Can the year really be passing so quickly? It seems no time since the consultation day earlier in the year and yet already the summer is over! Some of you may be surprised that I even mention the word ‘summer’ but I’m reliably informed that it started on 1st August and finished the next day!

We’ve been very busy working on our projects for this year so here’s just a snapshot . . .

Members of the ScamWise group have already taken part in Operation Rogue Trader. Here in Devon we worked alongside the police, the Vehicle and Operator Services Agency (VOSA), and the Environment Agency in a high visibility deterrence operation targeting vehicles considered likely to be involved in criminal activity. We’ve also given talks and presentations to a wide range of groups about the dangers posed by scams and advised people how to become ‘ScamWise’. It was great to see a number of Watchdogs volunteering to help distribute ScamWise advice and education leaflets and stickers outside supermarkets in Exeter, Sidmouth and Tavistock. Thanks for your help.

The Healthy Local Eating and Environmental Awareness and Business Support groups are developing toolkits of materials to provide useful information and advice to businesses and consumers on their respective subjects and these will shortly be going to print. Over the coming months there will be opportunities for you to help in surveys planned by both these focus groups.

Our Local Business Support focus group is continuing to work with local businesses and is preparing to launch a Code of Practice for Car boot organisers. We’re
Finally, our Farming Standards Team based at Sowton has been on full alert since the confirmation of Foot & Mouth Disease in Surrey and BlueTongue in East Anglia. I’d like to thank them all for their hard work in making sure that we continue to be ready in the event of an outbreak in Devon. Obviously the situation changes daily but for current up-dates please visit our website at www.devon.gov.uk or the DEFRA website at www.defra.gov.uk.

You may also be interested to know that we’ve put together a Service Plan for our service which sets out our priorities for the next year. As part of our policy to be ‘greener’ we’ve not printed copies of this but it is available on our website. If you don’t have the facilities to view it then please let us know and we can print off a paper copy for you. Alongside this work we’re continuing with the ‘day job’, inspecting premises, offering business advice and advising consumers!

In this issue of Watchdog you’ll find articles about a number of recent investigations carried out by us, as well as articles on the Foot and Mouth outbreak, ‘organic’ foods, and our role and responsibilities for animal health and welfare.

Paul Thomas – Head of Service.
Roles and Responsibilities for Animal Health and Welfare

The Department for Environment, Food and Rural Affairs (DEFRA) are the central government department responsible for policy and creating legislation in the area of the health and welfare of farmed animals.

The delivery of the policy and legislation is primarily through the State Veterinary Service (SVS) and local authorities (Devon County Council). The SVS was set up as an Agency in 2006 and from the 1 April 2007 changed its name to ‘Animal Health’. It is the central government executive agency responsible for ensuring that farmed animals in Great Britain are healthy, disease-free and well looked after.

One of its key roles is to implement government policies aimed at preventing - or managing - outbreaks of serious animal diseases, and in doing so support the farming industry, protect the welfare of farmed animals and safeguard public health from animal borne disease. In England and Wales they also work to protect public health by ensuring that dairy hygiene and egg production standards are met. Many of their officers are qualified veterinary surgeons and are able to form expert opinion on the condition and well being of livestock.

Devon County Council as a local authority has a duty to enforce the majority of legislation relating to farm animals. As such their aims are similar to the SVS. In Devon our animal health responsibilities are delivered through the Farming Standards Team in Trading Standards.

Regulation is delivered through a combination of education, advice, monitoring, auditing, gathering intelligence, sampling, investigation and reporting (prosecution). Often on welfare enquiries a vet from Animal Health will make a joint visit with us to a premises.

Defra through Animal Health are the lead agency when there is an outbreak of an exotic animal disease such as Foot & Mouth or Avian Flu but local authorities will play a major role in attempting to control the disease spread and assisting the local farming community to recover.
Our Response to Foot & Mouth Disease (FMD)

What Happens?
It was a great surprise on Friday 3rd August to hear on the 10 O’clock news that there was a confirmed case of FMD in Surrey.

However, by 10.30 the same evening, the Trading Standards Service contingency plan for dealing with such an outbreak was up and rolling.

This meant that our Farming Standards Team’s offices at Sowton were opened up as an Operations Centre and members of staff were asked to come in over the weekend – our farmer’s advice line was open from 8 until 6 everyday.

What do we do?

Information and advice
Officers provide advice to farmers, livestock hauliers, market operators and others involved in the farming industry. We respond to phone calls, actively ring those we know are affected, and liaise with the media to ensure effective communication of the key issues.

Preparation to deal with an outbreak
In the early days of the outbreak it was a real possibility that livestock in Devon may have been infected. Our officers prepare by ensuring we have good links with other agencies most importantly Animal Health, the Police and NFU. We ensure we have the correct road signage and advice information documents for those that may be in the infected area.

Enforcement
As soon as the outbreak was confirmed there was a national restriction on the movement of farmed livestock. Our officers respond to allegations of illegal movements & work with the Police to check vehicles that are on the roads.

Recovery
Fortunately this outbreak was restricted to one area of the country and relatively quickly the restrictions were lifted under controlled conditions. Our officers monitor the movement of livestock, the operations of slaughterhouses, collection centres and markets to ensure compliance with those conditions.

What now?
At present the outbreak has been restricted to sporadic cases in and around the area in Surrey where the original case was first discovered in early August. Here in Devon we remain ready to deal with any developments as and when they happen.

Tony Lindsell
Farming Standards Manager
A Plymouth man has been sentenced to a total of 14 months imprisonment after being prosecuted for offences relating to breaches of the Theft Act, Trade Descriptions Act, Consumer Protection Act, Fair Trading Act and Forgery and Counterfeiting Act. The court commented that these were serious offences which involved targeting the elderly, infirm and vulnerable, taking their money and leaving them in difficulties both physically and financially.

The hearing at Plymouth Crown Court came at the end of a long and detailed investigation by Devon County Council Trading Standards Service, assisted by officers from other authorities in the region. Nigel Warren Roach posed as a stairlift repairer/installer and set out to take advantage of the vulnerability of elderly and disabled 'clients'. As a result of his criminal activities, a number of them lost considerable sums of money.

Roach's activities came to the notice of Devon Trading Standards in June 2005, when a complaint was made by an elderly couple who had been deprived of their savings and left stranded without access to all floors in their homes. Further investigations disclosed that he had also preyed on other victims. He advised people that their stair lifts were irreparable and by this and other means, got customers to order expensive and unnecessary replacements which were then not supplied. Customer confidence was gained by various advertisements placed under the name of a company he created in 2005 while he was an undischarged bankrupt. These adverts showed the logos for two well known, major manufacturers of stair lifts in the UK. Unknown to potential customers, Roach had neither contracts to supply the products, nor permission to use the two trademarks. More importantly, customers never received the new stair lifts they had paid for. They not only lost their money, but he also took away their existing stair lifts.

After sentencing Devon County Council Trading Standards Fair Trading Manager Peter Greene said: "In a complex web of deception across Wales and the South West, this rogue used a variety of false names and addresses and even fabricated a partner, Neil Richards. He then claimed "Richards" had vanished, blaming him for his business problems. He also charged customers VAT when often they were exempt from this payment due to their disabilities, and even the VAT number he used on his documents was fabricated."
As part of our ongoing commitment to prevent animal disease the Trading Standards Service takes part in exercises run by Defra’s ‘Animal Health’ service to test and update animal disease outbreak contingency plans. This enables us to work closely with other Services within Devon County Council and our operational partners including District Councils, RSPCA, NFU and Devon and Cornwall Constabulary.

Late last year, we participated in Exercise Holly – challenging our plans in response to a Rabies incident in Devon. The exercise was based around a scenario involving a dog which had allegedly been illegally brought into the country and had then travelled extensively through Devon, Cornwall and Somerset before showing signs of Rabies and being diagnosed.

Under the present legislation much of the responsibility for dealing with animal disease falls to the local authority. In a Rabies emergency we are responsible for the collection and detention of stray dogs, setting up of pounds, enforcement of movement restrictions, provision of staff and equipment and running an efficient call centre to assist the public.

The exercise was controlled by a series of telephone calls made from our representative based at the Defra Local Disease Control Centre which presented the Trading Standards Service with a range of situations to deal with. In addition, other DCC services joined in with the exercise which allowed us to widen our response to involve highways, national parks, customer services, property, transport and publicity, exploring the wider impact of a disease outbreak and how best to deal with it.

Apart from giving staff valuable practice at coping with an emergency situation, operation Holly has given us the opportunity to improve and update our contingency plans using feedback from the exercise both from DCC and operational partners. Our Service Plan includes an annual animal disease outbreak exercise which helps to ensure that we maintain our preparation, ability and readiness to deal with any animal disease emergency situations that arise.

Naomi Osborne – Animal Health Officer
Organic Foods

In order for any trader to make any reference to ‘Organic’ in either the name of a food or in the list of ingredients, legal requirements will apply to them. European Law has been enacted into UK law by means of The Organic Products Regulations 2004.

Basically, a producer, processor, importer, or packer of organic foods will have to be registered as such with a government approved ‘Notified Body’, such as The Soil Association, or Organic Farmers & Growers (to name just two) which will have an identifying number of UK5 or UK2 respectively. Products bearing these marks or symbols may also have a unique registration number.

These notification bodies carefully audit their members to check whether the products are truly organic. This may include:

- sampling the soil to ensure no artificial chemical fertilisers are present
- sampling the product to see that no pesticides or additives are present
- ensuring that records are maintained
- checking products are labelled and sealed in such a way that they will not be contaminated or tampered with from source to end consumer,
- ensuring traceability throughout the supply chain.

In cases of organic meat, it may also include traceability of what the animal has been fed, and the fact that it should be free of drugs and slaughtered only in an organically certified abattoir etc.

The main exceptions to the requirement to be registered as organic is the retailer who breaks down from bulk in the presence of the end consumer, for example the delicatessen who slices a large pre-packed organic cheese at the request of the customer who only wants a small piece, or the restaurant who buys in organic ingredients which are freshly cooked and served immediately to his customers. In both of these examples, the organic ingredients will have been supplied to him in such a way that they are traceable, and Trading Standards Officers would be able to conduct spot checks to ensure that the description that is given for the food is genuine or not. A caterer who supplies ready meals to the trade would have to be continued...
registered as organic to make organic claims as this would not be a supply direct to the end consumer.

Earlier this year, Devon Trading Standards Service successfully prosecuted a Devon trader who was claiming to be approved by Organic Farmers & Growers UK2 and was labelling his manufactured products to this effect. The trader had been previously advised to ensure that he was properly approved, and subsequent enquiries and spot checks revealed that he was not. His actions placed him at a financial advantage over competitors, as he did not incur the costs of the certification process, he was not maintaining records, and consumers were being misled into thinking his products were properly certified and audited. The court fined him £2,100 plus ordered him to pay £700 costs. He has since registered with the Soil Association and is now subject to their audit.

For more information about organic products visit www.defra.gov.uk/farm/organic/standards/index.htm#ukstandards

Trevor Williams – Trading Standards Officer

Organic & ‘Local’ Claims Project

As part of their project work the Local Healthy Eating focus group would like your help in completing a survey about claims made on food described as ‘local’ or organic. These claims are being made more often and we’re hoping that this survey will give us a better understanding of how they’re being used around the county.

Enclosed with this edition of Watchdog you’ll find a form which we’d like you to complete if you wish to take part in the project. Simon Foster who is organising the project has asked that you read the guidance on the reverse of the form. For the survey to be effective the checklist need to be completed accurately so that the information recorded is consistent and can be compared effectively. Although brief, the guidance should help you to complete the form correctly and clearly. The results will be useful in detecting problematic areas which may require more enforcement work. It will also enable the results to be used in recommendations for future project work and developing enforcement practices in the food team.

So, if you come across a claim that something is ‘local’ or organic then please complete a form and return it to us. If you have any questions, need more help on how to complete the form, or more forms then please contact Simon on 01392 381381

Devon’s Consumer Watchdogs Eye’s & Ears of the Community
Following a complaint from a member of the public that a butcher was falsely claiming the poultry he sold was ‘Free Range’ I set off to assist one of my colleagues with her investigation. Now you might wonder why we would be concerned about such a ‘claim’. Well, firstly the term "Free Range" is a special marketing term under EU regulations and specific husbandry requirements and stocking thresholds for producers of poultry have to be met in order for the term to be used. Secondly, there is a significant price premium for Free Range birds when compared to standard poultry – in other words you can charge your customers more for Free Range produce!

When we arrived at the butchers shop we could clearly see a sign which described the poultry on sale as being ‘Free Range’. My job was to go into the shop and specifically purchase a ‘Free Range’ chicken which I did, commenting to the shop assistant as I did so ‘that’s a good price for Free Range’. After paying I left the shop and met my colleague so that we could ‘bag and tag’ our purchase with tamper-proof seals which is all part of the procedure for securing evidence. We then returned to the shop and spoke to the manager who showed us invoices from the supplier which made no mention of the poultry being ‘Free Range’.

We took these invoices as further evidence and as we left we also took photos of the sign outside the shop. We later interviewed the proprietor who admitted that he had only bought Free Range chickens ‘occasionally’. By looking through invoices, gathering further evidence and taking a statement from his suppliers my colleague was able to establish that in fact, the business had never been supplied with Free Range chicken.

As a result of the investigation the business was prosecuted under the Food Safety Act which contains provisions to protect the public from goods being described incorrectly in the course of business. The business was fined £700 and ordered to pay costs of £400 by Cullompton Magistrates.

Quin Marshman
Trader prosecuted for supplying Misdescribed Tractor

In April of 2006 I started a long investigation into an Essex Trader who had sold a ground care tractor to a Devon business. The Devon business complained that the seller had misdescribed the tractor leaving him with a piece of machinery that he was unable to use due to various faults.

The advertisement had claimed the tractor was a ‘1998 model’. I made contact with the UK distributor and using the serial number stamped on the tractor was able to determine the year of manufacture and the year it was released. The information received was to prove that in actual fact the tractor was not a 1998 model, but actually a 1991 model, 7 years older than the seller had claimed in his advertisement!

The firm, and company secretary, both pleaded guilty to two offences, under the Trade Descriptions Act 1968, at Cullompton Magistrates on Monday 23 July.

In sentencing, the magistrates took into account this was the company’s first recorded offence and fined it a total of £2,500. The purchaser was awarded £7,483 compensation and the company was ordered to pay £3,192 costs to the County Council. The company secretary was given a conditional discharge for 12 months.

The purchaser of the tractor relied on the description provided by the company who sold the tractor and he was badly let down. Once again this case reinforces the legal obligation on businesses to ensure any goods or services they supply are described accurately.

Simon Foster - Fair Trading Officer.
The Environmental Awareness and Local Business Focus Group are running two projects this year that will require assistance from Watchdogs. There was a lot of support for this area of work at the Watchdog Consultation Day in January and many of you expressed an interest in becoming involved in the projects.

Whilst the focus of the Environmental Group at the Consultation Day was ‘Reducing Packaging Waste’, the Group has a remit to consider all relevant environmental legislation. This includes the legislation relating to the energy efficiency of domestic household electrical appliances and new passenger cars.

The first project that we need help with is the reporting of examples of what you consider to be excessive packaging from local producers. We are aiming to run this project around Christmas time. We will assess the packaging for compliance against the Regulations and take any action we feel is necessary. In the first instance this will probably be an advice visit to the person responsible for the packaging to discuss the situation and to ensure they are aware of their responsibilities under the Regulations.

The second project that the group requires help with is disseminating information about the packaging regulations and energy efficiency labelling to consumers via Parish Council meetings and magazines, and any other community group you believe would benefit. We will provide those willing to assist with material which can be delivered to other local groups.

If you are interested in assisting with either or both of the above projects, please let me know and we will send you further details nearer the time.

Please also make a note in your diaries that the Consumer Watch Consultation day will be held on Thursday 31st January 2008 at County Hall. It may seem a long way ahead but I have a feeling that the next few months will fly by!

Quin
This leaflet is not an authoritative interpretation of the law and is intended only for guidance. For further information and business advice contact your local Trading Standards Service.

For consumer advice call:

For business advice contact
Devon County Council Trading Standards Service
County Hall, Topsham Road, Exeter EX2 4QH
Phone: 01392 381381  Fax: 01392 382732
Email: tsadvice@devon.gov.uk
Or visit our website: www.devon.gov.uk/tradingstandards
Office hours: 9am to 5pm (Monday–Thursday), 9am to 4.30pm (Friday)
We welcome calls through Typetalk
Looking for a customer friendly business? Check out our Approved Trader Scheme

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