

Pharmacists & Protection of Consumers

Question:

I need to buy penicillin and anti-fungal drugs. At the pharmacy, where staff was speaking Russian, we could not find these drugs and they offered us to buy their analogues. After that when I contacted my doctor, he said that they sold me the medicine, which has nothing to do with penicillin, and instead of anti-fungal drugs they gave me a drug for the treatment of gynecological diseases. I tried to make the return of goods, or at least to exchange them for the items I needed, but I've got a refusal in blunt terms. How should I act in such situations in order not to be deceived?

Response:

The relationship between traders and consumers are well governed by domestic legislation and also by EU regulations and Directives and from decrees of the UN. In this respect, domestic legislation and specifically Law 103(I)/2007, provides that a trader shall act with "professional diligence" towards its consumers. This means that a standard of special skill and care is reasonably expected by a trader to consumers, including pharmacists, by analogy with honest market practice and / or the general principle of good faith in commercial activities.

As a result of this law, any unfair commercial practices are prohibited. A commercial practice is unfair when it is misleading towards the consumer. A commercial practice shall be regarded as misleading if it contains false information and is therefore untruthful or in any way, regarding the overall presentation, it deceives or is likely to deceive the average consumer, even if the information is factually correct, or anyway, when it causes or is likely to cause the average consumer to take a transactional decision that otherwise would not have received. Amongst others, misleading information includes misrepresentation on the main characteristics of the product, such as its availability, benefits, risks, execution, composition, accessories, after-sales support to consumers and tackled the importance of complaints, the method and date of manufacture or benefit obligation, delivery, fitness for use, quantity, specification, geographical or commercial origin or the results to be expected from the use of the product results or the results and material features of tests or checks of the product. Since you requested a specific medicine the pharmacist had the obligation to inform you promptly and truthfully about the medicine they provided you with or they could direct you to another pharmacist since they did not have penicillin and anti-fungal drugs. When you tried to return the goods, of course they could have offer you a refund or an ex-change but this again may depends on the policy they follow. However, if you have opened the box, they could not accept it for an ex-change.

In order not to be deceived, the best way is always require detailed information about the products you buy including their composition, risks or effects, always read the labels (most of the medicines in Cyprus bear English labels) or if you are not sure about this, it is best to visit your doctor to prescribe for you specific medicines applicable for your situation. All consumers have the right to be provided with correct information according to regulations from the UN. In case you have a complaint or you want to refer this, the relevant authority in Cyprus for the protection of the consumers, is the "Competition and Consumer Protection Service" of the Ministry of Energy, Commerce Industry and Tourism. According to the provisions of the Protection of Competition Law (N.207/90), the Commission for the Protection of Competition is

the competent authority to monitor the enforcement of the rules of healthy competition and to intervene effectively so as to implement the Law.

The complaint form on their official webpage on <http://www.competition.gov.cy/> and also more information about your rights as a consumer.

Always remember that consumers have the right to question any information provided to them and you can always submit your complaint against any trader in case that you have been deceived or been treated unfairly.