

RESPOC TRADING STANDARDS REVIEW

IMPORTED ILLEGAL COSMETICS

THE WORK OF THE TRADING STANDARDS SERVICE

INTRODUCTION

- 1.0 The Trading Standards Service enforces legislation governing the quantity, quality, safety and price of goods and services. Officers deal with rogue traders, age-restricted sales, consumer credit, counterfeit goods and the safe storage of explosives.

Hillingdon Trading Standards Service is part of the Consumer Protection Division of the Environment and Consumer protection Group. It consists of seven officers (including a Team Leader) and an assistant officer.

The Services priorities for 2009/10 include:

- Rogue Traders
- Age-restricted sales
- Most complained about traders
- Product Safety
- Counterfeiting

CURRENT WORK UNDERTAKEN

Rogue Traders

- 2.0 The objective in this area of work is to support older, disabled and vulnerable residents by prioritising action against rogue traders, raising awareness, taking enforcement action and offering interventionist help where appropriate.

In the first 3 quarters of 2009/10, the Service has:

Responded to 23 reports

Intervened on 14 occasions

“Saved” over £30000 for elderly or vulnerable residents (Unfortunately this year victims have parted with sums totalling in excess of £60.000)

Taken part in the National Operation Liberal day and organised 2 “mini” operations liberal to coincide with Streets Ahead Weeks of Action

Given 18 training sessions to local police in order to raise awareness of the issues associated with rogue traders.

Age-restricted sales

The objective of age-restricted sales is to reduce anti-social behaviour through the enforcement of legislation controlling the sale of age-restricted goods.

2.1

In the first 3 quarters of 2009/10, the service has:

Carried out 40 test purchases of alcohol
Carried out 17 test purchases of knives
Carried out 10 test purchases of cigarettes
Carried out 18 test purchases of fireworks
Carried out 3 test purchases of aerosol spray paint

To date, 6 prosecutions against traders selling knives or tobacco to a person under the age of 18 have been started. Further enquiries into the sale of fireworks and knives are being made. Sales of alcohol have been dealt with by way of Fixed Penalty Notices and review of the Licences.

A Retailer's Guidance Book has been designed and distribution will begin in early 2010.

Safety of Consumer Goods

2.2

The objective of this area is to ensure the safety of consumer goods available within the London Borough of Hillingdon.

In the first 3 quarters of 2009/10, the Service has:

- Carried out 66 safety related visits to retailers and wholesalers in Hillingdon
- Examined 1707 items of which 611 were found not to comply in some way (labelling)
- Dealt with 7 consignments imported at Heathrow, which included:
 - i) One consignment of electrical chargers for laptops – incorrectly labelled and potentially unsafe (referred to Home Authority of importer).
 - ii) Six consignments of “illegal” cosmetics – four of which were abandoned and subsequently destroyed by Customs and the remaining two consignments are the subject of ongoing enquiries (the subject of the case study outlined in this report).

Most complained about traders

- 2.3 The Department directs resources in this area to tackle the most complained about traders with a view to bringing them into compliance thus reducing consumer detriment and improving NI183 score (Fair Trading indicator).

In the first 3 quarters of 2009/10, Trading Standards started investigations into 12 most complained about traders, with a view to bringing them into compliance.

Counterfeiting

- 2.4 Counterfeiting is an area of enforcement to ensure a safe and fair trading environment (a National Priority). Trading Standards tackles the trade in counterfeit goods in Hillingdon in order to protect legitimate business and consumers from shoddy/unsafe goods as well as disrupting linked criminal activity.

In the first 3 quarters of 2009/10, the Service has:

- Started proceedings in one case where the trader was found in possession of over 2000 items of counterfeit clothing
- Started action to obtain an undertaking from a persistent offender
- Been notified that £10,000 Proceeds of Crime incentivisation money from an offender is to be received shortly.

Additionally, Officers are undertaking two projects in partnership with other North west London Trading Standards Services, and they include:

- Fair Trading project - to assess the excess packaging associated with products produced/supplied by Home Authority businesses in the North West London area
- Metrology project – to assess compliance of the trade in precious metals.

Case Study: Illegal Cosmetic Products held at Heathrow Airport

Introduction

- 3.0 On 17 November 2009 the Trading Standards Service received information from Customs & Excise that a 1.5 tonne consignment of goods containing illegal cosmetics had been imported into Heathrow Airport from the Ivory Coast.

A further 500 kg consignment of these goods was intercepted by

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Customs on 14 December 2009. These products were imported by the same consignee.

Cosmetics that originate from the Ivory Coast and imported into the UK are usually skin lightening products used mainly by the afro-Caribbean and Asian community. These products have been found to contain hydroquinone and mercury which are banned ingredients listed in the Cosmetic Products (Safety) Regulations.

Cosmetic products containing hydroquinone and mercury can permanently damage the skin and cause cancer. The products also contain Kojic acid although not a banned ingredient, can be harmful if it is supplied in excessive amount.

Information and Examination

- 3.1 On 19 November 2009 and 22 December 2009 respectively the Trading Standards Service arranged to examine the two consignments of cosmetics and took samples of each product contained in the shipment.

The goods were not labelled correctly. They did not have details of the importer or distributor within the European Community marked or appropriate batch codes on the product.

The products were marked with the words "Does not contain Hydroquinone". Enquiries with Trading Standards Central information database revealed that these products although described as not containing hydroquinone, when tested do in fact contain the banned substance.

As the importer of the goods was located in South East London the trader's local trading Standards Authority was contacted to ascertain whether or not they had any information on the trader. These enquiries showed that the importer had received advice on the Cosmetic products safety legislation six months previously.

Hillingdon Trading Standards Service contacted the importer and notified them that their consignment had been held at Heathrow Airport as it was suspected that the goods did not comply with the Cosmetic Product (Safety) Regulations. The importer was asked to provide documentary evidence in the form of safety test reports that the goods complied with European Safety Legislation. The trader has been unable to provide this information. The importer was allowed the following options in respect of the consignment:

- 1) Have samples of the consignment product tested by an EU Namas accredited test house, to determine whether or not the

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cosmetics are compliant with the European Cosmetic (Safety) Regulations

- 2) Re-export the goods back to their country of origin
- 3) Voluntarily forfeit / abandon the goods to Trading Standards and Customs so that they can be safely destroyed

The Trading Standards Service considered option 3 as the most preferable, as the goods would be destroyed and cannot be re-distributed into or outside the EU. The cost of destruction would be borne by the importer.

The importer was strongly advised that where it is not economical to re-export the goods, he should consider forfeiting the goods to Trading Standards and Customs to avoid incurring further costs in respect of the matter.

The importer was also informed that if they did not agree to voluntarily forfeit / abandon the goods to Trading Standards and Customs, then the Trading Standards Service would have no option but to seize the goods under our powers. Consequently, the importer would be liable for any additional legal costs incurred by Trading Standards arising from the seized goods.

Namas Accredited Test Laboratory and samples

The Trading Standards Service contacted a Namas accredited laboratory to determine the cost to have samples of the goods tested. The laboratory advised that it would cost a minimum of £5000 to have each of the 6 samples fully tested for compliance to the European Safety Regulations.

As the cost of the testing is greater than the value of the consignment the trader was advised that he should consider forfeit / abandon the goods to Trading Standards and Customs.

Although the trader is aware of the financial cost involved in having samples tested they have indicated that they would like to arrange for samples of the products to be tested for compliance to the Cosmetic Product (Safety) Regulations.

The trader notified Trading Standards of that decision at the end of December 2009 but no further communication from the trader has ensued since then. To progress matters Trading Standards have contacted the trader's legal advisor several times but to date have

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received no response from them.

Trading Standards will continue to attempt to contact the trader to progress matters.