania, 1977:** Article 14 guarantees the right to life and protection from unsafe products. Unsafe food, medicines, and products can pose serious health risks which can lead to injury or death.
- **Fair Competition Act (2003):** Enhances competition and prohibits trade malpractices, establishing institutions such as the Fair Competition Commission (FCC), the Fair Competition Tribunal, and the National Consumer Advocacy Council.
- **Tort Law and Duty of Care:**
 - **Also, put a description of the Fatal Accidents Act (Cap. 310, R.E. 2002)**
 - 1.The landmark case of *Donoghue v. Stevenson* (1932) AC 562 establishes the principle that manufacturers owe a duty of care to consumers.
 - 2.Tanzanian law recognizes this principle, holding producers liable for negligence leading to harm.
 - **Tanzania Bureau of Standards (TBS):** Mandated by Section 4 (1) (a) of the Standards Act of 2009 to ensure products meet safety and quality standards, but enforcement challenges persist.
- **Legal Gaps:**
 - 1.Absence of a standalone legal framework on consumer protection provides compensation to consumers when they sustain injuries after consumed subquality goods or service.
 - 2.The absence of a unified and decentralized body to regulate consumer protection across all sectors leads to fragmented oversight. Sector-specific laws have established separate consumer protection institutions, but these mechanisms are not streamlined or extended to the local level, hindering effective enforcement and accessibility Limited seller responsibility for quality assurance: In Tanzania, the principle of caveat emptor (buyer beware) primarily protects sellers, placing the burden of risk on consumers.

However, with the growing complexity of products and services, consumers are increasingly unable to assess quality or safety before purchase, especially in the context of online transactions and distant trading. This imbalance calls for a legal shift to require sellers to disclose critical information and ensure the quality and safety of their offerings, enhancing consumer protection and fostering fairer market practices.

• **Administrative Gaps**

1. Complex redress mechanism: the laws establish sectorial consumer redress mechanisms which are complex for lay people to navigate. This leaves many consumers' dissatisfactions and complaints unattended.
2. Limited public awareness regarding consumer rights and avenues for redress hinders the exercise of consumer rights.^[6]

4. Identified Challenges

1. Inadequate Enforcement Mechanisms: This is substantiated by the report on the assessment of the legal framework on consumer protection in Tanzania by the law reforms commission which highlighted that inadequate enforcement of consumer protection laws is mainly caused by insufficient funding and partly lack of requisite skills by enforcement personnel.^[7]

5. Short-Term Recommendations

- Strengthen the enforcement mandate of TBS to ensure proactive market surveillance.
- Enforce section 25 of the Standards Act of 2009, requiring contaminated products to be recalled, defects disclosed to the public, and proper disposal measures undertaken.
- Improve collaboration between TBS, local government authorities, and other relevant law enforcement agencies to combat counterfeit and substandard products.

⁶ *The Law Reform Commission (2017), loc cit, at p 70.*

⁷ *The Law Reforms Commission (2017), Report on the Review of the Legal Framework on Consumer Protection in Tanzania, at p. 81.*

6. Medium-Term Recommendations

- Parliament should enact a comprehensive Consumer Protection Act to address product liability, compensation, and redress mechanisms.
- The government should strengthen public awareness campaigns on consumer rights and available redress avenues.
- The government should increase funding and capacity-building for enforcement personnel to strengthen the implementation of consumer protection laws.

7. Long-Term Recommendations

- Establish a unified and decentralized consumer protection body to streamline oversight across all sectors and ensure effective enforcement.
- The parliament should revise the law to shift responsibility onto sellers to ensure product quality and safety.
- Establish a Consumer Protection Tribunal with simplified procedures, free from legal technicalities, and easily accessible to the public.

6. Conclusion

The cooking oil incident in Temeke district serves as a wake-up call to enhance consumer protection mechanisms in Tanzania. The government must take immediate steps, including strengthening market surveillance, enforcing product recalls, and improving public awareness campaigns. In the medium term, enacting a comprehensive Consumer Protection Act and increasing funding for enforcement agencies are crucial. In the long run, establishing a centralized consumer protection body and tribunal will ensure sustainability and effective redress mechanisms.

Essentially, stakeholders, including civil society organizations and consumer advocacy groups, should actively engage in policy dialogues, monitor enforcement efforts, and push for legislative reforms. LHRC remains committed to advocating for policies that uphold human rights and safeguard public health.

7. References

- Media reports on the cooking oil incident.
- Publications by the Tanzania Bureau of Standards (TBS).
- The Constitution of the United Republic of Tanzania of 1977
- The Fair Competition Act of 2003
- The Law Reforms Commission (2017), Report on the Review of the Legal Framework on Consumer Protection in Tanzania
- The Standards Act of 2009
- Tort law principles and case precedents.

