

## Trading Standards Service Factsheet

### Trade Descriptions Act 1968

Under the Trade Descriptions Act 1968, it is a criminal offence for a trader to make false statements about goods or services offered for sale.

The description could be given:

- In writing, for example in an advertisement;
- In an illustration, for example on packaging; or
- Given orally, for example by a salesperson.

The description itself covers a range of factors, including:

- Quantity and size, for example, a 16 piece cutlery set that only has 12 pieces;
- Composition, for example, a leather suite made from faux leather;
- Method, place and date of manufacture, for example, shoes 'made in Italy' actually made in Taiwan;
- Fitness for stated purpose, for example, a rainproof coat which is only showerproof; and
- Endorsements by people or organisations, for example, falsely claiming to be Corgi registered.

A common example of giving a false description is the turning back of the mileage on a car's odometer – known as 'clocking'. It is an offence to 'clock' a car and it is also an offence to sell a 'clocked' car.

#### **Enforcement**

- It is the duty of the Trading Standards Service (TSS) and the Office of Fair Trading to enforce this legislation.
- TSS have powers to enter premises and inspect goods, require a trader to produce documents, seize and detain goods.

#### **Penalties**

If found guilty of an offence, a business (Directors, managers and other employees) could face an unlimited fine and two years' imprisonment.

**N.B. From May 2008, the Consumer Protection from Unfair Trading Regulations 2008 replaced most of the Trade Descriptions Act 1968.**

**Following summer 2011, questions regarding the Trade Descriptions Act will be removed from the specification.**