

# TRADING STANDARDS NEWS

Supporting Businesses in the Midlands

WINTER  
2014/15 ISSUE

IN THIS ISSUE: Fire safety → Cyber crime → Combined authorities → Food Information Regulations

## Welcome...

be true. Plus, the Federation of Small Businesses reminds you about how to stay safe this Christmas.

to this edition of *Trading Standards News*, which is compiled by 14 Trading Standards authorities in the Midlands. This issue we look at the Food Information Regulations, which came into effect in December, present our guide to Combined Authorities and how they will impact your business, and CEnTSA's regional scambuster team warn retired entrepreneurs about the dangers of investment schemes that seem too good to

## TAKE IT AWAY with ALLERGEN INFORMATION

*Distance-selling food businesses must provide customers with details of ingredients*

TRAVELLIGHT / SHUTTERSTOCK

Takeaway businesses that accept orders over the internet, or by phone, now need to ensure allergen ingredient information is made available before customers pay for food, and at the point of delivery.

Under the Food Information Regulations

2014 – which came into effect on 13 December – the information can be given via a menu/website, or by staff asking the customer whether allergen information is required at the time of taking the order.

Businesses can also use a signpost statement, directing customers to where they can find allergen information.

Allergen information can be provided upon delivery of the food by, for example, placing stickers on containers to help identify any allergenic ingredients used. For example: 'Chicken satay – contains: wheat, soy, fish, peanut.'

Businesses should always ensure that current and accurate allergen information is provided.

Further information on allergen requirements can be found in the summer and autumn 2014 editions of *Trading Standards News*, through contacts at your local authority and via these links:

- [www.food.gov.uk/business-industry/guidancenotes/allergy-guide/](http://www.food.gov.uk/business-industry/guidancenotes/allergy-guide/)
- [www.brc.org.uk/downloads/Guidance%20on%20Allergen%20Labelling.pdf](http://www.brc.org.uk/downloads/Guidance%20on%20Allergen%20Labelling.pdf)
- [www.food.gov.uk/sites/default/files/multimedia/pdfs/publication/thinkallergy.pdf](http://www.food.gov.uk/sites/default/files/multimedia/pdfs/publication/thinkallergy.pdf)
- [allergytraining.food.gov.uk](http://allergytraining.food.gov.uk)

**Takeaways that accept orders over the internet, or by phone, now need to tell customers about allergen ingredient information**



CEnTSA, Central England Trading Standards Authorities, is a partnership of the 14 local authority Trading Standards services within the Midlands. CEnTSA aims to support these authorities in providing consistent, quality services to local businesses and consumers.

# MAJOR REFORM OF IP ACT

Rights to design finally recognised in new Intellectual Property Bill

The Intellectual Property Act 2014, which came into force in October, has significant implications for small and medium-sized enterprises (SMEs).

The changes brought about by the Act relate to rights in design.

Design rights protect original designs, which are not covered by copyright, trademarks or patents.

They are particularly useful for those enterprises in creative business sectors such as furniture, homewares and distinctive packaging.

Any business which has developed, or is promoting, an original design should think about how to protect that work.

Registering your design will:

- Protect any aspect of your design – for example, both the product's shape and decoration
- Give you exclusive rights to use it for up to 25 years
- Make taking legal action against

infringement and copying more straightforward

- Make infringement of a registered design actionable in the civil courts, as intentional infringement of a registered design is now a criminal offence, bringing design rights into parity with copyright and trademarks
- Allow you to display your registration number on your design

To register your design, it must:

- Be new
- Not be offensive (for example, feature graphic images or words)
- Not make use of protected emblems or flags (for example, the Olympic rings or the Royal Crown)
- Not be an invention or the way a product works – you'll need a patent for that

Visit [www.gov.uk/register-a-design](http://www.gov.uk/register-a-design) for more information.



## Final countdown begins for retailers 'going dark'

April 2015 might seem a long way off but, following a three-year introductory period, smaller shops selling tobacco will have to 'go dark' from 6 April.

This means that all tobacco displays must be hidden from customers' view with limited exceptions.

Shops can display tobacco products temporarily in some circumstances:

- Following requests to buy or view tobacco by customers over 18 (age checks must be carried out before showing them the tobacco product)
- Incidental displays while staff are: restocking, assessing stock levels, cleaning, maintaining or refurbishing the storage unit or undertaking staff training
- In specified circumstances by bulk tobacconists or specialist tobacconists
- Following a request by an enforcement officer

All price lists and labels for tobacco products must be in the format set out in the law. All information displayed must use Helvetica plain font. The only information that can be given is the brand name and price of the product. Cigars can include the country of origin, dimension and size, and pipe tobacco can include the cut and type of tobacco used.

Your supplier will probably be able to help with specifications required, alternatively you should contact your local Trading Standards service.



VASABILI / SHUTTERSTOCK

# TRADING IN NEW TERRITORY

The Consumer Rights Bill is the biggest overhaul of consumer law for a generation. Expected to come into force in October 2015, it will have an impact on all enterprises in one form or another. In the first of a series of articles, we explore what information will be available to businesses

Fundamental changes in consumer rights will mean businesses should start thinking about what it means for them and how they will need to amend their trading practices now.

Businesses have told Government that they need at least six months to implement any legal changes. It is therefore intended that guidance will be available for businesses from April 2015.

The primary source of business guidance will be the Trading Standards Institute's Business Companion website ([www.businesscompanion.info](http://www.businesscompanion.info)). This will present high-level advice and short

guides focusing on the key changes that will be aimed at small and medium-sized enterprises. Businesses will also be able to delve deeper into the legal detail on a particular issue if they wish.

Guidance on the unfair terms and private actions elements of the Bill will be produced and hosted by the Competition and Markets Authority ([www.gov.uk/government/organisations/competition-and-markets-authority](http://www.gov.uk/government/organisations/competition-and-markets-authority)) with summaries available on Business Companion and effective signposting to more detailed advice.

In addition to generic guidance,

government is also supporting trade bodies who wish to develop sector-specific business guidance.

What should businesses be doing now? At this stage, awareness that the changes are coming is paramount. Take a few minutes to find out what the Bill is about. If you are a member of a trade association, ask them what they are doing to assist their members to apply the changes. Stay ahead of the game by reading this and other trade publications.

● In our next edition we take a look at the proposed changes.

**Businesses have told government they need at least six months to implement legal changes**



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## Keeping self-storage in check

Self-storage is a growing market, but what might be placed in the rented space?

Trading Standards colleagues in London found a whole host of counterfeit and other illegal products when they carried out an investigation.

As a result, a voluntary, self-regulatory scheme has now been launched to help protect

businesses and the general public.

It is called 'Tick Box: Keep it Real. Keep it Legal', which is supported by the Self Storage Industry Association (SSA UK) and the Trading Standards Institute.

Businesses adhering to the Tick Box campaign agree to:

- Prohibit the storage of illegal goods, including counterfeit

items and non-duty paid alcohol/tobacco

- Have robust ID checks in place requiring those looking for a self-storage facility to show a photograph ID and proof of address
- Ensure all employees are aware of the requirements of the code of practice
- Make customers aware of the

company's commitment to fair trading and the code of practice

Facilities that comply are provided with the Tick Box logo, copies of the code of practice and posters to display within the premises to act as an assurance to legitimate customers, and a deterrent to fraudsters.

For more information, visit [www.tick-box.org.uk](http://www.tick-box.org.uk)

## YOUR BUSINESS – YOUR RESPONSIBILITY

Are your records in order? Can you show where, when and from whom you bought your stock?

Not all products are quite what they appear to be. The last 12 months have been very busy for trading standards officers investigating fake alcohol,



illicit cigarettes, food containing unknown allergens and various meat authenticity incidents.

If a customer does not get what they are paying for, the consequences could be harmful to their health – and their pocket.

As a retailer it is your responsibility to

know your products and provide the trust your customers demand.

To avoid being caught out, you should always purchase your stock from reputable suppliers who can supply you with the appropriate documentation and traceability.

If you are taking over a business and the stock comes as part of the package, be very careful to ensure

that the stock you are inheriting is genuine. Remember, you are ultimately responsible.

Price is often the best indicator. If a deal sounds too good to be true, then it probably is.

Pass information to Trading Standards by calling 0845 894 1008 to get these products off the market and to protect the honest business community.

PHOTOCAMIE / SHUTTERSTOCK





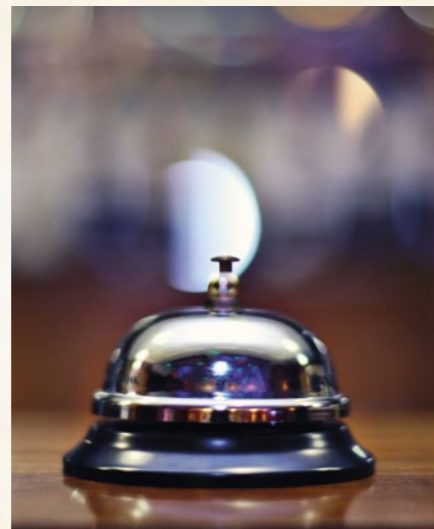
# 'TIS THE SEASON TO BE VIGILANT

*Karen Woolley, development manager for the Federation of Small Businesses, offers advice on some simple measures to protect your business*



**D**uring the frantic Christmas shopping period, retailers could face increased threats from the very thing they crave – more customers! So now is the time to look at protecting your business from issues that can arise with crowds of people. It is worth taking a step back and viewing your business and premises in the way a potential criminal might: look for any weaknesses that could be exploited, and follow these simple steps to enhance the security of your business.

● **Staff awareness/training** – well-trained, vigilant members of staff are one of the best ways to combat shoplifting. Train your employees to be observant



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at all times, and to report anything suspicious to their supervisor/business owner. Remind them to be vigilant during busy periods, ensuring they are alerted to potential risks – and that they know what to do if they spot something that needs attention. Training staff not to put themselves at risk is crucial

- **Early warning system** – have a bell by the till and set up a warning system, such as two rings, if staff think something suspicious is going on
- **Surveillance** – staff should be able to see across the shop floor to observe customers entering/leaving the premises
- **Exits** – there should be a single, controlled-exit point. The more exits you have, the greater the risk
- **Employing seasonal workers** – check references carefully before taking on staff over the busy Christmas period



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- **Deterrents** – look at deterrents, such as mirrors and cameras, that can be installed in the premises. Think about how easy it would be for a shoplifter to take items unobserved



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## Well-trained, vigilant members of staff are one of the best ways to combat shoplifting

- **Signage** – display large 'Shoplifters will be prosecuted' signs in prominent positions in the store, to act as a deterrent
- **Vulnerable/desirable stock** – move your display close to the till, where it is most visible to staff. If you supply expensive clothing, try hooking the hangers in alternate directions on the rail to make it more difficult for a thief to grab a big supply and run off. Use dummy display goods for high-risk items
- **Hiding places** – think about the hiding places people may bring with them into the shop, such as bags, pushchairs and umbrellas
- **Make eye contact** – if you suspect somebody in the store, make yourself busy near them, smiling and making eye contact, and using other sales techniques. This can be an effective deterrent
- **Distraction thefts** – be aware that some shoplifters operate in groups and use distraction techniques; for example, complaining loudly, or asking to see the manager, so that others are free to operate
- **Operate a ban system** – bar persistent offenders from entering your premises
- **CCTV** – if you have CCTV fitted, ensure it is working properly so that, should your business experience crime, you can provide the police with as much evidence as possible
- **Card fraud** – trust your instincts! At a time when retailers are busier than usual, those who intend to commit card fraud may feel more confident that their activity won't be noticed. If you don't use a chip and PIN system, but rely on signatures, take the time to double check and ask for supporting ID. If you do experience card fraud, report it to Action Fraud immediately on 0300 123 2040, or go to: [www.actionfraud.police.uk](http://www.actionfraud.police.uk)

## Business Battle Box

With the festive season come the very real threats to your business, from severe weather, flu epidemics and other winter-related issues. To minimise the risk of disruption should the worst-case scenario happen, build your Business Battle Box now. Advice on this simple, effective measure can be found at: [www.fsb.org.uk/staffs-and-west-midlands/business-battle-box](http://www.fsb.org.uk/staffs-and-west-midlands/business-battle-box)





# PUT FIRE SAFETY TOP OF YOUR CHRISTMAS LIST

*Keep your customers, staff and stock safe for a peaceful and prosperous yuletide*

**B**usinesses run at full capacity over the Christmas period – stock is piled up waiting for customers, fairy lights glow brightly, and greetings cards and decorations are on show – but take a few minutes now to ensure your enterprise is protected from the health and safety risks associated with the festive season.

It is important that any stock kept on the premises doesn't obstruct passageways or fire exits, or present a risk of slips and trips for customers – and for employees.

In addition, the Regulatory Reform (Fire Safety) Order 2005 applies to all places of work, with few exceptions. For instance, you will need a fire-safety risk assessment if you: are an employer with more than five employees, including part-time staff; have business premises that are visited by the public; or are a voluntary organisation. The following should be taken into consideration:

- Premises particulars
- General statement of policy
- Management systems
- General description of premises
- Fire safety systems within the premises
- Plan drawing
- Fire hazards
- People at risk

- Means of escape (horizontal evacuation – when no use of stairways are involved)
- Means of escape (vertical evacuation – when stairways are involved)
- Safety signs and notices
- Emergency lighting
- Firefighting equipment and smoke alarms
- Maintenance
- Method of calling the fire service

- Emergency action plan
- Training inspections
- Special hazards

There is a useful booklet, providing simple and practical advice to people responsible for fire safety in small and medium-size businesses, at [www.gov.uk/workplace-fire-safety-your-responsibilities](http://www.gov.uk/workplace-fire-safety-your-responsibilities)

Have a very merry, prosperous and safe Christmas.

## Staying safe

### Fairy lights

- Make sure the fuses are the right type (see the lights' box for the maximum size fuse you should use)
- Replace bulbs when they blow
- Do not leave fairy lights on when you close up for the day
- Do not let the bulbs touch anything that can burn easily, such as paper or card
- Do not overload sockets

### Decorations

- Any decorations made of light tissue paper or cardboard burn easily
- Do not attach them to lights or heaters
- Do not put them immediately above or around heaters
- Keep decorations away from candles



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# WHEN AN INSPECTOR CALLS

*Is your business ready for the new food labelling requirements?*

**M**ajor changes to food labelling will come into force on 13 December 2014, with the introduction of the Food Information Regulations 2014 (FIRs). These new requirements apply across Europe and present a significant shift in how food information is presented to consumers.

Your business should be well on the way to compliance. However, it is recognised that for some businesses this has not been straightforward. If you have outstanding issues with the requirements for the new

regulations, you are urged to contact your local authority.

New guidance and clarity on interpreting the regulations is being published all the time, so guidance on previously unanswered questions may now be available.

If you receive a food labelling visit from a local authority officer after 13 December 2014 and your business is *not* fully compliant with the new labelling regulations, it is likely most issues will be dealt with on an informal basis, with advice given and timescales agreed for compliance.

In particular, this approach will be used where: a business has been actively working towards compliance; has acted in a responsible manner to update labels without undue delay; and has taken sensible steps in preparation for the changing legislation, such as keeping stocks of packaging or products to

minimum economically viable levels.

If a local authority officer has reason to believe an informal approach will not work, then formal action may be taken.

This will usually be in the form of a written compliance notice, giving your business a specified time to comply with the notice. Failure to comply in the specified period is an offence, although there are routes of appeal to a tribunal if your business does not agree with the conditions of the notice. It may also be reasonable, under certain circumstances, for a business to apply to extend the time period for compliance with the notice.

There is an appreciation that the shelf-life of canned, ambient and frozen foods is long, and such products will continue to be marketed entirely legitimately for a considerable time after December 2014, with packaging and labelling that is not compliant with the new regulations.

## Find out more

Further information on FIRs can be found in *Trading Standards News* summer and autumn editions, contacts at your local authority and via the following links:

[ec.europa.eu/food/food/labellingnutrition/foodlabelling/docs/qanda\\_application\\_reg1169-2011\\_en.pdf](http://ec.europa.eu/food/food/labellingnutrition/foodlabelling/docs/qanda_application_reg1169-2011_en.pdf)  
[www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/82663/consult-fig-guidance-20121116.pdf](http://www.gov.uk/government/uploads/system/uploads/attachment_data/file/82663/consult-fig-guidance-20121116.pdf)  
[www.food.gov.uk/enforcement/enforcetrainfund/onlinetraining/food-labelling-training-online](http://www.food.gov.uk/enforcement/enforcetrainfund/onlinetraining/food-labelling-training-online)



# CRYING ALL THE WAY TO THE BANK

*Retired entrepreneurs are warned about the potential dangers of investing in dodgy schemes*

**C**EnTSA's regional scambuster team is warning retired entrepreneurs to beware of investment schemes that might not be all they seem.

The scambuster squad is currently investigating a franchise opportunity that was offered for sale in a number of places, such as Gumtree and in newspaper small ads.

These adverts aimed to persuade people to invest in a business opportunity, with the lure of huge returns.

A number of victims invested cash sums ranging from £5,000 to £80,000, persuaded by a number of promises made to them, including of the level of support and assistance that would be offered to investors.

But most of the victims felt it was the promise of a 'money-back guarantee' should the scheme not work out that convinced them to take part.

This vow proved to be the deal clincher for the majority of people who invested. Many saw it as a risk-free scheme that would give them something to spend their time on, but which they could withdraw their investment from if required.

Unfortunately, what developed fell far short of the promises made.

Many of the victims had been successful businessmen and women in their working lives who then found themselves in their retirement looking for something to keep them occupied. These people, with both time and funds available, found themselves lured into a scheme thinking it was an honest enterprise.

As a team, the scambusters are used to dealing with victims who may be

considered vulnerable. So this case has been something of an eye-opener, where those caught out were generally the polar opposite of the normal victim type.

The scambuster team identified nearly 50 victims of the alleged fraud, which had netted nearly £1m for the person behind it.

The file is with the team's legal department, and it is hoped the case will be heard at some point in 2015-16.

The scambusters say it serves as a cautionary tale for anybody considering investing in schemes that appear to be too good to be true. Put on your successful entrepreneurs' hat and make sure you exercise 'due diligence' before spending hard-earned cash.

**Many of the victims had been successful businessmen and women in their working lives who then found themselves in their retirement looking for something to keep them occupied**

**Y**ou may have seen much in the news recently about Combined Authorities. On 7 November, four authorities in the Black Country and Birmingham City Council signed an accord to develop a Combined Authority.

What does this mean and how will it impact upon business? Find out answers to your most common questions here:

● **What is a Combined Authority?**

A Combined Authority (CA) is an agreement between a group of local councils that they will work and act together to make joint decisions and take joint actions on issues that affect them all

● **What makes a CA different from councils just working together across boundaries in the way they have for years?** The main legal difference is that a single decision taken at a CA meeting is binding on all of the individual councils – so one joint decision-

making process replaces the individual decision-making processes of the separate councils

● **So does having a CA mean that all the councils merge into one super-council?**

No, definitely not! Councils that form a CA are still independent local authorities

● **What services does a CA provide?**

Councils can make an agreement for a CA to do almost anything that an individual local authority can do, so a CA could provide regulatory services. However, the main services that have been put into CAs around the country so far are those that relate to economic regeneration, transportation and strategic planning

● **Why focus on those subjects?** Because the government and councils have mainly seen CAs as a way of getting councils to work together jointly on economic regeneration and

**The current government feels this cross-boundary joint working is the best way for councils to help the economy recover**

transportation issues so large that they automatically cross many council areas

● **What is the government's role?** The current government has been very keen to promote the idea of CAs because it feels that this cross-boundary joint working is the best way for local councils to help the economy recover from the recession

● **What about money?** Both Labour and the Conservative parties have made it clear that CAs are vital to access billions of pounds of funding for the regions

● **What does it mean for business?**

The main areas in which businesses will see a difference are investment, skills and transport. The new CA will establish an Investment Gateway – a single point of entry for investment – and provide the right environment and infrastructure for attracting and embedding investment. Businesses will be placed at the centre of: designing a skills delivery programme; attracting funding; providing leadership; and an area-wide voice on key strategic transport issues

More information can be found at [www.legislation.gov.uk](http://www.legislation.gov.uk)

## FORGING NEW LINKS

*Combined Authorities: what are they and what impact will they have on business?*





# BEWARE THE CYBER CRIMINALS

*Stay safe online – 10 tips to avoid being a victim of cyber crime*

Cyber crime is a serious and growing threat to business, especially as more and more traders move some – or all – of their business online.

Now is the time for small and medium-sized business owners to be asking themselves: 'Who in my business has access to our online bank accounts? Are our computers being used solely for business? Am I doing everything I can to protect our computers? And, if I'm storing consumers' credit card information, am I doing so securely?'

Surveys by the Metropolitan Police indicate that, of those businesses that reported fraud, one third suffered losses from cyber-enabled fraud, or cyber crime.

And it's not only money that businesses face losing to cyber crime. Traders also stand to lose their reputation if the perception grows that their business cannot protect personal or financial data online.

Businesses face a range of threats from online fraudsters – from phishing scams to hacking and distributed denial of service (or DDOS) attacks and cyber blackmail.

However, there are a range of simple measures businesses can take to help protect themselves from these threats.

1. Ensure the computers you use have a firewall that is turned on, and anti-virus software that is up to date. Businesses may wish to consider using software designed specifically for business. Secure your wireless network.
2. Keep all your software up to date. When companies find vulnerabilities in their software, updates are used to patch these security holes, keeping the software

3. Back up all your data so it can be restored easily if something goes wrong.
4. Use strong passwords. All passwords should be at least eight characters long and should incorporate both letters and numbers. Use different passwords for each account, and change them regularly. Do not share passwords or write them down where other people could access them.
5. Limit staff access to online accounts only to those who really need it.
6. Train your staff. Many frauds happen because staff fall victim to phishing and similar scams, allowing fraudsters to download malware onto a business's computers. Malware can then capture passwords and credit card numbers automatically. Have clear and concise procedures for email, internet and mobile devices. Staff should also be kept up to date on the latest scams alerts.

7. Security – test your business website on a regular basis.
8. Ensure your business has a contingency plan if it falls victim to cyber crime and test these regularly.
9. Keep your business computing and personal computing separate. Don't allow your staff to use your business computers for personal use, for example accessing social media websites and checking personal emails. We are all likely to be less vigilant when using computers for personal use, increasing the threat of a cyber-attack.
10. If you use cloud services to carry out your business, check the provider's credentials and your contract with them.

To report cyber crime, and for information and advice, contact Action Fraud on 0300 123 2040 or visit: [www.actionfraud.police.uk](http://www.actionfraud.police.uk)



JULIA TIM / SHUTTERSTOCK

## Business matters

Trading Standards is committed to making it easier for businesses within the Midlands to comply with the law – and **Trading Standards News** is one of the ways we can do just that.

The publication always focuses on topics that are relevant for people running businesses in the region. To check out previous editions, see the news section at [www.centsa.org.uk](http://www.centsa.org.uk)

If you would like to be added to the electronic circulation list, then please email [nickharrison@warwickshire.gov.uk](mailto:nickharrison@warwickshire.gov.uk)



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