

CONSUMER CHOICE: ANOTHER CASE OF DECEPTIVE ADVERTISING?

Dr Amanda McLeod – amandamcleod1972@gmail.com

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INTRODUCTION

In theory consumers have significant power in the marketplace. They have the power to choose to buy one product over another, the power to switch brands and ignore marketing messages. Australian consumers, like their counterparts across the developed world, have almost unlimited choices. However, more choice doesn't always mean better choice. Indeed, many of our choices may have unwanted consequences not the least over-consumption and negative environmental impact. This paper explores this notion of consumer choice.

Since the end of the Second World War, the pursuit of economic prosperity and security has been focused primarily on material acquisition and increasing consumer choice; most Australians reaped the economic benefits. With consumption as the key to prosperity all efforts were geared to making the market work efficiently and equitably. The commercial sector, the government and the independent consumer movement all pursued this aim through the various measures that formed the consumer policy framework and established the notion of consumer rights.

The consumer policy framework is designed to empower consumers and in turn stimulate competition. 'Effective competition', the Productivity Commission argued, 'is stimulated by empowered consumers and responsive suppliers that trade fairly'.¹ The Commission's 2008 'Review of Australia's Consumer Policy Framework', which led to the new *Australian Consumer Law* 2011, recognised the importance of competition policy as being the greatest driver for improving the wellbeing of Australians. Consumer choice was central to its delivery:

Most notably, reductions in trade barriers and competition policy reforms have put downward pressure on prices, enhanced product quality and increased consumer choice. Indeed, almost all economic policies are ultimately aimed at improving consumer wellbeing.²

While the Commission was careful 'not to downplay the importance of consumer's rights, which for many are the starting point for assessing a desirable policy framework', the rights of consumers could not always be the ultimate goal. Nor, from the Commission's point of view, were they always in the ultimate interests of the consumer body as a whole. The Productivity Commission argued that 'while broadening those rights may be in the interests of the wider community, the associated costs must always be considered as part of the policy formulation process'.³

The consumer policy framework structured over the past forty years very effectively regulated competition.⁴ This coupled with strident activism by small groups of individuals that acted on behalf of the vast body of consumers ensured that individuals were increasingly confident about participating actively in the consumer market. The idea that

extending choice would solve consumer problems and spread the benefits widely was at the heart of the consumerist ideal. However, this notion of consumer choice was not without its problems.

Josh Fear noted 'extensive choice is usually regarded as a positive thing for consumers, and often is', however, too much choice can be overwhelming and overwhelming choice is detrimental. Fear explains:

Clearly, choice is not the uniformly positive attribute advocated by economic theory and celebrated in popular culture. Instead, choice can be good, bad or neither, depending on the context. *Good choice* is the kind which gives people more control over their lives and circumstances, while *bad choice* has a detrimental impact on wellbeing.⁵

Good consumer policy aimed to maximise consumer choices. This focus on choice and its associated benefits have, however, come at a significant cost, not least the environmental impact of over-consumption. It is this unwanted aspect of consumer choice that is the main focus of this paper. There is, of course, a range of information of a non-environmental nature that consumers can conceivably be interested in if they wish to consume ethically: labour standards, animal rights, genetic engineering, nano technology, foreign ownership, food safety and food security, etc. But if consumers were given all relevant information they would be even more overwhelmed than they are now. Information, therefore, is only part of the requirements consumers need to exercise choice.

It is important to note that this paper does not argue that consumers should have no choice or that consumers are solely responsible for the problems associated with consumerism that are raised in this paper. Nor that consumers' choices should be made by a third party, be it government or commercial interests. Rather, consumer sovereignty is central to delivery of meaningful choice and consumers have a democratic right to make their own choices. However, consumers rarely have all the necessary information, protection and time to exercise their freedoms. Most importantly, the notion of consumer choice should not be limited to market participation alone.

This is not the first critique of the problems caused by materialism and mass consumerism; nor will it be the last. As long as the market has been organised there have been those – either as individuals or in more or less organised groups – who have sought to question the assumptions being made about the benefits offered by commerce. It is not the intention of this paper to debate the merits of mass consumption *per se*; mass production and mass consumption are taken as necessary components for a reasonable standard of living. To advocate complete self-sufficiency is not practical or desirable, nor is State-controlled production processes the path to consumer freedom. What is needed, however, is a reassessment of what constitutes responsible consumption for a reasonable standard of living and this paper comes within this context. Current environmental and economic circumstances make timely the need for debate regarding appropriate levels of

consumption that are not merely based on economic imperatives. The negative environmental impact is not always immediately quantifiable but often has far reaching and long term, if not permanent, ramifications.

There have been two broad responses to mass consumerism's development and discontents. On the one hand there were those who believed consumer capitalism could be redeemed and those who concluded the only option was to abandon it altogether. It is on the former's foundations which Australia's consumer policy framework was built. The consumer policy framework was successfully negotiated in conjunction with the promotion of competition with consumer-focused policy enabling the facilitation of a regulated market. However successful it has been at encouraging and promoting access and participation the consumer policy framework has failed to be responsive to the negative aspects of consumer capitalism.

Regulated capitalism is compatible with the full raft of democratic principles. Consumer policy is a necessary component of regulated competition that is in the public interest (not merely in the commercial sector's interests or left to the business community to distribute the benefits of a consumer society). To rely on *laissez faire* economics to deliver fairness and justice is as problematic as it is unlikely. It is important to note that most commercial interests are more than willing to accept a certain level of market intervention. Differences of opinion, of course, vary as to the level and type of intervention and there are widely differing expressions of protection and regulated competition. When it comes to promoting growth, economic stability and security, current circumstances suggest that only a very limited notion of democratic principles is in play. Historically, problems regarding individual consumption and environmental concerns have been dealt with separately – by different arms of government, such environmental protection authorities and consumer affairs agencies, with little dialogue between the two. By placing the current consumer policy regime in historical context some of the problems associated with over-consumption can be addressed.

As the notion of consumer choice is at the centre of this paper it is important to note, fundamental differences between types and varieties of choice. There is an important distinction to be made between the choices made within products of the time types (for example: between two brands of tyre or peanut butter) and the choice between commodity types (between, for example, a car and a cruise). It is former type of choice (within commodity types) that most competition, marketing and greenwashing occur. Meaningful choice also goes beyond providing the lowest prices, which is the version of consumer choice that is currently receiving the greatest attention, if the debate over petrol, groceries and energy is any guide.⁶

It is also important to stress from the outset that when this paper refers to individual consumption it does not want to suggest that any individual consumers or groups of consumers are at fault or responsible for any of the problems associated with the consumer

market. Rather it is the particular dynamics of the consumer market and the consumer policy framework that often prevent consumers making meaningful choices.

Another way of thinking about lessening the impact of over-consumption as a worthy and legitimate choice is to think about wasteful consumption in the same way as watching television when there is nothing you want to watch on. Either you can watch something you don't really want to watch, or you can just turn the TV off and do something else! While we have the right to buy something bad or wasteful, or switch to something else we don't need, perhaps we could go without. Companies like TV channels, never suggest we do this – the impetus to exercise this freedom needs to come from somewhere or someone else. Governments, the wider consumer movement and individuals have an important potential role to play in spreading this message.

This paper is divided into three sections. The first section examines the historical underpinnings of the current consumer policy framework. Section two looks at the problems for consumers generated by unlimited choice. The final section offers suggestions that are worth considering in the delivery of better choices to consumers and society as a whole. The paper concludes with a series of consumer policy recommendations that expand the notion of consumer choice and offer real and substantial solutions to mass consumption's ultimate consequence: over-consumption (understood here as wasteful consumption).

1. CONSUMER POLICY FRAMEWORK

1.1 HISTORICAL CONTEXT: LOOKING FORWARD BY LOOKING BACK

A society in which consumption has to be artificially stimulated in order to keep production going is a society founded on trash and waste, and such a society is a house built upon sand.⁷

In his 1960 follow-up to the best-selling *The Hidden Persuaders, The Waste Makers*, Vance Packard drew his reader's attention to Dorothy L. Sayers' lament over the hollowness of a life based on consumer choices.⁸ Although the concern of Sayers' 1947 book, from which the above quote was drawn, centred on materialism's negative impact on spiritual life, Packard shared Sayers' distaste and dissatisfaction, deploring the pursuit of a high standard of living based on greed and waste.

By 1960, however, Packard observed a strengthening of a more strident pursuit of the consumerist agenda than had characterised preceding decades. Packard captured the mood of those concerned about the persuasive effect of modern marketing, the waste generated by mass production and consumption and the insatiable desire to 'keep up with the Joneses', ultimately questioning the ability of the *goods* life to deliver the *good* life.⁹

Such concerns are hardly new; indeed, similar objections form the basis of some ancient religions. Regardless of the form that objections to consumerism take, they are built on the desire to improve contemporary life. The continuity of discontent over many centuries strongly suggests the need for ongoing debate and to uncover avenues in which to improve and reform the status quo. Looking at the past allows us to question and debate commonly held assumptions, to make sense of the present and make a better future.

Economic stability and security and climate change are two of the greatest challenges facing governments and policymakers. Addressing climate change is made all the more difficult because economic stability and security currently relies heavily on mass consumption. This interconnection and the subsequent unwanted consequences warrant serious attention and debate.

The path to mass consumerism and materialism (a life based on consumer choices) had been paved well before the post-WWII consumer explosion. Its antecedents lay in the Industrial Revolution that mechanised production processes and delivered products to an ever-growing consumer base. Linking mass production and mass consumption was one of the greatest challenges for commerce and creating an unquenchable desire for more one of its greatest successes. Nineteenth-century socialism sought to improve the lives of workers by ensuring improvements to their material wellbeing, thereby linking mass production and mass consumption. It was, however, not until the twentieth century that the majority of the population had access to a wide range of consumer products at ever more affordable prices.

Consumption patterns, and the definition of what constitutes necessities or typical purchases, have shifted significantly since Justice H.V.B. Higgins set the standards for 'fair and reasonable wages' in 1907, on which the basic wage was to be based. Higgins based his calculations of the cost of living on the 'amount which has to be paid for food, shelter, clothing, for an average labourer with normal wants, and under normal conditions'. While he confined his calculations to 'rent, groceries, bread, milk, fuel, vegetables, and fruit', Higgins suggested that there were other infrequently purchased, but necessary, items the 'average employee' could expect to spend money on. These may include: lighting and:

clothes, boots, furniture, utensils ..., rates, life insurance, savings, accident or benefit societies, machine, mangle, school requisites, amusements and holidays, intoxicating liquors, tobacco, sickness and death, domestic help, or any expenditure for unusual contingencies, religion, or charity.¹⁰

As electricity was increasingly made available to cities and suburbs the market for consumer products further increased. The 1920s saw the first mass advertising campaigns for electrical and other consumer products.¹¹ While mass consumerism was delayed by the 1930's economic depression and the Second World War, the resulting shortages and rationing coupled with the desire for material goods that had been encouraged in the 1920s,

conspired to produce conditions favouring mass consumerism in the years following World War II.

Since that time, Australians have become increasingly willing and able to buy an ever expanding array of consumer products. Prosperity and security for both individuals and governments has been based on the dual pursuits of mass production and mass consumption – what could be called consumer capitalism.¹² The idea was to spread benefits as widely as possible to encourage full employment, economic stability and national security.

Retail Price Indexes, first constructed in 1912 and later replaced by the Consumer Price Index in 1960,¹³ largely determined the adjustment of the basic wage, in line with consumer price changes, by measuring the cost of items in a basket of consumer goods. The increase in the number and variety of items included in the calculations has been striking, illustrating the growth in consumption after the Second World War and most notably from 1960. From Higgins' modest list in 1907, consumer expenditure has significantly expanded to include private motoring (from 1952); television (1960; 1964 for Canberra), furniture (1964); health services (1969); snacks and take-away food, photographic goods and services (1974); holiday travel and accommodation in Australia, restaurant meals, fresh fruit and vegetables (other than potatoes and onions), fresh and frozen fish, house and contents and motor vehicle insurance, books, toys, games and sporting equipment (1976); overseas holiday travel and accommodation, primary and secondary education fees, childcare fees, pharmaceutical prescriptions (1982); mortgage interest charges, consumer credit charges, optical services, veterinary services, watches and clocks (1987); house purchases, domestic services, home computers, tertiary education fees (1998); financial services: deposit and loan facilities and other financial services (2005).

1.2 CONSUMER SOVEREIGNTY

Although consumer desires continued to expand throughout the postwar period, items that were considered essential and necessary rather than discretionary were more clearly defined in the 1950s and 60s than they were to become in the decades which followed. As more products became available, consumers necessarily prioritised purchases, and these priorities conformed to particular purchase patterns.¹⁴ In the immediate postwar years, for example, pent-up demand generated by the 1930s' Depression and WWII, saw the majority of consumers first purchase refrigerators, and then washing machines followed by television and motor vehicles (but were more reluctant to buy carpet and dishwashers, for example, on credit as they were widely considered discretionary purchases).¹⁵ In the decades which followed, the lines between luxuries and necessities blurred; as austerity-generated demand no longer defined the consumer market and purchase priorities no longer conformed to uniform patterns. As wages increased so too did consumer desires and subsequently their purchases. Consumer wants expanded as did their choices.

For most costly consumer durables, like those cited above, the market quickly became saturated and consumer demand turned to the slower, and more unpredictable, demand for replacements. Manufacturers, with the help of marketers, offered 'new and improved' products to make old models redundant.¹⁶ The current consumer market and household consumption bears little resemblance to its historical counterpart of the postwar period. Most dwellings now, for example, have more than one television; dishwashers are commonplace, as are air conditioners, multiple motor vehicles, mobile telephones and clothes dryers. In 1966, for example, only 12.8 percent of households owned an air conditioner, by 2010 they were in 41.9 percent of houses. Dishwashers were scarce in 1966 (owned only by 3.3 percent); by 2010 a third of all households owned one. Similarly 3.6 percent of homes in 1966 owned a clothes dryer, whereas 55.4 percent could claim ownership of one in 2010.¹⁷ These trends in Australia reflected changes taking place in wealthy countries around the world; a global revolution in consumption patterns was underway.

In addition to the widespread ability to buy, what separated the postwar period from the earlier pursuits of mass consumption was the growing sophistication of commercial practices and technological advances made not only to production processes but to products as well. The concept of marketing that emerged at this time was designed to ensure continued consumption, was established on the premise that the 'consumer is king'. This idea, otherwise known as consumer sovereignty, was based on the consumer interest being at the centre of all marketing decisions. Consistent but not synonymous with *laissez-faire* economics, this view held that no external intervention in the market was needed in order to maximise the welfare of society, which was essentially the same as the welfare of consumers. If marketers acted against the consumer interest, consumers would simply go elsewhere; healthy competition would give consumers what they wanted by giving them the power to choose. Suppliers who did not give consumers what they wanted would be forced to close, promoting endless 'innovation' in how firms sought to satisfy of human needs and wants. This notion of choice is central to consumer capitalism and all its positive and negative consequences.

There are no longer clear boundaries between what is necessary, what is sufficient and what is merely discretionary. In the early years of mass consumerism, 'new and improved' versions of established products (e.g.: larger capacity washing machines and refrigerators; colour television or 'new' model motor vehicles) were offered to consumers when specific product groups reached saturation and/or to stimulate demand. This process further entrenched the ideology and reliance on mass consumption and in the built-in obsolescence of desirability, quality and/or functionality.¹⁸ This built-in obsolescence had both physical (manufactured) and psychological (desired) traits. It was the job of marketers to encourage the perception that a product was outdated and needed replacing, even if it was not. The growing acceptance of consumer credit also helped to facilitate this process by increasing and encouraging consumer access. Consumption in and of itself became a desirable pursuit,

something that was encouraged for individuals and households and at a national level. This included the very process of buying something, which before then had simply been a means to an end. By the 1980s, the term 'retail therapy' was commonplace, referring to the supposedly positive experience associated with shopping.

The focus on solving consumer problems by extending choice, by giving consumers more and more products to choose from and better and safer access to markets, removed the need to convince consumers that they should buy. These changing consumption patterns highlight the shifting notions of luxuries and necessities with the increasing movement from what were previously considered luxuries into the essential category. The shift is also demonstrated by the growth in the number, variety and complexity of products included in the Consumer Price Index calculations, not to mention the increasing number of products tested and rated by CHOICE and the opening up of markets through online commerce.¹⁹

1.3 QUESTIONING CONSUMERISM

Despite the enthusiastic response by the majority of the population to the increasing availability and volume of products there was always a vocal minority that questioned the merit of a life built on consumer choices. Long before the post World War II consumer boom, numerous influential groups and individuals questioned the social, political and economic costs. Influential figures and groups included Romantic poets, artists and writers; eighteenth and nineteenth century utopian socialists; classical Marxists who sought to improve the lives of workers; Henry David Thoreau, Ralph Waldo Emerson and other Transcendentalists;²⁰ Progressive social reformers including Thorstein Veblen²¹ who wrote of 'conspicuous consumption' in his ground-breaking *The Theory of the Leisure Class*; Taylorist proponents of scientific management including Morris Llewellyn Cooke and Mary van Kleeck;²² Muckrakers including Upton Sinclair; Stuart Chase and F.J. Schlink, the founders of the breakaway Consumers' Research organisation in the United States; Arthur Kallet and Colston Warne who established the Consumers Union; Scott Nearing the father of the homesteading/self-sufficiency movement; and Frances Perkins an important contributor to Franklin D. Roosevelt's New Deal reforms. This diverse group of critics responded separately to the unwanted consequences of uncontained consumption on social, political and economic life and the homogenisation of culture caused by population growth, urbanisation, the mobilisation of labour and mass production. They waged protests with varying success against unwanted commercial consequences some of which led to important reforms, alternative lifestyles and downshifting movements.

Other groups, particularly those representing the interests of housewives, lobbied for price control, improved sanitation, pure food legislation and price marking and date marking of food (use-by dates).²³ Some, like the National Consumers' League during the New Deal era in the United States, continued the tradition of previous decades, driven by the desire to civilise capitalism by linking consumption to improving labour standards and ethical consumption.²⁴ In the postwar period critics such as Vance Packard, John Kenneth Galbraith,

David Riesman and Ralph Nader also questioned the promises offered by mass production and consumption.²⁵ Throughout the twentieth century, consumer-specific organisations emerged to improve the relationship between buyers and sellers, to lobby for protection and better quality control during production.²⁶ Consumer policy initiatives were formulated to address the types of problems highlighted by these critics. However, in many respects, it had yet to develop an adequate consumer policy response by government.

Many writers have acknowledged the important challenges to capitalism and materialism made by countless organisations and individuals in countries across the developed world, yet many have had difficulty describing it as a unified commitment or ‘consumer movement’. It is true to say that there are as many variants of anti-consumerism, anti-materialism and social and economic criticism as there are market segments.²⁷ While some sought to civilise capitalism, revolutionise it, step-back from it in part or entirely (such as downshifters, voluntary simplifiers and self-providers and homesteaders), reform it or redeem it, all shared the desire for alternatives, better choices and an improved quality of life.

1.4 HOW CONSUMER SOVEREIGNTY LEADS TO CHANGE

It is worth remembering that the commercial sector also sought to please consumers and so, as consumers and their advocates gained power and attention, developed strategies to better understand consumers and develop techniques for getting them to play ball. Although their motivations could differ significantly, what united them all was the pursuit and delivery of more, better and easier choice. The key to understanding consumer problems was understanding consumers and what made them tick.

Media outlets were the first to employ strategies to profile and categorise consumers in order to better target commercial messages. Market research, first from within advertising agencies then as a separate discipline, emerged to understand consumers and their market potential in greater depth.²⁸ By the mid-1950s market research was widely recognised as a necessary component for successful marketing campaigns and business prosperity. Consumer groups (market segments) could be understood in greater detail and depth as revealed by the techniques employed by market researchers. Increasingly, as market researchers delved deeper to understand the consumer they often found that consumers, by their very nature, acted unpredictably.

In pursuing the consumer interest and defining the consumer identity, market researchers and marketers elevated the status of the consumer driven by idea that the consumer be placed at the centre of all decision-making. From the commercial sector’s point of view, consumer sovereignty bestowed an important power onto consumers. Whether they exercised it or not, consumers had the power to change corporate behaviour. Despite this potential to go elsewhere (to choose a competitor’s brand or product), consumers have yet

to mobilise and recognise their collective power, until now the 'power of the purse' has been used almost exclusively through individual purchasing decisions.

When it comes to the unwanted consequences of over-consumption or bad environmental practices, individual consumers do not have the power to change anything through their purchasing decisions (except their individual contribution). Collectively, however, consumers have enormous power. Yet, in most cases this consumer power has been disorganised except in driving production decisions. However, if the power of 'not buying' could be harnessed 'for good' then there is great opportunity for change. In order for this to happen there would need to be (a) more engagement on the part of millions of people with the ethical dimensions of their purchasing decisions, and (b) transparent and reliable signals about products that are associated with good and bad environmental and social outcomes. That consumers have this potential power is beginning to be recognised.

In his recent book *Consumer Republic*, former advertising and branding professional Bruce Philp encouraged consumers to use branding to their advantage in order to change corporate behaviour.²⁹ This is not to suggest that the consumer movement, the diverse forces charged with attending to the consumer interest, failed. On the contrary, consumer advocates across the developed world strengthened the consumer interest and played a significant role in promoting the material acquisition ethic. Consumers, as is our want, have acted erratically.

Unlike marketers, advertisers and consumer psychologists, economists were slower to catch on that consumers did not always act as rational and predictable agents. Linking psychology with more traditional economic theory gave economists alternative insights into consumer behaviour. Behavioural economics has gained increasing attention from policymakers.

Despite the attempts of marketers to understand consumers, there were, not surprisingly, those who were unconvinced by the claims that consumers were all powerful against commercial forces. For many, the individual consumer simply had very little power against the persuasive power of marketing and advertising, growing complexity of products and decreasing time in which to make purchasing decisions. For some in the consumer movement, the mere idea of consumer sovereignty was illusory. Against the power and persuasion of marketing and advertising, and the allure of easily available credit, the consumer had little, if any, power. Despite acknowledgment of the 'consumer interest', the consumer was, as one writer commented, only 'a part-time and often incompetent sovereign'.³⁰ This view, it is important to note, did not just come from those outside commerce, nor only from those outside the marketing profession.³¹

1.5 GOVERNMENT INTERVENTION

Numerous groups emerged in concurrence with the growth in and reliance on advertising, marketing, market research and merchandising to advise consumers, lobby for regulation and legislation and to even up the balance of power. Despite differing agendas, both sides

placed the consumer interest at the centre of their decision making procedures. Linking the two sides, Governments came somewhat belatedly to the aid of consumers. Not until the 1960s did Australian governments legislate specifically in the consumer interest with the state of Victoria being the first jurisdiction to do so.³² While at first only making tentative inroads into consumer law, governments of both political persuasions also came to recognise the importance and benefit of strengthened consumer policy to further mass consumerism and spread its benefits.³³

It is important to remember, however, that government intervention was rarely driven by advocacy alone. It was widely recognised by both political and commercial interests that consumer policy was good for business to protect the integrity of the market and to stimulate competition. But despite widespread support from all sectors for some form of consumer policy, the delivery of it was a delicate balancing act (and one that was often controversial and not always successful). Consumer protection and consumer policy more broadly was not at odds with the promotion of competition. In many cases, consumer policy was, and continues to be, formulated precisely because it would enhance competition, either by promoting consumer confidence or ensuring quality control over mass-produced products.³⁴ If consumer policy restricts competition or choice it tended to be more controversial and the subject of political disagreements or challenges. Thus, as the Productivity Commission's Review of the Consumer Policy Framework highlighted, the notion that promoting consumer choice will ultimately benefit business is in keeping with orthodox economic theory. Governments and business tend to listen to economic theory when it suits them to do so, but to ignore theory when it's inconvenient, e.g. in relation to market failure. Consumer protection is no exception.

Governments of varying political persuasions intervened in the market to forge a middle path between the often opposing sides, with consumer policy focused on making the market work more efficiently and to ensure that consumers felt confident enough to continue to consume.³⁵ The consumer movement, too, was built upon the desire to enable consumers to participate efficiently and equitably. CHOICE – Australia's biggest and arguably best consumer organisation – exists in order to give consumers information to make 'informed decisions' in the marketplace.³⁶ In its own words CHOICE 'empowers consumers to get the most out of all their purchasing decisions by providing a mix of advocacy and advice' and helps consumers 'make the right choice'.³⁷

The commercial sector, too, largely accepted the benefits of consumer policy in to regulating competition.³⁸ The development and growth of the consumer market was due, to a significant extent, to the combined effort of the commercial sector, the government and consumers (and their advocates) who largely embraced it. These groups together reinforced and ensured consumer capitalism's ongoing success and centrality.

1.6 CONSUMER RIGHTS

As affluence and abundance spread during the post-WWII years, the prosperity offered by mass production and consumption was realised. While there were those who sought to distance themselves from the consumer market, the number who worked within its confines to improve its workings also increased. Consumers became a political force and the consumer interest an important factor to consider in political decision-making processes. The consumer identity became more closely aligned with citizenship and democracy and, importantly, this type of consumer/citizen had rights that could be defined and upheld.³⁹ The period between the mid-1960s and the 1980s saw unprecedented organisation of consumer activism into consumer affairs agencies and consumer groups targeting specific aspects of consumer concern.⁴⁰

The type of consumer democracy that was envisaged by consumer advocates and policymakers such as President John F. Kennedy, Ralph Nader, author of the groundbreaking consumer manifesto *Unsafe at Any Speed*,⁴¹ and Australian Labor Attorney-General Lionel Murphy, who oversaw the introduction of the *Trade Practices Act 1974*, was one in which the benefits of material acquisition, mass production and consumption would be spread widely and evenly.

The modern consumer movement, if one can claim it as a movement, can be said to have been spurred on by President John F. Kennedy's formulation of four basic consumer rights in 1962: the right to safety, to be informed, to choose and to be heard.⁴² This gave impetus to a clearer definition of the consumer interest and the rationale for policy-makers to establish consumer bodies at government level. Yet consumer policymakers have been all too willing to pay lip-service to these four basic consumer rights. While they are oft cited and remain the central tenets of consumer empowerment, few consumer advocates seriously sought to clarify or question what the rights meant and how they might be extended. When the United Nations added an additional four guidelines in 1985, the right: to the satisfaction of basic needs, to redress, to education, and to a healthy environment,⁴³ there was little, if any, debate about how competing consumer rights were to be balanced against each other.

While the eight rights were all rights to participate in the consumer market and extended choice – with continued and continual consumption being the ultimate goal – conflicts emerged when policy makers attempted to balance these rights. Historically, however, these eight rights were not just for the benefit of the individual consumer engaged in isolated purchases, they would provide a level playing field for the broader community – including the commercial sector.

The final right, the right to a healthy environment, was initially focused at improving the environmental impact of production; that is, to protect local communities, particularly in the developing world, from emissions and other pollutants. More recently, however, consumer advocates and marketers alike have promoted the idea of 'sustainable consumption': switching to 'green power', recycling and reducing packaging in an effort to reduce harm to the environment in the developed world. However, there has not been a sustained effort to

question the overall ideology of consumption and to reign in the excesses of unlimited choice and its unfortunate, but logical, consequence over-consumption. It is difficult to see how the right to a healthy environment, for example, can be compatible with *mass* consumerism (over consumption), no matter how 'green' or 'sustainable' production and consumption processes may be. The accumulation ethic is still at the heart of alternative consumption, suggesting that it is contested and contradictory.

2. PROBLEMS

2.1 OVER-CONSUMPTION – CONSIDERING ADEQUATE CHOICE

There is very little serious debate within government circles and the public more generally about what constitutes adequate choice, suggesting that restricting or limiting choice is against the consumer and competitive interest.⁴⁴ It is hard to argue against the benefit of an electric refrigerator, washing machine, radio and telephone. But there are so many items that are clearly discretionary and of questionable value: doggy waste bag dispensers, wheelie bin stickers to decorate rubbish bins, electric omelette makers, electric coffee cup warming mats, electric carpet sweepers and pillows with use-by date labelling, not to mention the unlimited amount of plastic crap that fills discount shops, markets and found, increasingly, on eBay. Whose interest does it serve to have such access to products such as the Genius Speed Slicer from Danoz Direct that 'slices ... with lightening speed'; and, from the Innovations company, car hammocks 'the smart way to a clean and tidy car; a Foot Rocker to 'rock away your foot pain' and Walkmaxx Exercise Shoes that amazingly 'could enhance your enjoyment of the whole walking experience'?

Despite evidence to suggest recent extreme climate events, such as the 2011 floods in Queensland and Victoria and the Black Saturday bushfires in Victoria in February 2009 are closely linked,⁴⁵ the Federal Government continues to deal with them as separate events. The political response to the Queensland floods – the largest natural disaster in history in economic terms – was to propose a reconstruction levy and to scrap the \$430m 'Cash for Clunkers' program (Cleaner Cars Rebate Scheme) which had promised to 'replace 200,000 cars and cut emissions by a million tonnes over ten years'.⁴⁶ The decision to redirect money away from environmental initiatives is an unfortunate and untimely decision. Yet, the Government has not just pulled the plug on 'Cash for Clunkers' but a range of programs with proposed environmental solutions. 'Contrary to popular belief', write Denniss and Macintosh, 'the policies that are most effective in driving down greenhouse gas emissions actually raise revenue rather than cost the budget money'. The Government has, it is argued, wasted an important opportunity.

The Gillard Government has recently scrapped, or wound back, a range of policies designed to help reduce greenhouse gasses in order to ensure the budget returns quickly to surplus. These policies, including the Cleaner Car Rebate, Green Car Innovation Fund, Green Start Program

(the ironically named replacement to the Green Loan scheme as the replacement was scrapped before it started), and the Solar Homes and Communities Plan, are often called “complementary policies” as they are designed to complement the operation of a (as yet unseen) carbon price.⁴⁷

Despite the enthusiastic embrace of consumption, the scrapping of environmental policies and the difficulties associated with introduction of the carbon tax, there is evidence to suggest that Australians want both economic stability and security and serious action on environmental issues (climate change). In a poll conducted by Roy Morgan Research in mid December 2010, Australians considered economic issues (28%) and environmental issues (20%) the biggest issues facing Australia. In terms of world issues, Australians in higher numbers (32% and 26% respectively) considered the same issues the most serious problems confronting the international community. Most significantly, 17% of Australians regarded climate change/global warming as the most important problem facing the world.⁴⁸ But contradictory messages are precisely what are being sold to consumers. Consumers themselves seem to want both options. Is it possible to reconcile these apparently contradictory views? As things currently stand, this seems difficult to imagine.⁴⁹

Despite promises to the contrary, sustainable/ethical/green consumption offers little antidote to over-consumption. Since the 1970s, consumers have been told to ‘reduce, reuse, recycle’, yet these alternatives are often based on ways to reduce specific harms rather than presenting a serious challenge to consumer capitalism by reducing consumption *per se*. The perception exists that recycling and reusing removes all other ethical considerations. But buying secondhand, however, does not automatically solve the problem of over-consumption. After all, the only reason that markets for secondhand goods exist is that people have discarded perfectly viable items often to buy the new model. While some advocates have added ‘refuse’ to the ‘reduce, reuse, recycle’ message, recycling schemes have predominated with ‘refusing’ limited to packaging rather than products.

2.2 LIMITATIONS OF CURRENT FRAMEWORK

The policy framework, as it is currently constituted, is unable to respond to problems such as over-consumption because the framework has been historically structured to enable participation, not to encourage restraint. As it currently stands, the policy framework, albeit unintentionally, encourages over-consumption and relies on indebtedness to drive growth. Environmental damage is an unfortunate but ultimate consequence of over-consumption.

While over-consumption has been widely acknowledged as a serious problem and has generated heated public debate, it has not been taken up seriously by the agencies, advocates and business interests that have been geared at increasing consumption, making the market work more efficiently and providing access to consumption and protecting the consumer interest. Consumers cannot be expected to be left to their own devices to attend to the environmental emergency. Nor can they consider the ramifications of the endless

possibilities offered to them and ramifications of every purchase they need and/or want to make. However, if consumer decisions were based on more basic needs then consumers themselves would be greatly empowered, consumption would be severely reduced and the environmental impact of consumption significantly diminished.

Australian governments and their consumer affairs agencies have lacked the courage to tackle the problem of over-consumption and its contribution to climate change, and to undertake the type of work involved in reforming consumer policy framework to make this happen.⁵⁰ Consumer Affairs Victoria, for example, argued that it was an inappropriate role for the agency suggesting that the message had to come from the Bracks' Labor Government – a role it chose not to pursue. Although the Gillard Government introduced the Carbon Tax it continues to get caught up in debates about compensation and tax cuts to offset price rises caused by putting a price on emissions.⁵¹ But if governments and their agencies – particularly the agencies most adept at dealing with consumer problems and most familiar with the interests of consumers – are unwilling to also encourage reducing consumption, who will?

The response to the growing proliferation of products by the independent consumer movement has been to give consumers more information. For example, CHOICE gives consumers information about products by testing and rating them. It does, of course, refuse to recommend specific brands if they fail to live up to its standards but its primary objective is to allow consumers to consume (albeit wisely and safely aided by independent and impartial information). For consumers this information can be invaluable and to some extent it prevents consumers from making mistakes which can be both costly and wasteful. But it does little to combat the systemic problems that give rise to over-consumption.

2.3 THE NARROWING OF CONSUMER RIGHTS

This paper has argued thus far that the current framework prioritises individual consumer choice. But giving consumers free choice does not, however, have to mean consumers should be given the freedom to choose whatever they want or having to compromise by choosing the best of a bad lot. It certainly does not have to mean unfettered competition. The primary focus on competition prioritises certain rights over others often to the detriment of other more important rights.

The current consumer policy framework as it has been historically structured is largely unequipped to consider issues that extend beyond individual consumer participation. Governments, consumers and business are so caught up in prioritizing choice and promoting acquisition that other, often more important, issues do not get examined. This, of course, ultimately limits choice. This is not to suggest that consumers should have no choice. Consumer sovereignty plays an important role in enabling consumers' right to choose. Rarely, however, do consumers have all the necessary information, protection and time to

adequately exercise their freedoms. Nor should consumer choices be limited to market participation – bugged the consequences that such choice may have on the environment.

Within the current consumer policy framework, little space is available in which to reign in the excesses of unlimited choice thereby countering the effects of over-consumption. How is the ‘right to the satisfaction of basic needs’, for example, to be balanced against the ‘right to a healthy environment’? At first glance these two rights appear completely at odds. Indeed, the first four rights – particularly the right to choose – all seem to be at odds with the final right to a healthy environment. Even the right to choose implies a level of consumption that goes beyond the satisfaction of basic needs.

But the pursuit of prosperity that was dependent on mass consumption was not based on ‘the satisfaction of basic needs’. This remains true. Mass consumption has delivered substantial economic benefits but has left much of the world’s population in poverty. The ‘race to the bottom’ in an effort to serve consumer choice of those that can afford it benefits very few – and it certainly does not serve the long-term interests of consumers no matter their geographical location or demographic status. Even in Australia where the majority of the population has a very high standard of living, the current consumer policy framework encourages spending beyond one’s means, because it assumes spending via credit, and it certainly encourages over-consumption.⁵² The environmental costs are far from insignificant and current consumption levels unsustainable. For example, a 2008 report on the state of Victoria’s Ecological Footprint found that:

The average Victorian requires 6.8 productive hectares to support their lifestyles. However, there are only 1.8 productive hectares available per person. ... Victoria’s Footprint is more than three times higher than the world average of 2.2 productive hectares per person.⁵³

The expansion of choice remains central to attempts to deliver good outcomes to consumers, to solve consumer problems and to ensure business prosperity and success. But, the meaning and delivery of choice is anything but simple; not least because the attempts to give consumers what they wanted or needed by way of greater choice were ultimately endless. Manufacturers continue to offer consumers better products, new products, new and improved products, low prices, lower prices, products in an ever changing range of colours and styles (both superficial and substantial), products in attractive packaging, and in a range of sizes and/or capacities and price points. While there has been much debate, resistance and rejection of mass consumerism from vocal, sometimes very vocal, minorities there has been little mobilisation of consumers. This can be attributed to numerous things, particularly: the focus on enabling participation and access to the market, linking consumer choice to individual liberty and the lack of government commitment to funding a national, independent consumer organisation that provides advocacy and advice.

2.4 MORE CHOICE BETTER CHOICE?

The notion of choice was the greatest force driving the consumer market. But as many social commentators, cultural critics and consumer policy analysts and advocates have shown, merely delivering greater choices to consumers does not deliver empowerment; more choice does not equal better choice, substantial choices or real alternatives. Yet, in certain respects and perhaps counter intuitively, limiting choice can make consumers freer.⁵⁴

Unfair Contract Terms legislation is but one example of governments intervening to limit choice in order to simplify consumer transactions which ultimately benefit consumers. In recent years governments have begun to simplify regulation by 'reducing the regulatory burden' on business by pursuing national uniform consumer-specific legislation and unfair contract law. Unfair Contract Terms, first legislated for in Victoria and then adopted as part of the new *Australian Consumer Law*, has successfully sought to simplify consumer contracts. This form of consumer protection has been useful, for example, in simplifying and standardising mobile phone and travel contracts to remove unfair clauses well before consumers sign.⁵⁵

Debate continues to rage over the notion and meaning of choice and whether consumers are purely rational agents with access to perfect information. Compelling evidence suggests that by reining-in excessive information consumers are, in fact, freer to make better choices in a range of different contexts. There is nothing to suggest that the same would not be true for many kinds of consumer products. Increasing the number of products available to consumers does not necessarily mean better choice, greater freedom and higher standards of living. Because there is so much choice out there, picking one example will necessarily be arbitrary. But here's one product that exemplifies one of the most absurd examples of excessive, meaningless, choice involves one of the most commonly used products – the toothbrush.

A quick perusal of the shelves in an average supermarket that houses the dental hygiene paraphernalia reveals a plethora of weasel words disguised as consumer choices, invented problems and marketed solutions. No longer is toothbrush choice confined to bristle-texture: soft, medium and hard. Indeed hard toothbrushes have disappeared; the consumer (mouth), it seems, has gone soft. Never wanting to fail the consumer, the three main brands – Colgate, Oral-B and Reach⁵⁶ – offer 'solutions' to mouth 'problems' by offering a range of manual, non-electric, toothbrushes which focus on a range of features: 'between teeth', 'anti-bacterial bristle protection', 'superior clean', 'clean and white', 'whole mouth clean', toothbrushes endorsed by children's television characters such as Sesame Street, Barbie and the Wiggles, '360° sensitive pro-relief', 'cross action pro-health', 'twister fresh', 'zig zag', 'professional', 'actiflex', 'total care', 'cross action power', 'Pro Tip interdental' and one tooth brush that offered no less than '7 benefits'! And this is without going into the offerings made by the various mouth washes, toothpastes, dental flosses, inter brushes, and rechargeable electric and battery powered toothbrushes also lining supermarket shelves.⁵⁷

It is likely that the level detriment to individual consumers is insignificant for low-price items like toothbrushes. Collectively, however, the impact is far greater. Consumers are besieged by choice. While Coles and Woolworths did not make product figures for their supermarkets available to this researcher, a large Sainsbury's supermarket in the UK stocks about 30,000 items⁵⁸; Australian counterparts would not doubt have a similar range. Collating data available at Woolworths Online revealed approximately 16,000 products available for home delivery.⁵⁹ Grocery Prices Supermarket Comparison – Australia allows consumers to compare prices for more than 20,000 products.⁶⁰ Discount liquor retailer Dan Murphy's boasts 5,000 products, 3,500 of which are wines.⁶¹ Officeworks sells 15,000 products and hardware retailer Bunnings Warehouse stocks 45,000. Australia's largest department store, Myer, attracts investors with its claim of 600,000 product-lines from 2,400 brands.⁶² If each consumer had to weigh up the competing claims of just a fraction of the product on the market – as they are expected to do – they would spend much of their valuable time making decisions about what to buy and less from actually using what they buy or, for that matter, doing something else entirely.

2.5 PRIORITISING COMPETITION – SOME RIGHTS ARE MORE EQUAL

Consumerism has become one of the most dominant forces since the end of the Second World War and competition is considered to be the best way to deliver choice to consumers rather than through protective mechanisms. The Productivity Commission's landmark 'Review of Australia's Consumer Policy Framework' recognised the importance of competition policy as being the greatest driver for improving the material wellbeing of Australians. However, its focus – on prices, quality and choice – was far removed from the historical foundations of consumer rights which were closely linked to broad and strident democratic principles.

From the Productivity Commission's point of view, consumer rights were not always in the ultimate interests of the consumer body as a whole. As placing downward pressure on prices became increasingly important it was in the interest of both the economy and the consumer interest to promote certain rights.

This focus, of course, did not give the different kinds of consumer rights an equal hearing, in fact, they competed for attention – the 'right to know' on the one hand, for example, with the 'right to choose' on the other. The Commission argued, however, that: 'a rights [based] approach represents a different "point of entry" to the discussion about when governments should intervene to improve efficiency and promote social justice'. But consumer rights have not always been a different point of entry for deliberations about how to best serve the consumer interest, as JFK's formulation of rights demonstrates.⁶³

The pursuit of competition as a primary goal of both competition policy and economic policy more broadly, is firmly entrenched on both sides of politics. In September 2009 Labor's Craig Emerson, the then Minister for Small Business, Independent Contractors and the

Service Economy and Minister for Competition Policy and Consumer Affairs, told viewers of SBS TV's Insight program 'Competition is good. More competition is better. It is the most effective way of driving down prices'.⁶⁴ Put simply, the promotion of competition was the starting point for the delivery of choice and raising the community's standard of living.

2.6 LACK OF CONSENSUS = WEAK SOLUTIONS

As already noted, consumer problems and environmental concerns have historically been dealt with separately by different arms of government. With little dialogue between them and often with very different expertise and agendas, consumer affairs agencies and environmental protection authorities have, unwillingly, contributed to the administrative inability to respond to the crisis created by over-consumption. With recycling, green power, energy reduction campaigns, for example, far more likely to be driven by departments with an environmental focus,⁶⁵ the problem is separated from possible solutions. The potential benefit of such considerable bodies of expertise working together, beyond short term projects, has not been realised.

Notwithstanding the extraordinary developments in consumer policy, the major factor driving government intervention stemmed less from the desire to protect consumers than to protect competition and the integrity of the market. The focus on competition was not at odds with consumer protection and consumer interests, nor was it fundamentally opposed to consumer rights, as the development of consumer policy and the strengthening of consumer legislation indicate. In many cases, consumer policy has been initiated precisely because it would aid competition, either by promoting consumer confidence or ensuring quality control over mass produced products. The consumer movement was predominantly built on the shared desire to allow consumers to consume (albeit wisely and safely). The focus on competition gave consumers an increased choice of products and kept prices low, but it did not give all consumer rights an equal footing and it did not encourage consumers to consume responsibly or ethically.

It was widely accepted that consumer choice created by the disclosure of adequate information would benefit both consumers and markets more generally. Competition and its partner consumer choice were pursued together to increase economic and material prosperity. As shown, consumer choice would solve consumer problems and act as a buffer against the negative aspects of consumer capitalism. Yet, the majority of consumer information has been designed to enable consumers to make informed decisions/choices about how to participate and what to buy. Information from retailers or governments rarely suggests to consumers that they not buy. That is left up to consumers and their own consciences.

The desire to further economic growth and to solve consumer problems has rested on the deceptively simple, and fluid, notion of consumer choice. As one of the most fundamental consumer rights, the 'right to choose' enables consumers to make informed decisions about

the products we buy. As part of this right, consumers have to be given adequate information to make decisions, the delivery of which is often problematic and insufficient. It is argued that the problem of choice overload facing consumers coping with financial decisions can be detrimental to consumers. Consumers are now expected, to have the motivation and capacity to improve their financial knowledge. However 'it is the responsibility of governments and businesses to ensure that their information matches people's capacity to understand it. In certain respects, government and business have not been fulfilling their end of the bargain'.⁶⁶ The same can be said of the wider consumer policy framework.

2.7 CHOICE UNLIMITED

This paper does not want to suggest that consumer choice is inherently undesirable. On the contrary, consumer choice is an excellent market regulator, an important democratic freedom and, when adequately informed consumers choose for themselves, actually performs an important function by cutting waste. However, the negative impact on the environment and consumers as a result of over-consumption makes evident the need for debate about appropriate types of choice, responsible and reasonable levels of consumption and public conversations about the division of luxuries and necessities.

The many successful challenges to traditional modes of mass consumerism and materialism have done little to place boundaries on consumption *per se*. Online commerce, for example, has presented challenges for traditional retailers and changed the way people shop. It has given consumers additional places to go shopping; it has allowed consumers to compare prices and expanded access to overseas markets.⁶⁷ However, insofar as online retail is a disruptive technology it is not a disruptive ideology – what Nielsen refers to evolutionary rather than revolutionary technology (at least not yet). Online commerce is still just people buying products albeit through a different channel.⁶⁸ Thus, as yet, it has not necessarily made decision-making easier or allowed consumers to make better choices. In fact, it has raised a whole raft of new consumer protection issues.

As important challenges to traditional forms of production and consumption, sustainable, alternative, green consumption have also not reduced consumption in traditional areas of commerce. Even 'environmentalism', as Humphery notes, has been commodified.⁶⁹ While consumers have alternatives to choose from, they have more stuff from which to choose. Where alternatives to traditional consumption have placed boundaries on consumption overall, it has opened up new opportunities for marketers. Online commerce has allowed consumers to shop at home, at work and when mobile in unprecedented ways.

Governments, for fear being attacked for limiting individual 'choice' and freedom, favour the promotion of competition to regulate the market. There has been reluctance to intervene in the consumer market with governments preferring 'choice' as the best method of ensuring consumer protection. But consumers are besieged by choice. Drawing attention to choice overload has become a feature of the industry itself, with the problem widely

acknowledged by diverse consumer and commercial interests. That too much choice prevents consumers making informed decisions has been shown by the Better Regulation Executive and National Consumer Council in the United Kingdom.⁷⁰ CHOICE, the Australian Consumers Association, rates and tests products to separate marketing claims from a product's inherent technological capabilities thereby enabling consumers to make better choices.

It is beyond the scope of this paper to focus on why or how consumers make choices. It is worth noting, however, that this growing body of research has begun to acknowledge that consumers can suffer from choice overload; a problem which ultimately benefits no one. Sheena Iyengar, for example, provides an excellent overview of the psychological literature on choice theory (which, of course, is not limited to consumer choice).⁷¹ Psychologist Barry Schwartz has examined the negative psychological impact of too much choice in his best selling *The Paradox of Choice*.⁷² The paradox, Schwartz argues, is that freedom allows individuals to make their own choices but, at the same time, too much choice prevents meaningful choices from being made. Consumers that are offered too much – be it too many products or too much information about products and services – are in danger of being overwhelmed and subsequently unable to make decisions in the way they would actually prefer. Marketers and consumer psychologists are interested in choice theory because of the tendency of overloaded consumers to turn away from marketing campaigns or buy a competitor's products. It is not only that consumers will not buy that worries retailers, but that they will turn away from information that helps to influence decision making. Such consumers are less predictable and hence more difficult to identify, categorise and target.

2.8 SUBSTANTIVE CHOICE AND CONSUMER ASSUMPTIONS

The opportunities for marketers to confuse consumers are legion as are the opportunities for consumers to be confused by marketing claims and statements. Consumers often simply cannot tell what they are buying at the point of sale. Woolworths, for example, acquired Macro enabling the company to buy the goodwill associated with the former supermarket and health-food brand; Pauls dairy food, which manufactures Pauls Pure Organic milk, is owned by Italian-owned Parmalat.⁷³ CSR's sugar and renewable energy (ethanol) business Sucrogen, has been recently acquired by Wilmar International, (the world's largest Palm Oil producer) making the decision to buy either Australian grown sugar or imported organic sugar from Brazil an ethical conundrum. These are but a few examples of a very common occurrence.

However, this issue highlights the problem consumers have when attempting to make ethical choices. Food is one area where consumers have particular problems. Unclear definitions as to what constitutes specific ethical criteria (in this case organic and free range), the multitude of certification systems concurrently operating, voluntary, rather than

mandatory, codes of practice and the subjective beliefs and perceptions of buyers, all contribute to the difficulties facing consumers.

Government consumer agencies and oversight organisations including the Australian Competition and Consumer Commission (ACCC) have come to these issues belatedly, and often in *ad hoc* ways. Peter Kell, the ACCC's Deputy Chair, explained the position of the Commission on organic food:

The ACCC's role is not to decide whether organics are better or worse, rather our aim is to ensure that if consumers do want to choose organic food or other food that makes a health claim or an environmental claim, that they can do so with confidence, that they are not going to be misled and that they can rely on and trust the label and the claims that are being made.

Yet Kell's explanation highlights the need for more government involvement in strengthening standards and certification criteria and oversight. When it comes to organic food there isn't a simple, single definition of organic and it is also voluntary rather than mandatory standards further exacerbating consumer problems.

Such claims 'are not the sort of claims that a consumer can immediately work out themselves as to whether it is legitimate. They are so-called credence claims'.⁷⁴ The ACCC and other government consumer agencies, for fear of being accused of interfering in the market, do not go far enough in playing their part in delivering adequate choice to consumers.

Lack of standards and adequate information force consumers to make all sorts of assumptions about the products they buy. For example: that organic produce has better animal welfare standards, that organic coffee is fair trade coffee or that certification and standards are unbiased, independent and enforced.

2.9 STANDARDS AREN'T STANDARD – THE LIMITATION OF CERTIFICATION

Given the difficulties stemming from the lack of consistency between standards, the complexity of claims (credence claims) and the voluntary adoption of standards, one wonders why governments have not taken a stronger stance. Yet, with the prioritisation of competition over protection, the focus of balancing consumer and business interests has been on business ethics rather than ethical consumption, with attention given to improving production processes or other commercial aspects rather than strengthening consumers' ability to consume ethically. Consumers are, as a result, likely to be presented with products that only tick one of the ethical consumption boxes. A product, for example, might be free-range but not organic; it might be certified as Fair Trade but might have very high food miles. This makes a difficult choice for consumers if they want to take more than one ethical criterion into consideration.

Rather than being founded by government, certification bodies have been established *ad hoc* to meet the 'demands' of individual consumers by independent and quasi-independent interests. Consumer organisations have pushed for and, to some extent, gained better labelling of products, but little real headway has been made in tightening the loose collection of standards in operation. Certification is in danger of becoming no more than a convenient way for marketers to by-pass consumer prejudices or fears.⁷⁵ Most significantly, consumers may have to rely on certification to the detriment of their own interests. If consumers were able to thoroughly consider all of the ramifications of their purchases and the meaning of certification criteria they would be able to make better choices.

Marketers' manipulation of the meaning of labels usually associated with ethical consumption, often referred to as 'greenwashing' and/or 'corporate environmentalism' is another striking example of the problems faced by consumers and their commonly held misperceptions.⁷⁶ Many consumers, keen to make ethical decisions about the products they buy, need to be aware of the necessity to question what such terms actually mean. When it comes to free-range produce, such as chicken, 'free-range' does not automatically conform to the images presented in marketing paraphernalia; nor does it mean animals always range freely in paddocks or bush land and are then processed ethically. Processed chemical free does not mean organic or free-range. Free-range does not preclude the use of antibiotics to encourage maximum growth. The term means little in assessing quality of life issues if a bird cannot walk because it has grown so quickly, to such a size that its legs cannot support it, or if birds have 'access' to outside areas but, because the production sheds are so large or it becomes conditioned to an indoor existence, or it cannot find the door. Processed chemical free misleadingly refers to processing not production mechanisms. It is not just free-range and chemical-free labels that confuse consumers.

There may be few products consumers can buy with a clear conscience without extensive and frequent research; extensive and frequent research that is beyond their abilities. How can consumers make truly informed decisions when faced with a seemingly endless list of questions? Even the decision to buy something as simple as tinned tomatoes is impossibly complicated. How can consumers choose, for example, between organic tinned tomatoes from Italy and conventional tinned tomatoes from Australia?⁷⁷ What is the best ethical option? Have the Italian tomatoes been organically grown and organically processed? Were they grown in China and then shipped to Italy for processing before being shipped to Australia for distribution and sale (adding further questions about food miles, production and processing)? Have they been 'dumped' as a tax right-off for Italian farmers, giving Australian producers little hope at competing on a level playing field? These questions need to be asked even before considering the practices of retailers. How can the consumer be expected to know the answers, let alone make informed decisions under these circumstances? The consequences of consumption have significant ramifications beyond individual purchase and consumption and these considerations really do matter to consumers if the rise of organic and similar consumption is any guide. Recent US evidence

suggests that ‘by the end of 2009, organic food sales represented approximately 3.7 percent of total U.S. food sales’.⁷⁸ Strikingly, 11.5 percent of all fruit and vegetables sales (38 percent of total organic sales) were organic.

It is clear consumers want to make good choices but too often they lack the ability to do so. Consumers are unfortunately discouraged from asking such questions, forced to conclude such decisions are too difficult or impossible to make. This is where an independent, government-funded organisation could fill an important information gap acting as a mediator between buyers and sellers. It could recommend ‘best buys’ based on clear, and mandatory, standards rather than merely dealing with problems and concerns after consumers have made their purchases.

2.10 RESTRICTING CHOICE = GREATER CONSUMER FREEDOM

In raising these issues it is worth considering whether, given the difficulties facing consumers, if it is ethically better not to buy certain products, or groups of products, at all? Should tinned tomatoes, for example, be placed in the category of luxuries or infrequent purchases? The ethical consumption debate is in danger of distancing mainstream consumers. There is nothing to stop ethical consumption from becoming less a revolution in values than just another avenue for marketers to exploit; as environmentalism has become commercialised, so too has sustainable and green consumption alternatives. Previous alternatives have all too readily become just another form of consumption, as the number of magazines recently published that target this market segment attests.⁷⁹ University business and marketing courses include specific subjects on the ‘green consumer’ and the market potential for green consumerism. *Green Living* explains that its target audience combines: ‘interested greenies with the mass market of consumers who are engaged by green issues because they are actively building green homes’.

There is also a tendency to confuse consumer policy messages that promote a model of prosperity based on material acquisition on the one hand, and taking the necessary and urgent steps to combat climate change, on the other. All consumer policy discussions focus on facilitating (and encouraging) consumption. In making such a claim, one may be accused of stating the obvious or being naive – what else would consumer policy be about if it was not for the facilitation of consumption? One should not conclude, however, that an unregulated free market sets the standard for delivering unlimited consumer choice. Indeed, such an unregulated market simply does not exist anywhere in the developed world. In many cases consumption, based on the notion of consumer choice, has been significantly restricted by regulatory reform, the whims of fashion, economic imperatives, marketing and other commercial variables and the political will.

2.11 RESTRICTED CHOICE = RESTRICTED RIGHTS?

Although the consumer market relies on growth and ever-expanding consumption,⁸⁰ the current version of choice offered to consumers is far from unlimited choice. Despite claims

that consumer problems can be solved by expanding consumer choice, more often than not choices offered to consumers are only of a superficial nature. Consumers are offered more products, rather than necessarily better or substantially different products. Offering goods at a range of 'price points' takes precedence over delivering goods more in line with ethical and sustainable production and consumption processes. With the accumulation of material goods at low prices driving the agenda, sustainable, responsible and reasonable consumption can never be a serious contender. Such alternatives will remain a niche market; an additional method of marketing rather than a true alternative. Craig Emerson, as previously noted, argued that competition was good and more competition was better. He concluded that if Australians wanted Australian-made products they could *choose* to pay more.⁸¹ Ethical consumption, so the argument goes, simply and necessarily costs more. Yet the case need not be closed.

Under this model of accumulation, 'choice' is about what to buy, not whether to buy. The right to be informed and to choose are subsets of the right to participate (to buy). The consumer, within this context, has the right to decide between possibilities, variety and alternatives. But within this is the inherent suggestion that if a consumer does not buy he has no choice and ultimately his rights have been curtailed. An advertisement by Imperial Tobacco that labelled the Gillard Government's 'plain packaging' legislation as the action of a 'nanny State' highlighted this issue well. Imperial Tobacco argued that the government's intervention takes away consumers' ability to make their own decisions to make brand decisions. It is interesting to note, that the company argued in favour of consumers' right to choose, an activity with obvious detriment (bad) in order for them to exercise their freedoms (good).

Consumer policy has developed complex approaches to allow consumers to exercise their right to choose. The right to be informed and to be educated are necessary partners in this pursuit. But because the development of consumer policy has been focused on assisting informed choice, lack of choice is viewed as the restriction of rights. When manufacturers deliver consumers more choices, in the form of more products, consumer policy-makers simply give consumers more information or introduce legislation to further regulate consumer/commercial transactions. But less choice does not necessarily mean a restriction of rights, nor does limiting or reducing consumption mean inhibiting liberty. If reasonable or responsible consumption becomes part of serious decision-making processes the balance of power between consumer and commercial interests shifts.

2.12 GOING GREEN – ALTERNATIVE CONSUMPTION

Alternative forms of consumption have done little to challenge mass consumerism. Thrift and saving, making do and going without are no longer favourable or desirable attributes; austerity and poverty are prosperity's polar opposites.⁸² The renewed interest in cooking, gardening and handcrafts has easily fitted within traditional commercial marketing structures. While voluntary simplicity movements of the past had an important ecological

and environmental component this is no longer always the case. Even within the popular sustainability literature, being green no longer means stepping entirely away from the consumer market. Claire Galea, in *Green* magazine, argued in 2010 that:

“Going green” is no longer about making do. Renovators taking a sustainable stance not only have greater choice in style than ever before, but also benefit from many practical advantages such as lower energy bills, a green-rated home and a clear conscience.⁸³

Choice in style, design and fashion presents options but does not necessarily cut waste. Renovation, even if it is focused on recycled and reclaimed materials, has also been co-opted by commercial interests. This neo-DIY (do-it-yourself) movement, evident in the numerous blogs and television programs with tie-in advertising and magazines, has become a consumer industry in itself.⁸⁴ The adoption of attitudes and lifestyles that once sought to distinguish themselves from the market for commercial purposes is not a new state of affairs. In the early years of the postwar consumer boom, DIY played an important economic role as consumers ‘did it themselves’ to ease product and labour shortages. But as shortages eased marketers found ways to sell the benefits of DIY back to consumers as the DIY ethic became consistent with the consumerist ethic and ‘created new consumer markets for paint, wallpaper and tiles’.⁸⁵ Judith O’Callaghan notes DIY home decorating even achieved ‘a certain glamour’.⁸⁶⁸⁷

3. SOLUTIONS

3.1 LIMITING CHOICE IN THE INTERESTS OF CONSUMERS

To their own detriment, consumers are often overwhelmed by too much choice. How can consumers make informed choices when choosing to buy a seemingly endless array of virtually identical products? How can they make sensible decisions when they are provided with so much information they cannot decipher it? Whose interest does such choice serve? The right to choose when couched in these terms seems like a hollow victory; one that is hardly in the consumer interest. ‘Truth in advertising’ requirements have been aimed at improving trader behaviour and bestowing legitimacy on the advertising industry.⁸⁸ Not to downplay the importance of trade practices and consumer law, its existence has made little headway in changing consumer behaviour in countering unwanted wasteful consumption.

But it is worth acknowledging that many of our consumer choices are already selected for us including: our right to view cigarette advertising and packaging (in the media and, more recently, at the point of sale) or to buy leaded or unleaded petrol, to buy aerosol cans containing the propellant chlorofluorocarbon or chemicals used in agriculture and horticulture such as DDT and 2,4,5-T. But whose liberty would be seriously restricted by limiting the number of tooth-brushes available to consumers? Even if this were worth doing, it is not possible to make truly informed decisions about the merits of competing bristle

designs, brush shapes or textures. Because we are so confused by all the options offered to us, some of us just end up buying the toothbrush that matches the colour of our bathroom. It is hard to argue that we are freer because there are so many choices amongst soap, milk, tampons, air fresheners and room deodorisers or vacuum cleaners, mobile phones, satellite navigation devices, etc. This type of choice (to buy what we want when we want it) should not always override the other rights that vie for attention.

3.2 SPREADING THE BENEFITS AND REINING IN RIGHTS

The prioritisation of choice as the 'economic right to participate' has been done so at expense of other equally important rights. The right to a healthy environment is a fundamental human right. For this right to be trumped by the 'right to buy whatever and whenever' seems a second-rate compromise.

By conceptualising rights more broadly (beyond access, participation and accumulation) substantial solutions to the complex problems caused by mass consumption may be found. It is worth remembering that consumer and democracy advocate Ralph Nader's vision for consumerism was not just about economic rights or a right of access to share in prosperity. In the postwar period Nader was driven by a desire to strengthen democratic rights more substantially. Economist and consumer advocate, David Cousins (Director of Consumer Affairs Victoria 2002-2006) argued in 1981 that consumer policy should take into consideration the 'welfare of the society as a whole' not merely the rights of individuals making individual buying choices.⁸⁹ Thirty years later, consumer policies are still conspicuous in lacking in any mechanism for addressing over-consumption and the environmental consequences of consumer acquisition.

There are a number of ways in which to address the problems raised in this paper and to find ways of encouraging broader social change. At its best, a fully functioning democracy sees the four major democratic principles balanced against each other: stakeholder rights (including equal citizenship); accountability (including access to information, protection of the environment); the rule of law (the protection of civil, human and political rights); and freedom of association (including autonomy, free choice, economic democracy). The right to participate in commerce is only one of a multitude of democratic principles. Various things need to be considered including extending the meaning of choice beyond the right to participate to include, amongst other things, the right not to buy – that is – the right to live in an environment in which consumer messages do not predominate. Harnessing the collective power of consumers will also go a long way to redressing the balance. This will, however, not be a straightforward change. Australian consumers have historically been reluctant to engage collectively. Boycotts, for example, have not been a feature of the Australian consumer scene, with consumers most likely to join consumer groups to obtain 'buying information'.⁹⁰ How to encourage and activate consumer collective action needs to be explored in greater depth.

What is clear is that the media, reliant on advertising revenue, is complicit in spreading the materialist message. The media could be successfully utilised to promote and debate the benefits of alternatives. Most importantly, there is a significant need for the establishment of a national, independent government-funded consumer policy organisation.

An appropriate starting point for debate might be to take a step back from the pursuit of choice at all costs to ask ‘what do consumers need choice to do?’ To this end, this refers to what constitutes appropriate choices for a reasonable standard of living. This is not to suggest the need for a finite list of products; such restricted choice is as undesirable as unlimited choice and consumption. It is also inflexible and the lines between luxuries and necessities are increasingly blurred as the market serves ever more diverse tastes. But the choice debate is well worth having not least for the positive benefits that come from assessing our own individual behaviour as well as the consequences for others. In so doing, consumption begins to have boundaries beyond price and distinctions can be made between luxuries and necessities.

Despite the assumptions that people fear change, there is evidence to suggest that Australians are more willing than others to accept change if they can perceive a tangible social benefit. Although Australians share their enthusiasm for buying with their American counterparts, they have strong history of accepting well-intentioned government intervention in their lives. Australians embraced public safety ‘restrictions’ such as Random Breath Testing for drunk-driving (1976 in Victoria), and compulsory wearing of seat-belts (Victoria was the first jurisdiction in the world to introduce this legislation in 1970), the Gun Buyback Scheme (beginning in 1996) and the increasingly strong regulation of tobacco product advertising and marketing in the media and at the point of sale.

3.3 OPTING OUT

Most consumer information focused on encouraging alternative consumption has been limited to superficial gestures such as reducing packaging (by buying in bulk, paying extra for, or refusing, plastic bags), or food miles (by buying local) etc. Little attention has been given to the rejection of entire groups of consumer products and the mass consumption ethic as a whole. Most attention has been directed, with varying success, at boycotting particular brands such as Nike and Nestle in an effort to force companies to change their unethical labour and other production practices.⁹¹ It is worth exploring whether not buying whole groups of products may be the most ethical option and a real alternative to the potentially shallow and ineffective options offered by ‘sustainable’ consumption. It is not simply a matter of trying to distinguish the ‘best of a bad lot’ – sometimes there are no ethical alternatives – so the only (ethical) option becomes not to buy. There may be, for example, no ethical dairy products. The benefits of purchase and acquisition may be outweighed by the costs to the environment of production, transportation and disposal. Yet, these decisions would have to be made on a case-by-case basis, after weighing up all evidence. But asking consumers to absorb and act on all that information is exactly what is

contributing the problem in the first place. While we all have to buy some things in the market, people need help to make more informed choices when they do need to buy. They also need assistance to allow them to see not buying as a meaningful alternative.

Instead of trying to ascertain the merits of particular brands – whether products are actually organic, free-range, fair trade, the ethics of the company producing it (or its parent-company), how and where it was produced, its carbon footprint or its half life or the activities of retailers and parent companies, it may often be simpler – and more ethical – not to buy at all. Until governments get serious about certification and labelling products to provide real, rather than pseudo, information and until marketers stop co-opting ‘informative’ terms such as ‘eco’, ‘green’, ‘sustainable’ and ‘free-range’ in an effort to prey on consumer insecurities, consumers’ real power lies – and most responsible and ethical choice – may lie in choosing not to buy.

For all the choices available to consumers there has been an underwhelming response to the benefits offered by the ultimate choice: not buying. Questioning and ultimately rejecting the majority of products available may, however, be one of the most responsible and substantial choices available to consumers. Yet, even when the negative consequences are obvious, Consumers are not quick to boycott specific brands. The appalling working conditions in which Chinese migrant workers manufacture the world’s electronics has, it seems, done little to dampen enthusiasm for Apple’s iPad and iPhone products.⁹² While marketers claim that a product’s failure is evidence of consumer power and the ability of consumers to get what they want, Australians remain voracious consumers.⁹³

Prioritising the ‘right to not buy’, places an extraordinary and powerful choice into the hands of consumers – one with the least damaging environmental footprint. There will, of course, be actual necessities – products we need to buy – but many of the products being sold are unnecessary and wasteful or produced under ethically dubious circumstances. The consumption of such products does little, if anything, to further and strengthen consumer wellbeing, and certainly does not improve their personal or collective freedoms. Indeed it can have a detrimental impact.

It is therefore necessary to make a ‘not buying’ ethic a consumer policy priority. Even for those who don’t care or are unaware about the consequences of their consumption, there may be good reasons for limiting choice and preventing consumption; not least because it is impossible to make assessments about every single product we buy. In many cases, the only ethical option is not to buy. However, because of the increasing focus on individual consumption and unlimited choice, the benefits of responsible-consumption (as opposed to over-consumption) are ignored or hidden.

A consumer democracy based on a wide enunciation of rights clearly offers the space for the incorporation of a not buying ethic. On top of the environmental benefits, there are clear benefits for individuals associated with this choice including significantly reduced working

hours and the reduction of the many competitive pressures placed on consumer citizens pursuing the good life.⁹⁴ Consumer citizens that buy responsibly (or choose not to buy) simply need less money.

Another solution to the 'spend what we earn' problem is to promote better ways of voluntarily forgoing income increases or reducing incomes. While the issue is not simple politically one of the best ways to reduce incomes is to emphasise the benefits for individual and community wellbeing of reduced working hours – in other words, trading income for increased leisure time.⁹⁵

3.4 LUXURY, NECESSITY, ESSENTIAL AND DISCRETIONARY

The consumer policy framework, it has been noted, has largely responded to existing problems in *ad hoc* ways. Legislation, by its very nature, comes most often as a belated response to particular problems. There is scope, therefore, to develop a consumer policy framework on 'basic needs' and responsible consumption – one in which least harm is pursued from the outset rather than a system that responds belatedly to its unwanted consequences.

One of the major factors preventing responsible consumption is the lack of consensus as to what constitutes basic or reasonable needs. The Consumer Price Index is assessed according to the cost of a basket of goods and services considered to be 'important' rather than necessary or essential. But what is considered 'essential' remains unchallenged since put in place by governments in conjunction with vested producer interests such as the Australian Wheat Board, the Australian Egg Board and Dairy Australia.⁹⁶ Price alone should not be the main determinant in such deliberations. The focus on putting downward pressure on prices has made an increasing number of products available to an ever increasing body of consumers. But this model does not encourage responsible and/or ethical consumption; it discourages it or relegates it to a niche market that is unavailable to the majority of consumers.⁹⁷ Consumers may have choice to alternatives to conventional products but only if they can afford to it. This is fundamentally inequitable.

Due to their arbitrary status, the set of items examined in calculations of the Consumer Price Index does not provide adequate distinctions between essential/necessary or reasonable consumption. Significantly it provides no space for the consideration ethical consumption criteria. While bodies such as the Egg Marketing Board and the Australian Dairy Corporation acted in the consumer interest to a certain extent and even had consumer representation at Board level, they were first and foremost industry bodies. Prices were set – not merely to protect consumers, but to protect Australian industry interests by, amongst other things, setting standards, controlling and restricting supply and defining marketing strategies.⁹⁸ More recently, deregulation and focus on prices, have seen both producers and consumers lose out as Big Retail (Woolworths and Coles) and foreign ownership have taken charge. This makes it even more difficult for consumers to make

informed decisions. Small-scale production is simply unable to offer consumers substantial alternatives. As so often is the case, business success regularly results in acquisition by the major retailers or multinational interests. Not all of the problems can be ironed out by the ACCC's oversight. Consumers need greater assistance in order to negotiate the maze of confusion that characterises the modern consumer market.

3.5 FAIR AND REASONABLE CONSUMPTION

In theory consumers have power in the marketplace; they have the power to choose to buy one product over another.⁹⁹ They have the power to switch brands and ignore marketing messages. Marketers spend vast time and money tempting consumers to choose their particular brand. Much of the 'hard sell' messages are within product types as competing brands jostle for market share. But the power of consumer choice in the marketplace should not merely be limited to increasing the numbers of products available at a range of prices from a variety of sources. Sustainable consumption – as a serious alternative – should not be limited to finding alternatives for existing products (light-globes, green power, organic produce, etc). It is over-consumption – not just the methods of production – that is at the heart of the problem. Instead of 'sustainable' consumption it is, perhaps, better to think about fair and reasonable consumption.

Without reining in the right to access and participate in the market, a healthy, fully-functioning democracy will not be possible. The focus on competition has promoted and extended consumer rights in the key area of access, participation and acquisition. The historical foundations on which the consumer policy framework was built were driven by a desire to strengthen democracy and on a wide enunciation of consumer rights. Consumer capitalism, under this view, was about more than individual transactions in the marketplace. This suggests, therefore, that rather than throwing out the entire consumer policy framework, over-consumption can be successfully challenged by returning to the original intention of the doctrine to spread the benefits of a consumer society as widely as possible.

One of the most important principles when thinking about over-consumption is the tendency for people to spend what they earn. It is important to note that current levels of consumption in Australia are only possible because average incomes are so high. But not all purchases are equal in environmental terms: for example, buying expensive artwork causes much less environmental damage per dollar spent than buying Bluefin Tuna meat (to select two rather extreme examples). The implication is that people can continue to spend their money (which we must assume that they will) but their choices about what they buy ultimately determine how much environmental damage results. This is, of course, a separate issue to buying 'green'-branded products, which is usually a marketing device rather than a meaningful way to live sustainably. What we need is more public debate about what classes of products are better and worse than others. One such class is services (as opposed to goods), which because they are labour-intensive bring the twin benefits of not causing direct environmental damage and providing local employment.

The modern consumer market need not be all consuming. Individual rights to accumulate should not outweigh other social democratic rights including the right to a healthy environment. It is, perhaps, worth returning to Higgins' determination for fairness and reasonableness which aimed to ensure modest consumption for human beings in a civilized community.¹⁰⁰ While not just the economic climate has changed, since Higgins brought down his decision, the value of economic equality to a fully functioning democracy remains clear. An equitable and prosperous society is one in which debate is encouraged and flexible enough to meet the needs and demands of its citizens regardless of status, geographic locale or other demographics.

While it is arguably in the interest of consumers to limit choice, restricting democratic rights is not in the interest of citizens. It is important to remember that the consumer right to participate in the consumer market is but one of a raft of democratic principles that make a free, healthy and equitable society possible. Most importantly more choice does not always mean better choice. While consumers should have the democratic right to make their own choices, in many cases reining in unlimited choice may be in the interest of consumers.

Less choice does not necessarily mean a restriction of rights, nor does limiting or reducing consumption mean inhibiting liberty. If reasonable or responsible consumption becomes part of serious decision-making processes the balance of power between consumer and commercial interests shifts. If the meaning of choice is extended beyond the right to participate to include, amongst other things, the right not to buy, consumers will also have the right to live in an environment in which consumer messages do not predominate.

NOTES

¹ As federal treasurer, Peter Costello instructed the Productivity Commission in 2006 to examine Australia's consumer policy framework with a view to introducing a 'single generic consumer law' which would apply across all Australian jurisdictions (the *Australian Consumer Law* came into effect in January 2011).

² Productivity Commission, *Review of Australia's Policy Framework*, Final Report, p. 2.

³ Productivity Commission, *Review of Australia's Policy Framework*, Final Report, p. 12.

⁴ The state of Victoria was the first jurisdiction to introduce consumer specific legislation.

⁵ Josh Fear, 'Choice Overload: Australians coping with financial decisions', The Australia Institute, Discussion Paper no. 99, May 2008, p. 2

⁶ Peter Ryan, 'Food, petrol prices drive up inflation', *The Age*, April 27, 2011,

<http://www.abc.net.au/news/stories/2011/04/27/3201320.htm>, accessed July 2, 2011.

⁷ Dorothy L. Sayers, 'Why Work?' in *Creed or Chaos and other essays in popular theology*, London: Methuen, 1947, p. 47; also quoted in Packard, *The Waste Makers*, London: Longmans, 1960.

⁸ Vance Packard, *The Hidden Persuaders*, London: Longmans, 1957.

⁹ Vance Packard, *The Status Seekers: an exploration of class behaviour in America*, London: Longmans, 1960.

¹⁰ Harvester Judgement, *Ex parte H.V. McKay Excise Tariff 1906* (No. 16 of 1906) – Application for declaration that wages are fair and reasonable – test of fairness and reasonableness, (8 November 1907, H.V. B. Higgins); Dick Bryan, 'Minimum Living Standards and the Working-Class Surplus: Higgins, Henderson and Housing', *Labour History*, 95, <http://www.historycooperative.org/journals/lab/95/bryan.html> (viewed October 24, 2010).

¹¹ Robert Crawford, *But Wait... There's More ...: A history of Australian advertising, 1900-2000*, Carlton: Melbourne University Publishing, 2008; Amanda McLeod, *Abundance: Buying and Selling in Postwar Australia*, Melbourne: ASP, 2007, pp. 28-29.

¹² Greg Whitwell, *Making the Market: The rise of consumer society*, Fitzroy: McPhee Gribble, 1989; Robert Crawford, *But Wait, There's More ...: A history of Australian advertising, 1900-2000*, Carlton: Melbourne University Publishing, 2008.

¹³ ABS, *A Guide to the Consumer Price Index, 15th Series* (cat. no. 6440.0) & *Australian Consumer Price Index, Concepts, Sources and Methods* (cat. no. 6401.0).

¹⁴ Amanda McLeod, *Abundance: Buying and Selling in Postwar Australia*, Melbourne: ASP, 2007.

¹⁵ Amanda McLeod, *Abundance*, see particularly pp. 47-53. Manufacturers responded to consumer resistance by directly referring to consumers' reluctance to buy on credit in advertising campaigns.

¹⁶ This was often referred to as built-in obsolescence of product design.

¹⁷ Australian Greenhouse Office, 'Australian Residential Building Sector Greenhouse Gas Emissions 1990-2010', final report, appendices, Commonwealth of Australia, 1999, pp. 3; 11 & 12.

¹⁸ Vance Packard, *The Waste Makers*, London: Longmans, 1961. Packard dedicated his book to his mother and father 'who have never confused the possession of goods with the good life'.

¹⁹ CHOICE tested three gas barbecues in 1979, by 2010 it tested and rated 14, *Choice*, vol. 20, No. 1, January 1979 & <http://www.choice.com.au/reviews-and-tests/household/backyard/barbecues/barbecues-review-and-compare.aspx>, 17 November 2010, viewed 13 January 2011.

²⁰ Henry David Thoreau, *Walden; or life in the woods*, Boston: Ticknor and Fields, 1854.

²¹ Thorstein Veblen, *The Theory of the Leisure Class*, New York: A.M. Kelley, 1899 (1965).

²² See for example: Chris Nyland and Amanda McLeod, 'Scientific Management of the Consumer Interest', *Business History* (UK), 49(5), October 2007, pp. 717-735; Chris Nyland and Tom Heenan, 'Mary van Kleeck, Taylorism and the control of management knowledge', *Management Decision*, Vol. 43, No. 10, 2005, pp. 1358 - 1374.

²³ Judith Smart has written extensively about the Housewives Association's contribution to Australian consumer politics and advocacy, most recently: Judith Smart, 'The Housewives' Associations 1915-1950: Australia's first consumer organisations', in Robert Crawford, Judith Smart and Kim Humphery (eds), *Consumer Australia: Historical Perspectives*, Newcastle upon Tyne: Cambridge Scholars Publishing, 2010, pp. 75-95; see also: Judith Smart, 'A mission to the home: The Housewives Association, the Woman's Christian Temperance Union and protestant Christianity, 1920-1940', *Australian Feminist Studies*, vol. 13, no. 28, 1998, pp. 215-234; Judith Smart, 'Feminists, food and the fair price: The cost of living demonstrations in Melbourne, August - September 1917', *Labour History*, May, 1986, pp. 113-131.

²⁴ Landon R.Y. Storrs, *Civilizing Capitalism: The National Consumers' League, women's activism, and labor standards in the New Deal era*, Chapel Hill: The University of North Carolina Press, 2000.

²⁵ John Kenneth Galbraith, *The Affluent Society*, London: Hamish Hamilton, 1958; David Riesman, *The Lonely Crowd: A Study of the Changing American Character*, New York: Doubleday, 1956; Daniel Horowitz, *The Morality of Spending: Attitudes Towards the Consumer Society in America 1875-1940*, Baltimore: John Hopkins University Press, 1985.

²⁶ Consumer organisation included independent and government bodies. Some of the independent consumer groups were happy to receive financial support from government sources, others were stridently protective of their independence: Amanda McLeod, *Abundance: Buying and selling in Postwar Australia*, Melbourne: Australian Scholarly Publishing, 2007; Amanda McLeod, 'Legislating in the Consumer Interest: the Victorian Consumers Protection Council 1964-1970', in Robert Crawford, Judith Smart and Kim Humphery (eds), *Consumer Australia: Historical Perspectives*, Newcastle upon Tyne: Cambridge Scholars Publishing, 2010, pp. 97-117; Simon Smith, *In the Consumer Interest: A selected history of consumer affairs in Australia 1945-2000*, Melbourne: SOCAP (Society of Consumer Affairs Professionals in Business, 2000; Robert N. Mayer, *The Consumer Movement: Guardians of the Marketplace*, Boston: Twayne Publishing, 1989.

²⁷ Matthew Hilton, *Consumerism in 20th-Century Britain: The search for an historical movement*, Cambridge: Cambridge University Press, 2003, Kim Humphery, *Excess: Anti-Consumerism in the West*, Cambridge: Polity Press, 2010.

²⁸ Amanda McLeod, *Abundance*, see particularly: Chapter 4: 'All consumers are rational', pp. 94-116.

²⁹ Bruce Philp, *Consumer Republic*, see particularly Chapter Eleven, 'Buying the Change you wish to see in the World', pp. 217-237.

³⁰ Antony A. Erswell, 'A Study of Consumer Protection Organisations in Great Britain and Victoria with Special Emphasis on the Consumer Protection Council in Victoria', Unpublished Report, 1969, p. 11.

³¹ David T. Bottomley, consumer activist in traditional sense and one of Australia's first and innovative market researchers.

³² Amanda McLeod, 'Legislating in the Consumer Interest', in Crawford *et al.*

³³ Hilton, *Consumerism in 20th Century Britain*; McLeod, *Abundance: Buying and Selling in Postwar Australia*, Melbourne: ASP, 2007; Fred Brenchley, *Allan Fels: A portrait of power*, Milton, Qld.: John Wiley & Sons, 2003.

³⁴ Amanda McLeod, *A Fair Deal: A history of Consumer Affairs Victoria*, Melbourne: June, 2010.

³⁶ Amanda McLeod, 'Quality Control: the philosophical origins of the Australian Consumers Association', *Business History* (UK), 50 (1), January, 2008, pp. 79-98; *Choice: A Journal of the Australian Consumers Association*, Marrickville, N.S.W. : Australian Consumers Association.

³⁷ <http://www.choice.com.au>, accessed 27 March 2011.

³⁸ Amanda McLeod, *Abundance: Buying and Selling in Postwar Australia*, Melbourne: ASP, 2007.

³⁹ Matthew Hilton, *Consumerism in 20th Century Britain*, Hilton describes consumerism as the third force between trade unions and employers.

⁴⁰ Every Australian state and territory had government and independent consumer organisations: Victoria, for example, had the independent Consumers Association of Victoria, the Consumer Affairs Bureau and Council and the Ministry of Consumer Affairs. Many regional areas were also serviced by local consumer groups.

⁴¹ Ralph Nader, *Unsafe at Any Speed: the designed-in dangers of the American automobile*, New York Grossman, 1965.

⁴² John F. Kennedy, 'Special Message to Congress on Protecting the Consumer Interest', 15 March, 1962.

⁴³ United Nations, 'International Guidelines for Consumer Protection', 1985; *Final Report of the Committee on Consumer Protection* (the Molony Report), London: HMSO (Her Majesty's Stationery Office), Cmnd. 1781, Presented to Parliament by the President of the Board of Trade by Command of Her Majesty, July 1962.

⁴⁴ Kim Humphery, it should be noted, has indeed raised these issues; so too has the *New Internationalist*.

⁴⁵ A recent Morgan Poll found 72% of Australian electors 'do not believe the recent floods in Queensland and bushfires in Victoria a couple of years ago are due to Global Warming compared to some 20% that believe the floods and bushfires are due to Global Warming, Finding 4672, 3 June, 2011,.

⁴⁶ Michelle Grattan, 'Flood Bill: rich pay more', *The Age*, 27 January, 2011, p. 1.

⁴⁷ Richard Denniss and Andrew Macintosh, 'Complementary or contradictory? An analysis of the design of climate policies in Australia', Policy Brief No. 22, February 9, 2011, p. 1.

⁴⁸ Roy Morgan Research, RMR, Finding No. 4621, January 6, 2011.

⁴⁹ <http://www.roymorgan.com/news/polls/2011/4647/>.

⁵⁰ Amanda McLeod, *A Fair Deal*.

⁵¹ Julian Drape, 'Prime Minister Julia Gillard backpedals on promise that seven million households will not be worse off under carbon tax', *Daily Telegraph*, June 28, 2011, <http://dailytelegraph.com.au>, accessed July 2, 2011; 'Julia Gillard slips up on Carbon Compo', *The Australian*, June 28, 2011, <http://theaustralian.com.au>, accessed July 2, 2011; 'Gillard slips up on Carbon Compensation', *The Age*, June 28, 2011, <http://theage.com.au>, , accessed July 2, 2011.

⁵² Kim Humphery, *Excess: Anti-Consumerism in the West*, Cambridge: Polity Press, 2010, pp. 4-5.

⁵³ EPA Victoria and Commissioner for Environmental Sustainability, *Victoria's Ecological Footprint*, EPA Publication 1267, Melbourne: EPA Victoria and Commissioner for Environmental Sustainability, December 2008.

⁵⁴ Schwartz

⁵⁵ *Australia Consumer Law (ACL), Trade Practices Amendment (Australian Consumer Law) No. 2, 2010, (No. 103, 2010).*

⁵⁶ Colgate is owned by Colgate-Palmolive; Oral-B by Procter and Gamble (previously Gillette); and Reach by Johnson and Johnson.

⁵⁷ The advertising and marketing of cosmetics, personal hygiene and household cleaning products have long concerned critics and commentators: T.J. Jackson Lears, *Fables of Abundance: A Cultural History of Advertising in*

America, New York Basic Books, 1994; see also: Vincent Vinikas, *Soft soap, hard sell: American hygiene in an age of advertisement*, Ames: Iowa State University Press, 1992.

⁵⁸ <http://www.jsainsbury.co.uk>, accessed March 11, 2011.

⁵⁹ <https://www.homeshop.com.au>, accessed March 11, 2011.

⁶⁰ <http://grocery.bestpricedirectory.com.au/>, accessed March 11, 2011.

⁶¹ http://danmurphys.com.au/help/the-dan-murphys-story-content?FOLDER%3C%3Efolder_id=1408474395181829&CONTENT%3C%3Ecnt_id=10134198673440606, accessed March 14, 2011.

⁶² <http://www.investor.myer.com.au>, accessed March 14, 2011.

⁶³ 'just say no', *Australian Policy and History*, January 2011, <http://www.aph.org.au/files/articles/justSay.htm>

⁶⁴ Hon Craig Emerson MP, Transcript, Extract from SBS Insight, 29 September 2009, <http://www.craigemerson.com/files>.

⁶⁵ Such as: environmental protection agencies or the Victorian Department of Sustainability and Environment.

⁶⁶ Josh Fear, 'Choice Overload'.

⁶⁷ 'e-tail sales set to boom: PayPal', *The Age*, July 7, 2010, <http://www.smh.com.au/small-business/trends/etail-sales-set-to-boom-paypal-20100707-1000f.html>, accessed: 28 February 2011.

⁶⁸ Nielsen, 'Nielsen's State of the Online Market: Evolution or revolution?', Media Release, Sydney, March 9, 2011, accessed: July 1, 2011.

⁶⁹ Greg Foyster, 'To buy or not to buy', *G Magazine*, March 11, 2011, <http://www.gmagazine.com.au/features/2458/buy-or-not-buy>

⁷⁰ Better Regulation Executive and the National Consumer Council, Warning: Too Much Information Can Harm, A final report by the Better Regulation Executive and the National Consumer Council on maximising the positive impact of regulated information for consumers and markets, November 2007, <http://www.berr.gov.uk/files/file44588.pdf>.

⁷¹ Sheena Iyengar, *The Art of Choosing*, New York: Twelve, 2010; Sheena S. Iyengar and Mark R. Lepper, 'When choice is demotivating: can one desire too much of a good thing?', *Journal of Personality & Social Psychology*, Vol. 79, No. 6, 2000, pp. 995-1006; Sheena S. Iyengar & Emir Kamenica, 'Choice Overload and Simplicity Seeking', Seminar Paper, University of Chicago School of Business, 2006, www.Cbdr.cmu.edu/seminar/EMIR2.pdf

⁷² Barry Schwartz, *Paradox of Choice: Why More is Less*, Ecco, 1st edition, 2003. Schwartz argues that too much choice can increase anxiety for consumers.

⁷³ At the time of writing French dairy group Lactalis, seems to be preparing to force a takeover of Italian-owned Parmalat.

⁷⁴ 'Organic or Not' (Is organic food worth it?), Insight SBS, October 12, 2010, transcript: <http://news.sbs.com.au/insight/episode/index/id/322/Organic-or-Not#transcript>.

⁷⁵ Sally Eden, Christopher Bear and Gordon Walker, 'Mucky carrots and other proxies: Problematizing the knowledge-fix for sustainable and ethical consumption', *Geoforum*, no, 39, 2008, pp. 1044-1057.

⁷⁶ A distinction needs to be made between 'corporate greenwashing' (see: <http://stopgreenwash.org>) as performed by Big Oil, Dirty Coal, Nuclear Power and Big Auto as identified by Greenpeace and the more superficial greenwashing of products. See also: Mathew Murphy, 'Consumers face wave of greenwash', *The Age*, June 30, 2009, <http://www.theage.com.au/business/consumers-face-wave-of-greenwash-20090629-d2m0.html>.

⁷⁷ There are no Australian-grown organic alternatives.

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- ⁷⁸ Organic Trade Association, 'Food Facts: Organic Food Facts', <http://www.ota.com/organic/mt/food.html>, accessed: July, 4, 2011.
- ⁷⁹ Such titles include: *Green Living*; *Green: sustainable architecture and landscape design*; *G: green living made easy*; *Peppermint* (green fashion); *Greenpages*; *Sanctuary*. This list does not include the multiple overseas titles targeting these market segments.
- ⁸⁰ Clive Hamilton, *Growth Fetish*, Cross Nest (NSW): Allen & Unwin, 2003.
- ⁸¹ Hon Craig Emerson MP, Transcript, Extract from SBS Insight, September 29, 2009, <http://www.craigemerson.com/files>, accessed February 28, 2011.
- ⁸² 'Prosperity and Thrift: The Coolidge Era and the Consumer Economy, 1921-1929', <http://memory.loc.gov/ammem/coolhtml/coolhome.html>
- ⁸³ Claire Galea, 'Anything Goes', *green: sustainable architecture and landscape design*, no. 16, c. 2010, p. 23.
- ⁸⁴ *Real Living*, 'Real Living is a monthly homes and lifestyle magazine helping you to live a stylish, enjoyable, real life. Each issue is packed with pages of inspiring images, easy DIY projects, the hottest products in the stores and all the advice you could need to get transforming your bricks and mortar into a home for you' http://www.acpmagazines.com.au/real_living.htm.
- ⁸⁵ McLeod, *Abundance: Buying and Selling in Postwar Australia*, Melbourne: ASP, 2007, pp. 81-82 & pp. 138-148.
- ⁸⁶ Judith O'Callaghan, 'The Australian interior: The importance of being contemporary', in Judith O'Callaghan, (ed), *The Australian Dream: Design of the Fifties*, Sydney: Powerhouse Museum, 1993, p.174
- ⁸⁷ Thomas Franks' examination of the counterculture movement in the 1960s – *The Conquest of Cool* – critiques Madison Avenue's advertising agencies adaption of the symbols of the counterculture creating the notion of 'hip consumerism', cleverly commercialising the message of discontent with the consumer market and selling it back to a mass market. Thomas Frank, *The Conquest of Cool: Business culture, counterculture, and the rise of hip consumerism*, Chicago: The University of Chicago Press, 1997.
- ⁸⁸ Robert Crawford, *But Wait ... There's More*.
- ⁸⁹ David C. Cousins, 'The Costs and Benefits of Consumer Policy Toward Trading Standards', PhD Thesis, Department of Management Sciences, University of Manchester, 1981, p. 5.
- ⁹⁰ Groups providing advocacy and advice included: CHOICE, the Consumers Association of Victoria and Canberra Consumers. For an examination of these groups see Amanda McLeod, *Abundance: Buying and Selling in Postwar Australia*, Melbourne: ASP, 2007.
- ⁹¹ Naomi Klein, *No Logo, No Space, No Choice, No Job: Taking aim at the brand bullies*, London, Flamingo, 2000.
- ⁹² Kathleen E. McLaughlin, 'China Suicides: Is Apple heading for a consumer backlash?', May 28, 2010, <http://www.china-labour.org.hk/en/node/100774>, accessed, February 28, 2011.
- ⁹³ An historical examination of *Choice* magazine demonstrates the obsolescence of consumer products: Individual products fail for a variety of reasons linked to consumer prejudices and preferences.
- ⁹⁴ Clive Hamilton and Richard Denniss, *Affluenza: When too much is never enough*, Sydney: Allen & Unwin, 2005.
- ⁹⁵ Wendy Stone, 'Downshifter families' housing and homes: an exploration of lifestyle change and housing experience', PhD Thesis, Swinburne, 2010.
- ⁹⁶ Dairy Australia was preceded by a number of organisations: Australian Dairy Produce Control Board 1926-1935; Australian Dairy Produce Board 1936-1975; Australian Dairy Corporation 1976-2003; Dairy Australia from 2004.
- ⁹⁷ Australian Bureau of Statistics, 'Consumer Price Index', <http://www.abs.gov.au/AUSSTATS/abs@.nsf/DSSbyCollectionid/1E564CACF4CBEC32CA256ED8007EF06E?opendocument>, accessed 30 October 2011.

⁹⁸ Australian Bureau of Statistics, 'The Australian dairy industry', 1310.0, 2004, <http://www.abs.gov.au/ausstats/abs@.nsf/Previousproducts/1301.0Feature%20Article182004?opendocument&tabname=Summary&prodno=1301.0&issue=2004&num=&view=>, accessed 28 October 2011.

⁹⁹ Amanda McLeod, *Abundance: Buying and Selling in Postwar Australia*, Melbourne: ASP, 2007, p. 63.

¹⁰⁰ Harvester Judgement, 1907, pp. 3 & 6.