

Face Off: Acid Abuse and Consumer Rights

Kartini Aboo Talib @ Khalid¹, Sakina Shaik Ahmad Yusoff¹, Rahmah Ismail¹ & Suzanna M. Isa¹

¹Institute of Ethnic Studies and Faculty of Law, Universiti Kebangsaan Malaysia, Malaysia

Correspondence: Kartini Aboo Talib @ Khalid, Institute of Ethnic Studies and Faculty of Law, Universiti Kebangsaan Malaysia, Malaysia. E-mail: kartinikhalid@gmail.com

Received: December 2, 2014 Accepted: June 19, 2015 Online Published: September 23, 2015

doi:10.5539/ass.v11n23p169

URL: <http://dx.doi.org/10.5539/ass.v11n23p169>

Abstract

The misuse of acid for personal revenge is a gruesome issue. Several cases were reported and the year 2011 marked the greatest number of cases for such violent attacks. This article discusses the safety issues within the scope of socio-legal perspectives. The scope of the study examines the misuse of acid in Malaysia over the years and the legal aspects pertaining to authorities, consumers, and victims. This study applies a qualitative method with descriptive and critical analyses and evidence. Cases and legal acts are cited accordingly. The law is used as a control mechanism to halt repeating cases by providing jurisprudence for prosecution. Discussions include a few laws such as Consumer Protection Act of 1999 and the Environmental Quality Act of 1974. Findings reveal that the law is significant when the issue becomes rampant and out of control. However the law may not provide justice when punishment is not a deterrent. Although penalties are paid and jail sentences served, these consequences do little to change the felon's behavior. Thus, strengthening the law without a clear implementation or follow up procedures will keep consumers' safety at risk. Instead, providing continuous support systems and preventive programs would help create awareness and enhanced personal safety in Malaysian society.

Keywords: acid, consumer, socio legal, safety, preventive

1. Introduction

The right to purchase goods for personal use is not controversial, but the misuse of this right for personal revenge that causes harm to others is. Goods such as chemical substances are subject to safety procedures (Note 1) only when they are used in industries or manufacturing businesses. An individual holding a position as an employee of a company finds herself or himself to the company rules and regulations. Thus, non-employees are excluded from such a guarantee of safety or coverage of safety provided by a company. It is understandable that non-employees have no coverage for such safety, but access and exposure to hazardous chemicals are not limited to industrial workers. Non-employees are vulnerable throughout the community and most of them are women and children.

Acid revenge refers to a growing number cases in which acidic substances are used to cause injury to another person. Most of these cases have personal issues attached to them and the remaining few are related to robbery, suicide attempts, and accidents. These instances trigger several related issues including safety procedures, consumer rights, and criminal acts. First, safety procedures require an evaluation by parties including the government, manufacturers, vendors, sellers, and consumers of toxic substances. In the basic free market principal, the government would very much like to act as the invisible hand allowing competition to determine the supply and demand for a product. Any intervention to the free market competition could bring harm to the cost and price of the product. Here the manufacturers, vendors and sellers would support such a market environment conducive to learning profit. It is very common and rational that the government will only intervene when the market situation hurts the wellbeing of people or creates a severe economic recession.

For manufacturers, vendors and sellers a standard safety procedure is implemented by the manufacturing industry and an information guide is provided to those selling and handling the hazardous chemical substances. Also a user guide in the form of a pamphlet or a note is provided for those vendors and sellers that purchase the chemicals in a package. However when goods are sold separately or in small proportions, the information becomes detached from the original package. Buyers now are depending on verbal explanations from the sellers that frequently elicit a negative reaction upon request. On the other hand, for consumers, they are depending on

the availability of information on a purchased item. Whatever information is provided to them, the effectiveness of this information still depends on the clarity of information, literacy, and motivation of the purchaser to read and to be informed. A consumer's reluctant behavior may lead to misuse or abusive of goods that result in an unexpected accident or felony situation.

2. Acid Abuse: Personal Vendetta V. Industry

From January through May of 2011, 22 cases of acid attacks were reported on the local media and the ministry's information web (Harian, 2011; Norhidayu, 2011; Penerangan, 2012). The brutality ranged from personal revenge to robbery, using formic acid as a weapon to attack victims violently. For personal vendettas, formic acid can easily be purchased at any hardware store or local supermarket, making it a weapon that most authorities overlook as potentially harmful. For a person holding a grudge, access to such a potential weapon can cause injury and damage to a victim's future. Consequences might range from not finding a suitable mate to living her or his daily life being stigmatized for her or his terrible appearance. The worst victims become disabled for the rest of their lives. Referring to the 22 cases reported in 2011, most victims were women walking on the street or driving their vehicles, or domestic abuse. These women were victims of acid violence whether the motive was an act robbery or a personal vendetta. Not only did the victims suffer severe physical injuries caused by acid reactions but they also lost their invaluable personal belongings including cash and jewelry.

Most of these cases involved the use of formic acid. This acid works as synthesizer in processing rubber. Since rubber is one of the main export commodities of Malaysia, purchasing formic acid by small-scale entrepreneurs or individuals engaging in the rubber businesses is common. No preventive measures such as the need for identification or license of business is ever applied to persons who purchased this item, considering it was never imagined to be fatal if used improperly. By observation of this item, signs of warning and labels of hazards are applied. However, accessing such an item is unlimited and easy. Though formic acid is not hazardous if used correctly, there is potential hazard for misuse. It becomes an easy chemical weapon with which to terrorize other people. Finding a balance between providing access to industry and limiting access to individuals requires a deliberative decision.

Most reported cases were subject to criminal investigation and if charges were to be pressed, these issues would be subject to criminal litigation. None of these cases was correlated with providing a provision for consumer safety and security or efforts to limit access to such hazardous chemicals with a proper procedure. Once the case is subject to criminal investigation and litigation, injury compensation will be awarded to the injured party or victims, and the felon if convicted will be sent to the state correctional facility. Cases are being settled, but the mechanism to prevent such recurring incidents or accidents is not in place. Here, issues of safety in a form of prevention through some monitoring action are minimal to non-existent and it becomes an injustice to the people. A socio-legal perspective concerned with consumer safety and rights offers some interesting options on preventative measures designed to limit injury and wrong-doing through product consumption.

3. Environmental Law: The Insufficient Enforcement

The environmental powers conferred by Section 21 and 51 of the Environmental Quality Act 1974 cited as the Environmental Quality (Scheduled Wastes) (Note 2) has a massive rules and regulations to be followed as well as to ensure a proper handling of wasted. These regulations come into operation on August 15, 2005. Within this context of scheduled waste, the meaning of any waste must fall within the categories of waste listed in the First Schedule including incompatible scheduled wastes, on-site treatment facility, contractor, waste generator, and prescribed premises. In the case of the usage of formic acid, this material is used heavily at on-site facility of rubber industries, and it involves the contractor and waste generator. Perhaps prescribed premises may not be utilized fully considering that local villagers operating a small scale industry in rubber plantation do not condone to treating the disposed acid formic at a prescribed premises compared to a big scaled industry where inspection and auditing is part of standard operating procedure. Cases of accident with regards to unattended formic acid and assuming it as a clear drinking water bottle involving children and housewife appears to be prominent in the rubber plantation village areas. The acid is non-smelly, clear and packed in a bottle that is frequently mistaken for drinking water bottles and such accidental cases can be dated back in the 1970s until 2014. (Note 3)

The lack of awareness in many aspects including packaging and labeling, managing storage, and treating disposal material lead to repetitious accident of unwarned drinking of formic acid. The environmental quality (scheduled waste) has all guidelines such as clauses 8-10 of the Environmental Quality (scheduled wastes) Regulation of 2005 to such ways of managing and treating disposal material at on-site facility, but unaware contractor and waste generator simply create the safety issue as daunting as possible. Although clause 12 of this regulation cited clearly ways on information to be provided by waste generator, contractor and occupier of

prescribed premises on disposal material, the information is central on a proper form to be filled out, the length or duration to submit copy to a particular party, penalty of failure to submit the copy, and retaining the copy for a record for at least 3 years from the date the scheduled waste is received.

Having a complete rule and regulation without proper ways to reach out the society may not be efficient in guaranteeing safety to people. As this rule states that clause 15 as compulsory to conduct training for every waste generator in identifying, handling, labeling, transporting, storage and spillage or discharge response of scheduled waste, the responsible parties must be able to provide training to all not just the industrial workers but also owners of small scaled rubber industries to be trained and literate of such information. Other target group must be invited to attend the training including small scaled farmers that works on vegetation because cases of accident involves *paraquat* (pesticides use largely in vegetation plantation) are also disturbing.

The procedures caring for environment through the handling and managing of scheduled waste materials are practically doable. However, human behaviors have always been considered whether as a deterrent or a vital factor to ensure an enforcement success of a new policy or rule. Despite having a comprehensive detail of environmental rules and regulations, if the human behaviors fail to adhere, then the consequence is certain to human as well as environment. In this context, discussing the law components within the socio-legal perspective is a useful tool to understand law, people and safety.

4. Socio Legal Perspectives: Consumers and Safety

Contemporary sociology considers the question of social justice. Subtopics within this rubric include discrimination and domination. Many sociologists such as Feagin and Vera (2001), Sjoberg (1996), and Ramonet (1999) believe that a capitalist system marginalizes certain groups and globally exploits society, thereby creating inequalities that have an immense and degrading effect on all human beings. In Malaysia marginalization and exploitation of working class people appears across the regions. The middle class work to live and support their families, simply doing their jobs without questioning their working conditions. Large multinational companies operating industries in many parts of the world for cheap labor and resources will maximize their capital interest in the name of the free market and will disregard regional concerns, creating unsafe working conditions, low wages, loss of land, and forced migration. Globally this huge disparity in wealth distribution produces economic decline and social injustice in many countries.

Pursuant to this view of social injustice within a capitalist system is the debate on consumer and product safety. Capitalism argues that the free market system will produce better quality products that are safe for consumption by everyone. However when good quality products are reserved for the elite classes with significant capital and purchasing power, goods of a lesser quality are left for the common people. Additionally attaching non-emotional profit maximization to goods contributes to considerable risk for consumers. Hence goods of lesser quality might suffer from the lack of proper labeling, user references, alerts and warnings, and nutritional information. Product safety is mandatory for everyone, not just those persons who can afford to pay for high quality goods. On one hand offering a variety of goods allows for personal choice while income levels limit options on the other. Allowing the rich and famous more choices creates a form of economic discrimination.

To create an egalitarian way of providing and supplying goods to all, a system can be created and implemented. A product safety policy and standard procedure could be required to ensure that consumers are well informed and sufficiently protected before purchasing and using a product. However, Abbott (1992, p. 4) argues that a policy without the support of law enforcement is useless.

He adds that an infrastructure needs to be established to guarantee that the policy's objectives are achieved. Such infrastructure is the law. In 1980 the organization for Economic Corporation and Development (OECD) recommended that several components such as preparatory, regulatory, and monitory systems, along with corrective actions be established to provide safety and security for consumers, especially when the product has a direct contact with the human body (OECD Report, 1980). Furthermore, Sothi (1999) suggests that an additional component for compensatory action be added for cases involving injury. Using simple economic modeling, Boulding and Purohit (1996, pp. 14-22) delineate consumers' valuations of safety features. Using the Friedman pool player analogy, this simple model holds true in an important area of consumer behavior. In the case of airbags and antilock brakes, although both may not able to prevent accidents from happening, they are added protections against injury or death in the event of an occurrence. Consumers express their willingness to pay for those protective devices in their cars and therefore the relationship between the willingness to pay for safety and an individual's earning potential can be significant.

Labarbera and Melnick (1987, p. 1349) argue that most consumer laws are enforced as a result of random checking or complaints from consumers or competitors which later lead to a reactive policy in which the level of

complaints determines the enforcement strategy. They further suggest a strategy for regulatory agencies to be active in the enforcement policy. In addition, a systematic monitoring system may involve other governmental agencies and authorities that later become the subject of investigation. Labarbera and Melnick (1987) examine an interrupted time series in pre-law and post-law observations. Their findings suggest that the enforcement of laws must be uniform over a period of time and that this consistency would help to conduct intensive enforcement and to pursue violators with multiple offenses.

Facing continuous complaints of unsafe products, the United Nations Organization (UN) offers guidelines for consumer protection that a state may adopt and adapt to their local legal systems.

The UN safety guidelines include laws and regulations, general national and international standards, voluntary standards and the maintenance and filing of safety records to ensure that products are safe for consumption for present or future use. National standards and regulations for product safety should be reviewed over time to ensure that products keep pace with evolving safety standards and procedures that meet the international requirements. In fact, if the national safety standard is less effective than the international standard, the state must work toward raising the lower safety standards and procedures to become consonant with best practices.

Besides the UN guidelines for consumer protection, another reason to protect consumers is the rights of consumer that was first introduced by former US president, John F. Kennedy on March 15, 1962. In that speech he outlined four fundamental consumer rights that must be protected and embraced including the right to safety, the right to choose, the right to information, and the right to be heard (Sidharta, 2004). These four basic rights have been added to and improved on by Consumer International (CI) that has associations with 240 organizations in over 100 countries. Additional consumer rights now include the right to representation, redress, consumer education, and healthy environment. (Note 4) These rights can be contested on a case by case basis, but including and enforcing these fundamental rights within the legal system will give consumers better protection against unsafe products. Moreover, these basic rights may be meaningless if safety mechanisms or measures are absent.

Therefore, safety components including added protections, consumer willingness, and systematic monitoring systems are ways dealing with product safety measures. These strategies are implemented when numbers of similar complaints provoke the authorities to take action. Here action and response are interconnected when resolved issues may affect persons running for state offices in the next election. Action is often taken when the status quo is at stake. If a state representative fails to guarantee the safety and security of people living in his or her constituency, the lack of action will challenge his or her leadership credibility. Not only may the state representative be accountable for such issues, but also the head of police departments and other local officials. In fact, the recent General Elections of 2013 in Malaysia reflected the demands from the people to ensure their safety and security (Harian, 2013; Utusan Malaysia, 2013). Here the demands for effective efforts were to reduce crime rates, particularly robberies using the formic acid, crimes committed by immigrants, and infractions of border security. Common approaches are to increase security mechanisms such as requiring more policemen to patrol target areas and installing more surveillance cameras in public places. This action is practical in resolving issues of security but may not be practical in resolving unsafe products in the market. While security mechanisms can be translated into strengthening control over hazardous products, disregarding intervention and preventative measures will not sustain a strong system of consumer safety and security.

5. The Malaysia Consumer Protection Act of 1999: A Fallacy of Composition?

Section III of the Consumer Protection Act of 1999 is designed especially for product safety, however it excludes health care products and foods. Such exclusion exposes consumers to potentially unsafe foods and health care products. Foods, food supplements and beauty products could carelessly find their way to consumer markets and hence put consumers at greater risk of harmful health and physical effects. Commonly these products are excluded because they are not drugs *per se*, but their potential for injury is increased because of no scrutiny. Oftentimes complaints are ignored until they accumulate and politically damage the ministry or government responsible for protection, then action is necessary. Furthermore Section III has four components including safety standards, general safety regulations for products, rules for prohibition and protections. Section 19(1) of the Consumer Protection Act of 1999 grants authority to the Ministry of Domestic Trade, Co-operatives and Consumerism, to amend rules for safety standards and to define categories for products. By law standards for product safety must be implemented using these rules and regulations. These standards are intended to protect consumers before products are sold on the market, the idea being to avoid risk of injury. Obviously products not held to these standards offer no such protection.

Herein lays the fallacious reasoning of this law: products such as formic acid, used as an intermediate chemical

synthesizer in the rubber industry, are not classified within the category of products that may cause severe physical injury or health hazards. When the ministry holds the sole authority to amend rules for safety standards and defines the categories of hazardous products, such autonomy could be abused particularly when political interests compete. Such a political clash can be illustrated with the government using its Mark of Conformity (MC) to label all children's toys that meet their standards. In some cases lead paint and polyvinylchloride (PVC) plastics are used to make toys. Often toy manufacturers are exempted from such safety rules and standards just to ensure that they are able to sell their products before the enforcement date takes effect (Kartini, 2011). Here, the politicians and businessmen are making a profit at the expense of people's safety.

Delineation of the Consumer Protection Act of 1999 and its components continues in Section 19(2). This section refers to consumer safety standards in several important procedures such as a) product development, design, composition, manufacturing, performance, processing and packaging; b) testing before, during, and after the processes of manufacturing is complete; and c) labeling with warning signs, symbols, inspection marks, and instructions attached to the products. These procedures must all occur before the product reaches the market. Next, Section 20 of the Act stipulates that no one could supply or re-supply, offer or re-offer, or advertise or re-advertise products that are deemed out of compliance with the product safety standards. The prohibition in Section 20 is absolute. The Act was challenged in *Lim Eng Soon v. Public Prosecutor* (Note 5). This case held that within Section 4(1) of the Ordinance on Drugs of 1952, no one should import hazardous substances including raw opium, koka leaves, poppy or marijuana to Malaysia unless determined by the authority in the Ministry. The court instead decided that this case fell within the definition of absolute prohibition in Section 20 of the Act, thus clarification was irrelevant.

Again the Act was challenged in *Public Prosecutor v. Ong Cho Teck* (Note 6). In this case, the defendant was accused of allowing vehicles with defective brakes to be used and operated on the road. This action constituted a felony under Rule 80 of the Motor Vehicle Code (Construction and Use) of 1937. Rule 56 stipulated a requirement that motor vehicles must be in good condition before they are purchased and operated. The court again applied Section 20 of Consumer Protection Act 1999 to prohibit such irresponsible acts and made it mandatory for motor vehicles that are deemed or tested to be in poor condition, imposing danger or life threatening, to be prohibited from the market.

However, the rules and regulations for product safety standards do not apply to manufacturers that offer or supply products that are deemed "safe and reasonable." These products are not subject to Section 19(2) of the Consumer Protection Act of 1999. Such loose interpretation of "safe and reasonable" allows some products to bypass product safety standards requirements. Consequently, it allows certain products to be free from safety procedures, tests or applications.

Such a provision was created to avoid unnecessary bureaucratic processing resulting in a backlog of product applications and adversarial actions that could hinder the supply and demand of a product in the market. Nevertheless, Section 19(4) of the Consumer Protection Act of 1999 provides a product safety net that would screen and catch products that are unsafe for consumers. Ironically inspection at random may still jeopardize consumer safety, particularly when the safety nets or screening processes are influenced by other factors such as politics and money.

Some weak points in the Consumer Protection Act of 1999 could be deliberated to purposely invite the court to create a common law, encouraging the courts to look into sources outside of the text for judicial interpretation. This open-ended concept of "safe and reasonable" necessarily gives the courts the power to create and revise a form of common law. The common example is the antitrust law in the Sherman Act of 1890. The act forbids agreements that "restrain trade or commerce" but fails to define or give any indicator of what exactly these terms mean in a practical sense. Hanks, et al. (1994) argue that such statutory vagueness reflects a basic preference for open competition and hostility towards monopolies, but it limits judiciary action in resolving cases on antitrust issues. Similar affects have taken a toll on the Consumer Protection Act of 1999. Competing statutory definitions of "safe and reasonable" products are now addressed in Section 21 of the Act.

Finally a general requirement of product safety is noted in Sections 21 (a), (b), (c) and (d) of Consumer Protection Act of 1999. The law requires proper information on advertisements about a product, helping to insure that the product is not misused or that consumers are not misled toward inappropriate behaviors or health hazards. Furthermore quality control systems must be installed for monitoring the safety of each product. Section 21 of the Act presents guidelines for labeling, packaging, and instructing on proper use of the product. However, lack of enforcement on the type or level of language for products may prevent consumers from being well informed about or understanding the product. Scientific language on ingredients or facts about a product may

discourage consumers from reading the label carefully or even handling and using the product properly. Special attention must be paid by the state to translate foreign languages into at least the national language of the country in which the product will be consumed.

Overall, in Malaysia not all consumer products must mandatorily comply with the safety standards. Some products bypass more stringent global laws by passing minimal standards that are still on the books. Rahmah et al. (2011) note that the safety standards stipulated in the Consumer Protection Act of 1999 only apply to products such as electronic items through the Rules of Electronic Supply of 1990 and Rules of Electronics of 1994, seatbelts through Rules of Motor Vehicles of 1978, helmets through Rules of Motorist of 1973, kerosene stoves through Rules of Trades of 1991. Installation on fire brigade equipment is addressed in the Clause 244 of Law of Uniform Building of 1984 (revised) which stated that products must comply with the contemporary safety standards. Finally the products for children, particularly toys that are required to conform to Safety Standards for Toys of 2009, must comply with the rules and regulations for protecting consumers (approval procedures and symbol of approval to safety standards) of 2010.

6. Intervention and Preventive Measures

Acknowledging that the law is imperfect to provide protection to consumers, creating a strong support system through continuously sharing and disseminating knowledge to consumers would help to prevent unsafe products from affecting human lives. Additionally, an action-orientated method such as a monitoring system and compensation for injury would further improve the condition. Staelin (1978, pp. 30-32) hypothesizes that an increased knowledge on consumer products leads to safer behavior. He further argues that the formation of a consumer product safety commission (CPSC) could act in seizing or banning hazardous products from the market. This regulatory agency would be responsible for informing and educating consumers on the safe use of products. The result of an educational program would increase knowledge and awareness among consumers and would help them to better evaluate a variety of products in the market, as well as being able to assess the hazards attached to the products.

Adding to a program to educate consumers on safety, Hodges et al. (1996, p. 27) argue that several components must be implemented simultaneously to ensure product safety including legal programs, cooperation among authorities, campaigns for educating consumers on the risks of products and precautions when using the product. Product safety policy must contain these few steps in designing its implementation stages and actions for product safety. Enforcing stages of product safety requires cooperation not only among authorities but also among consumers, asking the people to alert the authorities of any defective products that cause harm. Commitment from both the state and consumers is necessary to ensure safety.

Moreover, Rahmah et al. (2011) outline comprehensive steps to policy implementation for ensuring product safety. First, the preparatory action stage recommends installation of surveillance activities on products in the market resulting in removal of hazardous goods from the shelves. Even at this stage, injuries or accidents could occur and the complaints from consumers could help the agency to identify hazardous products through surveys of and public opinions on these products.

Secondly, legal action involves setting the rules and regulations that contribute to creating a set of standard procedures for product safety. A safety standards procedure is vital to protect consumer and the scope of action must conform to the four basic consumer's rights: the right to safety, the right to avoid loss and injury, the right to choose from among a variety of good quality products, and the right to information, including the utilization of safety product symbols such as "MS," "CE12," and "BS1" that inform consumers that such products are safe or that they fulfill minimum requirements for product safety. (Note 7)

Third, monitoring action must begin before products are on the market. This step requires an inspection at the manufacturing level and an after-market assessment. Monitoring actions include inspections, random product testing, and product assessment as ways to ensure products meet the standard safety procedures and requirements. In addition, Ringstedt (1992) argues that the government should not be holding this monitoring responsibility alone because operational costs shouldered by the government means creating a burden on the people's taxes. Thus, involving non-governmental organizations (NGOs) and alerting consumers of any product malfunctions or defects would make the monitoring action more effective at every level of society.

Following this monitoring action, identified defective or hazardous products must be pulled from the market immediately. Manufacturers can improve, replace or reimburse consumers that bought these products. These approaches are practical and may ease consumers' dissatisfaction with purchasing defective or hazardous products that may cause physical, non-life-threatening harm, especially if the consumer is compensated in a timely and effective manner. Removing identified defective products that unintentionally cause hazard to

consumers' needs to be differentiated from products that are naturally dangerous but with proper user guidelines and cautions, the product may not cause harm to consumers. For example, removing food cans that are contaminated with *E-coli* bacteria is mandatory to avoid casualties. This action is different from products that are naturally dangerous if misused or abused, such as a bottle of bleach for household cleaning that contains active ingredients such as sodium and *natrium hypochlorite* which can be used as a poison.

Furthermore, product safety measures must outline terms and conditions for compensation for the consumers injured by the consumption or use of products. If such actions are declined, consumers have the right to proceed with a civil action against the manufacturers. If there is a clear cut indication of injury to a person caused by the product without any third party intervention or beyond reasonable doubt, then legal action and compensation is easy, fast and redeemable. However, if injury caused by the consumption of a product creates reasonable doubts, such legal battles may take years of painstaking procedures and may result in expensive legal fees. It should be noted that although under Section III of the Consumer Protection Act of 1999 policy for compensation is not included, the act of compensation is stated in Section X under the product liability. (Note 8)

Finally consumer education and training programs help consumers to be alert and aware of hazardous products (CASIN Report, 1986). For instance, the environmental quality law (scheduled waste) provides a method of handling and managing waste substances from accidentally reached by the wrong person. A guideline for such operating procedure must be shared to small scaled farmers and rubber tapers and the language of the guideline must also be understood by their level of education. The authority must be able to determine the agencies that would be able to conduct a proper training to farmers and rubber tapers on handling and managing scheduled wastes. This safety measure must be enforced consistently because it is common for a state to implement such measure when the issue is at peak and it simply fades away as time goes by.

Such training and educational programs should include providing user guidelines that would help untrained users to be careful in handling hazardous products and to be able to avoid misuse of products. Banning or prohibiting hazardous products that are useful to those who need them for the sake of industries or businesses may not be the solution to avoiding injury due to accidents or personal vendetta. On the contrary, proper information through educational programs for consumers would help better inform society and would create more understanding of any standard procedures for using, handling, and disposing the product, as well as proper channels for registering complaints.

7. Conclusion

Although policies for product safety through law enforcement will always be a strong binding tool to guarantee safety for consumers, it is not flawless. The safety components are useful for most goods except foods and health care products, but a small statutory limitation for defining goods within the criteria of safe and reasonable may still result in putting consumers at risk. Additionally limiting the types of items to be tested to fulfill the requirements of product safety standards also would jeopardize consumer safety. For this reason a product such as formic acid becomes extremely accessible to people and it further increases the potential for felonious acts such as acid revenge and robbery. When consumers face off against the misuse of products, the likelihood of surviving such a brutal incident could be probable, but the chances for victims thriving in their lives as normal human beings are minimal at best.

It is time for Malaysia to establish its own monitoring system that facilitates the identification of unsafe products before and after these products reach consumers. Monitoring systems also means that it will prevent the reproduction of unsafe products, improve the quality of products, and keep access relatively safe for those who really need a certain product for business purposes, thus minimizing the chances for an individual to abuse products. An additional advantage of monitoring systems is that they help to develop complimentary systems such as a data gathering that aid authorities in quickly identifying products that are not safe or that do not immediately meet safety standards. Finally, Section III of the Consumer Protection Act of 1999 can still be improved, particularly by making it compulsory for manufacturers and producers of products to conduct consistent and continuous monitoring of their own products in the market. These improvements, once implemented, could be useful in catching up with the growing demands for safety and security for the myriad of consumer products on the market and in the lives of all citizens.

Acknowledgements

This research is funded by the Arus Perdana Project code ERGS/1/2013/SSI10/UKM/02/4 and LRGS/BU/2011/UKM/CMN. Authors would like to thank Dr Karen Vautour in Salem Massachusetts for her editing contributions. Any remaining errors and ambiguities are solely our responsibility.

References

- Abbott, H. (1992). *Product Risk Management*. Great Britain: Pitman Publishing.
- Boulding, W., & Purohit, D. (1996). The Price of Safety. *Journal of Consumer Research*, 23(1), 12-25. <http://dx.doi.org/10.1086/209463>
- CASIN Report. (1986). *Issue Dialog on Practical Approaches to Product Safety*, Geneva.
- Feagin, J. R., & Vera, H. (2001). *Liberation Sociology*. Boulder: Westview.
- Harian, B. (2011). *Syor Pinda Akta Simpan, Beli Asid*. Retrieved November 15, 2012, from http://www.bharian.com.my/bharian/articles/Syorpindaaktasimpan_beliasid/Article/cetak
- Harian, S. (2013). *Ada kaitan dengan kes di Senawang, Melaka dan Negeri Sembilan*. Retrieved May 30, 2013, from <http://www.sinarharian.com.my/edisi/melaka-ns/ada-kaitan-dengan-kes-di-Senawang>
- Hassan, N. M. (2011). *Sistem Pengesan Jual Beli Asid*. Utusan Malaysia. Retrieved June 12, 2012, from http://www.utusan.com.my/utusan/info.asp?y=2011&dt=1031&pub=Utusan_Malaysia&sec=Muka_Hadapan&pg=mh_0
- Hodges, C., Tyler, M., & Abbott, H. (1996). *Product Safety* (1st ed.). London: Sweet & Maxwell.
- Ismail, R., Yusoff, S. S. A., Suhor, S., Aziz, A. A., Razman, M. R., & Khalid, K. A. T. (2011). Polisi Keselamatan Produk Pengguna: SETakat Mana Akta Pelindungan Pengguna 1999 Mengkanunkannya ke Dalam Bahagian III. *Proceeding of International Conference on Consumer Law 2011: Social Justice and Consumer Law*. Faculty of Law Universiti Kebangsaan Malaysia: Bangi, Selangor.
- Kementerian Penerangan Malaysia. (2012). *Waspada Dengan Kes Simbah Asid di Jalanan*. Retrieved May 30, 2013, from <http://pmr.penerangan.gov.my/index.php/keselamatan/9951-waspada-dengan-kes-simbah-asid-di-jalanan.html>
- Khalid, K. A. T., Yusoff, S. S. A., Suhor, S., Ismail, R., Aziz, A. A., & Razman, M. R. (2011). Hak Pengguna dan Keselamatan Insan: Isu Barang Mainan Kanak-Kanak. *Proceeding of International Conference on Consumer Law 2011: Social Justice and Consumer Law*. Faculty of Law Universiti Kebangsaan Malaysia: Bangi, Selangor.
- Labarbera, P. A., & Melnick, E. L. (1987). Consumer Protection Laws: Violator Detection and Enforcement Strategy. *Management Science*, 33(10), 1348-1356. <http://dx.doi.org/10.1287/mnsc.33.10.1348>
- OECD Committee on Consumer Policy Report. (1980). *Report on Safety of Consumer Products - Policy and Legislation in OECD Member Countries*. Paris.
- Rachagan, S. S. (1994). Consumer Product Safety Laws. In R. Krishnan, A. A. Aziz, & S. Radhakrishnan (Eds.) *Proceedings of The Seminar on Injury Control and Safety: Education and Research*. Kuala Lumpur: Universiti Malaya.
- Ramonet, I. (1999). *The Year 2000*. La Monte Diplomatie. Retrieved July 12, 2012, from <http://www.monde-diplomatique.fr/en/1999/12?c=01leader>
- Ringstedt, N. (1992). Consumer Safety Policy in the EFTA Countries. *Journal of Consumer Policy*, 14, 413-429. <http://dx.doi.org/10.1007/BF02176283>
- Sidharta. (2004). *Consumer Protection*. Jakarta: Grasindo.
- Sjoberg, G. (1996). The Human Rights Challenge to Communitarianism: Formal Organization and race and ethnicity. In D. Sciulli (Ed.), *Macro Socio Economics: From Theory to Activism* (pp. 273-293). Armonk: M.E. Sharpe.
- Staelin, R. (1978). The Effects of Consumer Education on Consumer Product Safety Behavior. *Journal of Consumer Research*, 5(1), 30-40. <http://dx.doi.org/10.1086/208711>
- The United Nation Guidelines for Consumer Protection*. (n. d.). Retrieved March 20, 2013, from <http://www.un.org/documents/ecosoc/res/1999/eres1999-7.htm>
- Utusan Malaysia. (2013). *Jangan Perlekeh Isu Keselamatan Ketika Kempen*. Retrieved May 22, 2013, from http://www.utusan.com.my/utusan/Dalam_Negeri/20130416/dn_03/Jangan-perlekeh-isu-keselamatan-ketika-kempen

Notes

Note 1. See Worker Safety and Health Act of 1994, Packaging and Label of Hazardous Chemical Act of 1997, and Rules of Safety and Health to Workers (Utilization and Standard Exposure of Hazardous Chemical to Health) of 2000.

Note 2. Legal Research Board. (2010). Environmental Quality Act, 1974 (Act 127), Regulations, Rules and Orders. International Law Book Services, Petaling Jaya, Malaysia: pp. 313-321.

Note 3. Anggota Polis Kritikal Dipercayai minum cuka getah. Bernama, 3 April 2014. Retrieved June 7, 2014, from <http://www.astroawani.com/news/show/anggota-polis-kritikal-dipercayai-minum-cuka-getah-33115>

Note 4. Retrieved July 15, 2012, from <http://www.consumersinternational.org/who-we-are/consumer-rights>

Note 5. [1953] 19 MLJ 166.

Note 6. [1946] 12 MLJ 85.

Note 7. MS is a symbol of approval that the products are produced by SIRIM Qas Sdn. Berhad. This symbol shows that the products meet the Malaysia or international standard. The CE symbol means an approval that the products meet the European standard, and the BSI symbol means that the product approval is obtained from Britain Standard Institute.

Note 8. Consumer Protection Act of 1999.

Copyrights

Copyright for this article is retained by the author(s), with first publication rights granted to the journal.

This is an open-access article distributed under the terms and conditions of the Creative Commons Attribution license (<http://creativecommons.org/licenses/by/3.0/>).