

DERBYSHIRE COUNTY COUNCIL

MEETING WITH CABINET MEMBER, HEALTH AND COMMUNITIES

28 July 2015

Report of the Strategic Director, Health and Communities

CONSUMER PRODUCT SAFETY – TRADING STANDARDS ACTIVITY 2014-15

1. Purpose of Report:

To advise the Cabinet Member, Health and Communities of activity undertaken by the Trading Standards Division to check compliance of products on sale in Derbyshire with product safety legislation.

2. Information and Analysis:

- 2.1 It is estimated that between April and December 2014 nearly 2 million unsafe or non-compliant goods were imported into the UK¹. Each year the Trading Standards Division monitors the safety of goods manufactured, produced or offered for sale in Derbyshire. All consumer goods are required to be safe. Some goods, such as toys or upholstered furniture are subject to specific regulations but all others are covered by the General Product Safety Regulations 2005. These regulations essentially require any business which manufactures goods in the European Community (EC) or any business that imports goods into the EC to place safe products on the market.
- 2.2 Safety is typically assessed by testing goods against the requirements of relevant British and European safety standards. If a product meets the standard it is generally presumed to be safe. Certain products that are caught by European safety legislation (e.g. toys and electrical equipment) are required to display a 'CE' mark (Conformité Européenne). This is the manufacturer's or importer's declaration that the product conforms to the relevant safety requirements and so is entitled to free access to the European market
- 2.3 Clearly it is not possible to check every product placed on the market, so the Division samples a selection of product types responding to complaints from the public, concerns raised elsewhere in the UK or participating in either a regional or national based survey. Officers will also monitor products manufactured or first imported in Derbyshire and target new or 'novel'

¹ See appendix 2 and National Trading Standards Board (NTSB) News Release:
<http://www.nationaltradingstandards.uk/news/warning-over-millions-of-unsafe-products-arriving-at-our-ports-and-borders/>

products that might pose a safety risk. During the past year the following product groups have been tested:

- Children's sunglasses
- E-cigarettes and chargers/adaptors
- Second-hand electrical goods
- Memory foam mattresses
- Part-worn tyres

2.4 As with other areas of non-compliance, the Division has a number of enforcement tools available. The majority of breaches are dealt with by way of advice and information to the trader either direct or via the relevant 'Home Authority'. More serious breaches are dealt with through warnings or prosecution through the courts. In addition, the company responsible for placing the product on to the market can be required to carry out a product recall and/or to warn the public about the safety concern. Ultimately, Trading Standards staff have the power to suspend dangerous goods from sale or order a product recall. However, the incorrect use of these powers could give rise to compensation claims by the manufacturer / importer affected. Any action to restrict the free access of goods in the European market must be communicated to relevant colleagues throughout Europe via the RAPEX rapid alert system.

2.5 Full details of the results of testing and action taken with regards to non-compliant products are contained in the appendix to this report, but in summary, nearly two thirds – 34 out of 56 samples tested (61%) were unsatisfactory in some way and thus in breach of product safety legislation. Although many of these issues were relatively minor, there were some significant problems that posed a risk to the health and safety of local consumers. These are summarised as follows:

- **E-cigarettes** – although the safety of e-cigarettes and the electrical chargers and batteries supplied with them has improved, unsafe wall chargers were again encountered. Following interventions with suppliers, approximately 300 e-cigarettes were removed from sale due to not having a charging safety cut-out in the battery and a total of 53 wall chargers exhibiting various safety defects were similarly dealt with.
- **Second-hand electrical goods** – these can be a high risk area for safety and most second-hand shops (including charity shops) have been identified and advised. However, some continue to stock unsafe electrical goods and others have more recently started trading and so need appropriate advice. Experienced officers are able to target products that are likely to be non-compliant and so nearly half of the items tested were found to be unsafe, this does not necessarily indicate that there is a wide-spread problem in Derbyshire. It does however, highlight the continued need for market surveillance and advice to local businesses trading on the high street.

- **Part-worn tyres** – this was a follow-up to a previous project and although there were a number of failures, most of these were of a technical labelling type. There were however, two significant failures one of which prompted a criminal investigation and the subsequent issuing of a Formal Caution

2.6 A summary of each of the safety surveys together with the action taken is provided in Appendix 1 to this report.

3 Financial Considerations

In 2014/15 the Trading Standards Service had a budget of £10,000 to pay for the testing of safety samples. Such testing has to be carried out by an independent expert or laboratory. Some items (such as second-hand electrical appliances) only cost a few pounds to test but others can be expensive anything up to £700 (e.g. ladders). The budget for 2015/16 has been reduced to £8,000 due to the need to find savings.

4 Other Considerations:

In preparing this report the relevance of the following factors has been considered; human resources, legal, prevention of crime and disorder, equality of opportunity; environmental, health, human resources, property and transport considerations.

5 Background Papers:

None

6 Key Decision:

No

7 Call-in:

Is it required that call-in be waived for any decision on this report? No

8 Officer's Recommendation:

That the Cabinet Member, Health and Communities notes the activities undertaken to assess the safety of goods on sale to the public in Derbyshire

David Lowe
Strategic Director
Health and Communities

Appendix 1 – Product Safety Sampling 2014-15

Activities Undertaken

Five product areas were targeted during the financial year, these being:

1. Children's sunglasses
2. E-cigarettes and chargers/adaptors
3. Second-hand electrical goods
4. Memory foam mattresses
5. Part-worn tyres

Results and Action Taken

A total of 56 samples were taken, of which 34 (60.7%) had issues in relation to their safety.

Concerns were found in relation to:

- 5 of 15 samples of children's sunglasses;
- 3 of 10 samples of e-cigarette batteries;
- 7 of 8 samples of wall chargers supplied with e-cigarettes;
- 9 of 11 samples of second-hand electrical goods;
- 1 of 3 samples of memory foam mattresses;
- 9 of 9 samples of part-worn tyres.

- 1) **Sunglasses** – five samples were found to have minor problems in relation to surface quality, labelling and filter categories. Other authorities had reported finding problems in relation to these but our findings do not appear to reveal a major concern as to their safety, and so details of our findings were referred to the relevant Home Authorities to bring to the attention of the companies concerned
- 2) **E-cigarette batteries** – three samples were found to have no safety cut-out built into the battery to prevent overcharging. **E-cig wall chargers** – four of these failed due to the pin location or configuration, one failed the flashover test, one was incorrectly labelled and one charger was a 2-pin plug supplied with an illegal adaptor. On-going sampling in an expanding area is showing increasing compliance in relation to the e-cigarettes themselves compared to previous sampling we have done but there is still a problem with wall chargers. Several e-cigarette suppliers have now decided they will not sell these but advise people to charge them from the USB port in their computer or similar device. All suppliers visited and advised. Non-compliant batteries and wall chargers removed from sale and recalled where appropriate. Where Home Authorities have been identified, details have been referred for appropriate action. However, many local suppliers have imported direct from outside of the EC – mainly China.
- 3) **Second-hand electrical goods** – nine samples purchased failed to comply for one or more reasons. A total of 19 non-compliances comprised three in relation to the wiring in the appliance, three in relation to the wiring in the plug, two for incorrect supply cables ('bell wire'), seven for an un-sleeved plug, one for no fitted plug and three for the fuse rating in the plug. Although it would appear that when we sample second-hand goods we consistently have a high failure rate, but it

should be noted that experienced trading standards officers tend to sample products 'likely to fail' so results are a bit skewed. However, there is clearly still an on-going need for advice visits to traders with new charity and second-hand shops opening up and there are many 'casual' sellers operating stalls in antiques centres who are not familiar with safety legislation. Most of the traders visited as part of this year's survey had not previously been visited and so advice visits were conducted and leaflets provided. Two traders who had received previous advice were issued with letters of warning.

- 4) Memory foam mattresses** – three samples were taken from an internet supplier as a result of intelligence received. One of the mattresses had a minor flammability failure on one tape edge and the relevant Home Authority was informed. The samples were otherwise satisfactory from a safety perspective and the declared depth and density of the memory foam appeared to be inaccurate.
- 5) Part-worn tyres** – this was a follow-up survey to a previous project and included businesses previously advised as well as several new premises. All nine samples failed but seven of these were due to the required 'Part Worn' marking being missing or incorrectly placed. Two of the tyres had ply cord showing on the sidewall which was potentially dangerous. One of these was a trader who had not previously been contacted and so an advice visit will be conducted and appropriate advice and/or warning issued. The other was from trader who had previously been advised. Following an investigation into the circumstances leading up to the offence, the trader concerned has been offered a Formal Caution (referred to by the Ministry of justice as a 'Simple' Caution) and should further offences be detected and the decision taken to prosecute and the person convicted, the Court can take into account the previous incident when sentencing. With regard to the inadequate/incorrect 'Part Worn' marking, an advisory letter will be sent to the traders concerned.

Appendix 2 National Trading Standards Board (NTSB) News Release

Warning Over Millions of Unsafe Products Arriving at Our Ports and Borders

6th March 2015 • [Posted in News Articles](#)

Latest figures from National Trading Standards reveal nearly two million unsafe or noncompliant products were identified between April and December 2014. Children's toys, cosmetics and DIY products are biggest offenders.

Children's scooters, beauty products and LED lights are among 1.9 million items that were intercepted at entry points in England and Wales between April and December 2014, estimates from National Trading Standards reveal. The new figures, which equate to more than 6,500 detained items every day, are thought to be the 'tip of the iceberg' as consumers are urged to take extra care when shopping online.

During the nine-month period analysed by National Trading Standards, nearly two in five interventions by its Safety at Ports and Borders teams identified products as 'unsafe or noncompliant', meaning they posed a risk to the health or safety of consumers. Taking these products out of the supply chain is estimated to save the UK economy over £57 million** in potential costs of injuries, fatalities or fires.*

Items detained by the NTS Safety at Ports and Borders teams, who work across 14 local authorities at ports, airports and postal hubs, included 397 home tooth whitening kits containing unsafe levels of hydrogen peroxide, thousands of cosmetic products like shampoo, skin lightening cream and body lotion, LED lights, children's scooters and other toys.

With consumers increasingly shopping online and searching for a bargain, National Trading Standards is urging everyone to think before they buy and has produced a checklist to help people shop more safely. Top tips include checking out the reviews of the product you want to purchase – or the seller you wish to buy from – and checking that there is a way to contact the seller offline.

Lord Toby Harris, Chair, National Trading Standards, said:

"In this country it is easy to take for granted that everything we buy will be safe. But on the internet you are exposed to rogue traders all over the world who are waiting to lure you in with tempting deals for products that are frankly dangerous. Protecting consumers from harm is our top priority and our Safety at Ports and Borders teams are uncovering thousands of unsafe items at check points every day.

"We are proud of our teams' work but sadly we believe these figures just represent the tip of the iceberg. We are urging consumers to be on their guard when shopping online, doing some research before they buy and being wary of deals that look good to be true. And to help us do our job, we are asking people to report any sellers, websites or products they've received that they suspect of being unsafe to the Citizen's Advice consumer helpline on 03454 04 05 06."

To support the work of the NTS Safety at Ports & Borders teams, more funding is being channelled to the teams following a grant from the Department of Business, Innovation and Skills.

Consumer Affairs Minister Jo Swinson said:

"The figures revealed today are staggering and illustrate the importance of the work carried out by trading standards. On a recent visit to Southampton Port I was able to see first-hand how they identify unsafe goods and stop them from reaching our streets. "We have increased funding for Trading Standards to specifically target ports and borders, and consumers can play an active part in making sure they report any problem items to their local team."

Leon Livermore, CEO of the Trading Standards Institute, said:

"These seizures over six months demonstrate how many potentially harmful items enter the UK every year. Not only do these products hurt consumers, they negatively impact the UK economy and undermine legitimate businesses. Trading standards officers strive to protect these goods from reaching consumers at ports, online and on the high street unfortunately, trading standards budgets have been cut by an average of more than 40 per cent over the lifetime of this parliament. It's imperative for the health and safety of UK consumers that funding for trading standards remain a top priority following this year's election."

Products detained by NTS Safety at Ports and Borders teams include:

- Between July – November 2014, 64% of LED lightbulbs tested across various UK

border points were found to be unsafe or noncompliant

- *In Coventry, parcels containing 397 home tooth whitening kits that contained 61 times the permitted amount of hydrogen peroxide were detained*
- *Nearly 1,000 chainsaws imported from China were seized and shown to have a number of crucial faults, including brakes that did not work when the engine was running and a 'kill switch' which did not stop the engine immediately*
- *20 unsafe children's scooters were detained by teams in Suffolk, as well as aquarium lights, electrical chargers, black henna and skateboards*
- *Since April 2013, 9,809 carcinogenic skin lightening creams have been intercepted at Tilbury and Gateway ports*
- *Between April - December 2014, 670,891 cosmetic products including shampoo, skin whitening cream, soap, skin lightening oil, henna products, body lotion and face cream were identified at UK border points as unsafe or noncompliant.*

-Ends-

For media enquiries, interview requests or more information please contact the National Trading Standards Board press office on 020 7025 7570 or e-mail nationaltradingstandards@grayling.com

** Figures from National Trading Standards Safety at Ports and Borders Safety at Ports Management Data. Between April 2014 – December 2014.*

*** Calculation done by NTS. Monetary value calculated on the basis that each unsafe or noncompliant item held or re-worked taken out of the supply chain saves £30.80, as advised by Optimity Matrix*

Notes to Editors

National Trading Standards

The National Trading Standards Board is a group of senior and experienced local government heads of trading standards, representing all trading standards services across England and Wales. The Board has been set up by the Government as part of changes to the consumer protection landscape and an enhanced role for trading standards.

The National Trading Standards Board provides leadership influence, support and resources to help combat consumer and business detriment locally, regionally and nationally.