

# Counterfeit the bill?

Christmas shopping often unveils an unsavoury side of retailing – counterfeits and fakes can be hurriedly purchased unwittingly by customers who are keen to find the best bargain at a time when budgets are at their most stretched

Misleading product description often leads to a surprise when the customer gains a real understanding of what they have purchased. As the festive-season bills begin to roll in, we see there can be a higher price to pay for both consumer and trader than first expected.

At the end of 2016, BBC Watchdog revealed that online retail site Groupon had sold earrings purported to be 10ct white gold filled sapphire earrings, which were in fact tested by the Goldsmiths' Company Assay office and found to be lacking any trace of white gold, or indeed any precious stones. If a giant retailer like Groupon can get in hot water over the sales of their suppliers, we need to examine how shoppers and traders can help to protect themselves when buying and selling precious metal articles.

Dave Merry is head of training, education and Trading Standards Liaison at Goldsmiths' Company Assay Office. He is a fellow of the Institute of Professional Goldsmiths (IPG) and an honorary member of the Chartered Trading Standards Institute - one of only six non trading standards officers to be given the title. He awaits the conclusion of the Groupon sales with baited

breath. "In a way," he says, "I am pleased this case came to light as I hope it helps consumers to buy more wisely. If a huge company like Groupon can get things wrong, people need to educate themselves to be smart about the items they are shopping for, and be aware of descriptions that can turn out to be red herrings."

In turn, the manufacturer and retailer need to understand the most common illegal practices – often they do not realise the implications on how describing an article incorrectly can have an impact or lead to prosecutions and fines.

Misleading practices are prohibited when dealing with consumers especially if they are likely to influence the consumer's decision to buy. Providing false information or omitting the truth is breaching good trading practice. Products need to be described implicitly so people clearly know what they are buying and paying for, inaccurate or misleading trade descriptions are prohibited by the Consumer Protection from Unfair Trading Regulations (formerly the Trade Descriptions Act), which bans unfair commercial practices as it tries to create a level playing field.

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In addition to this, labelling and descriptions are to make sure the product adheres to health and safety regulations. Relevant other restrictions which relate to the jewellery trade, and outlined by the REACH regulations relate to nickel, cadmium, and lead use.

Consumers have rights when they've bought something that is misleading, fake or counterfeit. They can also contact their local Trading Standards authority and Citizens Advice Bureau and report the seller for unfair trading. Dave Merry has seen many Trading Standards cases where misleading terms often relate to the coating or finish of a piece – his sense is that some descriptions are probably the most puzzling part to consumers.

Here we outline the most common terms and misconceptions relating to the finish or colour of a piece.

- Plating is a surface covering in which a metal is deposited on to a conductive surface
- Gold, platinum, silver, palladium,

ruthenium and rhodium are the recognised platings allowed under the 1973 Hallmarking Act on precious metals

- Base metal plating on precious metals is not allowed (e.g. chromium or nickel plating)
- Legal thickness requirement for precious metal plating on a precious metal is a maximum of two microns. Naturally, plating thickness can be measured and this is carried out by taking a cross section of an article, mounting it in resin and grinding and polishing it. The cross section and thickness of the plating is then examined through an optical microscope. Alternatively, and used most often these days, is plating thickness analysis by X-Ray Fluorescence spectroscopy. This is non-destructive
- Gold plating must be a minimum fineness of at least 375 parts per thousand (9ct)
- 'Vermeil' is an American term for gold plated silver (hallmarked as silver only)

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- The term gilded or gilt means applying gold leaf or gold powder to the surface to create a thin coating of gold, usually on silver.
- The terms 'rolled' and 'filled' (as used in the Groupon example) – can be confused with plating. Rolled gold equates to a thin veneer of precious metal being fused to the outside of a base metal former. 'Filled' is an American description similarly used to 'rolled' but is not recognised as one of the legal descriptions under the Hallmarking Act here in the UK
- Bonded gold jewellery or items are produced when a thick sheet of gold is bonded to a sterling silver core, meaning the article is about 10% gold by weight, and could easily be mistaken for an all-gold item by traders or consumers alike. The British Hallmarking Council has banned gold hallmarks on bonded items
- Gold, silver, platinum or palladium plated base metal

items cannot be hallmarked, this also includes 'clad', 'rolled', 'bonded' on base metal

Naturally Merry with both his Goldsmiths' and Trading Standards hats on, thinks the hallmark is the most vital, relevant piece of legislation to help clarify things in this field. "It shows, and proves, provenance," he says.

As well as the Chartered Trading Standards Institute (CTSI), Merry and Goldsmiths Company Assay Office have worked with the International Anti-Counterfeiting

Group (IACG), Consumer Education Liaison Group (CELG), and Local Government Regulation, formerly known as LACORS.

"I would always support Trading Standards and have seen first-hand the hard work they do. I'm proud that Goldsmiths' Company Assay Office offers seminars and educational programs for Trading Standards Officers as well as supporting the 'Touchstone Awards', providing inspection assistance, testing and expert witness statements as well

as helping with test purchases and seizures thought to flout the Hallmarking Act.

"I've been on numerous inspections and raids, I've tested many products, I've been Expert Witness, and I've written many statements. The satisfaction is, that many successful prosecutions have been made by Trading Standards authorities and by working closely with them our joint endeavours have been vital for the effective protection of both the consumer and trade." JF

## Q&A with Dave Merry

### IS A LOT OF FAKE GOLD, SILVER, PLATINUM OR PALLADIUM JEWELLERY BEING SOLD ILLEGALLY IN THE UK TODAY?

Yes there is! There are literally tonnes being sold in the UK every day. Trading Standards try to control the flow coming in from the Far East, and often are alerted to fakes driven by consumer complaints. Unfortunately this influx slowly impacts the real market.

### SO WOULD A HALLMARK BE THE FIRST THING A CUSTOMER SHOULD CHECK FOR WHEN THEY'RE BUYING JEWELLERY?

Absolutely! Always ask if it's hallmarked - It's your guarantee. Also, in a retail outlet, look for the Dealers Notice which the British Hallmarking Council produces for jewellers and silversmiths and carries its own legislation. This is a sign which should be displayed by law detailing UK hallmarking.

### WHAT ABOUT PEOPLE SHOPPING ONLINE? THEY CANNOT PHYSICALLY SEE THE JEWELLERY ITEM TO CHECK FOR A HALLMARK. WHAT CAN ONLINE SHOPPERS DO TO ENSURE THEY'RE GETTING THE REAL DEAL?

Buy from a reputable source, if in doubt check with Trading Standards websites like Brand-i. You can also ask the retailer about their hallmarking of course.

### WHAT KIND OF TRICKS DO JEWELLERY FORGERS USE TO MAKE THEIR FAKE ITEMS LOOK REAL? IS THERE A WAY FOR CONSUMERS TO SPOT THESE FORGERIES?

Unfortunately there is no dead giveaway sign for the consumer to spot. The quality of metal cannot be judged by sight, touch, texture etc. Fakers can plate base metal in precious metal, and pass the whole thing off as precious. This is why the hallmark is so vital.



### WHAT ABOUT HALLMARKS, CAN THEY BE FAKED? IF SO, HOW CAN YOU TELL IF A HALLMARK ISN'T REAL?

Faking hallmarks is extremely rare. I've only seen them once in my 45 years – these were close copies of antique silver hallmarks. I'm pleased to say that that perpetrator has served time in prison! Counterfeit goods often carry generic marks to include symbols, numbers, pseudo marks – and this is confusing for the consumer who see marks, but not 'hallmarks'.

### WHAT ABOUT PRICE? CAN A SUSPICIOUSLY LOW PRICE BE AN INDICATOR OF FAKE JEWELLERY?

Yes, on certain auction sites. This is one of the early warning signs. If it's too good to be true, it often is. Remember, all that glitters is not gold!

### DO YOU HAVE ANY OTHER FINAL ADVICE OR TIPS FOR OUR READERS ABOUT FAKE JEWELLERY AND HOW TO AVOID PURCHASING IT?

Buy from bona fide traders only, familiarise yourself with the UK hallmark, and don't be afraid to question the maker or retailer about their hallmarking. Our website is a great source of information where you can learn a lot! If you're still in doubt, talk to an assay office or Trading Standards Office about your concerns.