

**London Boroughs of Brent & Harrow
Trading Standards Joint Advisory Board
9 June 2021
Report from the Senior Service Manager**

FOR INFORMATION

INVESTIGATION OF UNSAFE ELECTRICAL EQUIPMENT

1.0 Purpose of the Report

- 1.1 To provide a briefing to the Joint Advisory Board Members on an investigation and the successful prosecution carried out by Brent and Harrow Trading Standards into unsafe electrical equipment imported and sold by a Brent electrical importer/wholesaler. .

2.0 Recommendation(s)

- 2.1 That Joint Advisory Board Members consider the report and note the outcome of the investigation.

3.0 Detail

- 3.1 In August 2019, the Service made an online test purchase of an electric body massager costing £19.99(see appendix 1, photograph 1). The item was chosen because the importer based in Brent, had received numerous advice on importing and supplying safe products especially electrical items, which can lead to electrocution and/or fires and are a serious risk to the safety of consumers. Despite receiving this advice, officers were concerned that it was not being followed and the business trading activities were deemed to be of a high risk.
- 3.2 When the massager was delivered to the Service's covert address, officers observed it was not marked with the required information under the Electrical Equipment (Safety) Regulations 2016. This included important contact details which allow traceability of the product by market surveillance authorities and economic operators, the local authority in this case.
- 3.3. The importer was found to be Vivo Technologies Limited (VTL), who had the responsibility as part of its safety sampling of the product prior to placing it on the market, to carry out checks on the products it was importing into the UK. This missing tractability details on the product should have been something a simple visual check would have showed that this information was missing and as such, the product should not have been made available for sale
- 3.4 Evidence showed VTL had failed to comply with his legal duties as an importer of electrical goods from the marking of the product, making sure the item had the

correct documentation, ensuring the item was safe to be placed on the supply market and ultimately to consumers to buy and use.

- 3.5 Tests carried out by electrical safety engineers on the item, showed labelling faults and failures that posed a risk of electric shock when it was used.
- 3.6 A risk assessment on the product found that the equipment posed a serious risk which in the very worst case scenario, could have resulted in death. The investigation found that the company had no supporting documentation for the equipment showing it was compliant. As such, the company on advice from trading standards, instigated a recall of all items sold to consumers.
- 3.7 Officers issued a suspension notice for 339 massagers found at the company's warehouse, (Appendix 1, photograph 2 for an example of the equipment packaging in the warehouse). This notice required the company not to supply or move the suspended items. If they did not comply with the notice, there are further criminal sanctions.
- 3.8 Further tests were undertaken by the electrical safety engineers on the on samples of the massager taken from the warehouse, which showed several electrical failures including overheating or arcing which can cause fires in the sockets.
- 3.9 Our risk assessment on the results of the testing report for the sample taken from the warehouse, found the equipment posed a serious risk for electrocution and burning both of which could produce high risk scenarios.
- 3.10 The company had imported 1,800 of the massagers from China into the UK.
- 3.11 On the 25 March 2021 at Willesden Magistrates Court, Vivo Technologies Limited pleaded guilty to five charges under the Electrical Equipment (Safety) Regulations 2016.
- 3.12 The magistrates noted that previous warnings had been given to the company by Trading Standards officers and that the company had not changed any of their procedures and were still not compliant.
- 3.13 The company was fined £16,000 and awarded the Service costs of £4,000. The magistrates ordered forfeiture and destruction of all the massagers (up to 1800 units) in the possession of either the service or the defendant company. This is the highest fine received by a company regarding safety issues in Brent and Harrow Trading Standards.

4.0 Financial Implications

- 4.1 The funding for the test purchase and subsequent technical examinations was provided via the Office for Product Safety and Standards (OPSS) to allow market surveillance of products by Trading Standards Services. The Service's incurred costs including the destruction and disposal of the items are covered by the court costs awarded to BHTS.

5.0 Legal Implications

5.1 All the offences were taken under the regulation 50 of the Electrical Equipment (Safety) Regulations 2016. The maximum penalty for a person guilty of an offence under this regulation in the Magistrates Court is an unlimited fine or imprisonment for a term not exceeding three months, or to both.

6.0 Equality Implications

6.1 There are no equality implications.

7.0 Consultation with Ward Members and Stakeholders

7.1 There is no requirement to consult Ward Members about this report.

8.0 Human Resources/Property Implications (if appropriate)

8.1 There are no human resources/property implications.

Contact Officer

Any person wishing to obtain more information should contact Anu Prashar, Senior Regulatory Service Manager, Brent Civic Centre, Engineers Way, Wembley Middlesex HA9 0FJ. Telephone: (020) 8937 55215, anu.prashar@brent.gov.uk

ANU PRASHAR
SENIOR REGULATORY SERVICE MANAGER

APPENDIX 1

Photograph 1 of the massager.



Photograph 2

