

Course Outline

COURSE:	LAWS 3205A – Consumer Law
TERM:	Fall - 2017
PREREQUISITES:	LAWS 2202 or BUSI 2601
CLASS:	Day & Time: Tuesdays 8:35am - 11:25am Room: Please check with Carleton Central for current room location
INSTRUCTOR: (CONTRACT)	Deborah Komarnisky, M.A.
CONTACT:	Office: B442 Loeb Building Office Hrs: Wednesdays 5:00pm – 6:00pm, after class, or by appointment Telephone: 819-921-5179 Email: deborah.komarnisky@carleton.ca

Academic Accommodations:

You may need special arrangements to meet your academic obligations during the term. For an accommodation request the processes are as follows:

Pregnancy obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

Religious obligation: write to me with any requests for academic accommodation during the first two weeks of class, or as soon as possible after the need for accommodation is known to exist. For more details visit the Equity Services website: <http://carleton.ca/equity/>

Academic Accommodations for Students with Disabilities: The Paul Menton Centre for Students with Disabilities (PMC) provides services to students with Learning Disabilities (LD), psychiatric/mental health disabilities, Attention Deficit Hyperactivity Disorder (ADHD), Autism Spectrum Disorders (ASD), chronic medical conditions, and impairments in mobility, hearing, and vision. If you have a disability requiring academic accommodations in this course, please contact PMC at 613-520-6608 or pmc@carleton.ca for a formal evaluation. If you are already registered with the PMC, contact your PMC coordinator to send me your **Letter of Accommodation** at the beginning of the term, and no later than two weeks before the first in-class scheduled test or exam requiring accommodation (*if applicable*). **Requests made within two weeks will be reviewed on a case-by-case basis.** After requesting accommodation from PMC, meet with me to ensure accommodation arrangements are made. Please consult the PMC website (www.carleton.ca/pmc) for the deadline to request accommodations for the formally-scheduled exam (*if applicable*).

You can visit the Equity Services website to view the policies and to obtain more detailed information on academic accommodation at <http://carleton.ca/equity/>

Plagiarism

Plagiarism is presenting, whether intentional or not, the ideas, expression of ideas or work of others as one's own. Plagiarism includes reproducing or paraphrasing portions of someone else's published or unpublished material,

regardless of the source, and presenting these as one's own without proper citation or reference to the original source. Examples of sources from which the ideas, expressions of ideas or works of others may be drawn from include but are not limited to: books, articles, papers, literary compositions and phrases, performance compositions, chemical compounds, art works, laboratory reports, research results, calculations and the results of calculations, diagrams, constructions, computer reports, computer code/software, and material on the Internet. Plagiarism is a serious offence.

More information on the University's **Academic Integrity Policy** can be found at:

<http://carleton.ca/studentaffairs/academic-integrity/>

Student Services: The Centre for Student Academic Support (CSAS) is a centralized collection of learning support services designed to help students achieve their goals and improve their learning both inside and outside the classroom. CSAS offers academic assistance with course content, academic writing and skills development. Visit CSAS on the 4th floor of MacOdrum Library or online at carleton.ca/csas

Department Policy

The Department of Law and Legal Studies operates in association with certain policies and procedures. Please review these documents to ensure that your practices meet our Department's expectations.

<http://carleton.ca/law/current-students/>

COURSE DESCRIPTION

Consumer protection laws and regulations are all around us. Consumer laws and regulations often respond to issues that shape us as consumers and the culture of consumption within the global marketplace. Consumer laws and regulations are framed by different public and private actors, who influence our access to the goods and services in the marketplace, we as consumers rely upon to frame our branded selves. Our branded self is shaped through our consumption of the available goods and services. We will be exploring how the consumer is defined in the postmodern society by using current consumer issues covered in the media, case law and legislative instruments such as the Ontario *Consumer Protection Act*, and the federal *Competition Act* the *Consumer Packaging and Labelling Act* and Anti-Spam legislation. Through our study of the consumer and consumption we will explore how the consumer has evolved from simply being a passive purchaser of goods and services to being an agent defining the self through the consumption of a branded culture. Class discussions will explore the consumer in relation to four main themes, namely a) power relation between those who control the marketplace and the consumer; b) the role of regulation as a means to control access to the marketplace and regulate the consumer and consumption; c) the impact of technology on how consumers engage the marketplace and the d) international influences on consumers and consumption.

In this course, we will explore the role of consumer protection in the provision of goods and services within the marketplace in Canada. Traditional legal protection by statute and common law, legislative responses to consumer pressures; judicial response in recent Canadian, English and American law; and the reform of consumer law.

REQUIRED TEXTS

Readings for this course can be obtained online through the included web links on the below Schedule.

COURSE FORMAT

The course will follow a lecture and discussion format. During the first half of every class I will introduce students to the basic concepts, the fundamentals and the implications of each socio-legal issue being raised in the readings concerning consumer law and consumption. During the second half of every class we will have class discussion

and group work based on questions raised during the first half of the class. Students will also have the opportunity to workshop their research papers and proposals during the discussion time. Students must read the assigned materials in advance of the class and be prepared to discuss the issues raised in class. The class participation grade component will be based on students' contributions to the group and class discussion.

EVALUATION

Standing in a course is determined by the course instructor subject to the approval of the Department and of the Faculty Dean. This means that grades submitted by the instructor may be subject to revision. No grades are final until they have been approved by the Department and the Dean.

(All components must be completed in order to get a passing grade)

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In accordance with the Carleton University Undergraduate Calendar (p. 45), the letter grades assigned in this course will have the following percentage equivalents:

A+	= 90-100	B+	= 77-79	C+	= 67-69	D+	= 56-59
A	= 85-89	B	= 73-76	C	= 63-66	D	= 53-56
A -	= 80-84	B -	= 70-72	C -	= 60-62	D -	= 50-52

F = Below 50

WDN = Withdrawn from the course

ABS = Student absent from final exam

DEF = Deferred (See above)

FND = (Failed, no Deferred) = Student could not pass the course even with 100% on final exam

Assignments & Assignment Schedule

	Assignment	Grade	Due date
1	Class Attendance & Participation	10%	Ongoing throughout the term
2	Reading Logs	3 x 10% = 30%	Reading Log 1 – October 10, 2017 in class Reading Log 2 – November 7, 2017 in class Reading Log 3 – November 28, 2017 in class
3	Research Paper Outline & Annotated Bibliography of 3 Scholarly Sources	15%	October 31, 2017 in class
4	Research Paper Presentations	5%	November 28, 2017 & December 5, 2017 – see sign-up sheet to select a date
5	Research Paper	40%	Thursday December 7, 2017 – by 4:30 pm at the Law Department Drop off Box (Room C473 Loeb Building) – I will be picking up your papers on Friday December 8, 2017
	Total	100%	

Assignment Details

1. Class Attendance & Participation (10%)

It is important for students to attend lectures regularly and participate actively in class during group activities and class discussion. To do this successfully, students must complete the required readings each week and give them

careful thought before attending class. Evaluation is based on regular attendance (5%) and the quality of class contribution (5%). A good-quality contribution should reflect students' knowledge and critical views of the various issues raised by the readings and the class participation.

2. Reading Logs (3 x 10% = Total 30%)

Students are required to submit 3 reading logs during the term. Reading Log 1 is due in class on October 10, 2017 and will cover readings discussed during classes on September 19, September 26, and October 3. Reading Log 2 is due in class on November 7, 2017 and will cover the readings discussed during classes on October 10, October 17 and October 31. Reading Log 3 is due in class on November 28, 2017 and will cover the readings discussed during class on November 7, November 14 and November 21.

The Reading Logs should be no more than 2-3 pages in length. Students are required to select the readings discussed during class for one of the assigned specific weeks and focus on one (or more) of the key issue(s) discussed in the weekly readings and discussion piece. The objective is to analyze and provide an argument (not simply summarize) on how the issue(s) in question are addressed by the authors and discussed in class. Your reading logs may include your agreement and/or disagreement with the views presented in the readings, an evaluation of the consumer law issues and its relevance in today's context, or a critique on the bias of the author(s), etc. The most important thing is to elaborate your arguments coherently and convincingly. Evaluation of the Reading Logs will be based on the following criteria: your ability to present a critical and sound analysis that demonstrates that you have carefully and critically thought about the readings and the issue(s) at hand. Good organization and ability to write persuasively and coherently are also expected in a good Reading Log. This assignment does not require consulting other sources aside from the required readings and discussion pieces.

3. Research Paper Outline & Annotated Bibliography of 3 Scholarly Sources (15%)

The Research Paper Outline should be approximately 2- 3 pages in length and the Annotated Bibliography should be approximately 1-2 pages in length (total 3-5 pages). The research paper proposal must include your proposed topic, a working thesis statement, and a brief outline of three main arguments. The annotated bibliography of three scholarly sources should include the main argument of the author, how you will use the source in your research paper and how your research fits within the current body of research. I will not mark final papers from students who have not submitted a paper outline. You are encouraged to attend my office hours before the submission of your outline for guidance. Research Paper Outlines will be workshopped in class on October 17 and Research papers will be workshopped in class on November 21. This will give students an opportunity to brainstorm their research in progress. Evaluation of the Research Paper Outlines and Annotated Bibliographies will be based on the following criteria: the relevance of the topic to consumer law and/or the course themes, the argument being proposed and the quality of the annotations. The Research Paper Outline & Annotated Bibliography is due October 31, 2017 in class.

4. Research Paper Presentations (5%)

During the last two classes scheduled on November 28 and December 5, each student is required to briefly present their research paper topic, main thesis statement and the main arguments of their Research Paper. Each student will be provided 5 minutes to present your research paper topic, main thesis statement and arguments. This time will also be used to answer questions from the class and brainstorm. Most will not have a final version of your paper at this point but it will give you the opportunity to share your research with colleagues and brainstorm ideas. You will be graded on the following criteria: the articulation of your argument and the quality of the explanation of how your research fits within the current literature.

5. Research Paper (40%)

Students are required to write a research paper on a topic of interest focusing on an issue related to consumer law and/or the themes of the course. Your research paper will advance a clear argument supported by a theoretical analysis based on the research conducted on your topic; define key concepts used in your analysis; explain the key debates related to your topic, and; situate your argument in the context of the course themes. Your final research paper should be 10-12 pages in length. Research papers will be graded on the following criteria: whether

the paper contains an accurate and rigorous engagement with the literature/ key concepts, whether the paper provides a clearly articulated and supported argument and whether the paper contains a clear organization of ideas, relevant examples, grammar, and spelling, and correct reference format. **The Research Paper is due December 7, 2017 – by 4:30 pm at the Law Department Drop off Box (Room C473 Loeb Building).**

Format for written work

All written assignments must include a cover page (including title of paper, name, student number, course code, professor's name, and date) and a bibliography. These pages are not included in the total page count for an assignment. All assignments must be double-spaced, Times New Roman 12pt font, with standard margins, and page numbers. Students may also use section headings when organizing their written work.

The following citation styles must be used – please chose one and be consistent throughout your written work:

MLA (<https://library.concordia.ca/help/howto/mla.php>)

Chicago Style (http://www.chicagomanualofstyle.org/tools_citationguide.html)

APA (<https://library.concordia.ca/help/howto/apa.php>)

Students will also be evaluated on your writing abilities. It is recommended to take the appropriate measures to avoid mistakes such as spelling, syntax, punctuation, inappropriate use of terms (no texting lingo), etc. Students must write clearly and coherently to adequately convey their argument. Students must also use appropriate sources. Online sources such as Wikipedia, is not academically qualified sources. If you are uncertain whether a source is reliable, please check with the instructor. If you require assistance, please visit the Writing Tutorial Service - (613) 520-2600 ext. 1125.

Late Policy

Assignments submitted after the due date will be accepted at the cost of three marks per day. Extensions are reserved for those moments when you find yourself in a documented, extenuating circumstance. Retroactive extensions will not be granted, all extensions must be requested at least 24 hours before the deadline along with the appropriate documentation. No exceptions.

Intellectual property

Professor or student materials created for this course (including presentations and posted notes, and assignments) remain the intellectual property of the author. They are intended for personal use and may not be reproduced or redistributed without prior written consent of the author(s).

SCHEDULE

Week 1 – September 12, 2017	Introduction – Welcome to Consumer Law
Welcome and Introduction to Consumer Law	
Discussion of the course outline, requirements and schedule	
Week 2 – September 19, 2017	Defining the Consumer in Theory
Readings:	
1) Hunt, Alan; The governance of consumption: sumptuary laws and shifting forms of regulation; <i>Economy and Society</i> , 08/1996, Volume 25, Issue 3, p.p. 410-427. (http://journals2.scholarsportal.info.proxy.library.carleton.ca/pdf/03085147/v25i0003/410_tgocslasfor.xml)	
2) Kellner, Douglas. (1983). Critical Theory, Commodities and the Consumer Society. <i>Theory, culture & society</i> . (1)3, p.p. 66 - 83. (focus on pages 75-80 for class discussion) (http://tcs.sagepub.com.proxy.library.carleton.ca/content/1/3/66)	

Discussion Piece: 1) <i>Richard v. Time Inc.</i> , 2012 SCC 8, [2012] 1 S.C.R. 265 http://scc-csc.lexum.com/scc-csc/scc-csc/en/item/7994/index.do?r=AAAAAQAbImNvbnN1bWVylHByb3RlY3Rpb24iIGZyYXVkaQ	
Week 3 – September 26, 2017	Regulating Consumer Issues - The Role of the Competition Bureau
Readings: 1) Trebilcock, Michael. (03/22/2010). Designing competition law institutions: values, structure, and mandate. <i>Loyola University of Chicago Law Journal</i> . (41)3; p.p. 455 - 474. (http://heinonline.org.proxy.library.carleton.ca/HOL/Page?handle=hein.journals/lucj41&collection=journals&page=455#) 2) Trebilcock, Michael. (03/01/2005). Regulated Conduct and the Competition Act. <i>Canadian Business Law Journal</i> . (41)2, 3; p.p. 492 - 500. (http://heinonline.org.proxy.library.carleton.ca/HOL/Page?handle=hein.journals/canadbus41&collection=journals&page=492)	
Discussion Piece: 1) <i>Consumer Protection Act</i> , 2002, S.O. 2002, c. 30, Sched. A (https://www.ontario.ca/laws/statute/02c30)	
Week 4 – October 3, 2017	Consumers in the Legislative Framework – Is Information the key to Consumer success?
Readings: 1) Hadfield, Gillian K. et al., Information - Based Principles for Rethinking Consumer Protection Policy. (1998) 21 <i>Journal of Consumer Policy</i> 131 - 169. (http://download.springer.com/static/pdf/21/art%253A10.1023%252FA%253A1006863016924.pdf?originUrl=http%3A%2F%2Flink.springer.com%2Farticle%2F10.1023%2FA%3A1006863016924&token2=exp=1471274922~acl=%2Fstatic%2Fpdf%2F21%2Fart%25253A10.1023%25252FA%25253A1006863016924.pdf%3ForiginUrl%3Dhttp%253A%252F%252Flink.springer.com%252Farticle%252F10.1023%252FA%253A1006863016924*~hmac=1dc58db3ebe6d65473d5de01cfc0e5188a62344043c74a1dad37976fa7cd7e6b)	
Discussion Piece: 1) Competition Bureau of Canada, <i>Guide to the Consumer Packaging and Labelling Act and Regulations</i> , (http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/01248.html) 2) <i>Consumer Packaging and Labelling Regulations and the Voluntary Labelling and Advertising of Foods that are and are not Products of Genetic Engineering</i> ; prepared by the Canadian Standards Board, CAN/CGSB-32.315-2004. (http://www.tpsgc-pwgsc.gc.ca/ongc-cgsb/programme-program/normes-standards/internet/032-0315/index-eng.html) 3) News Article - 2) "Shareholder Showdown: The Latest Anti-GMO Activism from is inside corporations". (http://www.takepart.com/article/2014/09/27/general-mills-non-gmo-proposal)	
Week 5 - October 10, 2017	Balancing Power in Consumer Law – Consumers Beware! Note – Reading Log 1 due in class
Readings: 1) Ramsay, Iain D. C. Consumer Redress Mechanisms for Poor-Quality and Defective Products <i>The University of Toronto Law Journal</i> Vol. 31, No. 2 (Spring, 1981), pp. 117-152. (http://www.jstor.org.proxy.library.carleton.ca/stable/pdf/825656.pdf?_=1469561588064)	
Discussion Piece: 1) News Article - http://www.cbc.ca/news/politics/banks-finance-committee-hearing-1.4156699 2) News Article - http://www.consumerreports.org/airline-travel/united-airlines-video-shows-how-consumers-can-	

[push-back/](#)

3) News Article - <http://www.cbc.ca/news/politics/transat-bill-rights-ottawa-tarmac-1.4231286>

Week 6 – October 17, 2017

Labelling the Consumer and Consumption

Readings:

1) Heslop, Louise A.; If we label it, will they care? The effect of GM-ingredient labelling on consumer responses. *Journal of Consumer Policy*; (2006) 29:203-228.

(http://download.springer.com/static/pdf/948/art%253A10.1007%252Fs10603-006-9000-7.pdf?originUrl=http%3A%2F%2Flink.springer.com%2Farticle%2F10.1007%2Fs10603-006-9000-7&token2=exp=1470492778~acl=%2Fstatic%2Fpdf%2F948%2Fart%25253A10.1007%25252Fs10603-006-9000-7.pdf%3ForiginUrl%3Dhttp%253A%252F%252Flink.springer.com%252Farticle%252F10.1007%252Fs10603-006-9000-7*~hmac=f8422baf3260d0a41012dc486f77c3daa4587723e7b655642ae16e908ad3f4f0)

2) Campos, Sarah; Doxy, Juliana; and Hammond, David; Nutrition Labels on Pre-packaged Foods: A systematic review. *Public Health Nutrition*; 14(8); p.p. 1496-1506.

(http://journals1.scholarsportal.info.proxy.library.carleton.ca/pdf/13689800/v14i0008/1496_nlofasr.xml)

Discussion Piece:

1) News Article - <http://ottawa.ctvnews.ca/ontario-bowed-to-food-industry-pressure-on-menu-labelling-legislation-critics-1.3022880>

Workshopping Research Paper Outlines in class.

October 24, 2017 – Reading Week ☺ - Office hours are cancelled this week – I am available by email if you need to contact me.

Week 7 – October 31, 2017

Navigating the Online Marketplace – The Dark Side of the Web

Note – Research Paper Outline & Annotated Bibliography is due in class

Readings:

1) Andersson, Jonas (2009), For the Good of the Net: The Pirate Bay as a Strategic Sovereign. *Culture Machine*, 10: 64-108 (<http://www.culturemachine.net/index.php/cm/article/view/346/359>)

Discussion Piece:

1) News Article - <http://fortune.com/2016/10/27/amazon-lawsuit-fake-reviews/>

2) News Article - <http://www.cbc.ca/news/canada/montreal/alexandre-cazes-millionaire-cars-property-alphabay-1.4215894>

Week 8 – November 7, 2016

The Consumer in Time and Space – Consumer Privacy vs Corporate Surveillance

Note – Reading Log 2 due in class

Readings:

1) Huichuan Liu; Internet Marketing, Consumer Surveillance and Personal Privacy: Social Exchange or Panoptic Control. *Technology and Society*, 2000. University as a Bridge from Technology to Society. IEEE International Symposium on Date 8-8 Sept. 2000

(<http://ieeexplore.ieee.org.proxy.library.carleton.ca/stamp/stamp.jsp?tp=&arnumber=915646>)

2) Manzerolle, Vincent & Smeltzer, Sandra; Consumer Databases and the Commercial Mediation of Identity; Source Information, January 2011, Volume8(Issue3) Page p.104To- (https://journals-scholarsportal-info.proxy.library.carleton.ca/pdf/14777487/v08i0003/104_cdnatcoiamta.xml)

Discussion Piece:

1) Anti-Spam Act (<http://laws-lois.justice.gc.ca/eng/acts/E-1.6/index.html>)

2) Memorandum of Understanding for Cooperation, Coordination and Information Sharing Between the Commissioner of Competition, the Canadian Radio-television and Telecommunications Commission and the Privacy Commissioner of Canada regarding the Implementation of their Mandates under Canada's Anti-Spam Legislation (<http://www.competitionbureau.gc.ca/eic/site/cb-bc.nsf/eng/03643.html>)

3) News Article - [Metrolinx provided customer Presto data to police 12 times in past year](#)

Week 9 – November 14, 2017	The Consumer Brand – Consumers & Brand Culture
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Readings:

1) Hearn, Alison (2008), Meat, Mask, Burden”: Probing the Contours of the Branded ‘Self. *Journal of Consumer Culture* 8(2): 197-217 – (http://uwo.academia.edu/AlisonHearn/Papers/1153658/Meat_mask_burden_Probing_the_contours_of_the_branded_self)

2) Wall, David S.; Large, Joanna; Jailhouse Frocks: Locating the Public Interest in Policing Counterfeit Luxury Fashion Goods. *The British Journal of Criminology* (November 2010), 50 (6), p.p. 1094-1116 – (<https://login.proxy.library.carleton.ca/login?url=http%3a%2f%2fjournals.scholarsportal.info%2fopenUrl.xqy%3fissn%3d0007-0955%26volume%3d50%26issue%3d6%26spage%3d1094>)

Discussion Piece:

1) Canada Goose website (<http://www.canadagoose.com/ca/en/counterfeit/counterfeit.html>)

2) How to spot a fake Canada Goose coat, Canadian Business, (<http://www.canadianbusiness.com/lifestyle/how-to-spot-a-fake-canada-goose-coat/>)

3) News Article - <http://www.ctvnews.ca/canada/canadians-at-risk-as-counterfeit-goods-sneak-through-customs-1.3460549>

4) News Article - <http://www.ctvnews.ca/lifestyle/sneakers-worn-by-michael-jordan-fetch-a-record-us-190-000-1.3454402>

Week 10 – November 21, 2017	Re-thinking the Consumer – Consumer Activism – Are you ready to take up the cause?
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Readings:

1) Hilton, Matthew; Social activism in an age of consumption: the organized consumer movement. *Social History*, Vol. 32, No. 2, May 2007, p.p. 121 - 143. (http://journals1.scholarsportal.info.proxy.library.carleton.ca/pdf/03071022/v32i0002/121_saiaaoctocm.xml)

2) McGregor, Sue L.T.; Framing consumer education conceptual innovations as consumer activism; *International Journal of Consumer Studies*40(1), January 2016, Volume40(Issue1) p.p. 35 - 47 (https://journals-scholarsportal-info.proxy.library.carleton.ca/pdf/14706423/v40i0001/35_fceciaca.xml)

Discussion Piece:

1) News Article - <https://www.theglobeandmail.com/news/national/goods-made-by-child-labourers-flooding-into-canada-report-warns/article35282601/>

2) News Article - <http://www.cbc.ca/news/business/sears-canada-facebook-restructuring-comments-severance-1.4216351>

Workshopping Research Papers in class

Week 11 – November 28, 2017	Research Paper Presentations 1 Note – Reading Log 3 due in class
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	Note – I will hold office hours this afternoon from 12:30 – 2:30 if you would like to discuss your papers.
Week 12 – December 5, 2017	Research Paper Presentations 2 & Course Wrap-up
<u>PAPER DUE DATE - December 7, 2017 – Research Paper due – 4:30pm – Law Department Drop off Box (Room C473 Loeb Building)</u>	