

STATEMENT OF WITNESS

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

STATEMENT OF: **MRS LAURA ANNE SANDERS**

Age of Witness: **Over 18**

(If over 18 enter "over 18")

Occupation of Witness: **SENIOR TRADING STANDARDS OFFICER**

This statement (consisting of 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 8th day of December 2022

Signed



I am employed as a Senior Trading Standards Officer with West Sussex County Council Trading Standards Service.

On 23rd November 2022, I participated in an underage sales operation accompanied by my two colleagues Mrs Laura DERBY (Senior Trading Standards Officer) and Miss Natasha ALI (Trainee Trading Standards Officer). A 17-year-old female volunteer was also working under the instruction and supervision of Trading Standards. The purpose of the operation was to ensure West Sussex businesses were compliant in that they were not selling age restricted products to children under the age of 18.

Prior to visiting the premises, Mrs DERBY, Miss ALI and I collected the volunteer, briefed her, and took photographs of her appearance that day. The volunteer was assigned the unique code 'NZA1' to protect her identity.

At approximately 1508, as part of the operation, I witnessed Miss ALI enter Justin Retail Ltd t/a Premier Chichester Road at 220-222 Chichester Road, Bersted,

PO21 5BE. Shortly after, the volunteer also entered the shop. Approximately a few minutes later, the volunteer exited the shop carrying one can of a pre-mixed Pink Gin and Tonic. I then saw Miss ALI exit the store and follow the volunteer where she handed the volunteer another can of pink gin and tonic after the volunteer had accidentally left this on the counter after purchasing both cans. Both Miss ALI and the volunteer then returned to the support vehicle where both Mrs DERBY and I were waiting in full view of the shop entrance.

I observed Miss ALI place the two cans of pink gin and tonic into an evidence bag and complete the information on the bag. Whilst Miss ALI did this Mrs DERBY completed the cost sheet form from the information provided by both Miss ALI and the volunteer.

At 1518, Mrs DERBY and I returned to the store to question the seller about the sale. Whilst we were in the store there was another female in the store who was rearranging stock and putting up advertising. I observed Miss DERBY ask the female behind the counter if she wanted us to wait until the female had finished but the seller advised she was happy to continue. Mrs DERBY then went behind the counter to question the seller and I listened from in front of the counter and made notes in my notebook of the answers. At 15:26 Mrs DERBY cautioned the seller who advised us her name as Radhika PATEL. Ms PATEL advised us that the owner of the shop was a Mr Sanjay PATEL and that he also owned stores in Selsey and Chichester. During the questioning, Ms PATEL advised that for any people she refused a sale of an age restricted product that she completes the 'Refusal Log Book'. Ms PATEL showed us the Refusals Log and using my mobile phone, I took pictures of the book. I identify as evidence a printout of the pictures I took of the 'Refusal log' as Items LAS/JR/1, LAS/JR/2, LAS/JR/3 and LAS/JR/4.

Mrs DERBY and I left the store at 15:37. I identify as evidence a photocopy of my notebook entry of the notes made at the time as Item LAS/JR/5.

STATEMENT OF WITNESS

*(Criminal Procedure Rules 2020, Rule 16.2,
Criminal Justice Act 1967, s. 9)*

STATEMENT OF: MISS NATASHA ZARA ALI

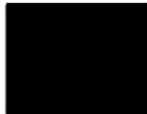
Age of witness: OVER 18

Occupation of Witness: TRAINEE TRADING STANDARDS 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 2nd day of December 2022

Signed



I am currently employed as a Trainee Trading Standards Officer within West Sussex County Council Trading Standards Service.

On 23rd of November 2022, I participated in an Underage sales test purchase day, with two colleagues, Mrs Laura SANDERS (Senior Trading Standards Officer) and Mrs Laura DERBY (Senior Trading Standards Officer). A volunteer who is a 17-year-old female participated in the Underage sales test purchase day, under the instruction and supervision of WSCC Trading Standards. The purpose of this operation is to make sure that that West Sussex businesses are compliant with the procedures set out for age restricted products to children under the age of 18.

Prior to visiting the businesses, we collected the volunteer, where we briefed her and took photographs of her appearance that day. The volunteer is assigned a unique code "NZA1" to protect her identity.

Approximately at 1508 hours I entered Justin Retail Ltd t/a Premier, 218-222 Chichester Road, Bersted, Bognor Regis, West Sussex, PO21 5BE. I went and look at the sweets. The volunteer shortly after entered the premise and went to purchase

two Gordons Pink Gin and Tonic cans. The shop employee had earphones in. The shop employee sold the alcohol to the volunteer without asking for ID. The volunteer exited the shop but with only one can of Gordons Pink Gin and Tonic the other can of Gordons Pink Gin and Tonic is left on the side of the counter. I paid for my sweets and advised the female sales assistant that I will give the can that was left to the person that has paid for it on my way out. I then left the shop while the shop employee watches from outside and I catch up with the volunteer and pretend to give the can of Gordons Pink Gin and Tonic. The shop employee then went back into the shop. Both the volunteer and I returned to the support car and I sealed the two cans of Gordons Pink Gin and Tonic into an evidence bag under the reference NA-JR-23-11-22(1), which I now produce as evidence as:

NA/JR/23/11/22/1 – 2 x Gordon's pink gin and tonic cans – seal LC00036921

At approximately 1520 hours, Mrs SANDERS and Mrs DERBY took the evidence bag and went inside Justin Retail Ltd t/a Premier, 218-222 Chichester Road, Bersted, Bognor Regis, West Sussex, PO21 5BE to question the shop employee who made the sale.

At the end of the operation, we returned to our offices in Horsham, where we placed the evidence from Under-age sales test purchase day in the evidence room.

I now produce as evidence a copy of my notebook entry for this operation as exhibit NA/JR/23/11/22/2.

Witness details

Address: WSCC, PARKSIDE, CHART WAY, HORSHAM, RH12 1XH

Email address: [REDACTED]

Mobile number: [REDACTED]

Other number(s): [REDACTED]

Dates to be avoided. Delete dates of non-availability of witness:

Month of :							Month of :							Month of :						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
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15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
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29	30	31					29	30	31					29	30	31				

Contact details if different from above

Address:

Email address:

Mobile number:

Other number(s):

CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996

Record below anything that may affect the credibility of the person making this statement, e.g.; previous convictions, relationship to defendant. If there is nothing state 'none' below.

None

Dated the 2nd day of December 2022

Signed:

[REDACTED]

STATEMENT OF WITNESS

*(Criminal Procedure Rules 2015, Rule 16.2,
Criminal Justice Act 1967, s. 9, Magistrates' Courts Act 1980, s.5B)*

STATEMENT OF: Laura Rachel Derby

Age of Witness: Over 18

Occupation of Witness: Senior Trading Standards Officer

This statement (consisting of 3 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: 01/03/2023

Signed



I am a Senior Trading Standards Officer employed by West Sussex County Council. On 12th September 2022, my colleague Sam Wall (Trainee Trading Standards Officer) and I visited Justin Retail t/a Premier, 218-222 Chichester Road, Bersted, Bognor Regis, West Sussex, PO21 5BE to provide them with advice and guidance in relation to the sale of age restricted products. The reason for the visit was as a result of a complaint that the service received on 18th August 2022 concerning the sale of an energy drink to a 12-year-old. Whilst energy drinks are not currently an age restricted product, it is recommended that they are not sold to anybody under the age of 16. As a result of the complaint, I was allocated a visit to the premises to discuss the complaint and their procedures for preventing a sale of age restricted products to minors.

I entered the premises and was greeted by a female who I now know as Ms Radhika PATEL (Manager). I provided her with advice, which was documented on an inspection form, ref. 2655. I noticed that there was no statutory tobacco notice displayed in the premises, so I handed one to Ms Radhika PATEL to display. I checked the refusals logs and saw that all of the entries had been made by Ms Radhika PATEL and the last entry was on 3rd August 2022. I advised Ms Radhika PATEL that a test purchase using an underage volunteer would be carried out in the

near future to confirm compliance and again, this was detailed on the form. The carbon copy of the form was left with her and I retained the original, ref. 2655 which I now produce a printed copy of in evidence as exhibit **LD/JR/01**.

On 23rd November 2022, I participated in an underage sales operation accompanied by my two colleagues Laura Sanders (Senior Trading Standards Officer) and Natasha Ali (Trainee Trading Standards Officer). A 17-year-old (17 years and 7 days old) female volunteer was also working under the instruction and supervision of Trading Standards. The purpose of the operation was to ensure West Sussex businesses were compliant in that they were not selling age restricted products to children under the age of 18.

Prior to visiting any of the premises, we collected the volunteer and briefed her, and took photographs of her appearance that day. The volunteer was assigned the unique code 'NZA1' to protect her identity.

At approximately 1508 hours, as part of the operation, I witnessed Natasha Ali enter Justin Retail t/a Premier, 218-222 Chichester Road, Bersted, Bognor Regis, West Sussex, PO21 5BE. Shortly after, the volunteer also entered the shop. While Natasha Ali and the volunteer were inside the shop, Laura Sanders and I were waiting in full view of the shop. A short moment later, the volunteer exited the premises and I could see that she was carrying something in her hands. As she got nearer to us, I saw that she was carrying 1 x can of Gordon's Pink Gin & Tonic. She advised me that she had actually purchased two cans but had left one in the shop. I asked her how much they had cost and she told me the entire transaction had cost £3.98. Natasha Ali then exited the premises and joined us and had the other can of Gordon's Pink Gin & Tonic in her hand. I witnessed her place both cans into an evidence bag which she completed and sealed in front of me.

At approximately 1525 hours, Laura Sanders and I returned to Justin Retail t/a Premier, 218-222 Chichester Road, Bersted, Bognor Regis, West Sussex, PO21 5BE and I introduced us both to the female working behind the till counter who I recognised as Ms Radhika PATEL. I explained the reason for the visit and I advised

her that she had just sold alcohol to a 17 year old and advised her that I would need to ask her some questions in relation to the incident. Ms Radhika PATEL (28/11/1997) confirmed her name and provided me with her date of birth. I cautioned her and asked her a series of questions in relation to the sale and procedures the business have in place for refusing a sale of age restricted products to a minor. The answers were recorded in my pocket notebook.

I inspected the refusals log and noted that the last entry was on 22nd October 2022 which was the eighth entry since my inspection to the premises on 12th September 2022.

I now produce as evidence a copy of the questions I asked and the answers given as exhibit **LD/JR/02**.

Laura Sanders and I left the premises at approximately 1537 hours.

Address: WSCC, Parkside, Chart Way, Horsham, RH12 1XH

Email address: [REDACTED]

Mobile number: [REDACTED]

Other number(s): [REDACTED]

Date and place of birth: REDACTED

Married name: REDACTED

Female

Dates to be avoided. Delete dates of non-availability of witness:

Month of : March							Month of : April							Month of : May						
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Month of : June							Month of : July							Month of : August						
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29	30	31					29	30	31					29	30	31				

Contact details if different from above

Address:

Email address:

Mobile number:

Other number(s):

CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996

Record below anything that may affect the credibility of the person making this statement, e.g.; previous convictions, relationship to defendant. If there is nothing state 'none' below.

None

Dated: 01/03/2023

Signed

[REDACTED]

Mr Sanjay Patel
Justin Retail Ltd T/A Premier
218-222 Chichester Road,
Bognor Regis,
West Sussex
PO21 5BE

Date: 13th September 2022

Dear Mr Patel,

Our Ref: E205742

**The Licensing Act 2003
The Children and Young Person's Act 1933**

I am writing to you following my visit on 12th September 2022, which was initiated by a complaint that was received by West Sussex Trading Standards from a parent whose 12-year-old had purchased a 'BANG' American branded energy drink.

As we discussed, it is not an offence to sell energy drinks to children, but it is recommended that sales of this type of product are restricted to over 16s.

Despite it not being an offence to sell energy drinks to children, it is your responsibility to ensure that you have procedures in place for preventing a sale of the products that you sell that are age restricted, such as alcohol and tobacco, to a minor.

Section 7 Children and Young Persons Act 1933 makes it an offence to sell any tobacco product or cigarette papers to a person under 18.

Under Section 146 of the Licensing Act 2003 it is a criminal offence to sell alcohol to a person who is under the age of 18 years old.

As well as potential prosecution for the sale of alcohol and tobacco to children, if your business sells alcohol, you should be aware you don't necessarily have to sell alcohol to a child to lose your licence¹. The sale of other age restricted products can also lead to your alcohol licence being suspended or revoked if your business sells to an underage person.

To ensure that you and your staff are compliant with the law, you should always ask young people to produce proof of their age. For example, a driving licence photocard or passport. If a person cannot prove they are over 18, the sale should be refused.

During our visit we discussed certain procedures that could be used to help prevent the sale of age restricted products. It was good to see that you had many of the systems and procedures in place. For your reference, here is a list of actions considered best practice.

¹ West Sussex Trading Standards has a zero tolerance to the sale of alcohol to children. Unless there are exceptional circumstances, where there is sufficient evidence to show an underage sale of alcohol has taken place, we will seek a review of the premises alcohol licence with the aim of having the licence suspended or revoked. The seller and business will also be subject to enforcement action in line with our published enforcement policy.
www.westsussex.gov.uk/business-and-consumers/trading-standards-advice-for-businesses/

'Challenge 25' system:

If a person attempts to purchase an age restricted product and they appear to be under the age of 25, you should ask them to produce proof of their age. If they're unable to prove their age, a sale should then be refused.

Staff training:

You should ensure your staff are fully trained to ensure they're aware which products are age restricted, what the age restriction is, and the action they should take if they believe a person is underage when they attempt to purchase such products.

It is important you can prove your staff have understood what is required of them by the law. This can be done by keeping a record of the training and asking members of staff to sign to say that they understand it.

These records should then be checked and signed on a regular basis by the manager or owner of the business.

Maintain a refusals log:

All refusals should be recorded (date, time, incident, product and description of the potential buyer). Maintaining a refusals log will help to demonstrate you and your staff actively refuse sales and have an effective system in place. Refusal logs should be checked by the manager or owner to ensure all members of staff are using them.

Till prompts:

If your system allows it may be possible to use your till to remind staff of age restrictions via a reminder prompt when the barcode of an age restricted product is scanned. Alternatively, by way of a staff reminder, stickers could be used to cover certain product barcodes.

Signage:

Displaying posters showing age limits for certain products and a statement regarding the refusal of such sales if the person appears to be underage. This may help deter potential purchasers and act as a reminder to staff.

CCTV:

A CCTV system may help act as a deterrent and reduce underage sales. It will also help you to monitor 'blind spots' within your store if it's not possible to change the layout or relocate age restricted products behind, or closer to, the counter.

Please note the above advice is best practice and is not a legal requirement. However, the legislation states that if you are charged with an offence of selling an age restricted product to a person under the age of 18, it is a defence if you're able to prove you took all reasonable steps to determine the purchaser's age and that you reasonably believed that the purchaser was not under the age of 18.

Therefore, by carrying out the above best practice checks, it will help show you and your staff are able to satisfy this legal defence and it will help reduce the sale of age restricted products to persons under the age of 18.

Further advice and guidance on age restricted products can be found on the Business Companion website: www.businesscompanion.info/

If you have any queries or require further information, please don't hesitate to contact me.

Yours sincerely,



Sam Wall

Trainee Trading Standards Officer

Emma Storey
Trading Standards Service

www.westsussex.gov.uk/tradingstandards

Trading Standards
4th Floor
Parkside
Chart Way
Horsham
West Sussex
RH12 1XH
(01243) 642124



Company Secretary
Sanjay Patel
Justin Retail Ltd T/A Premier
218-222 Chichester Road,
Bognor Regis,
West Sussex
PO21 5BE

23rd August 2022

Ref: SR386322

Dear Sir/Madam,

**Food Information Regs 2014
Labelling or food for sale in the UK**

Last week this Service received a complaint from a parent whose 12-year-old had purchased, from Premier, Chichester Road, a 'BANG' branded American energy drink with an age restriction warning stating '*Not intended for individuals under the age of 18*' printed on it.

It is not an offence for you to sell energy drinks to children. In 2019, the government announced it would bring in legislation to ban the sale of energy drinks to children under 16, but this has not yet happened. The complainant has been advised of this. Although there is currently no UK legislation restricting the sale of energy drinks to Under 16s, it is recommended that sales of this type of product are restricted to over 16s, but this is voluntary.

However, this complaint led me to look closer at the labelling of the product that was purchased.

In the UK, food labelling must be in English, and be compliant with UK food legislation. Although food labelled in American is technically in English, there are different requirements for UK labelling of food compared to America. This includes age restrictions (hence the 18-restriction printed on the can), ingredients that have different names in the US, different authorised health and nutrition claim requirements (for example in the UK it is unlikely we would not allow the statement Potent Brain and Body Food on this product), different approval bodies etc.

It is also important to note that some American foods are banned in the UK. There are some ingredients, colourings, preservatives etc., which are approved for use in the US but banned in the UK and other countries. Potentially making some product you may be offered, or supplied with, illegal to sell in the UK.

Prepacked food is required to bear a name and address of a food business operator (FBO) in the UK. This will normally be the manufacturer but in this case, as it is an imported product, it should be the importer. The 'BANG' drink only had a US name and address on it. The food business under whose name the food is marketed is the business that is ultimately responsible for the food should there be any issues.

It is also the responsibility of the wholesale operator to ensure the food they supply you is legal, and if legal either correctly labelled with all the mandatory information and ready for sale, or for them to supply you with the mandatory information on documentation supplied previously, or accompanying the food, to allow you to correctly re-label the products. Some wholesale operators will provide stickers for the retailer to place on the products with the relevant information.

Ultimately it is your responsibility, as the seller of food to the final consumer, to ensure products you are selling are legal, from a food safety point of view, and correctly labelled with all the mandatory information required to sell in the UK. Failure to comply with the requirements may result in formal action being taken.

There is full guidance on labelling of food for sale in the UK, and other matters, available here:

<https://www.businesscompanion.info/>

Food specific, including required mandatory information:

<https://www.businesscompanion.info/en/quick-guides/food-and-drink>

Please ensure that in future any foreign labelled (including American) products that you decide to offer are legal to sell in the UK and correctly labelled with ALL the relevant mandatory information.

Any relevant food types, as mentioned in this letter, you are currently selling should be checked to ensure they are compliant and if non-compliant are either removed from sale, or re-labelled.

Please confirm receipt of this letter by phone or email. An Officer from this Service will carry out an inspection of the premise in the near future.

If you have any questions, please do not hesitate to contact me.

Yours sincerely,



Emma Storey
Trading Standards Officer



Trading Standards Service
Parkside
Chart Way
Horsham
RH12 1XH
Tel: (01243) 642124
trading_standards@westsussex.gov.uk

Officer's Contact Details:

No: 2655

Tel: 0330 222 7654

Email: LAURA.DERBY

@westsussex.gov.uk

Proprietor: JUSTIN RETAIL LTD

Trading Name: PREMIER

Address: 220 CHICHESTER RD, BOGNOR REGIS

Tel:

Postcode: PO21 5BE

Registered Office:

Mobile:

Email:

Website:

Type of Business:

☐ Animal Health Act 1981

☐ Consumer Protection Act 1987

☒ Consumer Rights Act 2015

☐ Trade Marks Act 1994

☐ Weights & Measures Act 1985

☐ Consumer Protection from Unfair Trading Regulations 2008

☐ Dangerous Substances & Explosive Atmospheres Regulations 2002

☐ General Product Safety Regulations 2005

☐ Health & Safety at Work etc. Act 1974

☐ Petroleum (Consolidation) Regulations 2014

☐ Explosives Regulations 2014

☐ Animal Feed (Hygiene, Sampling

etc. & Enforcement) (England)

Regulations 2015

☐ Other (specify)

This report covers a summary of the inspection and does not indicate full compliance with any legislation. In case of dispute, contact the Service address above.

FOOD STANDARDS INSPECTION REPORT

Food Safety Act 1990 | Food Safety & Hygiene (England) Regulations 2013 | Food Information Regulations 2014

☐ Records

☐ Specifications

☐ Production Process

☐ Composition, Labelling, Presentation

☐ Product Design & Recipe

☐ Traceability

☐ Stock Rotation

☐ Completed Product

☐ Quality / Management Systems

☐ Recall / Relabelling Systems

Key points discussed

Discussed complaint re energy drink. My colleague Emma Storey wrote to you to explain it is not an offence to sell energy drinks to under 18s but I just wanted to check your procedures for refusing a sale of age restricted products such as alcohol / tobacco.

statutory tobacco notice - not present - one was given to be displayed.

refusals log checked - all entries by Radhika Patel. Last entry was on 3/8/22. I signed log to confirm checked. CCTV present + working.

Failure to comply with legal requirements may constitute an offence and may lead to enforcement action.

Comments / Recommendations (best practice guidance)

☐ Guidance to follow

Radhika confirmed only accept ID in physical form + only passport + driving licence.

Confirmed aware which age restricted products to ask ID for + confirmed knowledge of challenge 25 policy. posters + shelf edge displays present.

Trading Standards will carry out test purchase in due

Issued by:

LAURA DERBY

Person seen (print name in capitals): COUSE

Sign:

(Authorised Officer)

Signed:

Date:

12

/ 9

/ 20 22

Time:

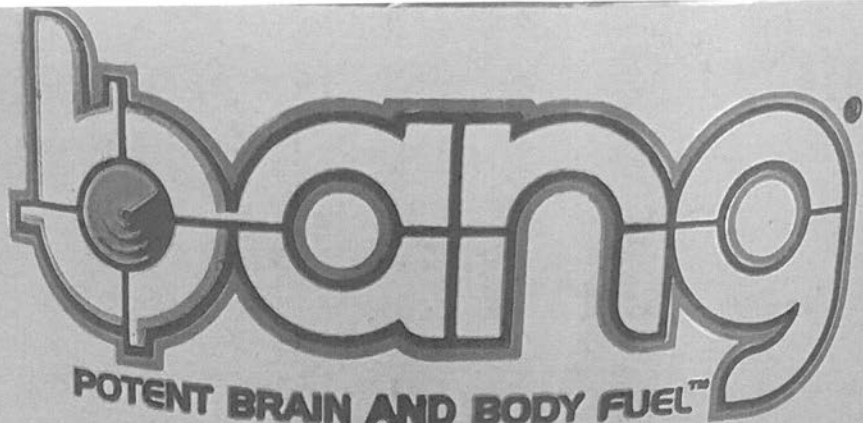
1345

Position:

Manager

Do you give consent to receive marketing emails? ☐ Yes ☐ No





POTENT BRAIN AND BODY FUEL™

BY THE MAKERS OF THE LEGENDARY
REDLINE® ENERGY PRODUCTS

Make no mistake - BANG® is not your stereotypical high-sugar, life-sucking soda masquerading as an energy drink! High-sugar drinks spike blood sugar, producing metabolic mayhem causing you to crash harder than a test dummy into a brick wall.

Power up with BANG's potent brain & body-rocking fuel: Super Creatine®, Caffeine, CoQ10 & EAAs (essential amino acids).

Life is an Xtreme Sport and BANG® is the Xtreme energy source to Live Life Xtreme!

0
CARBS

0
SUGARS

0
CALORIES

0
ARTIFICIAL
COLORS

Not intended for
Individuals under the
AGE OF
18

★ ★ ★ ★ ★
MADE IN USA
DOMESTIC AND IMPORTED
INGREDIENTS
★ ★ ★ ★ ★

U.S. PATENT
5,445,455



CAUTION: Do not use this product if you are pregnant or nursing. Do not consume this product if you are taking any prescription drug and/or have any medical condition. This product contains caffeine and should not be used with any other products containing caffeine. This product is intended for use by healthy individuals only. The consumer assumes all liability if this product is used in a manner not consistent with label guidelines.



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