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**To inform Members of the Response from
Trading Standards services to the BBC
investigation into the Display of Misleading
Food Safety Ratings.**

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Purpose of the report

**To inform Members of the Response from Trading Standards services to the
BBC investigation into the Display of Misleading Food Safety Ratings.**



1. Following an investigation by the BBC, that businesses in East London, have been displaying inaccurate food hygiene ratings, with many allegedly lying about them when challenged, officers have now taken the opportunity across Tyne and Wear to remind local businesses of their legal responsibilities in respect of the display of inaccurate and misleading information to consumers.
2. The BBC investigation utilised secret recording equipment which captured businesses from small local restaurants to a premises operated by a national supermarket chain misleading customers with inaccurate Food Standards Agency (FSA) ratings, in what experts say is a nationwide problem.
3. Over several weeks, the BBC visited dozens of food establishments in east London, following tip-offs that deception about ratings in the area was rife. Where places lied when asked about their ratings, one expert said this amounted to fraud.
4. Confronted with the evidence, some businesses did not respond at all while others denied any deliberate deception.

5. Businesses have a general duty not to undertake unfair trading practices under the Consumer Protection from Unfair Trading Regulations 2008 (CPRs).
6. The CPRs aid in determining whether certain advertising and marketing practices are misleading, aggressive or lack due diligence.
7. In addition to this general duty, there are 31 business practices that are banned outright, such as displaying a quality mark without authorisation.
8. The aim of the CPRs is to provide a framework for determining whether certain practices are misleading, aggressive or lack due diligence on the basis that they would alter the behaviour of the average customer. In other words, if it can be determined that the customer made a purchase that they otherwise would not have done if they knew the full facts of the matter, then the business has engaged in unfair practices.
9. This covers engaging in misleading practices such as making false or deceptive statements in marketing material, or omitting important information that would have a bearing on the customer's purchasing decision. For complete clarity this includes the display of a false and outdated food safety rating.
10. The Committee is asked to note the information.

Further information on the investigation can be found at:

<https://www.bbc.co.uk/news/articles/c3wp46l3gv4o#:~:text=The%20ratings%20are%20based%20on,of%20food%20or%20pest%20infestations.>

The Food Standards Agency website: <https://www.food.gov.uk/>

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