

**Witness Statement**

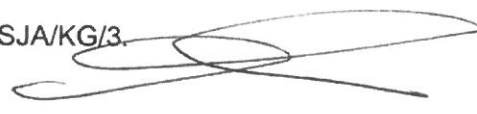
(CJ Act 1967, s.9 MC Act 1980, s.s.5A (3a) and 5B MC Rules 1981, r.70)

Statement of **Steven John Ash**Age if under 18 **Over 18** (if over 18 insert "over 18"). Occupation **Public Protection Officer**

This statement (consisting of 1 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the **9th** day of **March 2015**Tick if witness evidence is visually recorded   
(supply witness details on rear)Signature 

I am the above named and am employed as a Public Protection Officer within the Trading Standards (Enforcement) Section of the Public Protection Division. This statement is a continuation of the one I made dated the 14<sup>th</sup> July 2011 concerning a bottle of vodka I seized from Abingdon News on the 27<sup>th</sup> June 2011. Following on from my previous statement, and in the absence of Public Protection Officer Stuart Killip I state that I handed over the investigation to PPO Killip as he was the food specialist and seemed to be the most appropriate person to deal with the vodka. Upon checking the Council's records it appears that PPO S Killip subsequently interviewed Mrs Kailasben Gandhi. I produce a copy of the covering sheet of an offence report that was submitted by PPO S Killip as exhibit SJA/KG/1 and a copy of the entry on the Trading Standards bespoke database used for recording complaints relating to this investigation as exhibit SJA/KG/2. I produce a copy of the database entry referred to as 909088 as exhibit SJA/KG/3.


Signature 

Signature witnessed by

BLACKPOOL COUNCIL  
OFFENCE(S) REPORT

SSA/KG/11


Section: Food Control

Date of Complaint/Discovery: 27 June 2011

Investigators: Stuart Killip, Steven Ash,  
Lee Wojarski

Date of Offence: 27 June 2011

Date: 27 September 2011

<b>Reported</b>	<b><u>Brief Details of Alleged Offence(s)</u></b>
<p>Mrs Kailasben Gandhi</p>  <p>T/A Abingdon News Stall 13 Abingdon Street Market Blackpool FY1 1DE (Mrs Gandhi is the DPS and co-owner along with her husband Arvind Gandhi)</p>	<p>Falsely describing food, namely vodka, contrary to S15 Food Safety Act 1990. Selling food described as vodka which does not comply with the reserved description in Regulation EC110/2008, contrary to Regulation 4 of the Spirit Drinks Regulations 2008</p> <p><b><u>Summary of Events</u></b></p> <p>22.06.11 Complaint received by Trading Standard Enforcement Section regarding the purchase of a bottle of Nikolaij vodka from Abingdon News, Abingdon Street Market. The complainant was concerned that the bottle appeared to be unsealed and the rear label had been removed.</p> <p>27.06.11 Steven Ash visited the premises and took possession of a bottle of Nikolaij vodka</p> <p>29.06.11 Steven Ash brought the bottle of Nikolaij vodka for my opinion. We returned to the Abingdon News stall and spoke to the joint owner Arvind Gandhi but there were no bottles of Nikolaij vodka on sale and all the other stock appeared genuine.</p> <p>18.07.11 Bottle sent to Public Analyst for analysis.</p> <p>05.08.11 Result received from Analyst – spirit in the bottle was 35.8% abv and contained methanol and tertiary butanol. It was therefore outside the permitted tolerance for vodka of 37.5% +/- 0.3% as provided for in the Food Labelling Regulations.</p> <p>24.08.11 Letter to Mrs Kailasben Gandhi the DPS inviting her for interview.</p> <p>21.09.11 Mrs Gandhi interviewed at the office, She produced a handwritten invoice headed "Drinks for Less" for the purchase of 4 bottles of vodka at £32 with the name of Dave and a mobile telephone number which she stated referred to the vodka in question. Said that she had made the purchase.</p>

**Blackpool Council (Continuation Sheet No 2)**

**Officers observations/recommendations**

Clearly such a purchase was irresponsible, bearing in mind the widely reported problems with counterfeit and illicit spirits. The fact that the bottles had had the rear label removed and consequently were without a duty stamp as well as the fact that the seals were broken should have raised suspicion.

The mobile telephone number is still live but I am unable to trace it as we do not currently have access to the NAFN system.

Both Mr and Mrs Gandhi are partners in the business but Mrs Gandhi is the DPS. She admitted during interview to purchasing the vodka.

In view of the small number of bottles concerned (there were only two in the premises when Steve Ash visited) I would recommend that a simple caution be administered to Mrs Gandhi

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SSA/KG/2

Summary: Abingdon News, Unit 13, Abingdon Street...

Reference: 914439 Status: Completed  
Date Created: 29/Jun/2011 17:20 Created By: Stuart Killip  
Date Closed: 29/Sep/2011 10:43 Allocated To: Stuart Killip

Details

Abingdon News & Booze, Unit 13, Abingdon Street Market, 16-20, Abingdon Street,

Details: See worksheet 909088 for details Spoke to Wine and Spirits Trade Association and Sue Byrom at HMRC- no specific info. Sue thinks may be someone placing counterfeit spirit in a Nicolaij bottle. Is a legitimate Italian brand. Vodka to Analyst 18/7/11 5/8/11. Analyst reported. abv of vodka is 35.8% and it contains methanol and tertiary butanol 21/9/11. Mrs gandhi (DPS) interviewed. 29/9/11. Report submitted

Date Received: 29/Jun/2011  
Officer: Stuart Killip  
Method:  
FSA Type: Labelling

Abingdon News & Booze, Unit 13, Abingdon Street Market, 16-20, Abingdon Street,

Name: Mr Bambrook  
Address:  
  
Telephone:  
Email:

Notes:  
29 Sep 10:43 Stuart Killip Completed  
29 Jun 17:21 Stuart Killip Accepted  
29 Jun 17:20 Stuart Killip Created

Date Printed: 09/Mar/2015 13:16

SSA/K4/3

Summary: Abingdon St Market (Mr Bambrook)

Reference: 909088 Status: Referred to Other  
Date Created: 22/Jun/2011 11:08 Created By: Catriona Bright  
Date Closed: 18/Jul/2011 14:25 Allocated To: Steven Ash

Details

Complaint Details

Type of Complaint: Consumer Complaint  
Category: Counterfeit  
Details of the Complaint: C has bought some Vodka from Ab St Market, says the original bar code has been taken off, and the lid wasn't sealed. It is Nicolaij  
Channel of complaint: Phone

Complainant Details

Name of person complaining: Mr Bambrook  
Address of person complaining: [Redacted]  
Email Address: [Redacted]  
Contact number of person complaining: [Redacted]

Trader Details

Trading Name: Abingdon St Market  
Trading Address:  
Traders Contact Number:  
Business/Trader: None  
Print:

Notes:

- 18 Jul Steven Referred to Other
- 14:25 Ash
- 18 Jul Steven Referred to SPK
- 14:25 Ash
- 14 Jul Steven Statement provided to SPK.
- 09:16 Ash
- 13 Jul Steven Reopened
- 16:20 Ash
- 29 Jun Steven Referred to Other
- 14:55 Ash
- 29 Jun Steven Complaint referred to SPK.
- 14:55 Ash
- 29 Jun Steven Left a receipt and Code B Notice at market.
- 11:42 Ash
- 29 Jun Steven Visited with SPK to carry out inspection and seize any remaining bottles. When arrived no further bottles on sale. SPK carried out inspection. SA took details from proprietor: He is Arvind Gandhu and his wife is Koilos Gandhi. They have been proprietors for over a year. SA to visit later today to issue Arvind a code B notice re seizure on Monday.
- 11:23 Ash
- 29 Jun Glen Reallocate to SPK re labelling offence
- 10:21 Phoenix
- 27 Jun Steven To discuss with SPK.
- 15:25 Ash
- 27 Jun Steven Asked to borrow one of the bottles. He agreed to this. Business card left.
- 14:13 Ash

27 Jun Steven  
14:08 Ash Called into market as passing. No Code B notice or notebook. Asked to see Nicolaij vodka. 2 bottles on shelf behind counter. Viewed one bottle. The label on the back has obviously been removed and the seal appears broken. Asked male behind counter where the vodka was from. He seemed to indicate were left by previous owner of shop.

23 Jun Glen  
11:04 Phoenix Steve If the complainant was unsure, why are we not advising him accordingly, wouldn't make a particular good witness, vague. Close off and log for info

22 Jun Steven  
12:24 Ash Phoned C. Will send photo of bottle. He thinks it was unsealed when he purchased it as there was no "snap" sound when he opened it but not 100% sure.

22 Jun Catriona  
11:15 Bright Allocated to Enforcement Officer

22 Jun Catriona  
11:15 Bright Allocated to Steven Ash

22 Jun Catriona  
11:15 Bright He said it was the stall on your left as you go in @ the back

22 Jun Catriona  
11:15 Bright Allocated to Advice Officer

22 Jun Catriona  
11:15 Bright Accepted

22 Jun Catriona  
11:08 Bright Created

Date Printed: 09/Mar/2015 14:02

**Witness Statement**

(CJ Act 1967, s.9 MC Act 1980, s.s.5A (3a) and 5B MC Rules 1981, r.70)

Statement of **Steven John Ash**Age if under 18 **Over 18** (if over 18 insert "over 18"). Occupation **Public Protection Officer**

This statement (consisting of 2 page(s) each signed by me) is true to the best of my knowledge and belief and I make it knowing that, if it is tendered in evidence, I shall be liable to prosecution if I have wilfully stated in it anything which I know to be false or do not believe to be true.

Dated the **14th** day of **July 2011**Tick if witness evidence is visually recorded   
(supply witness details on rear)Signature 

I am the above named and am employed within Blackpool Council's Quality Standards and Enforcement Division as a Public Protection Officer within the Trading Standards Enforcement Section. On the 22<sup>nd</sup> June 2011 I received a complaint from a Mr Bambrook, [REDACTED] [REDACTED] Mr Bambrook alleged that he had purchased a bottle of Nicolaij vodka from Abingdon News & Booze, a shop situated within Abingdon Street Market. I contacted Mr Bambrook and he explained that he believed that the bottle was unsealed at the time of purchase as there was no "snap" sound when he opened it and that the original bar code on the bottle appeared to have been removed. Mr Bambrook emailed me two images of the bottle of vodka and I produce these images as exhibit **SJA/1**. On the 27<sup>th</sup> June 2011 I was passing the market and visited Abingdon News & Booze. I introduced myself and asked to see a bottle of Nicolaij vodka. There appeared to be two bottles on a shelf behind the counter. I viewed one bottle. The label on the rear of the bottle appeared to have been removed leaving a sticky residue of adhesive on the bottle and a visual check of the seal appeared to be broken. I asked the male behind the counter where the vodka was from. He seemed to indicate that that it had been left by the previous owner of the shop. I requested the male's consent to take the bottle and this was given. I left my business card at the shop. On my return to the Trading Standards Office I discussed the matter with PPO Stuart Killip. On the 29<sup>th</sup> June 2011 I accompanied PPO S Killip on an inspection of Abingdon News & Booze. On our arrival it became apparent that the remaining bottle of Nicolaij vodka had been removed

Signature 

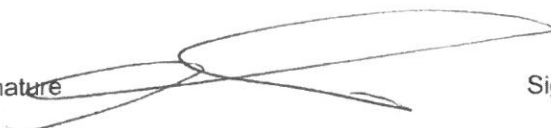
Signature witnessed by

Continuation of Statement / Interview of Steven John Ash

from sale. While PPO S Killip conducted an inspection of the shop I took the details of the proprietor. He is Arvind Gandhi and his wife, who wasn't present, is Koilos Gandhi. He advised me that they have been the proprietors for over a year. Later that day I revisited the shop and left a Code B notice and a receipt for the bottle I had taken previously. I produce a copy of these documents as exhibits **SJA/2** and **SJA/3** respectively.



Signature



Signature witnessed by




STA/1

## Steven Ash

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**From:** ken bambrook [REDACTED]  
**Sent:** 22 June 2011 12:29  
**To:** Steven Ash  
**Subject:** vodka

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Hi Steve, As telephone conversation, Took pic of the back of the bottle because the bar code has been removed,



Ken and Mary

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**Blackpool Council**  
BUILDING A BETTER COMMUNITY FOR ALL

STA/2

Trading Standards (Enforcement),  
Quality Standards Division  
125 Albert Road, Blackpool,  
Lancs. FY1 4PW  
Tel: 01253 478381

Address of Premises Abingdon News & Books  
Abingdon St Natch

**POWERS UNDER WHICH SEARCH IS MADE**

- Warrant (Copy attached)  
or  
 E Statutory Power Under Consumer Protection from Unfair Trading Regs  
or  
 With written consent of a person entitled to grant entry  
(only applicable where statutory powers not exercised)

I hereby consent to the Trading Standards Group searching the above named premises.

Signature \_\_\_\_\_ Age \_\_\_\_\_

Name \_\_\_\_\_

Status relative to premises \_\_\_\_\_

**OFFICER IN CHARGE OF SEARCH**

Name S. Ash Designation PPO

Time/Date of Search 27/6/11 13-00

**Summary of Officer's Statutory Powers**

This notice should only be regarded as a summary as it is impractical to list all powers in full for each statute. The powers will vary between each statute. A copy of the appropriate legislation may be consulted at the above address.

**POWER TO ENTER PREMISES AND INSPECT GOODS OR EQUIPMENT**

CONSUMER CREDIT ACT 1974, CONSUMER PROTECTION ACT 1987, FAIR TRADING ACT 1973, FOOD SAFETY ACT 1990, GENERAL PRODUCT SAFETY REGULATIONS 1984, HALL MARKING ACT 1975, PACKAGE TRAVEL PACKAGE HOLIDAYS, PACKAGE TOURS REGULATIONS 1992, POISONS ACT 1972, TRADE MARKS ACT 1994, VIDEO RECORDINGS ACT 1984, CONSTRUCTION PRODUCTS REGULATIONS 1981, WEIGHTS AND MEASURES ACT 1985, THE CONSUMER PROTECTION FROM UNFAIR TRADING REGULATIONS 2008.

A duly authorised officer may at all reasonable times and on production of his credentials enter any premises, other than premises used solely as a dwelling and inspect goods. Officers authorised under the Weights and Measures Act 1985 may inspect and test any weighing or measuring equipment used for trade. They may weigh or otherwise measure or count goods.

**TIMESHARE ACT 1992, PROPERTY MISDESCRIPTIONS ACT 1991, ESTATE AGENTS ACT 1979, POISONS ACT 1972.**

If an officer has reasonable grounds to suspect an offence has been committed he may at all reasonable times and on production of his credentials enter any premises to determine whether an offence had been committed

**PROCUREMENT OF SAMPLES**

**FOOD SAFETY ACT 1990**

An Officer may:

- purchase a sample of any food or substance capable of being used in the preparation of food
- take a sample of any food or substance appearing to have been sold or intended for sale for human consumption or is found on or in premises which the Officer has power of entry.
- take samples from any food source or contact material.
- take samples of articles or substances found on such premises which may be required as evidence in proceedings.

**POWER TO REQUIRE OR REQUEST THE PRODUCTION OF BOOKS, DOCUMENTS OR RECORDS**

**PRICES ACT 1974 (AND ABOVE LEGISLATION)**

An officer can request the production of documents relating to the business and may make copies.

**FOOD SAFETY ACT 1990**

An officer may inspect any records relating to a food business and have access to and inspect any computer which may be used in connection with the records.

THE CONSUMER PROTECTION FROM UNFAIR TRADING REGULATIONS 2008, HALL MARKING ACT 1973, VIDEO RECORDINGS ACT 1984, FAIR TRADING ACT 1973, CONSUMER CREDIT ACT 1974, \*CONSUMER PROTECTION ACT 1987), ESTATE AGENTS ACT 1979, GENERAL PRODUCT SAFETY REGULATIONS 1984, PACKAGE TRAVEL PACKAGE HOLIDAYS, PACKAGE TOURS REGULATIONS, PROPERTY MISDESCRIPTIONS ACT 1991, TIMESHARE ACT 1992.

If an Officer has reasonable cause to believe an offence has been committed he may require the production of books or documents ("records") and may make copies.

**POWERS OF SEIZURE**  
**WEIGHTS AND MEASURES ACT 1985**

An officer may seize and detain any weighing or measuring equipment if he has reasonable cause to believe it may be liable to be forfeited.

An officer may seize and detain goods or documents that he/she believes may be required as evidence.

THE CONSUMER PROTECTION FROM UNFAIR TRADING REGULATIONS 2008, HALL MARKING ACT 1973, VIDEO RECORDINGS ACT 1984, TRADE MARKS ACT 1994, FAIR TRADING ACT 1973 (\*CONSUMER PROTECTION ACT 1987), CONSUMER CREDIT ACT 1974, (TIMESHARE ACT 1992), PROPERTY MISDESCRIPTIONS ACT 1991, (ESTATE AGENTS ACT 1979), \*GENERAL PRODUCTS SAFETY REGULATIONS 1984), PACKAGE TRAVEL PACKAGE HOLIDAYS, PACKAGE TOUR REGULATIONS 1992.

If an officer has reasonable cause to believe an offence has been committed he may seize and detain goods in order to ascertain whether an offence has been committed. If an officer believes they may be required as evidence he may seize and detain any goods or documents ("goods or records") (goods, books or documents) (books and documents) (documents). In exercising his right to seize property, the officer may require any person having authority to do so, to break open any container and if that request is not complied with the officer may do it himself.

**FOOD SAFETY ACT 1990**

An officer may seize and detain any records which he has reason to believe may be required as evidence and where records are kept on computer, may require the production of the records in a form in which they may be taken away.

**POLICE AND CRIMINAL EVIDENCE ACT 1984 (CODE B)**

**Rights of the Occupier/Owner of Property**

- Searches must be made at a reasonable hour unless this might frustrate the purpose of the search. (Taken from Para 5.2 of Code B of the Codes of Practice)
- If any of your property is kept by an officer you are entitled, on request, to be provided with a list or description of the property within the reasonable time. Such applications may be made to the address given above. (Taken from Para 6.8 of Code B of the Codes of Practice)
- If you wish you or your representative will be allowed supervised access to your property so that you can examine it or have it photographed or copied.

Alternatively you may be provided with a photograph or copy. In either case you are responsible for the costs. Access etc will not be allowed if the officer in charge of the investigation believes that this would prejudice the investigation of an offence or any criminal proceedings. (Taken from Para 6.9 of Code B of the Codes of Practice)

**Search Warrant**

- A warrant authorises an entry on one occasion only. (Taken from Para 5.3 of Code B of the Codes of Practice)
- A copy of the warrant should, if practicable, be given to the occupier before the search begins. (Taken from Para 5.8 of Code B of the Codes of Practice)

**Search with Consent**

- If the occupier is not present, copies of the warrant and this notice should be left in a prominent place. (Taken from Para 5.8 of Code B of the Codes of Practice)
- A duly authorised officer of the Department may enter and search any premises with the written consent of a person entitled to grant entry to the premises. Where practicable the written consent will be recorded on this notice. (Taken from Para 4.1 of Code B of the Codes of Practice)
- Consent to a search must, if practicable, be given in writing on the front of this notice. (Taken from Para 4.1 of Code B of the Codes of Practice)
- Consent must not be obtained under duress. (Taken from Para 4.3 of Code B of the Codes of Practice)
- Where consent is withdrawn before the search is completed, the search must stop. (Taken from Para 4.3 of Code B of the Codes of Practice)
- If you reside in a lodging house or similar accommodation your landlord can consent to your room or rooms being searched if you are unavailable at the time and the matter is urgent. (Taken from Note of Guidance 4A to Code B of the Codes of Practice)

**Compensation for Damage**

- In appropriate cases, compensation may be payable for damage caused in entering and searching premises and any application should be directed to:-

The Chief Trading Standards Officer at the address above.

A copy of the Codes of Practice can be consulted at the address above.

SSA/3



# BLACKPOOL COUNCIL TRADING STANDARDS

125 Albert Road  
Blackpool  
Lancs  
FY1 4PW

Name: Abingdon News & Roze Around Centre Date: 27/6/11  
Address: Abingdon Street Market

1 x Bottle of Nicolai's Vodka. incorrectly labelled.

No:

**0472**

Inspector / Authorised Officer:

S. Ash

01253 478388

J64875\_02/07