

Heart of the South West Trading Standards Service

Statement of Witness

(Criminal Justice Act 1967 s.9, Criminal Procedure Rules r.16.2)

STATEMENT OF Richard MATTHEWS

Age Over 18

This statement (consisting of three pages 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 anything which I know to be false or do not believe to be true.

Signed Date 26th November 2024

I am the Investigations Team Manager employed by the Heart of the South West Trading Standards Service based in Exeter. I am an authorised officer for the purposes of the Trade Marks Act 1994 and the Consumer Rights Act 2015.

I have been employed by Trading Standards for over twenty years and I have significant experience of the illicit tobacco trade and dealing with counterfeit (trade marked goods).

On Tuesday 19th November 2024 I visited a shop currently called 'Buy for Less', 7 Church Street, Highbridge. This shop was previously known to Trading Standards as 'Buy for Less'.

The reason for my visit was the Service had received intelligence from Avon and Somerset Police concerning illicit tobacco being sold from the premises after 5pm.

At approximately 18:15hrs I entered the premises and walked to the back of the premises.

There was one male behind the counter on my right hand side who appeared to be of Arab descent, approximately 25 years old with dark, curly hair and a mid-length beard. As

I walked the length of the shop I had a cursory glance around but did not notice any

vapes behind the counter, or tobacco products, or a tobacco notice warning that

cigarettes / tobacco should not be sold to anyone under the age of 18.

I took a soft drink and a chocolate bar to the counter and asked the male if he had any cheap tobacco. He paused momentarily and gave my question some thought. He then asked what I wanted? I replied, "rolling baccy, cheap". The man told me he didn't have any hand rolling tobacco but had several different brands of cigarettes, including Marlboro and Lambert and Butler for £5 a pack and Kent for £6.50. He proceeded to pick a selection of brands from under the counter and lay them out in front of me saying that they cost £5 or £6.50 per pack. As he talked quickly and had a slight accent, I asked again if he had any Cutters Choice or Amber Leaf (brands of illicit hand rolling tobacco). He told me he'd sold out of HRT but would have more tomorrow.

He was friendly and engaging and asked me a series of questions, including where I lived, worked and where I was from originally.

I confirmed I would take a packet of Marlboro cigarettes and a pack of Lambert and Butler cigarettes. I paid £5 a pack, £10 total for forty cigarettes I thanked the man and left the premises.

On my return to the office I photographed the packaging of my test purchases and produce a series of seven photographs identified collectively as RMT/01. In my professional experience, it is not possible to buy legitimate tobacco for £5 a packet, the retail price for 20 cigarettes is at least £14 a packet.

The artwork on the packaging is of low quality with a resolution I would not expect to see on legally produced tobacco. Finally. All UK legal tobacco is sold in plain green 'pantone' packaging which leads me to the conclusion the tobacco is counterfeit (or at the least non-duty paid).

On my return to the office I placed the two packets of tobacco into a tamper evidence bag with the serial number S00783048. I identify this as RMT/02.

It is my opinion that the following offences are likely to have been committed by the business:

- **Trades Mark Act 1996 – s 92 – unauthorised use of a trade mark**
- **The Standardised Packaging of Tobacco Products Regulations 2015 – r 7 – selling tobacco products not in correct packaging.**
- **Children and Young Persons (Protection from Tobacco) Act 1991 – s 4 – failure to display a statutory notice.**

The sale of counterfeit or non-duty paid cigarettes has the following impact:

- **The manufacture of counterfeit products is uncontrolled and products have been found to contain toxic metals, animal faeces, weedkiller and sawdust adding to the already harmful nature of tobacco products.**
- **Illicit products artificially lower the cost of smoking, reducing the smoking deterrent.**
- **Illicit products disproportionately affect vulnerable and poorer members of society.**