



## Public Protection Service

### Trading Standards

#### What was new in 2008

##### December 2008

#### **Novelty lighters seized**

Trading Standards Officers have seized a batch of potentially dangerous Santa Claus shaped novelty lighters from the streets of Plymouth. The lighters have flashing lights and play a medley of Christmas tunes when ignited.

Novelty lighters - shaped like toys, guns, mobile phones or animals etc - were banned in March 2008. These lighters often have moving parts and entertaining features which are attractive to young children and in their hands become a real safety hazard.

A ban on novelty lighters in the USA in 2002 saw a 60 per cent annual reduction in deaths and injuries due to fires started by young children.

Consumers who come across such lighters should contact Trading Standards on the Consumer Direct line 08454 040506

#### **Cat and dog fur regulations**

Trading Standards will be making sure that no products containing cat or dog fur are available for sale when these new Regulations come into force on 31 December 2008.

The Cat and Dog Fur (Control of Import, Export and Placing on the Market) Regulations 2008 ban the importing, exporting and selling of products that contain real cat or dog fur.

##### November 2008

#### **Counterfeit Tobacco**

Trading Standards Officers recently joined up with representatives of Imperial Tobacco for a day in an attempt to combat the growing amounts of counterfeit cigarettes and tobacco products being offered for sale in Plymouth.

Using the latest high technology equipment 15 premises around the City were visited and had their stock examined. On this occasion we were pleased to find only legitimate products on sale, but the exercise is likely to be repeated during 2009.

## **National Consumer Week**

The 2008 National Consumer Week will be launched on Monday 17 November at the Office of Fair Trading. The Week is supported by Consumer Direct and the UK European Consumer Centre.

National Consumer Week this year is themed to look more specifically at the issues surrounding Christmas shopping.

As part of the Week there are the new 'Savvy' pages on the Consumer Direct website. Here, consumers can share their shopping experiences, learn about local events where they can get face to face advice and also read the National Consumer Week press releases.

For eighteen years, Trading Standards Institute has been organising the Week to make consumers more aware of their rights and to highlight specific consumer issues. Another aim of this Week is to ensure that consumers are aware of how they can access advice through Consumer Direct and to alert them to the work carried out on their behalf by trading standards officers across the UK.

## **October 2008**

### **Energy Performance Certificates**

New requirements for Energy Performance Certificates to be provided to prospective tenants of self contained properties whenever it is rented out came into force this month. The EPC will allow tenants to compare the overall energy efficiency of the accommodation they are thinking of living in, and how much it will cost to run, before they decide.

Plymouth Trading Standards had a stand at the recent Landlords Expo held in the Guildhall to ensure local landlords are aware of the new requirements.

Energy Certificates are now also required to be displayed in all large public buildings.

### **Doorstep Selling Regulations**

New Laws to protect consumers from high-pressure sales in the home came into force on 1 October.

Now, if you sign a contract for goods or services over £35 in your home you will have 7 days to change your mind and cancel. You must also be given written notice of your cancellation rights.

But, if you agree in writing to work starting straight away and then decide to cancel within the 7 days, you will still have to pay a reasonable amount for the work already carried out.

September 2008

### **Regional Scambusters Team**

Rogue traders and other con merchants in the South West will be the target of a new Government funded Scambusters Team that has been set up in Bristol. It will work with local authorities and police throughout the region to tackle rogue traders, including dodgy doorstep conmen, cowboy builders and counterfeiters.

This new unit will help to shut these conmen down and bring them to justice. It will concentrate on the most serious scams that cause consumers in the South West the biggest problems.

Consumers who wish to report scams can contact the Team through Consumer Direct on 08454 04 05 06

August 2008

### **Underage Sales – Knives and Games**

A test purchasing operation using underage volunteers to buy knives and video games was conducted recently. Over two days the volunteers, a girl and a boy, were sent into a total of 34 Plymouth shops. Sadly they were able to buy a 30cm kitchen knife in one store and a pack of four steak knives in another. They were also able to buy 18+ rated video games like Grand Theft Auto in 5 out of the 9 shops tested.

These events are currently being investigated to determine what further action will be taken. Sanctions can range from a warning letter to a prosecution resulting in a maximum £5000 fine and/or 6 months imprisonment.

It was the first time the city council's trading standards team have targeted games sales and only the second time knife sales have been tested. Last year out of 23 stores tested, only one sold a knife to the volunteer; the company was prosecuted and fined £3500.

### **'One Day Sale' Code**

In an attempt to outlaw this dishonest trading in the city, a Code of Practice has been drawn up in partnership with Trading Standards and many popular venues in the City.

'One Day Sales' are usually held at local hotels or church halls. Usually the trader advertises expensive brand name goods at a remarkably low clearance price but in reality the goods are either not available or just faulty or cheap rejects. Advertisements generally appear in the local press and leaflets are distributed door-to-door immediately before the event. These traders are slick and well practiced at their trade.

The Code requires that before a booking will be accepted by a venue, the trader must sign an agreement containing the terms he will abide by. The Booking Form

also informs the trader that Trading Standards will be informed of the sale and that officers may attend.

## July 2008

### **Car Boot Sales – Code of Conduct**

A Code of Conduct has been drawn up between Plymouth Trading Standards and Car Boot sale organisers in Plymouth.

Car Boot sales are a great way to recycle unwanted items but sometimes opportunists use them as a way of offloading illegal items such as counterfeit DVD's, clothing and cigarettes, alcohol and weapons. The Code will help the organisers control what items are being sold at their sales and hopefully reduce the amount of illegal trading.

## June 2008

### **Scam Mailshots**

A 'Plymouth Prize Register' letter was received by a Plymouth resident. The letter states that the recipient has been selected to receive a prize or award, and they need to ring a 0906 telephone number. The telephone number is a premium rate number; calls cost £1.50 per minute and the mailing states the call takes 6 minutes.

This is a scam that is nothing to do with Plymouth at all. The business mailing the letters is trying to convince people that there is a Plymouth connection, which there isn't. The prize likely to be offered in 1,000's of cases is a photography shoot that doesn't actually include the photos. Trading Standards urge Plymouth residents to ask themselves, 'Have I entered a prize draw?' If the answer is no, then do not respond to the mailing, but contact Consumer Direct on 08454 040506 to report the matter. We are looking to take action under the new consumer protection legislation which came out last month.

## May 2008

### **Company fined £3500 for selling knife to boy aged 15**

Last October, when the age you had to be to buy a knife rose from 16 to 18 we did 23 test purchases to see how Plymouth businesses were abiding by the law. All the shops refused to sell except one, The Range, which sold a kitchen knife to a 15 year old boy.

The case reached Plymouth Magistrates Court this month and the company was fined £3500. The Magistrates said "We are very disappointed that a company of your stature was the only one of 23 businesses which when challenged, failed this elementary test. The rules are designed to protect both the public and your own staff. However we take comfort that you have taken steps to rectify this situation".

## **New laws mean rogue traders have nowhere left to hide**

Rogue traders who dupe, pressurise and cheat the public have nowhere to hide thanks to the biggest shake-up to consumer law in decades.

The Consumer Protection from Unfair Trading Regulations 2008 came into force on 26 May, replace many existing consumer protection laws as a result of a Europe-wide shake up in trading practices and give council trading standards teams tough new powers.

The new laws will apply to businesses trading directly with consumers, from hoteliers and builders to retailers and second hand car dealers. They specifically ban 31 types of unfair sales practices outright, including bogus 'closing down' sales, prize draw scams and displaying false accreditations (such as wrongly claiming to be a CORGI-registered plumber). It also, for the first time, establishes a catch-all duty for businesses not to trade unfairly.

Businesses who do not comply with the new laws face a range of penalties from a written warning to, in the worst cases, criminal prosecution. Depending on the severity of the offence, these penalties could include fines and lengthy prison sentences.

**April 2008**

### **Car Servicing – Naming and Shaming**

Following the publication of our survey on car servicing there have been numerous calls from the public asking why there has not been a 'naming and shaming' of those garages that performed badly.

Chris Brennan, Trading Standards Manager, says "To put it bluntly, it's against the law for us to name these garages. The point of the survey was to see whether they were trading fairly; unfortunately, fair trading legislation specifically precludes us from disclosing the information we have as a result. Even if we had a Freedom of Information request we would have to reject it"

"We don't think this promotes consumer protection and we wish the law was different, as it is with food law for example."

In Trading Standards our emphasis is on helping good traders, and the not so good who want to be good, but putting the bad out of business. One way we can achieve this is for good traders to be labelled as such. In other words we do not name the bad traders, but the good ones.

We are currently conducting a feasibility study into an appropriate Good Trader Scheme for Plymouth businesses. We hope that consumers would then always seek out approved traders and not go to those who were unapproved.

## What have you complained about over the last year.

The top five most complained about goods & services are the same in Plymouth as they are across the South West and nationally.

Last year		Goods/Services	Number	%	+/- 2008/2007
2	1	Telecommunications	426	9.5	+52
1	2	Second hand cars	343	7.6	-38
3	3	Home maintenance & improvements	304	6.8	-2
4	4	Furniture	253	5.6	-7
5	5	Audio-visual	238	5.3	+6

Within the top five there has been a marked increase in the number of complaints regarding 'Telecommunications' and a significant decrease in those concerning Second hand cars.

Complaints about 'Telecommunications' have increased quarter by quarter, amounting to an extra 52 complaints during the course of the year - up 15% on the previous year.

The majority of 'Telecommunications' complaints are about mobile phones hardware (30%) and mobile service agreements (53%).

There were 38 fewer complaints concerning second hand cars year on year (down by 10%). The majority of complaints concern independent dealers (252 or 73%); one in ten are about franchised dealers (38 complaints or 11%).

### March 2008

#### Second-hand Electricals

Trading Standards Officers have recently tested used electric fires from second hand shops in the City. Six heaters were purchased as part of an ongoing safety campaign aimed at assessing the risk to consumers of buying electrical goods from second-hand shops.

The electrical heaters were tested by an expert who found that most of the fires were satisfactory, but two of the six appliances did not meet all safety requirements. One of the fires had damage affecting the security of the side casing which could be taken apart without the use of tools allowing access to live parts.

Consumers are advised to make sure all electrical items are kept in good physical condition and to only buy second hand goods that have been tested before purchase.

#### Car Servicing Surveillance

Officers recently tested five garages in Plymouth for the quality of their car servicing. Five vehicles were initially inspected by an independent vehicle engineer and certain

faults were introduced, such as installing blown bulbs and deflating the spare tyre. The vehicles were then submitted for a 'Full Service', and inspected again on return to see what work had been carried out, and if the faults introduced to the vehicle were found.

Some garages missed relatively minor work like checking for correct tyre pressures, and lubricating door hinges. Others missed more serious matters such as low brake fluid levels and claimed unnecessary work needed doing.

## February 2008

### **Building Better Business – Car Servicing**

The car servicing sector is often in the spotlight for the wrong reasons. Customers being charged for work that isn't done and being told that work needs doing when it doesn't are common complaints to Trading Standards. We held an evening seminar for traders involved with car servicing in Plymouth which was well attended.

### **South West Illegal Money Lending Team (SWIMLT)**

Plymouth Trading Standards attended a meeting of the Devon Money Advice Forum and updated them on the formation of the SWIMLT, commonly referred to as the Regional Loan shark Team which is being put together by the Trading Standards departments in the region, funded for three years by central Government, to fight illegal money lending. The expectation being that much of its work will be centred on Plymouth and Bristol. Complaints about loan sharks are extremely rare but the hope is that a dedicated phone line **0300 1234 247** and specialist approach will improve the situation.

## January 2008

### **Christmas Toys**

Following the Christmas toy seizure in December 2007, results of the tests carried out on the items seized indicate that a number of toys had excessive lead in the paint and did not comply with the toy safety standard, even though they were 'CE' marked.

A number of toys also failed to comply with the toy safety standard due to unsafe sharp edges. The packaging of some of the toys was also found to contain excessive heavy metals and none of the cushions were adequately fire retardant and they all failed the fire retardancy tests.

### **Chinese DVD sellers**

Officers dealt with a case involving Counterfeit DVD's being sold to people in pubs by a Chinese man who made his approach on foot with a simple rucksack containing the goods. Similar cases have been reported in the region and are a cause for concern for Trading Standards and the Police as the materials being sold include illegal unclassified pornography; also, this practice is thought to be linked to very serious crime on an international level.