

Unethical Marketing Practices and Emerging Consumerism in the Downstream Sector of the Nigerian Petroleum Industry (A Study of Bovas & Company Limited)

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Abstract

The study focused on consumerism and unethical marketing practices of firms in the downstream sector of the Nigerian petroleum industry. It was inspired by the reported cases of unethical marketing practices and the emerging consumerism in the sector as observable in the consumers' positive perception and patronage of Bovas & Company Limited's Filling Stations, as against the dissonance expressed towards other Service Stations within its proximity. Survey research design was adopted and data was analysed through the use of correlation coefficient so as to ascertain the degree of relationship between the variables. The findings showed that unethical marketing practices has a positive effect on the emerging consumerism in the downstream sector of the petroleum industry in Nigeria. The study therefore recommended that relevant law enforcement agencies should improve on their monitoring and enforcement efforts geared towards checkmating unethical marketing practices of petroleum marketers in Nigeria, while petroleum marketers that indulge in unethical practices are advised to stop if their operations must remain sustainable.

Keywords

Consumerism, unethical marketing practices, petroleum industry

Introduction

Sharp practices by intermediaries is common to all trades that engage in indirect distribution to consumers, irrespective of the size and firm value. The global petroleum industry is a vast and highly diversified industry with combined revenues running into trillions of dollar a year. There are several classifications or subsectors of the petroleum industry based on different criteria like energy source (oil, gas, nuclear, coal etc.), upstream, midstream or

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downstream. There have been several reports by the regulatory agencies in the Nigeria's petroleum industry, especially the Department of Petroleum Resources - (DPR), of a high level of unethical practices by petroleum marketers in the country. The downstream sector of the Nigerian petroleum industry is therefore not immune to sharp practices by intermediaries in the sector.

According to the DPR (2019), there has been complaints from the Nigerian public on the abuses such as arbitrary adjustment of prices above government approved rates and adulteration of products by petroleum marketers in the downstream sector over the years. These unethical practices have caused severe economic losses, frustration, death and injuries arising from explosion during the use of adulterated products, damage of plants and machineries and other incalculable losses to consumers of the petroleum products in Nigeria. Basic Petroleum products such as Automobile Gas Oil (AGO) - also referred to as diesel, Premium Motor Spirit (PMS) - also known as petrol, and varieties of engine oil that are commonly used for domestic and industrial purposes are often adulterated by the intermediaries which results in health, social and economic losses (Chikwe & Onojake, 2020).

In addition, most petrol service stations in Nigeria also induce product scarcity at the slightest expectation of price increases while the blatantly refuse to adjust their pump prices downward where there are any price reductions. Furthermore, there has been several complaints by consumers on incomplete dispensation of petroleum products due to unethical pump adjustments (Itsekor, 2019). The default response of the DPR to these unethical practices is warning, penalties and temporary closure of such defaulting stations, without successful prosecution of the offenders. The DPR has sanctioned and sealed several stations for various offences in Osun state and many others in states across the federation over the years (DPR, 2019; News Agency of Nigeria, 2015). However, the effectiveness of such sanctions in curbing the ugly trend remains in doubt.

Significantly, this unethical marketing practices has gone on largely collectively and unchecked by most petroleum marketers in the downstream sector. Noticeably, the arrival of Bovas & Company Limited into market caused a reawakening on the importance of business ethics adherence. Unlike most of the other service stations in the sector, Bovas appears to have raised the bar of ethical marketing practices in the downstream sector. On several occasions, while most of the other service stations increased the prices arbitrarily and induce scarcity by hoarding their products, Bovas maintained the official rates and sells their products to consumers.

According to Fadul (2004), ethical behaviour is positively and significantly related to firm value in the oil and gas industry. He corroborated the economic importance of managers in the petroleum industry leading socially responsible business activities by aggressively ensuring that there is zero incident of unethical behavior in their pursuits of companies goals. Extant

Literature on marketing ethics in the petroleum industry largely focuses on the upstream sector, therefore, this study seeks to examine the relationship between unethical marketing practices of petroleum products marketers and the emerging consumerism in the downstream sector of the Nigerian Petroleum Industry. The pervasive nature of the causal problem and its consequences makes it imperative to study the ethicality of practices by marketers in the downstream sector.

Literature Review

Marketing Ethics in the Nigerian Downstream Sector

Philosophically, ethics as obtainable in various disciplines, provides a benchmark or principles on the propriety of individual or corporate behaviour. It provides rules and guidance on how one should act in day to day affairs of an organisation, such as the internal and external relationships, work processes, employee rights and duties, consumer rights and moral rules that apply in many decision making instances in work organisations (Brooks & Dunn, 2010; Elegido, 2009 & Osondu, Damilola & Austin, 2011). In taking strategic decisions on the marketing mix, marketing management are often faced with ethical dilemmas.

Marketing Ethics focuses on the application of ethical consideration in marketing decision making. It involves the institution of minimum behavioural standards and codes in marketing practices by providing a structure of rules and guidelines relating to marketing decisions and practices (Siham, 2013). Ethics in marketing revolves around ensuring consistency in fair business practices. Essentially, a firm should not focus on profit maximisation and expansion of market share without considering the interest of the consumer and the general society; as apparent in the downstream sector of the Nigerian petroleum industry. Several studies attest to this position (Osueke & Ofondu, 2013; Siham, 2013; Udeagbara, Ojeh & Anusiobi, 2014).

According to Udeagbara, Ojeh and Anusiobi (2014), adulteration of petroleum products has become prevalent in Nigeria. They, submitted that variation exists in the properties and composition of petroleum products such as Premium Motor Spirit (PMS-*petrol*), kerosene, and diesel that were tested. The effect of these variations ranges from fire outbreaks and damage of automobile engines and other machineries to explosions in homes. In all these, unethical marketing practices have not only caused consumers their money but also their lives and livelihood in several instances in Nigeria (Ijewere & Obeki, 2011).

Apparently, a critical incentive to engage in unethical activities in the downstream sector in the pricing regime. Various government attempts at regulating the downstream sector has ensured that the trends in petroleum

products' pricing in Nigeria have assumed a perpetually fluctuating pattern, not from market forces but from governments' inability to meet subsidy requirements from year to another. Government has advanced several reasons for its inability to meet the subsidy requirements, chief of which is sharp practices by petroleum marketers such as non-delivery of claimed imports, diversion of petroleum products and over-invoicing. These unethical practices occur largely due to ineffective monitoring (KPMG, 2020).

Published reports from regulatory agencies in the Nigerian petroleum industry suggest that high levels of unethical practices are being carried out by petroleum marketers. The DPR as the apex regulatory body in the downstream sector has acknowledged several complaints from consumers, especially in the southwest, on sharp practices such as the arbitrarily fixing of premium motor spirit prices above the government approved rate and hoarding of petroleum products. According to the DPR (2019), such sharp practices contradict business ethics and the rules of engagement in the sector. Unethical practices identified by the DPR include arbitrary price hike, hoarding, price discrimination, adulteration, incomplete dispensation of products and adulteration.

Some petroleum marketing companies have been reported to deliberately increase prices of petroleum products in anticipation of price increases. This unfortunate increase negatively impacts on the local and general economy. On the contrary, where government announced reductions in the official rates, the same petroleum marketing companies will not adjust their pump price according to the premise that they have not exhausted their old stock. These unethical behaviours are usually witnessed by consumers and as such the unethical behaviour affects the perception of consumers about the brand of such firms.

Similarly, hoarding can be described as deliberate refusal of some petroleum marketing companies to sell or dispense petroleum products despite having it in stock. This action creates artificial scarcities which in turn increase the prices of petroleum products. Consumers are usually aware of the deliberate unethical action but they usually endure due to lack of alternatives. According to Kotler and Armstrong (2009), price discrimination occurs whenever there are unwarranted price variances or discounts for the same product sold by a single seller. This is evident during fuel scarcity in Nigeria where a retailer sells fuel at different prices to different buyers in order to maximise profit. Price discrimination exists on three conditions according to McAfee (2008) – (i) when consumers differ in their demands for a particular good or service (ii) when a firm has market power and (iii) when the firm can limit arbitrage.

In addition, there are several reports of deliberate metre adjustments by filling stations with the intent to short change buyers. This leads to incomplete dispensation of petroleum products to consumers, who will bear the attendant economic losses (Itsekor, 2019). The DPR and the Nigerian National

Petroleum Corporation (NNPC) has sanctioned several petroleum marketing companies for product diversion to foreign countries after receiving subsidy claims from the government. This act is not only unethical but unpatriotic. Furthermore, there is also the local diversion of products such as kerosene to the diesel sector for adulteration, as reported by Basil (2016). Petroleum product adulteration refers to the process of diluting a quality-refined product with a less quality product in order to increase the volume for more profit despite its attendant health and economic problems (Vempatapu & Kanaujia, 2017).

Chikwe and Onojake (2020) reported the Standards Organisation of Nigeria (SON) conducted a nationwide sampling on petroleum products over a six-month period in Nigeria. The results showed high levels of adulteration at different levels of distribution in the downstream sector. The costs of adulterated PMS, diesel and kerosene by greedy intermediaries are of great concern. There have been several reports of explosions, damage of engines, plants and machinery, and loss of revenue by unwitting retailers. This is in addition to reports of increased exhaust emissions of hydrocarbons, carbon monoxide, oxides of nitrogen, and particulate matter leading to increased air pollution (Muralikrishna & Venkata, 2006).

BOVAS and Company Ltd.

BOVAS and Company Ltd started operations in Osogbo, Osun State capital in 1991 with a service station and subsequently a Liquefied Petroleum Gas plant in Ibadan, Oyo State in 1995. The company's management philosophy is built on Solid Foundation and Confidence in an environment that encourages honesty, team building, project management, skill transfer, and career development. As a strategy for expansion, and in exuding the confidence in the brand, Bovas usually adopts full acquisition or lease of filling stations in choice locations. Presently, Bovas has over one hundred & nineteen (119) functional service stations around the country, with more under various stages of completion.

Prior to the establishment of the company, the Managing Director and Chief Executive was a dealer under Texaco Nigeria Ltd. (now MRS Plc.) where she won the most priced Texaco Plc. Best Dealer Award in sale and marketing innovativeness for the Latin American/West African Region. Adhering to the Marxian philosophy, the firm is anchored on fairness arising from the believe that societal conflicts arises from the relationship between the rich, who have monopolised the political, economic and social resources, and the poor who are separated from the process of materialism.

The managerial philosophy the firm abhors exploitation and domination. This influenced the "market revolt" the firm carried out against all known and normalised unethical norms of the downstream sector. Preliminary observation

of the researchers showed that where and when every other service station chooses to hoard or hike prices, Bovas Stations will sell, and at the official rate in as much as they have products to dispense. This market revolt involves enshrining honesty and ethical values in all operations of the firm which has remarkably created a unique base of loyal customers for the firm. In response to this stand, this study gathered that Bovas and Company Ltd. has been experiencing tacit anticompetitive measures by competitors in the downstream sector such as preventing the acquisition of local filling stations by Bovas and Company Ltd. in an attempt to prevent fair competition and perpetuate unfair marketing practices by limiting consumers' choice.

Regulatory Lapses and Ethical Focus in the Nigerian Downstream Sector

The ethical focus of regulators in the Nigerian downstream sector is largely within the realm of government business relationships with the players in the sector and compliance with minimum safety requirements. With the dwindling foreign exchange reserve and fall in government revenue induced by the twin impact of fall in crude oil price and COVID-19 pandemic, there appears to be little interest in what transpires between the retail outlets and the final consumers of petroleum products. For instance, the Pipelines and Products Marketing Company is an arm of the NNPC that responsible for the efficient transport of crude oil to the refineries and the outward moving of white (refined) petroleum products to the markets through a safe network of pipelines and depots while the Petroleum Product Pricing Regulatory Commission is the body mandated to fix the prices of the products.

The PPPRC must however work in tandem with the Petroleum Equalisation Fund (Management) Board in order to ensure uniformity in prices across the country by taking cognisance of transportation costs. On its own, the DPR (Downstream) issues the guidelines that prevent the importation of substandard products into the country, and is also expected to provide guidelines for setting up of retail outlets and also ensure compliance with fair business practices. It would appear the DPR has adopted a reactionary approach to the fair business practices aspects of its mandate as they are only seen to act after the fact. Furthermore, government appears to be in a dilemma regarding the issue of effective management of pricing and subsidy, despite presence of several regulatory bodies. This has taken the centre stage in policy discourse in the sector.

According to KPMG (2020), the Nigeria's downstream sector continues to underperform due to the regulated price regime and the lack of effective monitoring of the supply and distribution of petroleum products. These issues negatively impact the Nigerian economy, resulting in huge under-recovery of the subsidy bill. According to Shawai, Yahaya and Usman (2019), deregulation of the downstream sector will only be successful provided social and economic vices like the unethical marketing practices of firms in the purchase and

distribution of petroleum products are removed. Furthermore, the fraudulent practices of officials of NNPC and other government officials must be stopped while the proceeds from the downstream deregulation may be used to develop social and economic infrastructure (Yusuf, Tukur, Caleb & Ibrahim, 2019; Soud, Ralby & Ralby, 2020).

Consumerism

Consumerism, as a movement, started as a practice to protect consumers against the activities of unethical business firms. Today, consumerism is an important force affecting businesses as an organised movement of citizens and government to support the rights and powers of buyers in relation to sellers. Consumerism describes the conscious development in consumer awareness and insistence on their rights to get commensurate value in exchange for payment for their goods or service requirements as consumers, (Ayozie, 2013; Ebitu, 2014; Kotler, 2002). According to Agbonifoh, Ogwo, Nnolin & Nkamnebe (2007), the rise of consumerism in any society is usually caused by some precipitating factors such as the appreciation of the societal marketing concept. The concept advocates the supremacy of societal health and wealth of the consumers over and above the quest for profits by firms in different sectors.

Consumerists in different parts of the world have advocated and won concessions on issues such as accurate interest cost of a loan; the ingredients in a product; withdrawal of hazard products; the product quality, and the true benefits of a product (Adegboruwa, 2015). Several companies have been forced to establish consumer-affairs divisions in order to formulate corporate policies and respond to consumer complaints. In addition, marketers today need to consult with the firm's legal, public relations/affairs, and consumer-affairs departments before making commitments either through advertisements or personal selling, all in order to protect the interests and rights of the consuming public and the firm (Adegboruwa, 2015; Kotler, 2002).

However, the average Nigerian consumer remains one of the most exploited across different sectors. From communications (mobile telecommunications and digital TV), power supply, manufacturing, petroleum and other service industries to government ministries, departments and agencies; it has been a tale of dissatisfaction (Adegboruwa, 2015). Ordinarily, customer loyalty is determined by many factors including product quality and customer trust. Hence, the ability of an organisation to create and retain loyal customers is at the heart of every business and as such brand loyalty is largely influenced by satisfactory or dissatisfactory experience that a brand has accumulated over a period of time, in addition to the perception of product quality by consumers.

Consequently, it is a near impossibility that a brand or brands associated with unethical practices can withstand the test of time as such usually run out of customers (Ayozie, 2013); except in instances of monopoly, cartels, or poorly regulated sector as obtainable in the downstream sector. According to Nkamnebe, Idoko and Kalu (2009), evidence suggests that Nigerian consumers rarely seek redress despite the apparent exploitation and abuse they experience in the exchange process. This situation, they opined, suggests a rather forceful normalisation of the absurd. Such passive consumer absurdity has created academic gaps in extant literature that needs to be addressed. The nature of the emerging wave of consumerism in the downstream sector is still speculative. This is especially so because it appears that there are few filling stations that command the trust of consumers enough to attract a public action.

However, there are certain peculiarities in the Bovas case. It has been observed that any location where Bovas has a filling station, other filling stations, including established international brands, within that vicinity experience significantly less patronage even while there are sales activities in Bovas. This consumer action is related to the perceived positive ethical practices of the firm which provides a favourable alternative to consumers and a “*payback*” to the petroleum marketing companies and brands that have acted unethically in the past. Traditionally, the biggest weapon of the consumer has been the ‘*silent vote*’, which according to Ayozie (2013), is the right not to buy or patronise unsatisfactory goods and services. This reinforces the concept of consumer sovereignty.

Federal Competition and Consumer Protection Council to the Rescue?

Given this background, can the Federal Competition and Consumer Protection Commission (FCCPC) play any role in arresting the trend of unethical practices in the downstream sector? Will there be a clear departure from the lackluster prosecution of ethical breaches in the downstream sector by DPR? The FCCPC is the leading authority on competition and consumer protection in Nigeria. Formerly known as the Consumer Protection Council (CPC), the commission was created by the Federal Competition and Consumer Protection Act - 2018 to, among others, develop and encourage fair, efficient and competitive markets in the Nigerian economy, enable access by all citizens to safe goods and services, and ensure the protection of rights of all consumers in Nigeria.

The vision of the commission is to engender a market that’s a model for ease, innovation, dynamism, responsiveness and satisfaction; while the mission is to promote a fair and vibrant market while ensuring consumers are to the core of all business activities. The core values of the commission include; Competence, Responsiveness, Ethics, Sensitivity, Transparency and Stability. The Commission in execution of its statutory mandate deploys some regulatory tools to monitor and change undesirable behaviour of service providers and manufacturers. These tools include complaint resolution, surveillance and

enforcement, consumer education, as well as research and strategy. In an interview with Premium Times in January 2020, the incumbent Director General of the FCCPC, Mr. Babatunde Irukera submitted thus:

“The structure of the regulatory work at the commission is not for people to be taken to the court. Unless as a part of the law enforcement agencies, like the Office of the Attorney General of the Federation, Economic and Financial Crimes Commission (EFCC), ICPC or Nigeria Police, the commission will not have a record of taking many people to court because we are not prosecutors..... However, under the new law, the powers the commission had to report things to the Ministry of Justice for them to decide whether to prosecute or not are now for the commission to go to court itself. So, apart from EFCC or other law enforcement agencies, the commission is in court the most. What each of these cases does is to send a clear message that there is a regulator who has both the desire and the will to hold people accountable by enforcing compliance to the fullest extent of the law, including criminal prosecution.”

Suffice to say that the FCCPC has been empowered by law to adjudicate on behalf of consumers and prosecute, where necessary, all matters that bothers on unethical practices against consumers in Nigeria. However, unlike the core regulators in the petroleum industry, FCCPC may not have oversight powers over the firms. That is, the ability of FCCPC to protect the interests of the consumers in the petroleum industry may depend on the complaints received against individual firms.

Methodology

The study adopted field observation and survey research designs, in order to critically examine unethical marketing practices of petroleum marketers in Nigeria and the consequent relationship it has on the emerging consumerism in the sector. Due to constraints such as the case-study focus of the study and availability of funds, the primary data collection was restricted to motorists (cars and motorcycles) that patronised selected Bovas Petrol Filling Stations in Osogbo (4 stations) and its environs – Ife (2 stations), Ilesa (3 stations) and Ede (1 station). This is premised on the fact that Bovas and Company Ltd. started operations inception in 1991 in Osogbo, Osun State capital, before

spreading to other parts of Nigeria. The study will therefore benefit from long standing and informed opinion of respondents and customers of the firm.

Considering the on-site nature of the study, a non-probability technique of convenience sampling was adopted in carrying out structured interviews with the aid of trained research assistants (Bell & Waters, 2014). The study has a working population of an approximate 5000 motorists that patronise the 10 selected Bovas petrol filling stations within two days of field work – 6 hours daily; 10:00am – 1:00pm and 2:00pm – 5:00pm. A convenient sample size of willing 612 motorists was however accessed, out of which 549 were found suitable for analyses. Correlation coefficient was used to ascertain the degree of relationship between the variables, through the Statistical Package for Social Sciences (SPSS).

Data Presentation and Analysis

Field Observation Findings

Researchers observed an average of about 14 motorists (cars and motorcycles) per minute in Bovas Stations while other stations within a kilometer distance to any of the Bovas Stations surveyed clocked an average of 4 motorists (cars and motorcycles) per minute irrespective of the number of dispensing pumps in use. Also, consumers appear not to mind queuing up in Bovas stations, even when other nearby petrol stations are virtually free of vehicles.

Survey Results

Statement of Hypothesis

H₀: There is no significant relationship between unethical marketing ethics and the emerging consumerism in the downstream sector.

Descriptive Statistics

	Mean	Standard deviation	N
Unethical M. Practices	4.1742	.32860	549
Emerging Consumerism	4.3458	.20744	549

Source: SPSS analysis, 2020

Correlations

		Emerging Consumerism	Unethical M. Practices
Pearson correlation	EMER. CON	1.000	.047
	U.MKT PRT	.047	1.000
Sig. (1-tailed)	EMER. CON	.	.138
	U.MKT PRT	.138	.
N	EMER. CON	549	549
	U.MKT PRT	549	549

Source: SPSS analysis, 2020

Anova (b)

Model	Sum of squares	Df	Mean Square	F	Sig.
1.	.128	1	.128	1.190	.276(a)
Regression	59.044	547	.108		
Residual Total	59.172	548			

a. Predictors: (Constant), CONSUMERISM

b. Dependent Variable: MARKETING PRACTICES

Interpretation of Analysis

Decision Rule

Accept the null hypothesis H_0 if the F calculated is less than F tabulated and where F calculated is greater than F tabulated to accept H_1 and reject H_0 . That is, accept H_0 when $F_{cal} < F_{tab}$ and accept H_1 when $F_{cal} > F_{tab}$.

Model Summary

$R = 0.047$, $R^2 = 0.002$, $F_{cal} = 1.190$ and $t\text{-sig.} = 1.091$

Discussion of Findings

The model summary shows that there is linear correlation relationship between the variables (independent and dependent) because the R which is the predictor variable is 0.047 therefore there is a positive correlation between emerging consumerism and unethical marketing practices. That is, an increase in unethical marketing practices will lead to a rise in emerging consumerism. Although there is positive correlation in the relationship, however the value of $R = 0.047$ suggests that the positive relationship is weak. $R = 0.002$ which is the coefficient of multiple determination shows that the major issues in unethical marketing practices has only been able to explain 2% of the total variation in emerging consumerism. The other 98% is explained by other variables not considered in the study. This further confirms that the linear relationship is very weak.

ANOVA F_{cal} is 1.190 and F_{tab} is 5.83. The F statistic indicates that the combination of the predictor variable significantly predicts the dependent variables. Therefore, F_{cal} is 1.190 and F_{tab} is 5.83 which mean that the F_{cal} is less than the F_{tab} . Considering the decision rule, this implies that the null hypothesis will be accepted while the alternative hypothesis is to be rejected. Thus concluding that there is no significant relationship between the independent variable and the dependent variable, even though the relationship is linearly positive. This implies that there are many other variables involved in the determination of consumerism in the downstream sector of the Nigerian Petroleum Industry, of which unethical marketing practices is one.

This result is important due to the role the sector plays as a major source of revenue to the government. In this instance, the rise of consumerism in the sector will bring the much desired change with spiral effects across the value chain of the petroleum industry. Furthermore, the insignificant correlation between the emerging consumerism, adulteration and unethical practices by the marketers may not be unconnected with the perceived inability of the regulatory agencies, especially the DPR to effectively curb malpractices in the sector. Nkamnebe, Idoko and Kalu (2009) opined that due to a forceful normalisation of the absurd, consumers have become passive and rarely seek redress when exploited in the exchange process.

In addition, despite the high level of unethical practices in the downstream sector and other several complaints of cheating by consumers, the existing system of sanctions and temporary closures has not deterred the unethical marketers. This situation prevails partly due to the fact that there are more petroleum marketing firms that are engaged in sharp practices than the ethically upright ones. Therefore, most consumers may have no choice but to patronise unscrupulous filling stations despite being aware of unethical practices of the marketers. The Federal Competition and Consumer Protection Commission should therefore intensify efforts at creating more awareness on its mandate to protect the right of all category of consumers.

Conclusion and Recommendations

The study concluded that there is a gradual rise in consumerism in the downstream sector of the Nigerian Petroleum Industry. It is recommended that relevant law enforcement agencies should improve on their monitoring and enforcement efforts geared towards checkmating unethical marketing practices of petroleum marketers in Nigeria, while petroleum marketers that indulge in unethical practices are advised to stop if they must remain sustainable. It is important that public orientation should be intensified in order to bring to the notice of the public the potentials in the prosecutorial powers of the Federal Competition and Consumer Protection Commission (FCCPC).

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