



Trading Standards Small Business Newsletter

Edition 19 November 2007

Are you sorted for the new smoking age limit?

As you will all be aware the government has just raised the legal minimum age for purchase tobacco from 16 to 18 years old. This change came into effect from **1 October 2007**, which followed close on the heels of the introduction of smoke free public places and workplaces which occurred on 1 July 2007.

In England about one fifth of all 15 year olds are regular smokers, meaning 16% of all boys and 25% of all girls. **Surrey Trading Standards** is determined to reduce this figure. It is anticipated that with the legal age limit raised to 18, it will be easier for retailers to spot under-age smokers and hence lead to a fall in the number of teenagers who get addicted to

nicotine and continue to smoke into adulthood.

Bringing the legal age for the purchase of tobacco into line with that of alcohol will reinforce the dangers of smoking to young people, as well as helping retailers comply with the law.

Smoking is dangerous at any age but the younger people start the more likely they are to become life-long smokers and to die early. Someone who starts smoking aged 15 is three times more likely to die of cancer due to smoking than someone who starts in their late twenties.

The Government has made the law

change after consulting with the public, the retail industry, the NHS, local authorities and other stakeholders.

Surrey Trading Standards are visiting retailers to offer advice and assistance on how to comply with the new age limit. We will also be visiting retailers with child volunteers to test whether they are complying with the new requirement.

If you are a business and would like information on how to make sure your business is compliant, then please visit the Trading Standards section on our website www.surreycc.gov.uk or alternatively call 01372 371737.

Metriation in the News

The media has recently carried headline reports that the UK is reverting to the 'imperial measures'. Such reports are false and unhelpful both to the general public and industry, particularly if small traders interpret them to mean they can revert to selling solely in imperial units. To do so could lead to enforcement action which is in no-one's best interests.

The legal situation remains as it was. Since 2000 trade transactions by weight or measure must be conducted in metric measures other than to use the pint for draught beer and returnable bottles of milk.

These reports stem from the simple fact that traders could give customers the imperial quantity as well but that right was to cease in 2010. After representations the EU have said that imperial 'supplementary' indication may continue indefinitely.

Child Resistant Cigarette Lighters and Novelty Lighters

Lighters are consumer products that are inherently hazardous, since they produce a flame and contain a fuel. They pose a serious risk when misused by children and have caused a number of deaths and injuries across the EU. A decision was made by the European Commission, which has been introduced into the UK, to ensure that only child resistant lighters are placed onto the European market and also to prohibit the sale of novelty lighters.



From **11th March 2007** manufacturers and importers are prohibited from placing non child resistant and novelty lighters onto the European market.

From **11th March 2008** the prohibition will extend to retailers supplying these lighters to consumers.

Implications for manufacturers and importers.

- Must retain documentation demonstrating that the lighters comply with the relevant standards.
- Lighters must be child resistant i.e. cannot be operated by a child under 51 months.
- No novelty lighter can be placed on the European market for the first time.

A novelty lighter:

- is appealing to children younger than 51 months;
- may have entertaining audio effects or animated effects;
- may have flashing lights, moving objects or other entertaining features;
- may be of appealing shape or form e.g. toys, food and human body parts (includes lighter holders)

Lighters must still continue to meet the safety specifications detailed in BS EN ISO 9994:2006, as well as the additional child resistant requirements laid down in BS EN 13869: 2002.

Implications for retailers and wholesalers

- Required to keep, and to show on request by their local authority Trading Standards authority,

documentation identifying the party from whom they obtained their supply of lighters.

- Lighters must be properly marked before they can be sold to consumers

What is exempt?

It is mandatory for **all** lighters to comply with BS EN ISO 9994 – lighter safety standard, however the following are exempt from the child-resistance safety requirements of the Decision.

- Lighters with a specific purpose e.g. barbecue and utility lighters;
- Lighters which are sold with a 2 year written guarantee, are refillable and can be repaired by a European-based after-sales service.

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

Lighters which are printed with logos or have shrink wrapped artwork are not classed as novelty lighters.

What simple tests can be carried out to ensure the lighter meets the safety standards

- Check that all lighters are accompanied with the appropriate safety information and the specific word “**WARNING**” in close proximity. Along with the relevant safety information, it should also contain the statements

“KEEPAWAY FROM CHILDREN” and “Ignite lighter away from face and clothing”.

- Check that each lighter is marked with the time period of manufacture, this can be in code, and that the manufacturer can be identified.
- Press the ignition system to check for child resistance. Consider whether a child of 51 months or younger would be able to operate it.

What will happen if you fail to comply?

Trading Standards are responsible for enforcing the requirements of this decision. Where contraventions are discovered, officers will issue safety notices, which will require the relevant party to rectify the breach. Where a retailer fails to show on request documentation identifying the party from whom they obtained their supply of lighters or where a party contravenes a safety notice, he shall be guilty of an offence which is punishable by fine and/or imprisonment.

COURT RESULTS

Although the service has been very busy dealing with Foot and Mouth Disease lately, the day to day work continues, so here are some of our **Court Results**

Alcohol Sales - Erna Roper

On 7 August 2007 Mrs Erna Roper, a shopkeeper from Timberley Gardens, Redhill pleaded guilty at Redhill Magistrates' Court to an offence of selling alcohol to a 15 year old girl. Mrs Roper owns the shop, is the designated premises supervisor and personally sold the alcohol to the child. She was advised by Trading Standards in January 2007 about underage sales yet a sale was made only 4 weeks later.

In mitigation Mrs Roper was said to be a pillar of the community, heavily involved with community activities. It was said she had recently been involved with a police shoplifting case and as a result was nervous of men in her shop when she was alone. During the sale, the child was accompanied by a male Police Community Support Officer and Mrs Roper said she was distracted by his presence.

The Magistrates decided that a conditional discharge was the appropriate penalty but she was ordered to pay £375 prosecution costs.

Deception - Ruben Reed

Ruben Reed was found guilty by the unanimous verdict of a jury at Guildford Crown Court for one offence of attempting to obtain £10,000 from an elderly consumer whom he told extensive work was needed to the front of her house, when in fact the true value of the work was about £1,800.

He was sentenced to 12 months imprisonment suspended for 2 years, to complete 240 hours unpaid work, to undergo 20 days on a specified activity and to pay the victim £500 compensation and costs of £12,000.

In summing up the judge said his actions were a deliberate and cynical attempt to obtain £10,000 by deception from an elderly and vulnerable lady.

Cold Caller - Patrick Cash

Mr Patrick Cash of 15 Mary Street Caravan Site, Bowling Back Lane Bradford BD4 8TF appeared at Woking Magistrates Court on Friday 7 September 2007 and pleaded guilty to one count of failing to give a consumer a notice of their rights to cancel a contract as required under Regulation 4A(1) of the Consumer Protection Act 1987.

Mr Cash had 'cold called' on an 85 year old man at Beresford Close, Frimley Green and agreed to re-tarmac his drive. The work commenced immediately and thus the consumer was not told of their right to cancel the agreement at any time within seven days.

Mr Cash was conditionally discharged for 12 months and ordered to pay £400 costs.

Cigarette Sales - Mohammed Quasid

On 3 August 2007 Mohammed Quasid who ran the Annapurna Grocery Stores at 321 London Road, Camberley appeared at Woking Magistrates' Court concerning 7 summonses relating to the sale of cigarettes.

On 4 December 2006 a Trading Standards Officer visited the shop on food related matters but her attention was drawn to the cigarette display where some of the packs did not have the statutory government health warning. Also there was no notice concerning the illegal sales to children. In a back room, the officer found more packs without the government health warning. All these packs were seized.

The officer returned to the shop on 6 December and after contacting an expert from Imperial Tobacco Ltd realised that many of the cigarettes on display were counterfeit. The entire stock of cigarettes was seized for examination. Examination showed that of the 986 packs of 20 cigarettes seized, 733 were found to be counterfeit.

One counterfeit pack of cigarettes was submitted for analysis for heavy metals and it was found to contain 8 times the level of lead for the genuine product and 4 times the level of cadmium.

When interviewed, Mr Quasid admitted he knew it was an offence to sell cigarettes without a government health warning. He said he brought them from East Europeans who called at his shop. He said he was told that they were not stolen and UK duty had been paid.

Mr Quasid pleaded guilty to the specimen offences and the Magistrates fined him £1,700. He was ordered to pay the prosecution costs of £1,458 and all the counterfeit cigarettes were ordered forfeit to Trading Standards for destruction.

Internet Shopping

The Office of Fair Trading (OFT) has been undertaking a fact-finding study into online shopping and produced a report in June 2007 on their findings. The report concludes that the rapid growth of internet shopping is a success story that benefits both consumers and businesses across a range of markets but that both could do more to make the most of the opportunities it provides.

The UK internet shopping market is estimated to be worth over £21.4bn and last year over 20 million people shopped online with nearly a third of them spending over £1,000.00. However, many businesses did not know their obligations under the Distance Selling Regulations which provide additional protection for shoppers when buying online. Some businesses could also do more to address consumers' concerns about privacy and security.

Other findings included:

- two thirds of UK based traders had never sought advice on internet shopping laws
- more than one-fifth of sites examined by the OFT failed to provide an email address, (a requirement of the E-commerce Regulations)

- one fifth of online electrical retailers did not think that buyers had a right to cancel
- more than half wrongly thought that they could withhold the cost of outward delivery when refunding shoppers.
- 12% of electrical websites and 39% of music retailers' sites selling CDs did not appear to mention the cancellation period.
- some sites imposed conditions that could prevent or deter consumers from exercising their cancellation rights.

As a result of their findings the OFT does believe that the laws concerned appear broadly fit for purpose at present but that a number of areas were identified where they may need to be revised to take account of how internet shopping is evolving. These concerns have been raised with the European Commission who are currently reviewing how they might need to be improved.

As far as the OFT is concerned they will now work with consumer groups and businesses to:

- ensure that businesses have easy access to clear informa-

tion and advice about selling online

- advise shoppers how to protect themselves from security and privacy threats
- make sure businesses address shoppers' concerns in terms of avoiding the most frequent problems by providing contact details and a secure environment
- improve compliance and enforcement to make the internet a safer environment for buying and selling and build consumer confidence in internet shopping.

This work will be developed over the rest of 2007 and more details will be announced by the end of the year.

Guidance on both the Distance Selling Regulations and the Electronic Commerce Regulations can be found on the OFT website:

http://www.offt.gov.uk/shared_offt/business_leaflets/general/offt698.pdf

More information on this internet shopping study is also available on the OFT website at: http://www.offt.gov.uk/shared_offt/reports/consumer_protection/offt921.pdf

Trading Standards Officer Impersonators

We are aware that in some parts of the country conmen are claiming to work for Trading Standards.

All our staff carry a warrant with a photograph for identification. Please ask to see this to be certain the Officer is genuine.

If you are telephoned by anyone stating they are from Surrey Trading Standards, then you are welcome to telephone us on 01372 371700, press option 2 and then our receptionist will confirm whether the person is a member of staff.

HIP and Happening?

Latest news on Home Information packs (HIP)

When is a HIP required?

- From 1st August 2007 every home with four or more bedrooms put on the market for sale will need a Home Information Pack (HIP) and Energy Performance Certificate (EPC).
- From 10 September 2007 3 bedroom homes will also need this information.
- This will be extended to cover smaller homes at a later date when sufficient numbers of home inspectors and Domestic Energy Assessors are qualified.
- Properties can be marketed until 31 December 2007 without a HIP, provided the HIP has been commissioned. However, once the EPC has been received a HIP will have to be provided to potential buyers.

What should a HIP contain?

Compulsory documents ('Required')
The following compulsory documents *must* be included in a Home Information Pack.

- Home Information Pack Index
- Energy Performance Certificate
- Sale statement
- Standard searches
- Evidence of title
- Additional information for leasehold and commonhold sales, where appropriate.

Optional documents ('Authorised')

Some documents in the Home Information Pack are optional. These include:

- Home Condition Report
- Legal summary
- Home use/contents forms
- Other documents

Who is responsible for the HIP?

If you are an estate agent or auctioneer, the duty to ensure there is a HIP

available will usually fall on you, so it's important that you're aware of your obligations and the penalties for non-compliance. Private individuals who sell their home themselves will also be liable.

What happens if I don't comply?

Trading Standards Officers have a range of options from giving advice to issuing a fixed penalty notice. The fixed penalty is set at £200, but can be repeated if the breach continues. All breaches must be notified to the Office of Fair Trading (OFT). Breaches by estate agents are considered to be an 'undesirable practice' under the Estate Agents Act 1979. The OFT have powers to issue banning orders for undesirable practices under the Estate Agents Act.

Complaints related to Home Information Packs:

From 1 August 2007, estate agents in England and Wales marketing homes for which a Home Information Pack (HIP) is required will have to belong to an approved scheme for HIP-related complaints. The schemes will provide consumers with access to free, independent redress. Currently there are two approved schemes:

- The Ombudsman for Estate Agents' HIPs redress scheme
- RICS' Surveyors Ombudsman Scheme (SOS).

What sort of complaints will approved redress schemes deal with?

Approved redress schemes will be able to deal with a range of complaints about estate agents relating to their acts or omissions in relation to a Home Information Pack (including the giving of advice as to whether such a Pack is required); and award redress where complaints are upheld. In addition, administrators of approved redress schemes will have to pass information regarding misconduct of estate agents to Trading Standards and the Office of Fair Trading, which has the option of conducting a fitness test, which could lead to a

ban, if it deems this to be appropriate.

Why does the redress scheme not cover general complaints about estate agents not connected to Home Information Packs?

Part 5 of the 2004 Act deals with marketing homes with HIPs rather than estate agents' activities in general. The scope of the Housing Bill did not allow the redress provisions to cover all complaints relating to the buying and selling of residential property throughout the UK.

Will there be redress schemes to cover general complaints against estate agents?

Yes. The Department of Trade and Industry, as the Government Department with policy responsibility for estate agents, is currently taking the Consumers, Estate Agents and Redress (CEAR) Bill through Parliament. It is expected that from April 2008, consumers will be able to seek independent redress for all legitimate complaints against estate agents in the UK related to the buying and selling of residential property.

Where can I find out more information?

Further information and advice can be found on the following websites:

Government Home Information Pack website: <http://www.homeinformationpacks.gov.uk/>

[industry/](http://www.homeinformationpacks.gov.uk/industry/)

Office of Fair Trading website: <http://www.oft.gov.uk/news/press/2007/109-07>

BERR website on redress: <http://www.berr.gov.uk/consumers/business/estate-agents/Redress/page39503.html>

Ombudsman for Estate Agents: <http://www.oea.co.uk/hip.htm>

Surveyors Ombudsman Service: <http://www.surveyors-ombudsman.org.uk/>

Alternatively you can contact our Business Advice Line on Tel: 01372 371737

Trading Standards and Foot & Mouth

Trading Standards are heavily involved in the current Foot and Mouth outbreak. Defra liaise with us and we are responsible for the closure of footpaths and ensuring animal movements do not take place in the protection and surveillance zones that have been set up around infected premises. We also have a six phone helpline for any questions from the farming industry and the public.

Due to the enormity of the problem all of our officers have been involved in some way. We do however endeavour to support you during this unfortunate time.



PayPal Email Phishing Scam

Fraudsters are using increasingly sophisticated means to try and steal your identity and your money. If you use PayPal and receive an email like the one below that says your account is about to expire and asks for your bank details it will be a scam. Forward it to spoof@paypal.com and delete the original.

Go to www.paypal.com/fightphishing for advice on how to spot scams and how to protect yourself.



Upgrade Your Information

Dear Member, it has come to our attention that your PayPal billing information is out of date. Therefore we have had to put a limit your paypal account. We require you to update your billing information on or before 30th August 2008. Failure to update your records may result in a suspension of your account.

To update your PayPal records follow the link below and update your information:

<http://www.paypal.com/cgi-bin/webser?cmd= home>

Protect Your Account Info

Make sure you never never provide your password to fraudulent websites.

For more information on protecting yourself from fraud, please review our Security Tips at <http://www.paypal.com/us/securitytips>

Protect Your Password

You should never give your PayPal password to anyone, including PayPal employees

This security measure helps us continue to offer PayPal as a secure and cost-effective payment service. We appreciate your cooperation and assistance.

Sincerely,
The PayPal Team

SURREY COUNTY COUNCIL TRADING STANDARDS

Mid Surrey Area Office, Bay Tree Avenue, Kingston Road, Leatherhead, Surrey, KT22 7SY
Business Advice: 01372 371737 E-mail: business.advice@surreycc.gov.uk
www.surreycc.gov.uk/tradingstandards

Consumer Direct: 08454 04 05 06

Whether you are a market trader, or an international producer we are always available to help you with support and advice

This information may be made available in an alternative language, large print, Braille, or on audio tape and computer disk.