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Consumer Rights in Online Food Delivery Platforms: An Analysis of India's Legal and Regulatory Framework

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ABSTRACT

The rising popularity of delivery services like Zomato and Swiggy, has changed the way Indian consumers are eating, providing them convenience, variety and speed. But on the other side, this transition has created risks for consumers such as quality of food, delayed or missed deliveries, hidden or extra charges, data privacy issues, and grievance redressal. This paper critically analyses the rights of the consumers of the online food delivery platforms, the legal framework under the Consumer Protection Act, 2019, the Consumer Protection (E-commerce) Rules, 2020, FSSAI regulations and the Information Technology Act, 2000. The paper reviews the available literature and considers the case law, looking at the issues consumers are currently facing and how much liability the platforms, restaurants and delivery partners are taking on. The study shows that despite having so many legal frameworks, enforcement is lacking and consumers do not know that they have remedies available. The paper ends with recommendations for tougher laws and that providing that consumer awareness should be increased.

KEYWORDS

Online food delivery, consumer rights, consumer protection, Zomato, Swiggy, e-commerce rules, FSSAI, liability, grievance redressal.

INTRODUCTION

People can order food and groceries from restaurants and stores using online food delivery platforms. These platforms are like websites or apps that you can use on your phone. You do not have to go to the restaurant or store to buy food. You can see what food they have, order what you want and pay for it on your phone. Then you can track where your food is and wait for it to be delivered to your home. Online food delivery platforms, like Zomato and Swiggy are very popular. They have big apps that make it easy to do all this. You can get your food delivered to your doorstep using food delivery platforms. The online food ordering in India has certainly changed the way people relate to food. They provide unmatched convenience, choice and cost savings. If someone is looking for the best online food ordering app for a gourmet dinner, a fast snack, or a group meal, there are many options that suit your requirements.

The journey of the food service industry has undergone a remarkable shift with the emergence of online food delivery platforms. Traditionally, customers ordered food directly from the restaurant using telephones calls, paper menus, through house drivers or visiting the restaurant in person. However, how rapidly technological advancement, smartphones usages, online digital payment, and internet access have changed the way people used to order and consume food.[1]

The covid 19 pandemic in 2020 transformed the growth of online food ordering. As consumers felt safer while ordering food because of contactless shopping and also it had different dining options. Industries like grocery stores, restaurants and cafes rapidly adapted their online ordering capabilities.[2]

While online food delivery offers a great deal of convenience, it also raises new concerns with respect to consumer protection. They could get inaccurate, delayed or unsafe food; unexpected costs or limited ability to get a refund. Collection and processing of personal and payment data also raise privacy issues. These issues present a significant legal challenge: what is to be the responsibility of the platform, restaurant and delivery partner if a consumer suffers loss or is given poor service?

This paper will explore these questions based on the current Indian consumer-protection, e-commerce, food-safety and information-technology frameworks.

[1] Elizabeth Jackson, History of Food Delivery and How It's Changed, THISTLE THOUGHTS (Nov. 18, 2009).
[2] School24, A Brief History of Online Ordering (Sept. 5, 2024).

Objectives

- To learn the growth and evolution of online food delivery in India.
- To learn and explore consumer rights when accessing online food delivery services.
- To examine the legal framework of online food delivery platforms in India.
- To learn from the case laws how liability is allocated between platforms, restaurants/ cafes/ cloud kitchen and delivery partners when consumer rights are breached.

REVIEW OF LITERATURE

The existing literature on online food delivery in India can be organised around three themes: the growth and adoption of these platforms, the behaviour and demographics of the consumers who use them, and the risk this growth has produced for consumers and workers. This paper draws on all three themes and connects them, in the analysis below, to the legal and consumer rights questions examined in later sections.

Growth and Adaption: In the study by Selvan & Andrew (2021) examines the emerging trends of online food delivery apps in India, and how online food delivery has grown in India and changed the habit of the way people eat. He also studied that they were less limited academic research analysing their impact on consumer behaviour, market challenges and future innovations.[3] Ghosh, Dey and Kundu (2026) observed that online food delivery platforms like Zomato and Swiggy provide better visibility and connectivity between the customers and restaurants, making the ordering process more efficient.[4] This is consistent with data from IBEF (2025) which shows that now India has beaten the USA to become the second largest retail market with more than 270 million online shoppers in 2024.[5] The increasing use of mobile phones, internet and digital payment has accelerated the shift towards online platforms.

Consumers behaviour and demographics: Thakkar, shah and Vidani, (2024) found that the consumer behaviour in online food delivery platforms is shaped by convenience, variety& choices, technological features and promotions & discounts and that trust and loyalty depend upon how fast the food arrives, whether the order is correct & how helpful the customer

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[3] S.C.B. Samuel Arbu Selvan & Susan Anita Andrew, Study on Emerging Trends of Online Food Delivery Apps in India (2021).

[4] Tisha Ghosh, Sushil Kumar Dey & Kaustav Kundu, Combining the Bullwhip Effect in Rival Online Food Delivery Platforms Using Deep Learning, 217 COMPUTERS & INDUS. ENG'G (2026).

[5] INDIAN BRAND EQUITY FOUNDATION, India's E-commerce Boom: Growth, Trends & Prospects, Business Opportunities in India: Investment Ideas & Industry Insights | IBEF , (last visited July 28, 2026).

services are.[6] Rathi, Shivhare and Dawle, (2025) found that young adults (between 18-35) are more interested in online food delivery than in restaurants. This age group is very familiar with mobile phones, apps and online payments, so they are the main client of online food delivery services.[7] Their hectic schedules, school-college related issues, their desire to be convenient make them opt for online food services, and also young adults are more active in social media, they explore new cuisines, follow the trends and recommendation from friends and influencers. However, these studies concerning consumer choices should not automatically be treated as evidence that this age group has the highest number of consumer complaints.

Risks and externalities: According to (Okazaki et al., 2020) , Online purchase has its advantages, but it also raises concerns related to information and potential privacy risk.[8] Laurence's et al. (2022) found that food waste often arises from over purchasing, poor storage or improper meal planning.[9]

On the labour side, Neha Arya (2026) found that these delivery personnel in India, particularly in delivery apps such as Zomato/ Swiggy, work for a long period of time, earn low wages and bear the stress of the app rules, poor working conditions and low remuneration after expenses. Low participation of women due to safety concerns and social barriers. By these apps, delivery partners are referred to as "partners" and do not have actual control over security.[10]

Research gap: Much of the existing literature focuses on the growth of the platform, consumer behaviour and working conditions individually. Not much research has been conducted on the interaction between these issues and the allocation of legal responsibility between online food delivery services, restaurants, "cloud kitchens" and delivery staff when consumers are injured.

This paper aims to fill this gap by discussing the relationship between two of the most important areas of law - consumer law and e-commerce regulation and food-safety law and intermediary liability in the context of online food delivery in India.

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[6] Shivangi Thakkar, Darshan Shah & Jignesh Vidani, Consumer Preferences and Ordering Behaviour: A Comparative Analysis of Zomato and Swiggy Users, 7 J. ADV. RES. SERV. MGMT. 14, 14-20 (2024).

[7] Sarthak R, Sugam J & Abhijeet D, The Digital Dining Revolution: Comparative Study of Online and Offline Food Consumption, IJMR (2024).

[8] Shintaro Okazaki, Martin Eisend, Kirk Plangger, Ko de Ruyter & Dhruv Grewal, "Understanding the Strategic Consequences of Customer Privacy Concerns: A Meta-Analytic Review," 96(4) Journal of Retailing 458–473 (2020).

[9] C.E. Lourenco et al., We Need to Talk About Infrequent High-Volume Household Food Waste: A Theory of Planned Behaviour Perspective, 142 SUSTAINABLE PROD. & CONSUMPTION (2022).

[10] Neha Arya, "Platform Workers' Experiences in the Online Food Delivery Sector in India," 15 pages (2026).

METHODOLOGY

In this study, the method used is doctrinal and descriptive research with secondary sources only. The data has been gathered from academic articles, government reports (IBEF), regulatory frameworks (Consumer Protection Act 2019, Consumer Protection E-commerce Rules 2020, FSSAI regulations, IT Act 2000), news reports and published consumer court/commission judgments. Analysed the pertinent case law in order to gain insight into the judicially determined liability of platforms, restaurants and delivery partners. A primary survey and fieldwork were not done and only qualitative analysis of existing literature and legal material was carried out.

GROWTH OF ONLINE FOOD DELIVERY INDUSTRY IN INDIA

In the past decade, the online food delivery industry has been booming. With the rise of the internet, mobile phone usages, fast paced life and online digital payment systems, people have moved away from the normal traditional food ordering methods to online platforms. The trend was further fuelled by the covid 19 pandemic, which saw a surge in demand of contactless transactions and doorstep delivery, but some people were also concerned about food safety and delivery hygiene during this outbreak and further consumers were also concerned that they might get infected by delivery partners and through contaminated food. Today, online food delivery is an integral part of the online economy in India.

RIGHT OF CONSUMERS IN ONLINE FOOD DELIVERY

Under the Indian law, all food orders placed by consumers via digital platforms are entitled to certain protection. These rights provide consumers with protection from unhelpful service, spoiled food or unfair practices and lay the groundwork for grievances to be addressed through the legal framework.[11] This section summarizes some of the rights consumers have when ordering food through an online service.

[11] Consumer Protection Act, 2019, §§ 10, 18, 35, No. 35, Acts of Parliament, 2019 (India).

Right to safety

Consumers have the right to be protected from goods and services which are dangerous to life and property. For food delivery, this means that the product is safe from all unfit, contaminated or unsafe food.

All food businesses are required to obey the food safety requirement as prescribed in the Food Safety and Standards Act, 2006 and FSSAI regulations. The Food Safety and Standards of Licensing and Registration of Food Businesses Regulations, 2011 prescribe hygienic and sanitary requirements to food businesses in Schedule 4 of the Regulations.[12] For this reason, if the consumer has been exposed to unsafe or contaminated food, the consumer may seek remedies as a base of the facts of the case.

Right to information

Consumers have the right to get information that they need to make their purchase choices. In online transactions, information concerning the seller, price, delivery, refund and grievance mechanisms is particularly important.

Under the Consumer Protection (E-Commerce) Rules, 2020, e-commerce entities are obligated to provide specific information to the consumers and set up mechanisms for consumers' grievances.[13]

Right to choose

Digital platforms offer customers a breadth of restaurant and food options. Relying on unfair trade practices, the misrepresentation, the omission of the amount of charge, etc. of the consumer's choice must not be discouraged.

There are also certain practices in the E-Commerce Rules that are directed at cancellation, pricing, and consumers' information.[14]

Right to seek redressal

If a consumer has received services that are incorrect, unsafe or deficient, they may seek remedy where legally allowed, such as refund or replacement of service or compensation.

The Consumer Protection Act, 2019 grants access to Consumer Commissions and sets up the Central Consumer Protection Authority (CCPA) with powers in regard to consumer rights, unfair trade practices and misleading advertisements.[15]

Right to privacy & data protection

[12] Food Safety and Standards Authority of India, Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011, sch. 4 (India).
[13] Consumer Protection (E-Commerce) Rules, 2020, rr. 4–5, G.S.R. 462(E) (India).
[14] Consumer Protection (E-Commerce) Rules, 2020, G.S.R. 462(E) (India).
[15] Consumer Protection Act, 2019, § 18, No. 35, Acts of Parliament, 2019 (India).

Personal information is used by online food delivery services to deliver their services.[16] This information can contain contact information, delivery addresses, order information, information regarding payment, etc.

The Act provides for a phased commencement and provisions have to be read in light of the dates when they come into effect.[17]

COMMON CONSUMER ISSUES

These are some of the most common issues by consumers when ordering food online:

The food that arrives is sometimes not the same as what was ordered or nothing arrives at all. Food often comes late and when it does it might be cold, not fresh or even damaged. The way the food is packed is sometimes bad. For some people there are extra charges like delivery fees or packaging costs that were not shown before they placed their order.

Refunds for cancelled or incorrect orders may take a long period of time, or even not be granted, and the discounts or offers listed on the app are not always being offered. Furthermore, customer service that takes too long to respond and that uses chatbots rather than a courteous representative, and some customers have even reported getting online scam messages (especially online harassment from delivery partners) or fake charges while using these platforms. Many consumers continue to experience these problems without realizing that they have legal rights and remedies that can help them deal with these problems.

LEGAL FRAMEWORK IN INDIA

In India, the rights of consumers in the context of online food delivery are safeguarded by several laws.

The Consumer Protection Act, 2019

The Consumer Protection Act, 2019 is the main legislation that deals with consumer rights and remedies in India. The Act applies to goods bought electronically and remedies in respect of the failure to provide services and unfair trade practices.[18]

[16] Digital Personal Data Protection Act, 2023, §§ 4–17, No. 22, Acts of Parliament, 2023 (India).

[17] Digital Personal Data Protection Act, 2023, § 1, No. 22, Acts of Parliament, 2023 (India); notification dated Nov. 13, 2025 concerning its phased commencement.

[18] Consumer Protection Act, 2019, §§ 2(7), 2(11), 2(42), 35, No. 35, Acts of Parliament, 2019 (India). Section 2(42) defines "service" broadly to include services made available to potential users.

The act also introduced a product liability in which food delivery platforms and restaurants are liable for any harm caused by unsafe or defective food. Product liability in the Consumer Protection Act 2019 is defined as a duty of a product manufacturer, product seller or product service provider to compensate for damage to a consumer of a product caused by a defect in the product, or a lack of service in relation to the product. This is important in relation to food delivery, as Section 86 of the Act expressly provides that a seller, which could include a platform that has “substantial control” over the packaging or labelling of a product constituting a cause of harm or which has altered or modified the product in some way that has become a “substantial factor” in causing the harm is covered.[19]

The Act also provides the CCPA with the power to investigate consumer rights violations, unfair trade practices, misleading advertisements, and to implement consumer protection measures.[20]

The Consumer Protection (E-commerce) Rules, 2020

It provides new rules for online platforms and delivery apps, such as appointing a grievance officer and making them transparent in product and seller details.

In particular, the Rules stipulate that all e-commerce companies must designate a grievance officer, a person who will receive a consumer complaint within 48 hours and act to remedy the situation within a month.[21]

In addition, marketplace entities must provide information to consumers regarding sellers, such as the registration status of each seller, the geographic address of each seller's business, a number to contact the seller for customer care, and any ratings or aggregated feedback about the seller, and a number to track the status of each complaint. In the case of food delivery apps, the restaurant/seller details, return and refund policies, and grievance processes have to be made evident, which is clearly applicable to ‘hidden charges' and ‘delayed refund'.[22]

The Food Safety and Standards Authority of India (FSSAI)

FSSAI is the regulatory authority laying down the licensing and registration, and hygiene standards for FBOs. The hygienic and sanitary standards for various types of food businesses

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[19] Consumer Protection Act, 2019, §§ 82–87, No. 35, Acts of Parliament, 2019 (India). Sections 84, 85 and 86 separately address liability of product manufacturers, product service providers and product sellers.
[20] Consumer Protection Act, 2019, § 18, No. 35, Acts of Parliament, 2019 (India).
[21] Consumer Protection (E-Commerce) Rules, 2020, r. 4(5), G.S.R. 462(E) (India). The grievance officer must acknowledge a complaint within 48 hours and redress it within one month.
[22] Consumer Protection (E-Commerce) Rules, 2020, r. 5, G.S.R. 462(E) (India).

are given in Schedule 4 of the Food Safety and Standards of Licensing and Registration of Food Businesses Regulations, 2011.[23]

The framework is therefore applicable to restaurants and catering providers and other food operators who use online platforms. This does not take away from the food business operator's responsibility to meet food-safety requirements, but rather adds to them.

Cloud kitchens are also included in the overall food-business regulatory environment, operating as food business operators. Thus, it is not correct to say that FSSAI does not regulate cloud kitchens, but rather the question is whether the current framework and its implementation are suitable for the unique business model of cloud kitchen and other platform-based food businesses.

The Information Technology Act, 2000

Section 79 of the Information Technology Act, 2000, which offers conditional immunity to intermediaries when they provide information, data or communications via their systems, does not mean it is immune to any liability. Protection is subject to the statutory conditions and is not immunity.[24]

The question of the application of Section 79 to an online food delivery service will thus require careful consideration. Consumers law duties cannot be avoided automatically because a platform describes itself as being in an intermediary position. To establish responsibility the function of the platform, the services to the consumer and the facts of the dispute are relevant. Food Safety and Standards Act, 2006 provides the legal parameters in India for food safety and establishes a Food Safety and Standards Authority of India (FSSAI).

CASE LAWS WITH LEGAL LIABILITY

Zomato Non- Delivery Case, 2022

In this case, the Kollam Consumer Disputes Redressal Commission heard a complaint regarding the failure to deliver food orders and failed refund of the money paid. The Commission ordered refunds of ₹362 with interest to the opposite parties and also ordered

[23] Food Safety and Standards Authority of India, Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011, sch. 4 (India). FSSAI currently identifies Schedule 4 as containing good manufacturing and hygiene practices applicable to food businesses.

[24] Information Technology Act, 2000, § 79, No. 21, Acts of Parliament, 2000 (India).

them to compensate the opposite parties with ₹5,000 for mental agony, and ₹3,000 for litigation costs, against them including the Zomato-related parties.[25]

The case is one of online food delivery transactions that may lead to a consumer dispute where the consumer pays for a certain service, but it is not delivered or they are not compensated. The case is not to be read as a precedent for liability where a food controversy arises.

Swiggy & Paris Panni Sandwich Case, 2025

In this case, a Bengaluru consumer, she is a lifelong vegetarian and now a vegan, received an order of a vegan sandwich from a restaurant called Paris Panini via Swiggy, which contained prawn pieces. The Bengaluru Urban District Consumer Disputes Redressal Commission imposed a compensatory order of 1 lakh for both Swiggy and the restaurant for mental agony, to cover litigation costs and to provide a refund with compound interest. This case clarifies that, when there is a service failure that directly impacts consumer rights, there is **a direct liability on the restaurant** preparing the food, as well as the platform operating it.[26]

The Swiggy Ice-cream Non-Delivery Case, 2024

In the case of Bengaluru, a delivery executive picked up an order for an ice cream and refused to deliver it when he was near the customer's area, but Swiggy argued that it was covered by the IT Act and was a "mere" intermediary. The Consumer Dispute Redressal Commission has refused to accept the intermediary defence and ordered the food aggregator to pay Rs 5,187 with interest at 8% per annum till the amount is realised.

The case is important because it demonstrates that even if the failure is on the part of the individual delivery partner, the liability doesn't end at the delivery partner as delivery partners are treated as gig-economy "partners" and are not considered to have any contractual privity with the consumer, but rather the responsibility is shouldered by the platform with which they are engaged.

Chandigarh Instamart Short Delivery Case, 2025

Various aspects of the platforms and quick commerce liability associated with the short delivery case of Chandigarh Instamart are under consideration. The platform and quick commerce liability of Chandigarh Instamart short delivery case (2025) is under consideration. The Chandigarh District Consumer Disputes Redressal Commission found that if a

[25] Mr Deepinder Goyal v. Mr Arun G. Krishnan, C.C. No. 161/2021, Consumer Disputes Redressal Commission, Kollam (2022).

[26] Nisha G. v. Swiggy Ltd. and Paris Panini, Consumer Complaint No. CC/2798/2024.

quick-commerce and food delivery service has control over the pricing, packaging or delivery of the product, it cannot be classified as a neutral intermediary and cannot, therefore, avoid its responsibility in the cases of short delivery and service deficiency.[27]

CHALLENGES AND FINDINGS

Challenges

Uncertainty regarding intermediary liability Platforms will often try to operate behind the "intermediary" defence in the IT Act, 2000, despite having control over the pricing, delivery and payments.[28]

Multi- part liability: Alongside the classification of "partners," and not employees, delivery partners are not directly liable to consumers and disputes fall to the platform. The consumers do not bother to file formal complaints as they are not aware of consumer forums and the e-Jagriti online filing system and are satisfied with token refunds offered by the companies.

Grievance redressal: App-based grievance redressal is frequently delayed and lacks human character, particularly for complaints, such as food contamination, that are serious. If the complaint is done the e-commerce rules require acknowledgment of complaints within 48 hours and redressal within one month.[29]

Food safety and hygiene: FSSAI provides a detailed regulations for food businesses[30] but not all the restaurants on these platforms comply with the FSSAI hygiene standards.

Data privacy: data privacy concerns continue to be a growing issue, as platforms gather vast amounts of personal, location and payment information. The digital personal data protection Act, 2023, and its regulations give an evolving ground to deal with these concerns.[31]

Emerging business models: The introduction of cloud kitchens and quick commerce stores like dark stores generates new business models. Regulatory and consumer protection systems are already in place for food safety and apply to food-related enterprises, and it is possible that the division of food production, storage, ordering and delivery among enterprises and

[27] Raja Vikrant Sharma v. Swiggy Ltd. & Instamart (kwickbox Retail Pvt. Ltd.), Case No. DC/44/CC/78/2025, District Consumer Disputes Redressal Commission, Chandigarh (2025).
[28] Information Technology Act, 2000, § 79, No. 21, Acts of Parliament, 2000 (India).
[29] Consumer Protection (E-Commerce) Rules, 2020, r. 4(5), G.S.R. 462(E) (India).
[30] Food Safety and Standards Authority of India, Food Safety and Standards (Licensing and Registration of Food Businesses) Regulations, 2011, sch. 4 (India).
[31] Digital Personal Data Protection Act, 2023, No. 22, Acts of Parliament, 2023 (India); Digital Personal Data Protection Rules, 2025 (India). India Code records the 2025 Rules and the phased commencement of the Act.

companies makes enforcement and responsibility more complex. Cloud kitchens and dark stores are not separately addressed by the FSSAI Frameworks like traditional restaurants.

FINDINGS

Food delivery platforms have been increasingly losing in Indian consumer courts relying on the 'intermediary defence', which has been interpreted as a form of active service provider within the jurisdiction of the Consumer Protection Act, 2019.[32]

In most cases the liability is shared between the platform and restaurant particularly in the aspect of food quality and safety.

If the liability for the actions of a delivery partner is specifically designated in the material, this is usually passed on to the platform, not the individual delivery partner.

The cases explored also highlight the value of good grievance redressal. Failure to make delivery, failure to offer a proper refund, to respond to properly address a complaint can lead to a deficiency in service, as seen in the cases of Zomato and Swiggy.[33]

Consumers' awareness is still a concern. There are several options under the law for redressal such as Consumer Commissions, the CCPA and online platforms like e-Jagriti. But, the availability of such tools is not enough to ensure that consumers actually avail them. Enhanced consumer awareness and remedies are thus needed.

The study also highlights that the issues of food safety and privacy need to be continually taken care of. The data-protection framework is still developing, and FSSAI already has a good number of food-safety requirements. The implementation and enforcement of these laws is therefore, the main issue, not just the making of more laws.

CONCLUSION

The online food delivery platforms have transformed how people eat in India, providing convenience and options that previous food delivery services did not perform. However, this convenience is accompanied by ongoing threats to consumers' safety and privacy. The legal structure which includes the Consumer Protection Act 2019, the E-commerce Rules 2020,

[32] Mr Deepinder Goyal v. Mr Arun G. Krishnan, C.C. No. 161/2021, Consumer Disputes Redressal Commission, Kollam (2022); Nisha G. v. Swiggy Ltd. and Paris Panini, Bengaluru Urban District Consumer Disputes Redressal Commission (2025); Raja Vikrant Sharma v. Swiggy Ltd. & Instamart (Kwickbox Retail Pvt. Ltd.), Case No. DC/44/CC/78/2025, District Consumer Disputes Redressal Commission, Chandigarh (2025).

[33] Raja Vikrant Sharma v. Swiggy Ltd. & Instamart (Kwickbox Retail Pvt. Ltd.), Case No. DC/44/CC/78/2025, District Consumer Disputes Redressal Commission, Chandigarh (2025).

FSSAI regulations and the IT Act 2000 offers a reasonably good framework for safeguarding the consumers' rights, and judicial trends indicate that courts are not inclined to accommodate intermediaries and are prepared to hold platforms and restaurants jointly liable. Yet a problem persists: Delivery partners are not focused on individually held to account, in-app grievance redress is often less than robust and awareness of consumer rights to take legal action is limited. Greater enforcement of existing regulations, more consumer access to forums, more openness with regards to the use of data and grievance procedures would substantially strengthen consumer protection in this fast-growing industry.