

## **The Trading Standards Service's Contribution to Health and Wellbeing in Oxfordshire.**

### **1. Introduction**

Trading Standards Services make a wide contribution to promoting and supporting health and wellbeing in communities. The broad remit of Trading Standards includes responsibility for product safety, food standards and labelling, the sale of age restricted goods, food chain integrity and livestock disease control and counterfeit goods as well as the more commonly known role in ensuring fair trading.

A specific strength of the regulatory landscape in Oxfordshire is the strong focus on partnership working. Whether linked to community safety, health or economic issues there is a track record of organisations in Oxfordshire adopting a partnership approach to problem solving and Trading Standards are a key part of this partnership framework.

This paper outlines some of the specific roles and activities undertaken by the Trading Standards Service ('the Service') in Oxfordshire for the information of the Health Improvement Board. It also identifies opportunities for further work to support health and wellbeing priorities drawing on examples of best practice from other areas of the country.

### **2. Alcohol Harm Reduction**

The Service's primary role in alcohol harm reduction strategies is in reducing the availability of alcohol to young people. Reviews of evidence of effective practice always highlight this as one of the best ways of preventing under-age drinking. Not only does this enforce the law, in doing so it also protects the health of young people. The Chief Medical Officer advises that young people should not drink any alcohol at all under the age of 15 and that if 15-17 year olds drink it should be with parental supervision, not more than once a week and never more than recommended levels for adults<sup>1</sup>. The Chief Medical Officer's guidance that young people under 15 should not drink alcohol at all is based on the fact that young people who start drinking alcohol at an early age drink more frequently and more than those who start drinking later; as a result, they are more likely to develop alcohol problems in adolescence and adulthood.

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<sup>1</sup> [http://www.direct.gov.uk/en/Parents/Yourchildshealthandsafety/Youngpeopleandalcohol/DG\\_183763](http://www.direct.gov.uk/en/Parents/Yourchildshealthandsafety/Youngpeopleandalcohol/DG_183763)

The most reliable source of data on under-age drinking trends comes from research published by the NHS Information Centre for Health and Social Research<sup>2</sup>. This report contains the results of surveys designed to monitor smoking, drinking and drug use among secondary school pupils aged 11 to 15. The latest report identified that in 2010, pupils who drank were most likely to buy alcohol from friends or relatives (26%), someone else (16%), an off-licence (16%) or a shop or supermarket (12%).

Trading Standards work on reducing the availability of alcohol to young people from off-licences has two main strands; business advice and enforcement. Enforcement is mainly centred on test purchasing. Only Trading Standards Officers and Police Officers are able to legally ask a person under the age of 18 years to purchase alcohol. Therefore, it is necessary for Trading Standards or the Police to lead test purchasing operations aimed at identifying whether shops will sell alcohol to people below the legal minimum age of purchase.

There is no robust research that demonstrates the impact of test purchasing on the availability of age restricted products. However, some evidence of the effect can be seen from local data on test purchasing of cigarettes. In 2004/2005 Trading Standards carried out 20 test purchases of cigarettes. No sales resulted from these tests. As a result of changing priorities at that time, the Service focussed on alcohol enforcement for the next 2 years and only 2 further cigarette test purchases were carried out. When returning to enforce the tobacco sale restrictions in 2007/2008 14 premises sold cigarettes out of the 29 tested. This increase in availability of the product to young people may be a result of the lower profile given to enforcement and promoting good practice over that 2 year period.

It is possible for Trading Standards to instigate licence reviews when an illegal sale occurs. This has happened twice in the past in Oxfordshire where the shop repeatedly sold alcohol to persons less than 18 years of age. As a result, one premises lost its alcohol licence and the other had conditions attached to the licence which ensured that the problem was resolved.

Evidence shows that concerted campaigns to improve business processes relating to the sale of age restricted products will result in fewer illegal sales of such products. The Service seeks to promote good business practices through the provision of business advice and guidance and so prevent under-age sales rather than react to them. Whilst some guidance is provided on an on-going basis, specific campaigns are occasionally organised which include distributing business advice packs, including staff training materials and signs, to all licensed premises. The regular contact that officers from the Trading Standards Service

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<sup>2</sup> "Smoking, drinking and drug use among young people in England". NHS Information Centre for Health and Social Research. 2010.

have with businesses and our expertise in business systems means the Service is ideally placed to lead such campaigns.

Young people are also known to acquire alcohol through proxy sales (where a person who can legally buy alcohol does so in order to supply it to a person who is less than 18 years of age). A criminal offence is committed by the person who buys alcohol to supply it to a person of less than 18 years of age<sup>3</sup>. However, Trading Standards do not have the necessary powers to investigate these offences and therefore in Oxfordshire this problem tends to be dealt with by the Police on a local basis.

Thames Valley Police carried out 23 test purchases operations in Oxfordshire between August 2011 and July 2012. This would equate to approximately 150 - 170 premises tested.

Over the last 2 years, Trading Standards enforcement work related to age restricted products has prioritised tobacco products. This focus was a consequence of increased Police enforcement on alcohol sale restrictions and incentivisation funding from the Department of Health for tobacco enforcement.

A growing concern for the Service is the prevalence of counterfeit alcohol products. Counterfeit alcohol (e.g. vodka, wine or whisky) is often found to contain harmful chemicals. Media reports have highlighted cases where consuming counterfeit alcohol resulted in significant health problems including the case earlier this year of a 21-year-old student who was left with damaged sight after being sold a counterfeit bottle of vodka containing industrial alcohol<sup>4</sup>. In the last year the Service has found counterfeit alcohol for sale in 6 premises. As a result the Service has increased the level of routine checks on independent retailers' stocks.

### **Options for Future Work on Alcohol**

The Service will continue to carry out test purchasing and business advice work related to alcohol. Through the Alcohol Tactical Business Group that sits beneath the Oxfordshire Safer Communities Partnership we have discussed the possibility of inviting retail sector partners to join to the group. This is currently being taken forward and it is hoped that a retail expert will be able to offer advice and practical help to ensure retailers are appropriately trained and informed and the prevention aspects of this work are even more well developed.

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<sup>3</sup> The Licensing Act 2003; Section 146.

<sup>4</sup> <http://www.dailymail.co.uk/news/article-2095829/Seizures-counterfeit-alcohol-increase-fivefold-years-criminals-target-lucrative-market.html>

### 3. Tobacco

Trading Standards is also able to enforce the legislation prohibiting the sale of tobacco to persons less than 18 years of age<sup>5</sup>. 45% of pupils that smoke report that they buy cigarettes from shops<sup>6</sup>. The role of Trading Standards Services in reducing the availability of tobacco to persons under 18 years of age is acknowledged in the national Tobacco Control Plan. Restricting the availability of tobacco products to persons less than 18 years of age should be recognised as an important element of any strategy to reduce smoking harm. Reports show that the vast majority of people who smoke as adults begin their smoking career as teenagers. Any action to delay this is likely to reduce overall smoking prevalence and therefore improve health. Reducing access to tobacco products by enforcing under age sales law is an important part of this.

As a consequence of the emphasis from the Department of Health on reducing smoking and tobacco related harm, Trading Standards Services have been incentivised to carry out test purchasing of cigarettes in recent years through payment for test purchasing exercises. Over the last 2 years the emphasis has been on cigarette vending machines following the discovery that sales from these machines were virtually uncontrolled (in Oxfordshire in 2009/10 only 26% of attempted test purchases of cigarettes from vending machines were refused and in 2010/11 despite considerable work in this area still only 41% of attempts were refused). Tobacco vending machines have now been banned as a result of this high level of illegal sales.

Funding for Trading Standards tobacco test purchasing has now ceased.

Other local authorities have seen significant problems with the 'illicit' tobacco trade. The illicit tobacco trade includes the sale of counterfeit and duty free tobacco at low prices and from unconventional sources. There is no evidence or intelligence that indicates that the illicit tobacco trade is prevalent in Oxfordshire.

### 4. Other Age Restricted Products

The Service also enforces the legislation controlling other age restricted products including knives, solvents and fireworks. The approach to controlling the sale of these products is similar to that of alcohol or tobacco. The Service tends to split its effort across these different products, focussing on particular local concerns. Throughout the year between 10 to 20 test purchase operations will be carried out (testing up to 150 businesses). The frequency of illegal sales for these products is broadly similar to that of cigarettes and tobacco. Whilst the results of

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<sup>5</sup> The Children and Young Persons Act 1933; Section 7.

<sup>6</sup> "Smoking, drinking and drug use among young people in England". NHS Information Centre for Health and Social Research. 2010.

exercises can vary year on year, last year 36% of shops sold fireworks during test purchasing operations and 27% sold knives.

## **5. Food and nutrition- Food Standards**

Trading Standards Services have a statutory duty to enforce food standards and food labelling legislation. As a consequence most Trading Standards Services will have a programme of food enforcement activity in place. These programmes will commonly include sampling and testing of food to ensure that product information (e.g. nutritional labelling) and claims (e.g. 'reduced fat') meet legal requirements. This is an important component in health improvement as part of awareness of healthy eating.

The Service's food law enforcement work in Oxfordshire tends to be driven by intelligence (e.g. warnings and bulletins circulated through the enforcement community, information from partners, media reports, trends or patterns in complaints, etc.). The Service also receives and responds to complaints from members of the public on food related issues and supports Food Standards Agency coordinated projects.

The Board may wish to note that the Service has expertise in sampling and commissioning analysis on food products. This can support work to promote improved food standards. As an example, nutritional analysis of food provided to older people receiving care services can identify where improved diet may provide for healthier lifestyles.

## **6. Food and nutrition- Healthy Eating**

Salt consumption reduction is a priority for the Government and in 2003 the Food Standards Agency introduced a salt reduction strategy. Most of the effort at a national level has been directed at encouraging food manufacturers to reduce the amount of salt in manufactured foods since this has a population wide impact. Trading Standards Services have supported this strategy through a range of local projects. For example, Norfolk Trading Standards engaged butchers in an effort to reduce salt in sausages following the discovery that only 17% of locally produced sausages met guideline salt content levels. Surrey Trading Standards run the 'Eat Out Eat Well' project which was developed to reward caterers throughout Surrey who make it easier for their customers to make healthy choices when eating out.

In Oxfordshire during 2010/11 we initiated a project aimed at supporting sandwich shops to take small steps that would lead to more healthy products being sold. Sandwich shops were encouraged to grill fillings rather than fry them where possible (e.g. bacon), to reduce the quantity of unhealthy fillings such as

mayonnaise and to use healthier options where possible (e.g. margarine instead of butter). However, despite incentivising the shops' staff with offers of free gym memberships very few sandwich shops agreed to participate. Those that did agree to participate failed to make any significant changes, stating that customers did not want changes or that there was a cost to them that they didn't want to incur. This project was attempted within existing resources and may have had more success had we been able to provide more capacity to support and encourage the businesses concerned. However, it is hard to measure the impact of any project of this type and without a sustained effort any small gains made are soon at risk.

Other nutrition related activities undertaken by the Service in recent years include-

- Supporting the 'Fit as a Fiddle' events funded by Age UK and delivered in partnership with Cherwell District Council. These events for older people provided cooking advice to promote a healthy diet and promoted safe exercises that people could do in their home to maintain mobility.
- General awareness raising events, for example displays organised at events such as the Thame Show have occasionally promoted better understanding of food labels.
- A Healthy School Meals competition to promote best practice in school catering.

## **7. Other Health and Wellbeing Related Activities Undertaken by the Service**

The Service also delivers or supports a range of other projects that support health and wellbeing.

- The Junior Citizen programme is delivered in partnership with a range of other organisations and provides a personal and home safety awareness programme for around 4000 school children each year.
- The Oxfordshire Safe and Sound scheme supports organisations to promote safety in the home through encouraging anyone visiting a potentially vulnerable person in their home to complete a home safety assessment covering risks such as fire safety and vulnerability to burglary. The scheme facilitates these assessments being shared and triggering action to reduce home safety risks.
- The Service hosts a joint Thames Valley Police and Trading Standards doorstep crime team, which aims to protect people from doorstep crime (e.g. rogue traders, distraction burglary).

- The service arranges and supports No Cold Calling Zones in areas that are suffer from high levels of doorstep crime or burglary.
- Over the last 2 years, as a result of some tragic infant deaths resulting from strangulation on window blind cords the service has distributed safety kits provided by ROSPA that allow blind cords to be adapted to reduce the strangulation risk.
- The Consumer Challenge Quiz provides personal and consumer safety information for young people with learning disabilities in an enjoyable, quiz format.
- An annual electric blanket safety testing programme.

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