

# BEWARE

A Bi-monthly Newsletter of CUTS Safety Watch



No.1/2004

Since its inception in 1983, CUTS had been working on consumer protection, including consumer safety. However, feeling the need for a more focused action in the area of consumer safety, in 1993, CUTS established **Safety Watch** as an independent programme at its Calcutta Resource Centre. Its mission is: "To achieve the citizen's right to be protected against unsafe goods, services and environment and to promote sustainable consumption and production, and provoke questioning and action."

The stimulus behind the launch of this programme was the Public Liability Insurance Act, enacted in 1989, which provides for compulsory liability insurance by hazardous industries. Also, the 1993 amendment to the Consumer Protection Act, 1986, empowering consumers to file complaints against hazardous goods and seek their ban or withdrawal from the market gave the programme further impetus.

The result of this focused attention was a series of publications: *Caveat Emptor*, which means "buyers beware". The first one, entitled *How to Survive As a Consumer* deals with consumer protection issues. The second one, *Is it Really Safe?* examines consumer safety issues. The third in the series *Deadly Profits* is on the anvil. This will be a cross-fertilised document, which will look at how businesses give precedence to profits (read

profiteering), before human safety, knowing that their action will cause harm.

It is our belief that as long as consumers do not become safety conscious and demand safety in products and services, they will continue to suffer. Such a demand would come about only when consumers are empowered through knowledge and education.

Noted commentator on consumer rights, Pushpa Girimaji, summarised this situation aptly: "We, as people, lack safety consciousness." The result can be seen in a number of avoidable accidents.

Thus, it is in the national interest that we want to pursue the programme with renewed vigour. We believe that the national interest can best be served by upholding the consumer interest. Other than generating better awareness among the consumers, this programme will focus on monitoring of implementation of safety-related policies with respect to services like railway, road transport, and water. An Advisory Board (see back page) has been set up to give it a better focus and guidance.

Launching this bi-monthly newsletter is a step towards generating better awareness among consumers on safety-related issues. Do send us your comments and views for making this publication more lively and interactive.

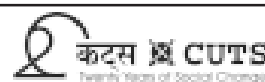


## Milestones

- ◆ 1987 CUTS obtained an unprecedented compensation from Otis Elevator Company for a lift accident victim without going to court. This finds mention in the Limca Book of Records.
- ◆ 1988 By a series of litigation in the Rajasthan High Court on family planning mishaps, CUTS got the government policy of targeting changed, ensured a more humane treatment of women volunteers of sterilisation, and established an impartial enquiry system.
- ◆ 1990 By a class-action petition under COPRA, CUTS ensured the legal and human rights of nearly 800 poor victims of adulteration in edible oil in Calcutta in 1988-90, commonly referred to as the Behala Oil Tragedy.
- ◆ 1993 CUTS study on road safety in 1990 became the basis for the National Road Safety Policy in 1993. It was nominated to the National Road Safety Council twice.
- ◆ 1993 CUTS succeeded in getting a toxic additive, Brominated Vegetable Oil, banned for use in soft drinks in 1990, which led to widespread consumer awareness on health and safety issues.
- ◆ 1993 CUTS launched a yearlong campaign against auto pollution in Calcutta by holding a 'For Children's Sake' rally on Earth Day, 1993.
- ◆ 2002 CUTS filed a petition in the State Human Rights Commission, Rajasthan, demanding a ban on jeeps as public transport vehicles, as many accidents were taking place due to overloading of jeeps. CUTS was inducted in the committee constituted for periodical checks of overloaded jeeps.

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## MRLs for Pesticides

Health and safety are of paramount importance in Europe. The European Commission (EC) had put forward a proposal on the regulation for maximum residue limits (MRL) for pesticides.

The law looks at re-evaluation of pesticides and harmonising their MRLs in Europe, and would apply to agricultural commodities, animal feed and processed food. Already, from the 900 active pesticide substances in the EU market, around 450 have been withdrawn.

Similarly, Government of India is considering a comprehensive food law, including one for food quality. In India, the Health Ministry prescribes the MRLs for different pesticides used in foods and beverages to ensure that even a molecule is not harmful for the people.

However, the limit was not prescribed for all pesticides that are in use. Recently the Government has set a residue limit for 50 more pesticides. For new molecules, the Health Ministry will set the residue limit at the time of the registration of the pesticide.

(TP, 23.12.03 & FE, 02.02.04)

## Ah! Cell Phones are Safe

The World Health Organisation (WHO) has conducted a 13-country



Interphone study on mobile safety in the world. The report brought to fore that the microwaves emitted by mobiles have no possibility to penetrate the brain and do not lead to

brain tumour even after 10 years of use.

In another survey by Radiation and Nuclear Safety Authority Finland (STUK), it has been found that cell phones emit radiation well below agreed

limits. It was also largely in line with the data published by manufacturers.

(HT, 01.02.04)

## Ultimate in Railway Safety

Indian Railways (IR) is taking several steps to make train journey safer. An indigenously developed Anti-Collision Device (ACD) has been introduced in most broad-gauge high-density trunk routes.



With the help of satellite-based global positioning system, the ACD alerts drivers, guards and station staffs if there is an obstruction within 3 km. Both engine and guard cabins as well as level-crossings will be having the equipment. In case of non-application of brakes, ACDs can apply auto brakes.

To assess the riding quality of tracks, IR is in the process of procuring track recording cars with laser based sensors to record track geometry and oscillation characteristics. Additionally, IR has also planned to adopt a train protection and warning system to prevent cases of "signal passed".

To put a check on drunken driving, one of the major causes of accident, IR made breath analyser test mandatory for drivers before a journey. But there is no system to check consumption of liquor on the running train.

(TOI, 20.01.04 & FE, 26.12.03)

## Water behind Stunted Growth?

A research study revealed that among children living in a poor community in Peru, those who had the poorest access to clean water and sanitation were one centimetre shorter and had 54 percent more incidence of diarrhoea.

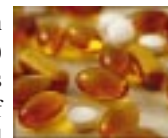
They were found to score worse in tests of overall intelligence years later, than children who grew up in the cleanest conditions.

It has been identified that the conditions that cause early childhood stunting may have long-term effects on children's lives. The study analysed stunting as a sign of malnutrition, which may result if drinking unclean water transmits diseases that use up the body's resources that are normally used for brain and body development. Educating people about safe practices for clean water and sanitation could solve the problem.

(RNS, 12.01.04)

## Death Penalty for Spurious Drugs

The Drugs and Cosmetics Act was enacted in 1940 to regulate the manufacture, distribution and safety of drugs and cosmetic items sold in India. In sharp contrast to this, a World Health Organisation (WHO) report states that as much as 35 percent of fake drugs in the world are produced in India.



The office of Drugs Controller of India has asked the states to constitute a "Detection Cell", which will identify different markets in the state and plug the loopholes to preclude the entry of spurious drugs. Manufacturing of spurious drugs would be treated as an attempt to "mass murder" and would invite death penalty. The offence of distributing and selling such drugs and medicines has been made non-bailable.

(HT, 22.12.03)

## Exercise Bikes - Accident Prone!

Exercise bikes can pose serious injury risk for young children - most vulnerable being the children under four, according to a recent research of Monash University, Australia. The most common accident seems to involve young children putting their fingers into the wheel spokes while another person is riding the bike.

Of the exercise-bike related injuries treated in the Victorian Hospital emergency departments, the most serious ones required amputations or partial amputations of 11 young children's fingers and toes.

At the time of purchasing, the consumer should ensure that the bike has securely fastened frames around all moving parts and well constructed seats, supports and handlebars. Care should be taken never to leave one accessible to young children.

(Insight, Jan-Feb, 2004)

## CNG Leakage Causing Concern

A pilot study on Delhi Transport Corporation's (DTC) Compressed Natural Gas (CNG) buses has raised the issue of unchecked pollution and leakages by these buses. According to the study, if the catalytic converter installed in CNG buses is not replaced every 80,000 to 1,00,000 km, gases, including carbon monoxide, nitrogen oxide and unburnt carbon, will be released instead of being burnt in the exhaust, causing health hazards. The report consists of several important aspects of CNG buses, their increased life, components and saving of fuel, besides safety of commuters and pollution.

At another level, various residents' associations in Pakistan urged the Government to formulate safety regulations regarding CNG filling stations. This is to ensure their implementation to avoid any public health hazard. Referring to the recent blast at a CNG filling station, they called for a countrywide awareness campaign to be launched to inform CNG station operators, and people in general, what to do in case a gas leak.

(IE, 24.02.04 & The Dawn, 07.12.03)

## Salmon Safety Net

US researchers have found that farmed salmon contains far more toxic chemicals than wild salmon. They recommended that consumers should not eat more than one-half to one meal of salmon per month, while Environmental Protection Agency standards suggest up to eight meals a month. A meal is eight ounces (one-quarter of a kg) of uncooked meat.

In California, the farmed salmon industry faces legal action for failing to warn consumers that the fish contain dangerous levels of cancer-causing chemicals like dioxins, polychlorinated biphenyls (PCBs), etc. Dioxins originate in pesticides or industrial processes, leach into rivers and lakes and build up in the flesh of fish and animals. They demand proper labelling of salmon to indicate whether it is farmed or wild.

Contrary to the American research, Chile's salmon farming industry, the world's second largest, claimed that the PCBs found in salmon cultivated in South America were 80 times lower than the allowable level set by the US Food and Drug Administration. Moreover, health experts recommend salmon for its high level of the Omega-3 fatty acids which can reduce the risk of heart attacks, among other benefits.

(ENS, 27.01.04 & RNS, 09.01.04)

## Dietary Supplement Safety

The Food and Drug Administration (FDA) Authority of US has decided to ban the weight-loss herb stimulant "ephedra" after identifying that the herb was linked to heart attacks, strokes and deaths.

FDA has singled out bitter orange, aristolochic acid and usnic acid as the other dietary supplements promoted for weight loss, as having adverse impact on human health. Aristolochic acid may lead to kidney damage and usnic acid to serious liver toxicity.

President of the American Herbal Products Association welcomes closer FDA oversight with the hope of gaining public confidence in supplements. The Government, therefore, needs to bring it to fore, when a supplement presents an "unreasonable" risk, to order it off the market.

(RNS, 22.01.04)

## Is the Fan Safe?

Consumer Education & Research Centre (CERC), Ahmedabad, tested 14 brands of 1200 mm ceiling fans through 22 tests. While testing brands against IS:374-1979 (with six amendments) and IS: 12155-1987, it was found that none of the brands was ISI marked nor did any of them carry the manufacturer's licence number. So it becomes difficult for consumers to choose among several brands available in the market.

The suspension system, one of the parameters for testing, says that a fan should be able to withstand a tensile load of 1,000 kilogram force (kgf), i.e., when the rod and the clamp are pulled



with this force, they should not break. During tests, Almonard's screw and Anchor's clamp broke. Crompton provided an additional safety cable to hold the fan secure in case the clamp breaks.

Another important finding of the test is that the manufacturers should pay more attention on whether the fan is made well. The green wire should be used only for earthing connection. Polar did not follow this rule. Normally, fans do not have earthing wires. In case of a repair, if an electrician or any other person handles the wire, assuming that it is an earthing wire, an electric shock may result.

(Insight, Jan-Feb, 2004)

## Road Safety

### Road Indiscipline Takes its Toll

Most of the road accidents in India take place due to lack of road discipline among motorists and pedestrians. The speed limit on highways, flyovers and general roads is hardly maintained. Another hazard for pedestrians is that there are no subways at the end of many of the flyovers in metro cities. And jaywalking is rampant.

It has been suggested by Mumbai police that driving licenses similar to credit cards should be issued for recording offences and penalties imposed on erring drivers. Once a driver crosses the limit, the licence would automatically get cancelled.



(TOI, 12.01.04)

### Is the School Bus Safe?

The Supreme Court has issued 45-point guidelines for school bus safety implying that buses will be roadworthy and not carry more than their sitting capacity. Also, buses should have other safety provisions like fire extinguisher, first aid box, etc., within reach, and display 'School Bus' both at the front and back. Drivers must have five years' experience in city road conditions. To ensure safe journey of children in school buses, doors should be fitted with reliable locks, and windows must be fitted with two protective bars.

(TOI, 21.02.04)

### Drunken Driving Kills Kids

According to a government study, most of the children killed in alcohol related crashes in the US during 1997 to 2002, were riding with drunken drivers and not wearing seat belts. 68 percent of the child victims were riding with a drunken driver who had an average blood alcohol level of 0.13, while the legal limit in most of the states is 0.08. A device called "Interlock", basically a breath analyser, will be introduced soon that would not allow the car to start unless the driver passes the test. Once-a-month check up has been made compulsory to ensure proper functioning of the device. If it is tampered with, the offender could lose the driving license or even go to jail.

(NYT, 24.02.04 & TOI, 12.02.04)

### Wear Helmets and Heads You Win

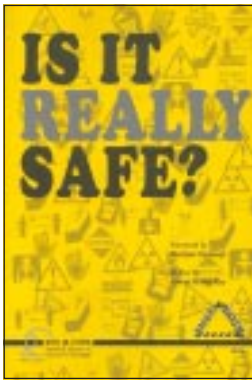
Doctors have opined that two wheeler riders should always wear helmets as an effective protection against sustaining head injuries in road accidents. As per the opinion survey conducted by the Institute of Road Transport (IRT), 87.3 percent of respondents among 1514 two wheeler drivers using helmets in Chennai, gave their mandate in favour of making helmet wearing compulsory. This is treated as an inevitable part of road safety measure.



(TH, 03.01.04)



## Is It Really Safe?



When reading horrendous reports of death/injury, one wonders if there is no law for tackling such a menace. It is ironical that India, quite rich in laws, is lacking sadly in their implementation. While the concerned authorities are not ready to take steps to ensure implementation of the rules, due to fear of political interference or other unknown reasons, the producers are less willing to conform to those laws. The net result is that the consumer suffers, and, in the wake of ignorance of laws, and helplessness, is even ready to suffer further.

With this background, CUTS has taken up a project to analyse and document issues relating to consumers' safety, and how this is being violated due to: a) consumers' ignorance, b) non-availability of information, and c) apathy of manufacturers/providers/producers/traders/regulators over sectors such as safety related to products and services, health care, food and transport.

The result is the book "Is It Really Safe?" - the second in the series of publication "Caveat Emptor". This book is a compilation of articles written from time to time on different safety aspects of various products and services. It also contains valuable comments/suggestions received from different consumer organisations on the same. In addition, it provides a synopsis of Indian rules and regulations on safety issues.

The ultimate aim of the book is to make consumers aware of their safety-related rights so that they are able to push for improved legislations, regulations and standards on safety-related matters and their implementation.

This would ensure that:

- Business will be more aware of consumers' rights to safe products/services and would act more responsibly; and
- Regulatory bodies will proactively implement safety standards.

Thus, many untimely deaths and injuries from unsafe products/services will be avoided.

The book will be released by Navin Chawla, Secretary, Department of Consumer Affairs, Govt. of India, at India International Centre, New Delhi, on March 12, 2004.

(Price: Rs.100 + Postage)

### Other Publications

#### How to Survive As A Consumer



जगत्क उपभोक्ता सुरक्षित उपभोक्ता

- A to Z encyclopaedia for consumer redressal
- Law for the layperson
- Training manual on Consumer Protection Act of India for activists and paralegals, and even lawyers

(Price: Rs 100 + Postage)

#### State of the Indian Consumer

- Analyses of the implementation of the UN Guidelines for Consumer Protection, 1985 in India
- A must read for policy-makers law-makers, activists and citizens
- Contains a draft National Consumer Policy



(Price: Rs 200 + Postage)

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#### SOURCES

TP: The Pioneer, ENS: Environment News Service, HT: The Hindustan Times, TH: The Hindu, TOI: The Times of India, IE: The Indian Express, RNS: Reuter News Service, FE: The Financial Express, AA: The Asian Age, NYT: New York Times, Insight (CERC, Ahmedabad).

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