

# **Licensing Panel SUPPLEMENTAL AGENDA**

**DATE: Tuesday 11 June 2019**

## **AGENDA - PART I**

- 5. CARNIPROD, 181 BURNT OAK BROADWAY, EDGWARE, MIDDLESEX, HA8 5EH (Pages 3 - 34)**

Additional Information relating to the Report of the Corporate Director of Community.

## **AGENDA - PART II - Nil**

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To Harrow Licensing Team via email

Date : Thursday 6 June 2019

Dear Sir / Madam

### **Licensing Act 2003**

I am employed by the London Boroughs of Brent and Harrow Trading Standards Service as a Regulatory Team Leader. I am authorised to enforce various statutes including the Consumer Protection Act 1987 and the Consumer Protection from Unfair Trading Regulations 2008, Tobacco and Related Products Regulations 2016 and the Standardised Packaging of Tobacco Products Regulations 2015.

On 27 June 2013 at D&D Ro Ltd situated at 181 Burnt Oak Broadway, HA8 5EH trading as Carniproduct whilst working in partnership with HM Revenue & Customs (HMRC) Officers to check for compliance of tobacco and alcohol being sold within the borough, HMRC seized a total of 1,920 (96 Packets of 20s) non duty paid tobacco from the premises, as they failed to display compliant fiscal markings, contrary to Regulation 22 of the Tobacco Product Regulations 2001. 400 (20 Packets) of these were seized from underneath the counter and 1,520 were found and seized at the back of the shop in a store room in a bathroom wall cabinet above the sink. 59 children DVDs displayed on the shop floor were also seized as officers had reasons to believe that they were counterfeits furthermore they did not display the correct BBFC certification.

A simple caution was issued to Mr Duta although no record of the signed caution was retained on file.

On the 30 November 2015, an Enforcement Officer with Brent and Harrow Trading Standards Service made a test purchase of cigarettes from D&D Ro Ltd situated at 181 Burnt Oak Broadway, HA8 5EH trading as Carniproduct, the motive was to discover if they were selling illegal cigarettes. He asked for cheap Marlboro and was offered and purchased Romanian cigarettes. As a result of this a team of officers along with a sniffer dog visited the business on 16 December 2015.

During this visit the officers carried out an inspection of the premises and seized 118 packets of cigarettes of 20s cigarettes (2,360), 3 tubs of loose tobacco (125gms) these were seized as they had foreign warnings and none of the products had the correct Health Warnings as required and prescribed by the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 as amended. 22 bottles of Glens Vodka (70cl) were also seized as the officers had reasons to believe they were counterfeit.

On the 17 December samples of the Glens Vodka were posted to Mr Tom Taylor at the Loch Lomond Group, with a request that they verify if the product was counterfeit. On the 5th February 2016 we received confirmation from Mr T Taylor at Loch Lomond Group confirming that the samples of Glens Vodka submitted to them for examination were counterfeit and had not been produced by the Loch Lomond Group.

On the 8th February Mr Iulian Duta the Director of D & D Ro Limited the company who operate the shop which trades as Carniprod or Magazin Romanesc was interviewed under caution in accordance in accordance with the Police and Criminal Evidence Act 1984.

Mr Duta said at interview that:

- When he started the business friends provided him with advice.
- The young lady in the shop at the time of our visit, was just a part time sales person and made no buying decisions.
- On the 16th December he was in Romania, as he had a doctor's appointment. He was away for two months November to January.
- A friend came from Romania to look after the business, but since the problem at the shop he had returned to Romania permanently.
- Asked about the stock we seized (cigarettes) he said that others had brought the stock in.
- He did not comment on the medicines.
- He admitted that it showed poor control of the business, but now he is feeling better he will take care of things.
- There are now no cigarettes in the shop, illegal or otherwise.
- When asked about the tobacco on open display, he asked about having a special cabinet and he was told that advice would be given after the interview.
- It was established that he knew what a trademark was.
- The counterfeit Glens was bought from an unknown person who walked in off the street, he had no details of who the person was.
- To prevent future failings, he says he will be at the shop every day, he signed a caution in 2014 for illegal cigarettes.

On 6 September 2016, Mr Duta appeared before Willesden Magistrates court and pleaded guilty as Director of D & D Ro Limited for following a seizure of illicit tobacco products and counterfeit vodka seized from the shop on 16th December 2015, resulting in a combined fine of £1,465.00 and £1,000.00 costs.

On 27 September 2016 as part of a Harrow Day of Action Trading Standards Enforcement Officers and Officers from the Metropolitan Police visited D&D Ro Ltd situated at 181 Burnt Oak Broadway, HA8 5EH, trading as Carniprod to check the if they were selling illegal cigarettes.

During this visit officers carried out an inspection of the premises and seized illegal tobacco products in plastic bags hanging around the till and also found some in a wooden platform behind the till. A small quantity of cigarettes were also discovered in the store room. A total of 36 packets of 20s cigarettes (720) and 5 tobacco pouches totalling 850g of tobacco. These were seized as they had foreign warnings

and none of the products had the correct Health Warnings as required and prescribed by the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 as amended.

On 24th October 2016 Mr Iulian Duta the Director of D & D Ro Limited was interviewed under caution and under the provisions of PACE. The main points of the interview are as follows:

- He confirmed he was sole director for D&D Ro Ltd and their only trading premises was 181 Burnt Oak Broadway.
- He explained that he had two members of part-time staff, one of which, was present on the day of our office.
- He claimed to be unaware that the tobacco was on his premises and that the worker admitted to him after our visit that she had brought it to sell herself.
- He claimed to make regular checks at his shop to ensure illicit tobacco was not being sold or stored by his staff and couldn't give a reasonable explanation as to why he had not found it.

On 18th April 2017, Mr Duta appeared before Willesden Magistrates court and pleaded guilty as Director of D & D Ro Limited, resulting in a combined fine of £1,465.00 and £1,000.00 costs

On 8th March 2019, Trading Standards and Licensing Police visited D&D Ro Ltd t/a Carniproduct, 181 Burntoak Broadway, HA8 5EH where upon arrival a box was found being placed behind the counter by Mr Iulian Duta's 14-year-old son. The contents of the bag were inspected and found to contain 68 packs of foreign labelled cigarettes. These were seized as they failed to comply with the Tobacco and Related Products Regulations 2016 and the Standardised Packaging of Tobacco Products Regulations 2015. A subsequent search was carried out of the premises where a further 8 packs of foreign labelled cigarettes were found near the shops till.

In view of the above, criminal offences may have been committed by D&D Ro Ltd and its company director Mr Duta. This matter is still being considered by Trading Standards.

It is clear from this Service's dealing with D&D Ro Ltd trading as Carniproduct and its Director Mr Duta are not attempting to uphold the law and the licensing objective of prevention of Crime and disorder. The control over this business has been non-existent with clear disregard of any regulations and basic legitimate trading practices that businesses are expected to follow. One thing that has been evident in this whole matter is the absence of the Premises License holder and the Designated Premises Supervisor Georgiana Monica Craciunescu with very little or even no evidence of her ever attending the License premise.

The purchase of non-compliant goods from persons who are also trading illegally is of grave concern as there is no traceability here.

I am in the opinion that the above evidences that the following licensing objectives are not being upheld;

1. The prevention of crime and disorder
2. Public safety

As a responsible authority and taking into consideration the issues outlined above, we ask for revokation of the Premises License.

Yours faithfully



Samuel Abdullahi  
Regulatory Team Leader

# INFRINGEMENT REPORT

CASE REF: 06/15 A+B  
 BOROUGH HARROW  
 LAST DAY 29/05/16

INV OFF	O. I.C.	TEAM L.
PH	ST	ST

OFFICERS RECOMMENDATION

SUBMIT DATE 03/05/2016  
 ACTION AGREED (ENTER REF NO. OF DEF)  
 NFA  
 W CAUTION  
 F CAUTION  
 PROSECUTION X

LEGAL PROCESS			
STATUTORY NOTICE	POST/HAND	BY	DATE
AUTHORITY TO PROCEED	REQ	REC	
	19/5/16	Am	
NOTIFICATION TO OFF	REQ	REC	REF
INFORMATIONS LAID	BY	DATE	NO
	AP		

SERVICE OF DOCUMENTS			
SUMMONSES	POST/HAND	BY	DATE
ADVANCE INFO NOTICE	POST HAND	BY	DATE
WITNESS STATEMENTS	POST/HAND	BY	DATE
GUILTY PLEA IN ABSENCE	POST/HAND	BY	DATE
INTENTION TO CITE	POST/HAND	BY	DATE
UNUSED MATERIAL	POST/HAND	BY	DATE
SUMMONS RET TO COURT	POST/HAND	BY	DATE
DISCLOSURE CERTIFIED		BY	DATE

DEFENDANTS FULL NAME	ADDRESS FOR SERVICE	OFFENCES No's	PLEA	RESULT FINE/COSTS
1 D & D Ro Limited T/A Carniprodo DOB 07694890	181 Burnt Oak Broadway Edgware HA8 5EH 14 GOLD BEATERS GROVE LONDON HA8 0QD.	CPS GROSS	G	FINE £1,290 COST £1000
2 Mr Iulian Duta (Director) T/A Carniprodo DOB 9th July 1975	14 Goldbeaters Grove, London, HA8 0QD	"	G	FINE £175.
3 T/A DOB				
4 Romanian Interpreter T/A DOB				

FIRST HEARING	SECONDARY DISCLOSURE	SOLICITOR
DATE 2/8/16 COURT & TIME ADJ: 6/9/16	DEFENCE DISC REC. DATE: SECONDARY DISCLOSURE MADE BY DATE	TEL

RESULTS	ENTERED IN RECORD BOOK	LACOTS/HA/OFT	WITNESSES NOTIFIED	COMPUTER ENTRY
	12/5/16			000796 000797.

### Witness Statement

(C.J.Act 1967 - S.9, M.C. Act 1980 - ss5A(3)(a) and 5B, M.C. Rules 1981 r.70)

Statement of: Paul Hayward  
Age if under 18: Over 18  
Occupation: Enforcement Officer

This statement (consisting of 5 pages 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 29<sup>th</sup> January 2016

Signature



I am employed by the London Boroughs of Brent and Harrow Trading Standards Service as a Senior Enforcement Officer. My duties include enforcement of a number of Acts of Parliament and Regulations including the Trade Marks Act 1994; the Consumer Protection Act 1987 and its subordinate legislation.

5

On the 16<sup>th</sup> December 2015 at 15:00 I was accompanied by Amar Karia and Andreas Kirschner, Enforcement Officers with Brent and Harrow Trading Standards Service, on a visit to Carniprod/ Magazin Romanesc, 181 Burnt Oak Broadway, Edgware, HA8 5EH. We were also accompanied by Omar Moucherie an apprentice with Brent Regulatory Services, we were assisted on the day by Mark Harris a dog handler with Wagtail International and a sniffer dog, which was trained to detect hidden tobacco products.

10

Working in the shop when we arrived was a lady, who I estimate was in her early twenties, 5' 1" tall, with shoulder length brown hair, she gave her name as Hegoita Claudia; Ms Claudia said she was Romanian and that her English was not very good.

15

Signature .....



E31 Sept 2003

Continuation of witness statement of: Paul Hayward

On arrival I had identified who we were to Ms Claudia and officers showed their identification, there was another young woman in the shop when we arrived who said she was a friend of the sales assistant and not connected to the business in any way; she was able to assist in explaining to Ms Claudia who we were and what was going to happen.

20

Mr Karia was asked to issue documents to Ms Claudia and he completed a notice of Rights and Powers as prescribed by the Consumer Rights Act 2015, this document also incorporated a Police and Criminal Evidence Act (PACE), Code B Notice. We asked for details of the owner and I saw letters on the counter addressed to Mr Iulian Duta at Carniprod and also to D & D Ro Limited T/A Magazin Romanesc, I photographed these letters.

25

Mr Kirshner went to the rear of the shop with Mark Harris and the sniffer dog, they went into the rear stockroom to search for illegal cigarettes. As soon as Mr Karia had issued the Notice of Powers I asked him to also issue a PACE Code B Notice, which he did. Ms Claudia attempted to contact the owner by telephone but was unable to reach him. I conducted a quick visual inspection of the shop while Mr Karia completed the Code B Notice.

30

Mr Kirschner came into the shop after approximately five minutes with a bag that contained a quantity of foreign cigarettes with foreign markings and health warnings, I did not know the language they were marked with. The bag was placed in front of the counter where Mr Karia and I had sight of it at all times as further cigarettes were found they were also placed in this area. While Mr Kirschner and the sniffer dog continued that search, I took photographs of the area behind the counter using my work iPhone, there were a large number of pharmaceutical items and it was my intention to pass these photographs on to the Medicines and Healthcare Regulatory Agency, as I believed that the medicines were not legally allowed

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Signature .....



E31 Sept 2003

Continuation of witness statement of: Paul Hayward

to be on sale in this country. While in the rear stock room Mr Kirschner called me in there and drew my attention to two drawers full of approximately 40 boxes which all had the word anti-biotic on them. Once the search of the stock room had been completed Mr Kirschner, Mark Harris and the sniffer dog came into the front area and searched behind the counter.

45

A step box which Ms Claudia had been standing on was found to be hollow and open at the end facing away from the entry behind the counter. The step contained more of the foreign marked cigarettes and three tubs of tobacco, two Camel 125g and one Marlboro Red. I noticed that on the display behind the counter there were four pouches of Golden Virginia on open display and a further two which were partly hidden; these were in the area where the cigarette papers were on display. They were examined and appeared to be genuine and contained the correct health warning in English, once I was satisfied of this they were placed out of sight.

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55 When I was informed that the search of the premise had been completed and we were satisfied that there were no more concealed cigarettes I counted the items into an evidence bag, all of the quantities were recorded onto receipts PH/0059 and PH/0060. They were then sealed in the evidence bag with seal 006223.

60 As this was completed Mr Kirschner brought to my attention the bottles of Glens Vodka on the shelf behind the counter, which he had noticed had different fill heights, I agreed with him and we examined the bottles. The liquid appeared to have bits floating in it, the labels were applied at different heights and the labels were not affixed as I would have expected. I took the decision to seize them as I believed based on what I had seen that they were

Signature .....



E31 Sept 2003

Continuation of witness statement of: Paul Hayward

65 counterfeit; Ms Claudia tried to find the invoices for the vodka but was unable to find any which had Glens Vodka on them.

There were four boxes of vodka to be seized, three containing six bottles and one containing four and these were placed into evidence bags and sealed; two boxes containing a total of twelve bottles were sealed with 006802 and two boxes containing a total of ten bottles were  
70 sealed with 006803 and this was recorded onto receipt PH/0060. Copies of the receipts were issued to Ms Claudia to pass on to the owner and we then left with the seized products at 16:30.

On return to Brent Civic Centre the seized items were placed into the secure holding area as there were no evidence officers available. On the 17<sup>th</sup> December at the first opportunity I  
75 booked sealed bags 006223, 006802 and 006803 into the secure evidence at Civic Centre.

On 22<sup>nd</sup> December 2016 I booked sealed bag 006803 out of the secure evidence area and I broke the seal and removed a bottle of Glens Vodka 70 cl which was one of the four bottles seized from the display at Carniprod and this I labelled as exhibit PH/DD/01. I then removed a bottle from a box of which was taken from the stock room and this I labelled as exhibit  
80 PH/DD/02.

The main bag I then resealed with cc0002995. The exhibits PH/DD/01 and PH/DD/02 which were to be sent for expert examination I then sealed into an evidence bag with seal HSL4539, I had also placed seal HSL4540 into the bag with the Vodka bottles to enable them to be resealed after examination. The samples I then posted to Mr T Taylor at the  
85 Loch Lomond Group, with a request that they verify if the product was counterfeit. On the 5<sup>th</sup> February I received an email from Mr T Taylor at Loch Lomond Group that the samples of Glens submitted to him for examination were counterfeit and had not been produced by the Loch Lomond Group. I labelled all of the photograph's I had taken in D & D Ro Limited on the 16<sup>th</sup> December and produce them as exhibits PH/D&D/P1 to PH/D&D/P40 inclusive.

Signature .....



E31 Sept 2003

Continuation of witness statement of: Paul Hayward

90 I printed photographs PH/D&D/P8, PH/D&D/P17, PH/D&D/26 to 32 inclusive, PH/D&D/36 and PH/D&D/40 to be shown to Mr Duta when he attended for interview.

On the 8<sup>th</sup> February I conducted a formal interview with Mr Iulian Duta the Director of D & D Ro Limited the company who operate the shop which trades as Carniproduct or Magazin Romanesc. I was assisted at interview by my colleague Mr Abdullahi, I transcribed the interview and produce the original CD of interview as exhibit PH/PACE/1 and the transcript as PH/PACE/2.

On the 14<sup>th</sup> April 2016 I received by courier a box which contained a signed statement from Mr T Taylor, Quality Manager at Loch Lomond Group. Two bottles of Glens Vodka, sent to Loch Lomond Group for examination and seal HSL4539, they were sealed in an evidence bag with seal HSL4540. I booked the samples back into the secure evidence area at the Civic Centre. On April 25<sup>th</sup> I labelled sealed bag 006802 containing 12 bottles of Glens Vodka as exhibit PH/DD/03, sealed bag cc0002995 containing 8 bottles of Glens Vodka as exhibit PH/DD/04, sealed bag 006223 containing various incorrectly labelled tobacco products as exhibit PH/DD/05 and I produce these exhibits in evidence 

Signature .....



.....  
**E31 Sept 2003**

LONDON BOROUGHS OF BRENT AND HARROW  
TRADING STANDARDS SERVICE

RECORD OF TAPE RECORDED INTERVIEW

Page: 1

**Person Interviewed:** Mr Iulian Duta (ID)  
**Place of Interview:** Civic Centre, Engineers Way, Wembley, HA9 0FJ  
**Date of Interview:** 8<sup>th</sup> February 2016  
**Commenced:** 10:41  
**Ended:**  
**Interviewing Officer(s):** Paul Hayward (PH) Samuel Abdullahi (SA)  
**Other Persons Present:** Mr Gala Mido (Interpreter)(Romanian)  
**Officer Preparing Record:** Paul Hayward  
**Signature:** [REDACTED]

**CD Ref No:** PH/PACE/1 **Exhibit Number:** PH/PACE/2 **No. of Pages:** 7

TAPE  
TIMES  
00:00:05

The persons present introduced themselves, Mr Duta gave his full name as Iulian Duta and his home address as [REDACTED] He gave his date and place of birth as [REDACTED] The company name he gave as D & D Ro Limited and there was then a discussion as to the trading name of the company, which Mr Duta said was Magazin Romanesc. He was asked why the name Carniprod also appears outside the shop. Mr Duta explained that prior to forming D & D Ro Limited when he started the business with another person this was the name of the business. The registered address he originally stated was the shop address, but after questioning and being shown a Companies House printout with this information Mr Duta confirmed the company as being registered to his home address.

00:12:41

SA clarified that the registered address of D & D Ro Limited is [REDACTED] Mr Duta also confirmed that the shop address was 181 Burnt Oak Broadway, Edgware, Middlesex, HA8 5EH. Mr Duta said that he was the manager of the company to Romanians means director. He confirmed that he was the owner of D & D Ro Limited, he was asked if anyone else was a manager or Director of the company and started to explain arrangements when he was in Romania but SA stopped him as it was not the right time for this explanation and asked who was responsible for the Company D & D Ro Limited, Mr Duta said he was responsible, PH asked if he was authorised to answer any questions about the company and Mr Duta said he was.

00:15:32 PH

What I'm going to do now is tell you the reason why we've asked Mr Duta to come and be interviewed. The reason for this interview is that on the 30<sup>th</sup> November 2015 an officer from this service test purchased a packet of Marlboro Gold cigarettes, from Magazin Romanesc at the above address,

**Signed:** [REDACTED]

E30 Jan 09

LONDON BOROUGHS OF BRENT AND HARROW  
TRADING STANDARDS SERVICE

CONTINUATION OF TAPE RECORDED INTERVIEW

Person Interviewed: Mr Iulian Duta

Page: 2

which is 181 Burnt Oak Broadway. The person who served him said they were Romanian cigarettes. Following this, a second visit was made to the business on the 16<sup>th</sup> December, when with the assistance of a sniffer dog, officers discovered and seized a number of different brands of cigarettes. Seizing a total of 118 packets of cigarettes and three tubs of loose tobacco, which failed to display the correct health warnings as required by the Tobacco Products (Manufacture, Presentation and Sale)(Safety) Regulations 2002 as amended. It was also observed that tobacco pouches namely Golden Virginia were on open display in the shop which is contrary to the Tobacco Advertising and Promotion (Display) (England) Regulations 2010. Additionally 22 x 70 cl bottles of Glen's Vodka were seized, which have now been examined and confirmed as being counterfeit in contravention of the Trademarks Act 1994.

Therefore offences may have been committed under those acts.

00:21:09 PH What I have to do is caution you now. You do not have to say anything, but it may harm your defence if you do not mention when questioned, something, which you later rely on in court, anything you do say may be given in evidence, do you understand? **Time of caution 11:01.**

00:22:00 Mr Duta confirmed that he understood the caution, he was advised he could seek legal advice from a solicitor or have chosen to have one present at the interview, he confirmed he understood this and was happy to proceed without one. Mr Duta was told he was not under arrest and was free to leave at any time, he could also change his mind at any time and halt the interview to seek legal advice. Mr Duta confirmed the personal and company details given prior to caution were given honestly and accurately. SA repeated the questions, Mr Duta agreed his answers were correct.

00:26:46 PH How long have you been trading?

ID Myself as alone I started then in 2011

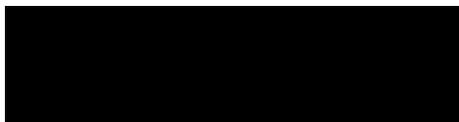
PH That was as D & D Ro Limited in 2011 is that right (ID) Yes. (PH) Before that what were you, were you trading then? (ID) In 2010 I have been in with someone, Carniprod in 2010. (PH) And that was the same address 181? (ID) Yes. (PH) What sort of shop was that? (ID) Carniprod. (PH) Was it the same sort of shop, general grocers? (ID) It was the same it was the same produce I was selling unless it was those from meat, meat from type of animal pork and everything.

00:28:58 SA And what was the name of the person you were in business with? (ID) Ciobanu Cristian (SA) And what did you do before you started the business? (ID) I had been working for M P Moran. (SA) Is that the hardware shop? (ID) That is the building. (SA) The building material business. (ID) Exactly, yes (SA) What did you do there? (ID) I was working there working with all those woods, to cuts to makes to plans for those woods.

PH So it's a building supplier? (ID) A building material, a building supplier

PH So when you set up your business did you get advice about what you needed

Signed:



**LONDON BOROUGHS OF BRENT AND HARROW  
TRADING STANDARDS SERVICE**

**CONTINUATION OF TAPE RECORDED INTERVIEW**

**Person Interviewed: Mr Iulian Duta**

**Page: 3**

to do to comply with the law and how to go about it?

ID My friend, my friend because I been talking well English just asking someone and they bring me all the advice.

PH Was any of it in writing, did you get any written advice?

ID No just those verbal's

PH On 16<sup>th</sup> December when we visited the shop it was a Miss Hegoita Claidia was the only person working there, what is her role?

UD It was just Claudia working there *(PH) What is she employed as just a sales assistant?* (ID) She was employed there. *(PH) Her duties were what, just to serve in the shop to open the shop?* (ID) She is a seller, part time. *(PH) She doesn't do any of the buying of the stock or anything like that, she is purely a sales assistant is that right?* (ID) Yes her job it was just to sell. *(PH) So during this visit and the search cigarettes were discovered in various places around the business, which failed to display correct health warnings why were they there?* (ID) Maybe because when I have been going up, I was going back in Romania, Claudia and a guy was living there maybe she was scared about me and she said that one somewhere because she I know want to know they was there.

PH For the benefit of the recording it's a sealed bag with seal number 06223 and it contains a really large range of cigarettes and three tubs of tobacco.  
*(ID) I can just see.*

00:35:57 PH Why were all these cigarettes in the shop, it's your shop?

ID I think that maybe that guy who I left there was friends with me, he was doing those kind of business but myself I don't know it. He has been my friend but I don't know it

SA Who is this friend? *(Mr Duta wrote Podaneanu Ion).* Mr Duta do you recall, let me rephrase, has items like this been seized before from your shop? *(ID) I remember first time I saw it, now I think it's about six months ago I saw it first time to, it was another lady who was selling then and I send him out you know Kent one I remember about Kent one.*

SA But even before that in 2013 did Trading Standards visit your shop and seize similar products foreign tobacco?

UD I understand. *(SA) No it's either a yes or no question did Trading Standards seize foreign tobacco from you in 2013?* (ID) Yes it's true. *(SA) And you signed a simple caution?* (ID) Yes I signed. *(SA) So when you said you saw this six months ago the Kent in your shop what did you tell them?* (ID) When I find it, it was just myself I find it there, there was nobody there, it was just myself I find it there and I ask I said Japia where it is coming from and she don't know how to answer to me properly and I said the job is finished.

**Signed:**

[Redacted Signature]

LONDON BOROUGHS OF BRENT AND HARROW  
TRADING STANDARDS SERVICE

CONTINUATION OF TAPE RECORDED INTERVIEW

Person Interviewed: Mr Iulian Duta

Page: 4

- PH Who was that the job finished?
- UD Japie Carmen
- SA (Spelt out the name to confirm spelling) And Japie Carmen worked for you? (ID) Yes (SA) And just to establish, Podaneanu Ion, who is this person? (ID) Friend. (PH) Of who, of you? (ID) Yes. (SA) Your friend and you said Podnaeanu is the person who brought the tobacco into your shop? (ID) Yes
- PH When?
- ID Yes I don't know exactly when but what I know it's just when the officer come to my shop and they find it and I talk with him and he don't like to talk with me.
- PH So Podaneanu the friend was that last year when we seized this or was it the previous time in 2013 when he brought it into the shop?
- ID I remember 2013 I knew him before 2013 but he was not here in England.
- SA Just going back to 2014 and you signed a caution (ID) I signed a caution it was in 2013 (SA) Ok but you still admit to signing a caution about cigarettes that were found on your business premise? (ID) I don't exact, can you just let me know the date it was in which year one, 2013 or 2014 in which year one?
- SA According to records goods were seized in 2013 and then in 2014, January you signed a caution. (ID) I understand. (SA) And do you recall doing that do you remember? (ID) Yes I remember. (SA) Now just another thing are you a licensed premise? (ID) Which type of licence? (SA) Alcohol selling licence. (ID) Yes I got permissions (SA) To sell alcohol. (ID) Yes I got a licence to sell alcohol; and cigarettes. (SA) With alcohol side of things the licence part, who is the licensee are you the personal licensee? (ID) No me, is Monica Craciunescu. (SA) (Confirmed the name and spelling) Monica does she have another shop? (ID) No (SA) So just to clarify you are not the licensee? (ID) Yes. (SA) and then the premises license, the premise, 181 Burnt Oak Broadway is D & D Ro Limited that is the premises licence holder? (ID) That is the name I give to you Monica Craciunescu is just the name of someone who got the licence that's it.
- PH Explained that each licensed premise has to have a licensee for the actual premise as well as a DPS.
- ID Confirmed that D & D Ro Limited are the premise licence holder
- SA You do realise the fact that you've got these tobacco products that are illegal is a breach of your licence?
- 0050:50: ID I told those what they are saying now, I said to those girl we cannot sell those  
00 produce we can sell just British cigarette for that maybe I they doing that I was keeping some somewhere for don't let myself to know about it, you know

Signed:



LONDON BOROUGHS OF BRENT AND HARROW  
TRADING STANDARDS SERVICE

CONTINUATION OF TAPE RECORDED INTERVIEW

Person Interviewed: Mr Iulian Duta

Page: 5

because they know they cannot sell it we can sell just the British cigarette.

SA Just a few more questions from me and then Paul, on the 16<sup>th</sup> December 2015 where were you? (ID) Romania, I have got an appointment with a doctor in Romania. (SA) How often do you attend your shop? (ID) I am being there every day, every day I go to the shop. Without that payload on the 16<sup>th</sup> December I am being not there because just I am being in Romania because I've got an appointment there. (SA) So 16<sup>th</sup> December when did you go to Romania? (ID) I have been there in November, I should say 1<sup>st</sup> October (SA) So 1<sup>st</sup> October and then November? (ID) I see the doctor yes. (SA) And then December, so you were there from the 1<sup>st</sup> October, November? (ID) I come back November (SA) Oh you came back and on 1<sup>st</sup> November you went back to Romania and from the 1<sup>st</sup> November when did you come back. (ID) In January, I come back in January, 4<sup>th</sup> January.

00:54:02 PH Two months you were away? (ID) It's true.

SA And who did you leave in charge of the business while you were away? (ID) I leave my friend. (SA) Who? (ID) Podeanu (SA) Ok this is where Podeanu Ion you left in charge of the business while you were away. (ID) Yes. (SA) Do you have his contact details? (ID) He's gone Romania, he's just come help me. (PH) Permanently? (ID) Yes permanently.

PH So he came out just to help out while you went to the doctors?

ID Yes it's true he been here just to help myself, I got appointment but in my point of view maybe he want to stay more but when that problem start he leave and he don't want to come back.

PH I'll show you these pictures they are AK2/1 through to 12 inclusive this was what was found in the shop the day we called. As well as the tobacco there are a lot of medicine products that shouldn't have been there which have been dealt with since by a different agency. For the benefit of the disc Mr Duta is looking at the pictures we gave him. Just shows that there were a lot of things wrong on the day.

ID I understand

PH You say you don't sell illegal tobacco's yourself? (ID) No never. (PH) So why do we find them two years after the first time, Why do we find more products there two years after they were first seized?

ID Because they just take the opportunity, I'm not there and they carry on selling those things because they know I'm not there.

PH From my point of view it doesn't show very good control over the business.

ID Yes it's true what I say now, now that I'm feeling well I just finished all my medicine dose I'm feeling well, I'm take of myself all those things

Signed:



LONDON BOROUGHS OF BRENT AND HARROW  
TRADING STANDARDS SERVICE

CONTINUATION OF TAPE RECORDED INTERVIEW

Person Interviewed: Mr Iulian Duta

Page: 6

PH Are you confident there is no illegal tobacco in your shop if we were to go there now? (ID) I'm sure it's not there. (PH) So you're not going to be selling anymore illegal tobacco is that true? (ID) Yes, I will try we see with those English, when I got a good place I will start it to sell it just those English cigarettes. (PH) Ok can I just show you PH/D&D/P27, that's a step that was behind the counter which was turned on end so you couldn't see it from the side as you go in but hidden inside it were tobacco products, it looked like someone had specially made it. (ID) I just observe now. (PH) Ok and beside the cash drawer there was a compartment you see there are cigarettes at the end of it, which looked like someone had hidden them there.

01:02:23 PH You sell tobacco have you got English cigarettes in the shop now? (ID) No English cigarette now. (PH) You haven't got any? (ID) Any, any any English cigarette no. (PH) Are you planning to get some? (ID) Yes I will, I try, I will start selling English cigarette.

PH Ok if I can show you PH/D&D/P32, that shows pouches of tobacco on the shelf in the shop, the question is, it's not legal to have tobacco products on open display so why was that there?

01:03:53 ID Yes for that, how do you think, I need something is special cupboard there, it must be a special cupboard or everything must be there, to be covered or what do you think, because myself I don't know?

PH Is that a question (ID) Yes that is a question (PH) OK then I'll ask a question of mine, you've got a sign in the shop which is a legal requirement saying it is illegal to sell tobacco products to anyone under 18, so it looks as if you were intending to sell them, so that was my next question why haven't you got a special cabinet? (ID) Can I do it myself or do I ask someone to do for me and put in that thing I cannot sell cigarettes to people who are under 18 what do you think myself I cannot do it or to bring someone to do it?

SA We can talk about that part later, how you can do it, but the thing simply is if you are selling tobacco products the law is it's supposed to be behind a cabinet, so that nobody can see it. (ID) I understand, I understand.

PH Moving on, Do you understand what a trade mark is?

There was an exchange with the interpreter but no answer was given to the question.

SA Do you know what it is?

ID OK I understand

PH Do you understand, if you saw a badge like that draw a badge like that, what sort of car would that be? (ID) Mercedes. (PH) Yes. (ID) Mr Duta confirmed that he now understood what was being asked and that certain names and signs cannot be used by others.

Signed:



LONDON BOROUGHS OF BRENT AND HARROW  
TRADING STANDARDS SERVICE

CONTINUATION OF TAPE RECORDED INTERVIEW

Person Interviewed: Mr Iulian Duta

Page: 7

- 01:08:04 SA On the day, same day we found, officers found Glen's Vodka, it was seized because when officers looked at it, it looked as if they were not genuine, they were fake products. A sample was sent off to be tested and they have been confirmed as counterfeit. *(ID) I understand* (SA) Where did you get these from the Glens Vodka? For the benefit of the recording I'm showing sealed bag CC0002995 to Mr Duta.
- ID I bought it through Dhamecha, I bought it, another guy he brought it, he give me the small receipt, he's giving me a receipt from a small book.
- SA So somebody else came to your shop and gave you, you bought this from them and they gave you a small receipt. *(ID) Yes.* (SA) Do you have that receipt? *(ID) Maybe I check with the accountant, all receipt I give it to him. Is long time is one year.* (SA) But this one here is counterfeit, it's fake this is fake Glens Vodka. *(ID) I understand. How can I know that was not original one?*
- PH By not buying from someone who walks in off the street. What was the name of the person who came in do you know? *(ID) I don't know.* (PH) What was the name of his business he signed on the receipt? *(ID) It was just a book without the name of the company.* (PH) Do you think it was sensible to buy from someone who just walks in off the street, you don't know where he's come from, who he is? *(ID) I will never do that again, I will never do that again.*
- PH So just to ask what do you think you could have done to prevent all of what's gone on here the cigarettes, the drugs even, even though it's not us that deal with it and the vodka. Could you have done anything differently do you think or what are you going to do differently in the future and I say, because we think the shop is not being controlled at all properly.
- ID No I promise you now I will be more, I will be more attend
- PH What will you be doing to convince us that you are a fit person to be running that shop?
- 01:13:49 ID I will go now there every time every day and I will check everything properly, to check everything.
- PH Is there anything else you wish to say?
- ID As you know that is stressful for myself but I will try in future to do more better than this because I don't like those kind of things just to repeat again I will be more careful in everything I'm doing in that business.
- PH Here is a notice which explains what will happen to the CD's you are advised that a report will be prepared and you may be prosecuted, interview is concluded at 11:56

Signed:

### Witness Statement

(C.J.Act 1967 - S.9, M.C. Act 1980 – ss5A(3)(a) and 5B, M.C. Rules 1981 r.70)

Statement of: Samuel Abdullahi  
Age if under 18: Over 18  
Occupation: Senior Enforcement Officer

This statement (consisting of 2 page(s) 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 12<sup>th</sup> May 2016

Signature

I am employed by the London Boroughs of Brent and Harrow Trading Standards Service as a Senior Enforcement Officer. I am authorised to enforce various statutes including the Consumer Protection Act 1987 and the Consumer Protection from Unfair Trading Regulations 2008.

5

On 30<sup>th</sup> November 2015, whilst working with my colleague Andreas KIRSCHNER to check for compliance of tobacco of tobacco products being sold within the boroughs of Brent and Harrow, we were also accompanied by Omar MOUNCHERIE an apprentice with Brent Regulatory Service. At 11:45am Andreas KIRSCHNER entered D&D RO Magazine situated at 181 Burnt Oak Broadway to carry out a test purchase of illicit tobacco products. A few moments later he came out and was holding a packet of Marlboro Gold upon closer look, I noticed that it had foreign warnings on the package. We then went back to the vehicle where Andreas KIRSCHNER exhibited the product as AK2/D&D/1, he then placed this into a clear evidence bag and sealed the bag with security seal 006806.

15

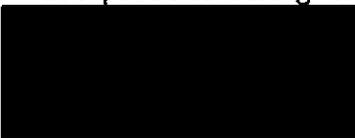
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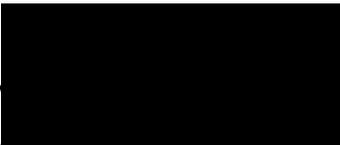
E31 Sept 2003

Continuation of witness statement of: Samuel Abdullahi

On 16<sup>th</sup> December 2015, at 16:05 I entered D&D RO Magazine situated at 181 Burnt Oak Broadway to assist my colleagues Paul HAYWARD, Amar KARIA and Andreas KIRSCHNER. Also present in the shop were Omar MOUNCHERIE, the apprentice and Mark HARRIS a dog handler with Wagtail along with a dog that is trained to detect tobacco products. Paul HAYWARD, explained to me that they were just concluding a seizure of illicit tobaccos they had found within the business premises. They had come across some bottles of Glens Vodka which he suspected to be counterfeit. I then made a quick reference to some of the guidance notes I had relating to identifying Glens Vodka and also concluded that they were indeed counterfeit. Paul HAYWARD identified four boxes that contained the suspected counterfeit Vodka and brought this to the attention of the lady who was behind the counter, who stated that they were genuine and attempted to find the invoice. Paul HAYWARD subsequently decided to seize the boxes along with the rest of the products he and the others had already identified as illicit. I witnessed Paul HAYWARD make records of what was seized into his notebook as he attached security seals to the boxes, he then issued Trading Standards receipt to the lady behind the counter and we left the premises at 16:30.

On the 8th February 2016, I was present during the interview of Mr Lulian DUTA, the director of the company D&D RO Ltd. Paul HAYWARD conducted the interview which commenced at 10:41am, Mr Ulian DUTA was cautioned at 10:41am and the interview concluded at 11:56am. Also present during the interview was Mr Gala MIDO a Romanian interpreter.

Signed: 

Signature .. 

E31 Sept 2003

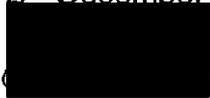
### Witness Statement

(C.J.Act 1967 - S.9, M.C. Act 1980 – ss5A(3)(a) and 5B, M.C. Rules 1981 r.70)

Statement of:            Andreas Kirschner  
Age if under 18:        Over 18  
Occupation:            Enforcement Officer

This statement (consisting of 2 pages 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                    27<sup>th</sup> December 2015

Signature               .....

My name is Andreas Kirschner and I am an Authorised Enforcement Officer with Brent and Harrow Trading Standards Services. Amongst other legislations I am authorized to investigate illegal tobacco products under the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002 and the Consumer Protection Act 1987.

5

On 30<sup>th</sup> November I visited a number of small tobacco retail shops with Senior Enforcement Officer Samuel Abdullahi and Regulatory Services Apprentice Omar Moncherie. The purpose was to carry out test purchases for illegal cigarettes.

10

At around 11.25hrs I went into a shop called D & D RO Ltd/Carnipod at 181 Burnt Oak Broadway, Harrow HA8 5EH. D & D RO Ltd was a small retail premise selling mostly pre-packed foods and drinks. I asked the shop assistant, a young looking female with a pony tail hair style, for cheap Marlboro cigarettes. She asked me if I wanted 'Romanian' and I said yes. I gave her a 5 Pound note and asked her how much they cost and she said 5

15

Signature               .....

E31 Sept 2003

Continuation of witness statement of: A Kirschner

Pound. She asked me if I wanted red or gold and I said gold. She put the money in the till and went to the store room, returning straight away with a pack of 20 Marlboro Gold cigarettes. The label on the cigarettes was in Romanian language, which I put into in my pocket and left the shop. I informed Officer Abdullahi and we went to our service vehicle.

20 In the service vehicle I put the cigarettes in an evidence bag, attached an Exhibit label and sealed the bag with tag 006806. I introduce in evidence this bag as Exhibit AK2/DND1. On returning to our office a signed this bag over to Officer Karia.



A large, stylized handwritten signature in black ink, consisting of a long horizontal stroke at the bottom, a large loop on the left side, and a long horizontal stroke at the top that tapers to a point on the right.

Signature ..



E31 Sept 2003

### Witness Statement

(C.J.Act 1967 - S.9, M.C. Act 1980 – ss5A(3)(a) and 5B, M.C. Rules 1981 r.70)

Statement of:            Andreas Kirschner  
Age if under 18:        Over 18  
Occupation:            Enforcement Officer

This statement (consisting of 3 pages 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                    6<sup>th</sup> January 2015

Signature

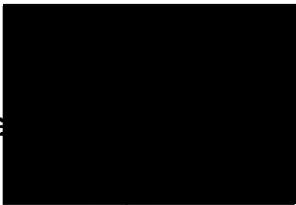


.....

My name is Andreas Kirschner and I am an Enforcement Officer with Brent and Harrow Trading Standards Services and authorized, amongst other regulations, to investigate offences against the Tobacco Products (Manufacture, Presentation and Sale)(Safety) Regulations 2002 and the Consumer Protection Act 1987.

On 16<sup>th</sup> December 2015 I assisted Trading Standards Senior Enforcement Officer Paul Hayward to investigate the sale of illegal tobacco products in a premise called D&D RO Ltd/Carnipod at 181 Burnt Oak Broadway, Edgware HA8 5EH. We were also accompanied by Officer Amar Karia and Omar Moncherie, apprentice for Brent's Regulatory Services. We had special support from Mike Harris, dog handler for Wagtail International, Specialist Dog Services and his sniffer dog. The sniffer dog was specially trained to detect hidden or concealed tobacco products. We entered around 15.00hrs and I showed my warrant card to the shop assistant.

Signature



.....

**E31 Sept 2003**

Continuation of witness statement of: A Kirschner

I went to the rear of the shop with the dog handler and his sniffer dog and started the search. I looked into a card board box and found a number of foreign labelled cigarettes. The labels were in what I believed to be Romanian language, which I knew to be an offence in contravention of the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002. I took a photograph and introduce in evidence Exhibit AK2/1. I informed Officer Hayward of and brought the cardboard box to the front

I saw a great number of medicinal products, not of which were labelled in English language, in an open cabinet and plastic storage unit. I took 2 photographs and introduce in evidence Exhibit AK2/2 and Exhibit AK2/3. At closure inspection I noted that a product called Oспен 1000 was an antibiotic. Antibiotic medicines in the UK must be prescribed by a doctor and only be sold be pharmacists.

The sniffer dog jumped up onto the sink and detected illegal cigarettes hidden in a bath room-style cabinet. I took 2 photographs and introduce in evidence the dog finding the cigarettes as Photo-Exhibit AK2/4 and a close-up of the hidden cigarettes as Photo-Exhibit AK2/5. The dog also detected cigarettes hidden on top of the medicinal cabinet and I took 2 more photographs which I introduce in evidence as Photo-Exhibit AK2/6 and Photo-Exhibit AK2/7. Under the sink I found a number of empty alcohol bottles, which I found unusual. I took a photograph and introduce in evidence Exhibit AK2/8.

I removed all illegal tobacco products from the hiding places in the store room and moved it to the front. I looked behind the counter and found a personal licence for Carnipod in the name of Georgiana Monica Craciunescu, [REDACTED]

[REDACTED] I took a photograph and introduce in evidence Exhibit AK2/9. I took also a [REDACTED]

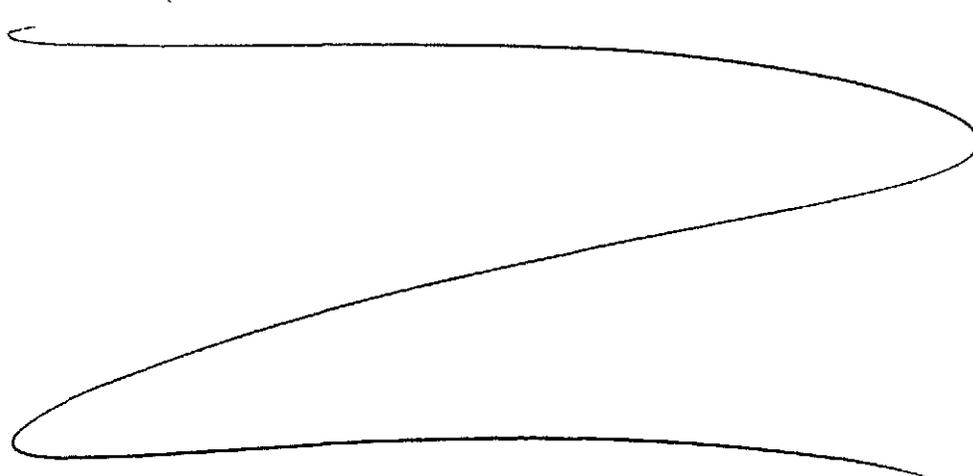
Signature .. [REDACTED] .....

**E31 Sept 2003**

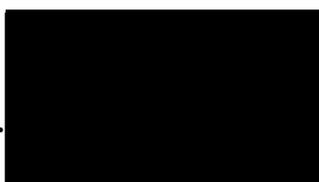
Continuation of witness statement of: A Kirschner

45 photograph of the business name details, which listed CARNIPOD and the owner Mr JULIAN DUTA. I took a photograph and introduce in evidence Exhibit AK2/10. Under the counter I noted various food containers filled with coins. I asked the shop assistant why she is operating a till and has loose change in these containers. Her level of English was limited but she explained that this is where the money for bread product sales was kept. I asked her how this is accounted for, since it is not rung through the till and she said a manager is doing this at the end of the night. I took a photograph and introduce in evidence Exhibit AK2/11. I looked at spirits stored above these money-filled food containers and noted that bottles of Glen's Vodka had significant white sediment deposits at the bottom of the bottles. From experience I knew that Glen's Vodka is triple distilled and should not contain any visible deposits. I lined up 4 bottles and noted that the fill-height was at different levels, which was another possible indication that the products were not genuine. I took a photograph and introduce in evidence Exhibit AK2/12. I removed all boxes of Glen's Vodka from behind the counter and gave it to Officer Hayward to further  
55 investigate.

We left the premises at around 16.30hrs, taking all seized products to our service vehicle

60 

Signature .



### Witness Statement

(C.J.Act 1967 - S.9, M.C. Act 1980 – ss5A(3)(a) and 5B, M.C. Rules 1981 r.70)

Statement of: Amar Karia  
Age if under 18: Over 18  
Occupation: Enforcement Officer

This statement consisting of 3 page(s) 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 18/04/2016

Signature

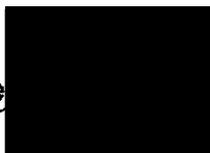


I am employed by the London Boroughs of Brent and Harrow Trading Standards Service as an Enforcement Officer.

5 On the 16<sup>th</sup> December 2015, I accompanied colleagues Mr Paul Hayward, Senior Enforcement Officer with Brent and Harrow Trading Standards, Mr Andreas Kirschner, an Enforcement Officer with Brent Council's Regulatory Services, Mr Omar Moncherie, an Apprentice with Brent Council. We had special support from Mr Mike Harris, dog handler for Wagtail International, Specialist Dog Services and his sniffer dog. The sniffer dog was  
10 specially trained to detect hidden or concealed tobacco products.

At approximately 15:00hrs we arrived at Carniprod, 181 Burnt Oak Broadway, Edgware HA8 5EH. In the premise I observed a young female behind the counter, with black hair wearing a cream jumper and jeans. I now know this lady as Ms. Hegoita Claudia, she was a

Signature



E31 Sept 2003

Continuation of witness statement of: Amar Karia

15 Romanian national. In the shop there was another female, who was a friend of Ms Claudia, but did not have any affiliation with the shop.

On arrival all the officers introduced themselves. I was then instructed by Mr Hayward to issue documents to Ms Claudia and complete a notice of Rights and Powers as prescribed  
20 by the Consumer Rights Act 2015, this document also incorporated a Police and Criminal Evidence Act (PACE), Code B Notice, which I also filled in. We established ownership details, details were obtain by Mr Hayward via paperwork he had discovered, these details were as follows: Mr Iulian Duta at Carniprod and also to D & D Ro Limited T/A Magazin Romanesc.

25

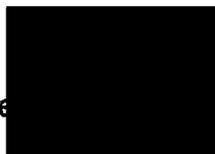
In the meantime Mr Kirschner and Mr Harris (Wagtail) started the inspection at the rear of the shop. Mr Kirschner came into the shop after approximately five minutes with a bag that contained a quantity of foreign cigarettes with foreign markings and health warnings. These were placed near the front of the shop, where the items were clearly in sight.

30

Mr Hayward then started taking photographs of the area behind the counter.

Once the search of the stock room had been completed Mr Kirschner, Mark Harris and the sniffer dog came into the front area and searched behind the counter. At the front of the  
35 shop A step box which Ms Claudia had been standing on was found to be hollow and open at the end facing away from the entry behind the counter. The step contained more of the foreign marked cigarettes and three tubs of tobacco. On the display behind the counter there were four pouches of Golden Virginia on open display and a further two which were partly

Signature



E31 Sept 2003

Continuation of witness statement of: Amar Karia

hidden; these were in the area where the cigarette papers were on display. They were  
40 examined and appeared to be genuine and contained the correct health warning in English.

Once the search was completed and we were satisfied that there were no more concealed  
cigarettes Mr Hayward counted the items into an evidence bag. They were then sealed in  
the evidence bag with seal 006223. These items were recorded on to a receipt book by Mr  
45 Hayward, who provided copies to Ms. Hegoita Claudia.

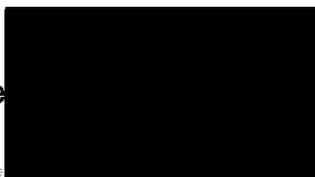
As this was concluded Mr Kirschner and Mr Hayward spotted Glens Vodka on the shelf  
behind the counter, which he had noticed had different fill heights. The liquid appeared to  
have bits floating in it, the labels were applied at different heights and the labels were  
50 unusual. Considering all these factors Mr Hayward decided that it was better to seize these  
items.

We then gathered all the Glens Vodka (in question). These items were then placed in sealed  
bags and sealed with seals 006802 and 006803 this was recorded onto receipt by Mr  
55 Hayward. Copies of the receipts were issued to Ms Claudia to pass on to the owner.

All items were recorded on a record of exhibits form an E11, which I now produce as  
evidence exhibited as AK/Carni/1

60 After our enquires were complete we left the business premise with the all the seized  
products. This was at approximately 16:30hrs.

Signature



E31 Sept 2003

## STATEMENT OF WITNESS

(Criminal Procedure Rules 2005, r 27.1(1);  
Criminal Justice Act 1967, s.9; Magistrates' Court Act 1980, s.5B)

**Statement of:** Thomas Keith Taylor  
**Age if Witness:** Over 18  
**Occupation:** Quality Manager

**This statement consisting of two 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 in it anything which I know to be false or do not believe to be true.**

**Dated the 12<sup>th</sup> Day of April 2016**

**Signature:** .....

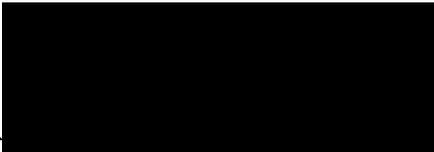
I am Thomas Keith Taylor and I have been employed by Glen Catrine Bonded Warehouse Ltd, 7 Laigh Road, Catrine, Ayrshire, KA5 6SQ as Quality Manager for twenty three years. In March 2014 the company changed ownership and now trades as Loch Lomond Group at the same address. I am employed as Quality Manager for the new company. In this capacity, I am familiar with the design, appearance, composition and quality of all genuine Loch Lomond Group products and I am authorised to speak on behalf of the company in relation to such matters. I can confirm that Glen's Vodka is a vodka brand for which Loch Lomond Group owns the Trade Mark Number EU003231107 and the brand was introduced in April 2003. I produce a copy of the Trademark Certificate and identify it as TKT/1. No other person, other than an agent authorised by our company, has permission to manufacture, produce or distribute any items bearing our trademark. On 29<sup>th</sup> December 2015, I received from Paul Hayward, Senior Trading Standards Enforcement Officer with Brent and Harrow Regulatory Services, a plastic bag sealed with seal number HSL 4539 containing two 70cl bottles that were labelled as Glen's Vodka. The bottles also had London Boroughs of Brent and Harrow labels attached identifying them as exhibit nos. PH/DD/01.and PH/DD/02. I placed the sealed bag in secure storage and removed the exhibits from it prior to examination. On examination, I came to the conclusion that both bottles were counterfeit. My reasons for determining that these were not genuine 70cl bottles of Glen's Vodka were as follows: - From October 2009 until February 2016, our company only used a bespoke bottle supplied by Allied Glass Containers which has the AGC logo, and G.C.B.W. embossed in the base. The counterfeit bottles had the following information embossed in the glass around the bottom rim; 700ml  $\varnothing$  66mm B4 E08 OI 5218. Our company has never used this

**Signature:** .....

**Statement of Thomas Keith Taylor – Continued**

bottle for Glen's Vodka. The front and back labels on the counterfeit bottle appeared to be self-adhesive as there was no visible glue pattern. Genuine Glen's Vodka 70cl labels were applied by a Kosme Rotary Labelling Machine using a wet adhesive which produces a distinctive glue pattern on the back of the label (horizontal lines approximately 2mm apart). The contents of the counterfeit bottles were tested and it was found that the spirit that they contained was not Glen's Vodka. It was organoleptically different and had an unpleasant odour. After examination of the counterfeit bottles, I placed them back in the plastic bag along with the original seal and sealed the bag with seal number HSL 4540. The sealed bag was placed in suitable packaging and returned by courier to Paul Hayward at Brent and Harrow Regulatory Services. Counterfeiting of Glen's Vodka, or indeed any other brand, misleads consumers into purchasing poor quality products which do not meet our high quality and food safety standards or the expectations of the consumer. As the deception is often not obvious to the consumer, their quality perception of the product they have purchased will be attributed to the Glen's Vodka brand which is extremely detrimental to our company's reputation and brand equity.



**Signature:**  .....



# Intellectual Property Office

## Case details for trade mark EU003231107

### Trade mark



**Status:** Registered

### Relevant dates

**Filing date:** 18 June 2003  
**Date of entry in register:** 07 December 2004  
**Renewal date:** 18 June 2023

### Priority details

**Priority date:** 18 December 2002

**Priority country:**

United Kingdom

TKT11,

**TM from which priority is claimed:**

2319225

**List of goods****Class 33:**

Alcoholic beverages, vodka, gin, white and dark rum.

**Name and Address details****Holder's name:**

Loch Lomond Distillers Limited

12 Henrietta Street, London, United Kingdom, WC2E 8LH

**Representative:**

KELTIE LLP

No. 1 London Bridge, London, United Kingdom, SE1 9BA

**Publication details****First advert:**

Journal : 2004/018    Date of publication : 03 May 2004

The information displayed is our version of the details supplied by OHIM. For the official register of the case please refer to the OHIM website ([Click here](#)).

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Intellectual Property Office is an operating name of the Patent Office

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