

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.