

BOROUGH STANDARD

BUSINESS NEWS FROM L B RICHMOND TRADING STANDARDS

SPRING 2008



INSIDE - New Trading Laws
Enforcement Policy
Cosmetic Safety
Weights & Measures
Scambusters
Energy Labels



LONDON BOROUGH OF
RICHMOND UPON THAMES

Introduction and Welcome

Welcome to the Spring 2008 edition of the Borough Standard, the newsletter produced by Richmond Trading Standards specifically for the traders and businesses of the London Borough of Richmond upon Thames.

In this edition we feature articles ranging from metrication to energy display labels on white goods and from counterfeit goods to stamped beer glasses. However, one item in the Standard features the new Consumer Protection from Unfair Trading Regulations 2008. This is of great significance for every trader in the borough, in that major changes are being made to consumer protection legislation by making it illegal to indulge in "unfair commercial practices". If nothing else is of interest to you I suggest you read this.

We want the Borough Standard to be as useful as possible to you, so if you have any views on it's form or on any content you would like to see in future editions please let us know.

If you want further information about anything in the newsletter or indeed any aspect of consumer/trader law then feel free to contact our duty line and we will be delighted to assist you.

David Smith, Head of Trading Standards



David Smith, Head of Trading Standards

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Cover photo by Chris Light at www.falstaffproductions.co.uk

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Do you measure up?

If you run a pub or restaurant or you are an organiser of special events, are you complying with the law relating to sales of beer, lager and cider?

Under weights and measures legislation, draught beer, lager and cider (except when mixed with other drinks) can only be sold in the following quantities:

1/3 pint, 1/2 pint or multiples of 1 pint

To ensure that the correct measure is served you must use either “stamped” capacity measures or stamped meters.

If you use stamped meters, then the measures you are dispensing the beer/cider/lager into do not need to be stamped. However the customer must be able to see the glass/measure being filled and you must not fill the glass before it has been ordered. If you use measures, every one should be stamped with either the 'crown mark and number' or the new 'CE and M marking'.

Within South West London, Trading Standards carried out a survey in 2007 to check for compliance with the law. The results found in this borough were very mixed, particularly on days when there were events going on or the weather was hot, meaning that more people were drinking outside. Quite a few licensed premises were using unstamped flexible/flimsy plastic measures, most of which were not even capable of containing a full half or full pint, thus giving short measure.

We are aware of the difficulties that have been faced in the past, particularly for example on rugby days, when there is a large increase in the local population. Understandably, safety is an issue on such days, and the use of glass measures where there are large volumes of drinkers may cause problems. For many years reusable stamped 'polycarbonate' measures have been available, but there have been safety concerns even in relation to these – they obviously



don't break when dropped in the same way that glass measures do, but they can break into sharp pieces if trodden on.

Since the introduction of new legislation just over a year ago however, it is now possible for some flimsy/flexible measures to be approved and “CE marked” as being suitable for a single use. Although these measures are more expensive than the traditional unstamped disposable measures, this now means that there really is no reason for not complying with weights and measures requirements. We will be monitoring this over the next few months, so you need to ensure that you are using approved equipment or measures to dispense draught beer, lager and cider. If you do not meter these drinks and you have been using unstamped measures then you should discuss your needs with your supplier as a matter of urgency. If you need further advice on the legislation or on where suitable measures can be obtained from, please contact us on **020 8487 5487**.

New Fair Trading Laws

ON THE WAY

*From 26th May 2008 there will be a major change to trading laws in the UK due to the introduction of **The Consumer Protection from Unfair Trading Regulations 2008 (CPRs)**.*

These regulations arise from an EU directive and will therefore harmonise and simplify legislation for businesses who trade across the EU. It is a very significant change to Consumer Protection legislation and due to the overlap with existing legislation, the Government intends to repeal provisions in a wide range of laws such as pricing, descriptions and credit advertising.

The new regulations will ban all traders from using unfair commercial practices towards consumers, and will set out rules to assess whether a practice is unfair. There will be:

- A general ban on conduct below a level which may be expected towards consumers, which will act as a 'safety net' protection for consumers
- A ban on misleading practices, such as false or deceptive messages, or the omission of important information
- A ban on aggressive sales techniques such as those that use undue influence, coercion or harassment

For a practice to be considered unfair under these rules it must harm or be likely to harm the economic interests of the average consumer.

In addition to this there are 31 practices which are banned outright including the following:

Falsely claiming accreditation

- claiming to be a signatory to a code of conduct
- displaying a trust mark, quality mark or equivalent without being authorised
- claiming that a code of conduct is endorsed by a public or other body when it is not
- not complying with the terms of an approval, endorsement or authorisation.

Pricing and product/service information

- inviting consumers to purchase products where it is not realistically possible to supply them at a particular price or in the quantities demanded (known as "bait advertising");
- luring people in with a product you don't have, with the intention of promoting a different product (known as "bait and switch");
- falsely stating that a product will only be available for a limited time or on particular terms for a limited time in order to elicit an immediate decision;
- stating or otherwise creating an impression that a product can legally be sold when it cannot;
- presenting consumers' legal rights as a distinctive feature of a trader's offer; using scare tactics through inaccurate claims that the personal security of the consumer or his family is at risk if they don't purchase a product;
- falsely claiming that a product is able to cure illnesses, dysfunction or malformations
- requiring a consumer to produce documents which are not relevant or not responding to correspondence when making an insurance claim

Promotional activities

- not making it clear in a media promotion that a trader has paid for the promotion of a particular product;
- deliberate misleading promotion of a product similar to that of another manufacturer so that the consumer thinks it is made by that manufacturer when it is not;
- claiming that a trader is about to cease trading or move premises when he/she is not;
- passing on materially inaccurate information on market conditions or on the possibility of finding the product in order to induce the consumer to acquire a product at less favourable conditions than normal;

- giving the impression to a consumer either on marketing material, an invoice or similar document demanding payment, that they have ordered a product when they haven't;
- a trader falsely claiming or creating the impression they are not acting for purposes relating to their trade/business/craft/profession or falsely representing themselves as a consumer;
- including in an advert a direct encouragement to children to buy the products or to persuade their parents/other adults to buy them for them;

Competitions and Prize Draws

- establishing, operating or promoting a pyramid promotional scheme;
- claiming that products are able to facilitate winning in games of chance;
- claiming to offer a competition/prize promotion without awarding the prizes or a reasonable equivalent; describing a product as 'gratis', 'free' 'without charge or similar where the consumer has to pay for it (except the cost of responding and collecting or paying for delivery);
- creating the false impression that a consumer has won, will win or by doing a particular act will win a prize/benefit, when there isn't a prize/benefit or that it is dependent upon them paying money or incurring a cost.

Sales and after sales service

- creating the impression that the consumer cannot

leave the premises until a contract is formed;

- during personal visits to a consumer's home ignoring their requests for you to leave/not return (unless it is to legally enforce a contractual obligation);
- pestering the consumer by unwanted telephone calls, faxes, emails or other remote media (unless it is to legally enforce a contractual obligation);
- a trader informing a consumer that if they don't buy the product/service then their livelihood is at risk;
- demanding immediate or deferred payment or the return or safekeeping of unsolicited products (inertia selling);
- creating the false impression that after-sales service is available in a European member state other than where the product is sold;
- Not undertaking after-sales service of a product in the language previously used/ agreed with the consumer prior to the transaction being concluded.

So, what do you need to do?

Now is the time for you to review your existing working practices and as a minimum analyse their fairness and ensure that none fall within the 31 banned practices. Guidance can be found at www.offt.gov.uk by typing in:

'consumer protection from unfair trading regulations'

or call us on our trader advice line on **020 8487 5487**.

Enforcement Policy

In Trading Standards we know how important it is that we enforce the law in a fair, honest and open way. To ensure this we have for many years had a published "Enforcement Policy". In conjunction with interested stakeholders this policy has been periodically updated. To assist us with this, from the pages of previous Borough Standards, we have invited comment on our policy.

Now events are overtaking us and certain local authority enforcement bodies, including Trading Standards, Environmental Health and Licensing, will be required to have enforcement policies which comply with new legal requirements. The new Legislative and Regulatory Reform Act 2006 requires that we carry out our functions in a transparent, accountable, proportionate and consistent way, and that our

regulatory activities are targeted at cases where it is needed. The Act also introduces a code of practice which lays down a series of principles which we must have regard to in setting enforcement policies. These include allowing the development of economic progress, the use of risk assessments to make best use of resources, to provide high quality accessible advice and to balance our need for information against the burden that places on business.

So, if you have views on how we should act and what we should be doing, or on the actions we should take when we find traders breaking the law, in particular the circumstances necessary before we take legal action, please let us know. If you would like a copy of our current policy or of the new policy, when written, again let us know.

Remember to ditch your **OLD FLAMES!**



As a result of a number of tragedies brought about by children playing with cigarette lighters a Europe-wide ban now exists on novelty lighters and most other lighters that are not child resistant.

Retailers and wholesalers had until the 11th March 2008 to clear old stocks of non-compliant lighters and since that date IT HAS BEEN ILLEGAL to sell them. You will also need to keep records showing where you bought the lighters you sell.

Lighters must still meet the safety specifications detailed in BS EN ISO 9994:2006, as well as the additional child-resistance requirements laid down in BS EN 3869:2002.

The following types of lighters are exempt from the child-resistance requirements:

- Lighters with a specific purpose e.g. barbecue and utility lighters;

- Lighters which are sold with a two year written guarantee, are refillable and repairable.

There are no exceptions for novelty lighters; all supply is prohibited.

What can you do?

- Obtain written confirmation from suppliers that lighters you buy comply;
- Check the lighters contain, as a minimum the statements "WARNING – KEEP AWAY FROM CHILDREN" and "IGNITE AWAY FROM FACE AND CLOTHING";
- Press the ignition system to check for child resistance. Consider whether a child of four would be able to operate it.

If you have any questions please contact the Trading Standards Duty Officer on **020 8487 5487**.

Scam**BUSTERS**

In the last edition of Borough Standard we reported on the Scambusters initiative, financed by the Department of Trade and Industry (DTI). That is, a team of specialists has been put together operating across London, the east of England and the south west dealing with scams across that wide region. This covers 61 local authority areas, including Richmond upon Thames.

Such a team is necessary to tackle those major scams occurring in the wide region which any one Trading Standards service would have difficulty in dealing with by the very nature of their cross border operations. Intelligence, fed to the team from the 61 local authority areas has led to some notable successes.

Now the Department for Business, Enterprise and Regulatory Reform (the successor to the DTI) has announced plans for creating a series of regional Scambuster teams to cover the whole country. This is good news for all honest traders and businesses as the activities of rogue traders acting across wide areas will be severely curtailed leading to less loss of business from genuine businesses.

In Richmond we will continue to work closely with the Scambusters team and thereby continue to protect the interests of, not only local consumers, but local businesses too.

Spotlight on Cosmetic Safety



The results of a recent project carried out throughout South West London showed that, despite previous work in the area, there are still many incorrectly labelled and potentially unsafe cosmetic products in the market place.

Similar work carried out in 2004 identified that many incorrectly labelled cosmetics were intended for the Afro-Caribbean market.

A total of eighty-eight premises were visited by the five participating boroughs, namely Richmond, Hounslow, Merton, Croydon and Wandsworth and the types of outlets visited included general stores, gift/pound shops, chemists, hairdressers, beauty salons, health shops and market stalls.

In excess of five thousand cosmetic products were examined and of these 40% were found not to comply with safety legislation. The main area of non-compliance was incorrect labelling though more serious problems were found including:

- Counterfeit skin cream
- Counterfeit perfumes
- Cosmetics making medicinal claims
- Banned ingredients in skin lightening creams

Retailers should check that the cosmetics they sell are marked with the following information:

List of Ingredients

Headed by the word "Ingredients", the list must be in descending order by weight using the internationally recognised name for each ingredient.

Examples include the use of "aqua" for water and "parfum" for perfume.

Name and address of the manufacturer or supplier

This must be a name and address of the manufacturer or supplier (e.g. importer) established within the European Community or European Economic Area. A manufacturer's address in, for example Australia or the USA IS NOT SUFFICIENT.

Batch number or lot code

Date of minimum Durability

This may be required depending upon the composition of the product and its intended use.

Warning Statements

These are dependent upon the composition of the product and its intended use.

Quantity Marking

Must be in metric. Only the following abbreviations are permitted; kg; g; l or L; cl or cL; ml or mL.

All required labelling must be visible, indelible and easily legible and, with the exception of the ingredients list, must be in English.

When products have a difficult shape or small size this information may be displayed on an accompanying tag, label, tape or leaflet. In such cases the product should be marked with a symbol depicting an open book.

Further information can be obtained from the Trading Standards Duty Officer on **020 8487 5487**.

Proceeds of Crime



Rogue traders and other criminals beware, Trading Standards are now using powers under the Proceeds of Crime Act to ensure that the profits from their illegal activities are seized. Seizures are not just cash but can be any assets which have been bought from their ill gotten gains, including their house and their cars. If it can be shown to the court that the offender has a criminal lifestyle the Court must assume that all assets acquired over the last six years have been derived from crime and are eligible for confiscation. If the offender doesn't hand over those assets within the timescale set by the court then they go to prison until they do.

In suitable cases Trading Standards will, as an integral part of the criminal investigation, also conduct a financial investigation with a view to applying to the courts for confiscation of assets. Trading Standards services up and down the country are reporting major confiscations including a seller of counterfeit clothing having assets of £585,000 seized, another losing £70,000, and another £61,000, and a seller of counterfeit DVD's having £96,000 seized.

So rogue traders and other criminals beware, get caught and you could well end up paying more than just a fine, you may very well lose your house. Now it really is true to say crime doesn't pay.

Counterfeit Goods

The problems with counterfeit goods have not gone away. Recently, in this borough, we have found fake condoms, batteries, razor blades, DVDs, lighters, vodka and, of course, clothing.

The consequences of selling counterfeit goods for your customers can be very serious. The fake condoms were of poor quality and would certainly not have given the level of protection against pregnancy and transmission of disease as the genuine article. Fake batteries do not last and fake lighters can literally explode in your face.

Also the consequences for the seller can be serious. Not only do we seize fake goods when we find them so that they can be destroyed, we will also consider taking legal action against the retail seller. This action is more likely if the retailer is unable to provide us with receipts identifying the goods and specifying the name and address details of the seller.

So, retail traders are advised to ensure they always receive proper receipts with goods they buy, and to be



particularly cautious of buying from unknown suppliers who just call in at the shop touting their wares. If someone tries to sell you what you think are fake goods, please let us know. If you want advice on how to spot fake goods, please call our Duty Officer on **020 8487 5487**

Underage Sales: Another reminder

As you are probably aware there are various laws which prohibit the sales of certain goods to those who are below a specified age limit. We take the issue of sales of age restricted products to underage people very seriously as not only is their health affected but the quality of life of the whole community can be blighted as well.



We regularly carry out covert test purchases to check whether retailers within the borough of Richmond are complying with the law. Fortunately the majority of traders that we “test” do refuse to sell age restricted products to our underage volunteers. However, we do still find a minority who will sell items such as alcohol, cigarettes and spray paints without taking any steps to ascertain the age of the purchaser. We have a “zero tolerance” policy for traders who we catch selling age restricted goods to those who are underage, and have prosecuted several traders over the past 12 months for this. Such prosecutions could be grounds for a request to the Licensing Authority for a review of a licence under the Licensing Act 2003.

Our message is clear:

- Know what the legal age limits are for the various products
- Ensure your employees know what the legal age limits are
- Have a clear policy of asking their age if there is any doubt about how old a person is
- Ask for proof of age (photo ID driving licence, passport, proof of age card with the PASS symbol such as citizenCard)
- Set up a “till-prompt” system if possible for when age restricted products are sold
- Implement a system of recording incidents where you have refused sales to underage persons eg in a refused sale logbook
- If in doubt – don’t sell

If you require further advice about age restricted products or would like us to send you a “refused sale” book, please contact the trading standards duty officer on **020 8487 5487**

Metrication in the Media



You have probably seen reports in the media recently that the UK is reverting to the use of imperial measures, and that businesses can now legally use pounds (lbs) and ounces (oz) again. This information is incorrect and has created a great deal of confusion.

The actual situation is as follows. Trade transactions made by weight, volume or length must be conducted using metric measures, other than for a few exceptions such as the pint for draught beer and cider and returnable bottles of milk. However, traders are still allowed to indicate the imperial quantities in addition to the metric ones, but that was due to be stopped by the end of 2009. This is the only change that has been made – the EU have said that these “supplementary indications” may continue indefinitely. This does not mean that businesses can now use imperial weighing and measuring equipment! They cannot – metric equipment must be used.

THE FACTS:

- 1 Sales by weight or measure or length must be conducted using METRIC MEASURES (apart from draught beer/cider and milk in returnable bottles)
- 2 Where the weight/volume/length has to be stated on prepacked goods it must be labelled in METRIC. The imperial equivalent can also be shown as a supplementary indication.
- 3 Where the unit price of goods is required it must be in METRIC (eg per kg) but again the imperial equivalent can also be shown as long as it is not in larger characters than the metric indication and as long as the metric indication is more prominent.

It is not illegal for a shopper to ask for a pound lb of apples – but the retailer must weigh the items in METRIC and sell the METRIC equivalent.

Electrical Goods - Energy Labels

The European Community Energy label is designed to inform your customers of the energy consumption of certain electrical appliances under standard conditions.

This label must be displayed on all of the following types of new household products displayed for sale, hire or hire-purchase:

- Fridges, freezers and fridge-freezers
- Washing Machines
- Tumble Dryers
- Washer dryers
- Dishwashers
- Electric ovens
- Air conditioners
- Light bulbs

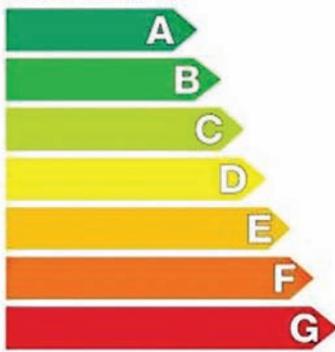
Mail order catalogues, Internet advertisements and manufacturers literature must contain similar information.

The label gives the appliance an overall rating from A to G (with A being the best performance and G being poor performance). The overall rating is based on its energy consumption, how much it costs to run, its water consumption and the level of noise.

Some products are awarded the European Ecolabel which may appear on the label or elsewhere. The Ecolabel indicates that the product has been independently assessed and found to meet strict environmental criteria (considering more than just energy consumption), putting it amongst the best in its class.

Anyone who sells any of the products listed above must ensure the European community Energy Label is displayed on those goods. The labels should be provided to you by your supplier. We also recommend that you check that the manufacturer and model details on the label correspond with the actual product to which the label is attached.

During 2008 officers from the Trading Standards service will be carrying out visits to check that items are correctly labelled. If you have any queries about energy labelling, please contact us on **020 8487 5487**.

Energy		Fridge-Freezer
Manufacturer Model		
More efficient  Less efficient		A
Energy consumption kWh/year <small>(Based on standard test results for 24h)</small>		325
<small>Actual consumption will depend on how the appliance is used and where it is located</small>		
Fresh food volume l		190
Frozen food volume l		126
		*★★★★
Noise (dB(A) re 1 pW)		
<small>Further information is contained in product brochures</small>		
<small>Norm EN 153 May 1990 Refrigerator Label Directive 94/2/EC</small>		



ENERGY Performance Certificates

In 1997 many countries recognised the growing problems of increasing levels of 'greenhouse' gases and agreed to take action to reduce this problem. The countries signed up to the Kyoto Protocol which agreed a set of measures to reduce CO2 emissions.

Buildings are major consumers of energy and European Community research has indicated that by improving energy efficiency, carbon emissions from buildings could be reduced by 22% helping climate change objectives.

The European Union Energy Performance Directive required member states to introduce measures to improve the energy efficiency of buildings and raise

energy awareness amongst the public. This has been brought into UK law by the Energy Performance of Buildings (Certificates and Inspections) (England and Wales) Regulations 2007.

Energy Performance Certificates (EPC) were introduced for the sale of domestic property, as part of the Home Information Pack and the new requirements have extended this to the rental of domestic property and to commercial property. An EPC can only be obtained from qualified energy assessors registered on an approved accreditation scheme.

The implementation is as follows:

Coming into force date	Requirement
Currently in force	EPC in Home Information Packs on sale of domestic property
6 April 2008	EPC required for the construction, sale or rent of commercial buildings with a floor area over 10,000 m ² . EPC required on construction for all domestic property.
1 July 2008	EPC required for the construction, sale or rent of commercial buildings with a floor area over 2,500 m ² .
1 October 2008	EPC required on the sale or rent of all domestic property EPC required on the construction, sale or rent of all remaining commercial buildings. EPC to be displayed in a prominent place in all public buildings over 1,000 m ² .

These new requirements will mainly be enforced by Trading Standards. However where the provisions relate to the construction of buildings they will be enforced by the Building Control Service.

If you think these requirements apply to you and you want more information, please call our Duty Officer on **020 8487 5487**

**If you have any difficulty understanding this publication
please visit reception at the address below where we can
arrange a telephone interpreting service**

Albanian	Nese keni veshtersi per te kuptuar kete botim, ju lutemi ejani ne recepcionin ne adresen e shenuar me poshte ku ne mund te organizojme perkthime nepermjet telefonit.
Arabic	إذا كانت لديك صعوبة في فهم هذا المنشور، فنرجو زيارة الإستقبال في العنوان المعطى أدناه حيث بإمكاننا أن نرتب لخدمة ترجمة شفوية هاتفية.
Bengali	এই প্রকাশনার অর্থ বুঝতে পারায় যদি আপনার কোন সমস্যা হয়, নিচে দেওয়া ঠিকানায় রিসেপশন-এ চলে আসুন যেখানে আমরা আপনাকে টেলিফোনে দোভাষীর সেবা প্রদানের ব্যবস্থা করতে পারবো।
Farsi	اگر در فهمیدن این نشریه مشکل دارید، لطفاً به میز پذیرش در آدرس قید شده در زیر رجوع فرمایید تا سرویس ترجمه تلفنی برایتان فراهم آورده شود.
Gujarati	જો તમને આ પુસ્તિકાની વિગતો સમજવામાં મુશ્કેલી પડતી હોય તો, કૃપયા નીચે જણાવેલ સ્થળના રિસેપ્શન પર આવો, જ્યાં અમે ટેલિફોન પર ગુજરાતીમાં ઇન્ટરપ્રિટિંગ સેવાની ગોઠવણ કરી આપીશું.
Panjabi	ਜੇਕਰ ਤੁਹਾਨੂੰ ਇਸ ਪਰਚੇ ਨੂੰ ਸਮਝਣ ਵਿੱਚ ਮੁਸ਼ਕਲ ਪੇਸ਼ ਆਉਂਦੀ ਹੈ ਤਾਂ ਹੇਠਾਂ ਦਿੱਤੇ ਗਏ ਪਤੇ ਉੱਪਰ ਰਿਸੈਪਸ਼ਨ 'ਤੇ ਆਉ ਜਿੱਥੇ ਅਸੀਂ ਟੈਲੀਫੋਨ ਤੇ ਗੱਲਬਾਤ ਕਰਨ ਲਈ ਇੰਟਰਪ੍ਰਿਟਰ ਦਾ ਪ੍ਰਬੰਧ ਕਰ ਸਕਦੇ ਹਾਂ।
Urdu	اگر آپ کو اس اشاعت کو سمجھنے میں کوئی مشکل ہے تو، براہ کرم نیچے دیئے ہوئے ایڈریس کے استقبال پر جا کر ملیئے، جہاں ہم آپ کیلئے ٹیلیفون انٹرپرائٹنگ سروس (ٹیلیفون پر ترجمانی کی سروس) کا انتظام کر سکتے ہیں۔

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**If you would like a copy of this newsletter in Braille,
large print, on audio tape, or in another language,
please contact Trading Standards on 020 8487 5487**