

Counterfeit makeup cases

This release has been issued today involving two cases investigated by Steve Parry of our service with some support from colleagues-well done to him/them.Can I thank also Dyfed Powys Police for their continued support with these operations and the professionalism shown by their officers conducting 2 warrants in one day on this job and another(still in magistrates).These cases demonstrate the links with counterfeit goods and safety for users of makeup purchased and the media have rightly picked up on these connections and our concerns.

Clive Jones,Principal Trading Standards Officer

Media release

Internet dealers selling fake makeup sentenced

Traders and individuals who decide to supply counterfeit goods over the internet or through local supply chains could face legal action and substantial penalties, Powys County Council has warned.

The warning has been issued by the council's Trading Standards Service after it successfully prosecuted two individuals for supplying counterfeit make-up – some of which had dangerous levels of lead, prompting real safety concerns for users of the products. The individuals were today (Wednesday 29 February) sentenced by Merthyr Tydfil Crown Court.

James Jones, 32, of Penyard, Merthyr Tydfill, was given a 16-week suspended prison sentence and 200 hours community services after previously pleading guilty at Brecon Law Courts to three charges under the Trade Marks Act 1994 and one under the Product Safety Regulations for selling counterfeit make-up with safety breaches and one charge under the Fraud Act 2006 for running a fraudulent business. Her was also ordered to pay investigation costs of £1,500.

David Foster, 25, of the same address, was given 120 hours of community service and ordered to pay investigation costs of £2,500 after pleading guilty to two charges under the Trade Marks Act 1994 and for running a fraudulent business under the Fraud Act 2006.

A forfeiture order was also made for approximate 150 counterfeit cosmetic products found at the premises of Mr Jones.

During the hearing, the court heard that the proceedings involved an internet investigation conducted by trading standard officers in Powys and warrants were executed in June 2001 in Powys initially following various test purchases of products named 'Maybelline' and 'Benefit' from an online auction website run by Foster. The products were confirmed as counterfeit by the relevant brand holders.

Evidence found that Foster turned over approximately £2,000 over a four-month period selling make-up but this stopped when ebay shut the account down. He also received negative feedback from some customers about the quality of the make-up and that it was fake but continued to see the products.

Further investigation led to an address in Merthyr Tydfill where counterfeit products were detected and a product was found at an address linked to Foster in boxes addressed to James Jones, which led to both being arrested at the scene. The investigation found an account registered to Jones, which had sold upwards of £7,000 worth of identical products over a five-month period.

A selection of products seized from Jones' property was also sent away for scientific safety testing. Of the products sent for analysis, a counterfeit Max Factor Mascara was found to contain 440 mg/kg of lead, the legal level being 20 mg/kg. This level found being **20 times** the level of lead which is deemed safe.

Jones also received negative feedback from customers in the same way as Foster but continued selling makeup.

Cllr Geriant Hopkins, Cabinet Member for Environment and Regulation, said: "We support legitimate businesses and local tax payers by targeting illegal shadow economy activities such as product counterfeiting by individuals, who have little regard to the county's traders and only seek to further destabilise our economy.

"The levels of lead found to be contained in these products should also act as a deterrent to those who seek to purchase these products from these auction sites as they have no way of knowing what they contain, and ultimately the effect they may have on the health of the person buying.

"We will continue this work to support the intellectual property rights of our local businesses, the wider business community and also the safety of the public in general."

Clive Jones, the council's Principal Trading Standards Officer with responsibility for Special Investigations, said: "Firm action is needed on any issues related to product counterfeiting and safety to promote fair trading within our community.

"We have noticed that there's a tendency for some people to be tempted to import large quantities of products from wholesale auction sites in the Far East and our investigations have highlighted that some of these supply chains involve counterfeit goods.

"What we encounter is individuals solely looking at profit, with no experience in the product they are importing, no knowledge of legitimate supply chains or the original product or concern about the safety of the product they are selling and who don't care about what effect it has on legitimate trade. We will stamp these practises out through education and enforcement.

"Our surveillance on illegal activity involving counterfeiting is increasing and we ask users of auction sites or any person offered suspected counterfeit goods to be vigilant and to warn us of any suspicious sellers through our contact points. Alternatively ring Crimestoppers on 0800 555 111."

The council's Trading Standards Service can be contacted on Brecon 01874 623420; Llandrindod Wells 01597 826032; Newtown 01686 617524. Alternatively email trading.standards@powys.gov.uk or visit www.powys.gov.uk/tradingstandards
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