

Overview

Trading Standards investigations place a huge strain on a business and its key personnel. In some instances, convictions against individuals can result in a custodial sentence. Taking expert legal advice at the outset can often make all the difference. At Mander Cruickshank Solicitors we have extensive experience in representing companies and individuals facing Trading Standards investigations or who have been accused of trading standards offences. We guide our clients through the process and focus on helping them achieve the best possible outcome. If you would like more information on our expertise in this area, or have been contacted by Trading Standards as part of an investigation, then do not delay, contact us immediately so we can offer you help from the outset.

What is Trading Standards?

Local authorities employ Trading Standards Officers to investigate consumer complaints and enforce legislation relating to the protection of consumers.

The relevant legislation covers a multitude of different areas including unfair commercial practices, selling or creation of counterfeit goods, trademark infringement, incorrect or misleading labelling and descriptions of goods and services, weights and measures (eg alcohol sales and petrol), under-age sales (e.g. tobacco and alcohol), consumer contract regulations (governing distance selling), animal welfare, consumer safety, as well as other general fraudulent activities.

Unfair Trading Regulations 2008

The Consumer Protection from Unfair Trading Regulations 2008 places a general duty on traders not to employ unfair commercial practices such as high-pressure selling. It contains a non-exhaustive list of 31 commercial practices that will always be considered unfair. The list covers particular practices relating to codes of conduct, advertising, after-sales services, pyramid schemes, closing down sales, products claiming to cure illnesses, prizes and free items.

Trading Standards Officers Powers

Trading Standards officers have powers that enable them to seize and detain goods. They do not have powers of arrest, but where they suspect a trading standards offence or a criminal offence has been committed they can request the assistance of the police in order to arrest a suspect. One investigative tool available to Trading Standards officers is 'mystery shopping' - the ability to pose as a consumer.

Trading Standards Investigations

If Trading Standards raise a concern with you about the way your business is operating then you should take independent legal advice prior to responding to any allegation. Trading Standards will sometimes interview individuals "under caution", at the local authority offices or a police station. We can attend such interviews with you. You cannot be compelled to answer questions. In many instances it will be possible to address concerns raised or negotiate formal or informal agreements/undertakings about your future conduct. In cases where a prosecution ensues, we can represent you and/or your company in Court.

What should you do?

Speak to us as soon as possible as early legal advice may prevent prosecution and risk of fines, or prison.

