

InBrief

News from Gloucestershire County Council Trading Standards Service

Winter 2007/08

Savvy Shopping Online

These days more and more of us opt to buy goods and services from the comfort of our own homes, often by telephone or post but increasingly via the internet.

With this in mind National Consumer Week in mid November highlighted the rights of consumers when buying in this way. National Consumer Week is an annual event co-ordinated by the Trading Standards Institute and supported by Consumer Direct to raise awareness of consumer issues. The Office of Fair Trading has estimated that annual online spending has risen to more than £30 billion, but a recent OFT market study revealed that online buyers lacked knowledge about their ability to cancel an order, how to get a



refund and how to check that online traders meet legal obligations under the Distance Selling Regulations. Locally we supported the event by delivering consumer education to local schools via the internet, and distributing information leaflets on distance selling.

Roger Marles says:

“ The growth of the internet has revolutionised the way we shop. It is important for consumers to understand their



rights and be aware of the potential pitfalls when buying online to avoid making costly mistakes. National Consumer Week provided the ideal platform to highlight this issue. We are delighted also with Graham's award. Graham has been invaluable in helping us keep a high media profile. Nothing is too much trouble for him. His timely and targeted distribution of news releases has meant that there has been a high level of interest in trading standards stories in Gloucestershire.

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Success in Media Awards

The 2007 Trading Standards Institute Media Awards were presented at the launch of National Consumer Week at the Office of Fair Trading in London.

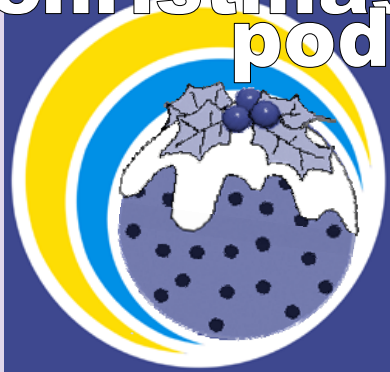
The TSI Media Awards demonstrate the important role played by the media in championing the rights of consumers, and by press officers and press teams in highlighting the work of trading standards. Gloucestershire's Graham Twarog was named 'Best Local Authority Press Officer' after being nominated by the Trading Standards Service.



This service puts a high priority on getting information out through the media to educate and inform the public about our work. The judges agreed that Graham has clearly offered consistent, proactive support to the Trading

Standards team over the past few years, and they were particularly impressed by the well-managed trading standards communication programme following this year's flooding, when consumers were warned about the risks of employing rogue traders during the tidy-up exercise.

christmas pod



It may be the season of goodwill but more people need consumer advice at Christmas than at any other time of year.

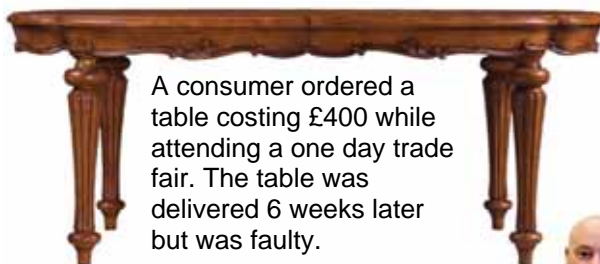
Taking a leaf out of Pete Bungard's book we decided in December to offer seasonal advice in a different way by recording our own Christmas shopping tips as a podcast. The advice included whether consumers have the right to return unsuitable products, how to avoid costly mistakes when buying over the internet, when a cooling-off period applies ...and much more. Roger Marles, Head of Trading Standards, commented: "More and more people are using the internet as a way of shopping but this also offers new ways of getting essential advice and information out to the public. We have not heard of any other Trading Standards services using this method and we like to try new ways of advising consumers. If the podcast proves popular we plan to do more during the coming year."

The ADVICE SQUAD



More examples of complaints and enquiries resolved by our consumer advisers

unfair trade at trade fair



A consumer ordered a table costing £400 while attending a one day trade fair. The table was delivered 6 weeks later but was faulty.

When you take delivery of goods if they are faulty you have the right to a replacement repair or refund. You should inform the trader immediately of any fault and not make any use of the goods.

When a replacement table also turned out to be faulty the consumer informed the supplier he wanted to cancel the order. The trader dug his heels in and disputed that the table was faulty and refused to give a refund or replacement. John took up the case and the trader agreed to a refund. The refund did not arrive so John contacted the trader for a second time. The trader claimed there had been confusion over authorisation of the refund and this time a cheque was sent out and the table was returned.



it's been used



A consumer ordered tanning spray by mail order but when it arrived she was surprised that the product seal was already open and the spray looked like it had been used. She contacted the trader who agreed to send a refund.

When you order goods by mail order you have the right to change your mind. If you use the goods you accept the goods and can lose this right. However if the goods are faulty or do not match their description you still have a right to reject and be given a full refund.

When the product was returned the trader refused a refund as the product had been opened. Paul then took up the case and advised the business that the goods were not of satisfactory quality if they had been delivered in a used condition. The company finally relented and agreed to refund the price of the spray.



it won't come clean

A consumer attended a wedding fair and found a dress she liked. The trader and customer agreed that it needed cleaning but the trader was confident that the blemishes in the dress would come perfectly clean.

On this basis the consumer agreed to buy the dress. When the consumer collected the dress after it had been cleaned she was disappointed to see that it was still visibly stained. She rejected the dress but the trader was willing only to offer a credit against another dress. Liz took the complaint up and advised that the dress was not of satisfactory quality if it was still stained after the trader's attempts to clean it. The trader then agreed to a full refund.

Consumers are entitled to expect that goods are free from defects except those brought to their specific attention or those which they could have reasonably observed on inspection of the goods. If action is agreed as a condition of the sale then that action has to be taken and be effective, otherwise the seller is in breach of contract.





Community Service in 4x4 Case

The partners of Land Ranger 4 x 4 of Newent appeared before Cheltenham Magistrates Court on 21st November, to be sentenced on charges relating to the unsafe conversion of a Range Rover.

The vehicle had been supplied back to the owner with a number of safety defects. The partners had also neglected to have the vehicle tested by the Vehicle and Operator Services Agency under the rules of the Single Vehicle Approval scheme. Nor had they informed the DVLA of the changes to the vehicle that affected the registration documents. All this could render the vehicle insurance invalid if the vehicle had ever been involved in an accident. The court imposed a 200 hour Community Service Order on each of the partners. In addition they were ordered to pay a total of £10,000 in costs.



counterfeit DISCS

seized from local factory

Acting on a tip off officers seized counterfeit music CDs from a factory in the Tewkesbury area in December.

This seizure reflects the changing way counterfeits are being distributed through workplaces, friends and families; as well as traditional methods such as markets and over the internet. People may believe they are safer selling counterfeit goods this way but businesses who allow the sale of counterfeits on their premises, or who turn a blind eye to the activities of their staff, should be aware that they may face investigation for aiding or abetting the criminal activity. This could also extend to landlords who permit the sale of counterfeits in their pubs and clubs.



Time Up for Car Clocker

A local car salesman was given a suspended prison sentence and a 100-hour community service order when he appeared before Gloucester Crown Court on 28th November.

The defendant from Barnwood, Gloucester trading as Capital Trading had previously entered a guilty plea to two charges relating to false mileages on cars he had sold. Judge Picton ordered him to serve a 100 hour Community Service Order in addition to 3 months imprisonment suspended for 12 months.

Costly Christmas for Car Dealer

An investigation into the activities of a local car dealer came to an end in Gloucester Crown Court in December when profits from his activities were confiscated.

The car dealer, trading as Hilltop Garage of Whitminster, had previously entered guilty pleas to 14 offences involving the sale of cars with incorrect mileages, two offences involving false service histories provided with cars he sold and one offence in relation to his credit adverts.

As a result of that case, heard in June of last year, he was given a 6 month suspended prison sentence and ordered to carry out 150 hours of unpaid work in the community and further investigations were conducted into his financial affairs.

Gloucester Crown Court heard that his activities had netted him an identified benefit of £115,291 and a confiscation order was made for that amount. He was also ordered to pay £11,000 costs. Compensation payments totalling £13,550 will be made to the complainants whose vehicles were named in the offences.



Court gets HEAVY with LORRIES

In November five more cases of overloading were brought before Stroud magistrates.

In two of these cases the extent of the overload was such that the drivers of the vehicles were found guilty of driving a dangerously overloaded vehicle and had 3 penalty points added to their driving licences.

The court also heard a case of a heavy lorry being driven along Barton Road in Tewkesbury in breach of the maximum weight restriction. In total magistrates imposed fines in excess of £18,000 and awarded costs of £1869.50.

fishy deals

During November we were contacted by some Stroud residents who told us they had been conned by doorstep salesmen.

The complainants reported being cold called by four men in a van offering to sell fresh fish in bulk quantities. The men were very persuasive and claimed they were selling fish of a high standard at a reasonable price. Only after the traders had left did the consumers realise that they appeared to have been supplied with significantly less fish than they had been charged for, there was no indication of the species of fish, and they had no contact details for the seller.

Roger Marles offered this advice: "Pre-packed fish should be marked with certain information, which is there to inform consumers what they are buying, and how much there is. People should always ask for a receipt, with contact details for the seller, and listing the type of fish purchased. We recommend that consumers should only deal with local traders they know and can contact again if they wish to buy food produce at the door."



metric MUDDLE



Officers carrying out routine inspections have found recently that some sellers are under the mistaken impression that metrication laws have been overturned.

This follows an announcement by the European Commission in September 2007 that it proposes to indefinitely extend the use of supplementary Imperial indications on scales and price indications next to metric units.

Previously this was due to come to an end on 31 December 2009.

Subsequent headlines such as "Victory for metric martyrs" and "Brussels has given up the fight to make the UK drop pints, pounds and miles" caused some confusion among traders, particularly greengrocers and those selling fruit and vegetables at market stalls.

To clear up this confusion Roger Marles issued the following statement:

"The legal position on the use of Imperial measures has not changed.

Pre-packed goods and goods sold loose from bulk, such as fruit and vegetables, are still required to be sold in metric quantities and weighing scales must be calibrated in metric units of measurement. Suggestions that goods can now be sold in pounds and ounces are incorrect.

The only change, which has come about as a result of a recent EU ruling, is that goods can continue to be labelled with both metric and imperial quantities and with dual price per weight indications, indefinitely. Prior to this recent ruling dual marking was due to end in 2009. So far as the pint is concerned, again there is no practical change.

Roger added: "As has been and is always the case, Trading Standards Officers will be applying a pragmatic, proportionate and sensible approach to assisting business compliance with the UK legal requirements. If retailers are in any doubt as to their legal responsibilities they should seek guidance from this service."

NO proof NO sale



In January retailers were invited to a launch party at Gloucester Rugby Club of a new training DVD aimed at helping them to combat underage sales.

The training pack entitled "No proof of age, no sale" is being provided free to retailers. It details the legislation that governs the sale of age-restricted products, such as alcohol, knives, cigarettes and spray paints and tells staff how to ask for ID and, more importantly, how to refuse a

sale if the customer has no ID.

This free resource should assist us in combating underage sales in the county and we are urging anyone who sells age restricted products to get a copy and use it to either train themselves or their staff to avoid selling restricted products to children who are underage. The sale of alcohol and cigarettes to underage people has a proven detrimental effect both on health and society as a whole.

on-licence op

An operation to mark the second anniversary of the new licensing laws in November was hailed a success after underage volunteers who attempted to buy alcohol were turned away from town centre pubs in Cheltenham.

This was the first time that 'on-licence' premises have been tested in Gloucestershire. Officers took two female volunteers, aged 14 and 15 into some of Cheltenham's busiest pubs and sent them to the bar to see



if bar staff were implementing their "Challenge 21" policies and asking for proof of age from those customers that they thought were under 21. None of the premises visited sold alcohol to the youngsters.

These test-purchasing operations are intended to tackle the problem of underage drinking, a known factor in crime, disorder and nuisance in towns and cities.