

PRESS RELEASE

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For immediate release

Scottish Trading Standards find that consumers across Scotland are continuing to lose out from pricing issues in convenience stores and unacceptable levels of short-weight goods that together are costing Scottish consumers £millions.

Following two previous investigations at the end of 2022 that found a range of pricing errors in shops across Scotland, to the detriment of consumers, and also short-weight issues with prepacked goods, similar investigations were carried out at the end of 2023 to find out if the situation had improved.

On the pricing side the investigation saw participation from 18 local authorities, checking compliance with pricing rules outlined in the Price Marking Order 2004 and the Consumer Protection from Unfair Trading Regulations 2008, and also taking account of work done by the Competition and Markets Authority on Unit Pricing¹⁰. The focus was on small to medium convenience stores following results from 2022, and a total of 417 convenience stores were visited, encompassing both independent shops and small to medium-sized chained businesses. The results showed that there had been no improvement from the 2022 investigation.

Of the 20,579 products examined:

- 22.4% lacked price indications (4614 products).
- Unit price indications were found to be incorrect in 34.1% of cases, with 67% of those non-compliant products lacking any unit price display at all.
- At the point of sale 5997 products were checked, with 11.6% being incorrectly charged, and 79% of these being to the detriment of the consumer.

The investigation revealed a continuing lack of understanding of pricing regulations among managers and owners, with non-compliances often not recognised as criminal offences. As a result, officers have supported traders with actions taken including issue resolution, advisory letters, verbal warnings, and revisits, in order to increase knowledge and compliance.

The lack of price indications in convenience stores poses significant challenges for consumers, potentially leading to overpayment and undermining trust in businesses. Addressing these issues is crucial to fostering a competitive fair trading environment.

The project's recommendations underscore the importance of continued efforts and proactive measures to address pricing-related concerns. These include conducting re-visits, reviewing complaint management processes and considering appropriate enforcement actions for persistent offenders.

On the Weights and Measures side, Trading Standards Officers throughout the West of Scotland collaborated on a project aimed at identifying short weight products, following a 2022 project, when 71 out of 2496 (3%) packs checked were found to be short weight.

Weight checks were carried out on packaged goods at 146 retail outlets, with short weight⁴ products identified during 47 of these visits. A total of 1479 different product lines were checked with 70 (5%) found to contain short weight packs. A total of 10308 individual packs were checked within these product lines and 424 (4%) of these were found to be short weight, with deficiencies as high as 40%, leading to detriment of as much as £2 per pack.

Although the vast majority of packs did not give cause for concern, 50 packers were found to have placed non-compliant products on the market, each one of these constituting a potential offence by the packer⁵ as well as causing financial harm to consumers.

One packer, which produces 1.5 million packs of square sausage each year, was found to have produced packs with deficiencies of as much as 22%, representing a loss to consumers of 44p per pack. Taken to the extreme, if the same level of deficiency were replicated across the packer's entire production the total collective detriment to consumers could be as high as £653,730 per year from that one business.

Examples of other short weight products included a 750g steak pie with a gross weight of 578g, representing a loss to consumers of £1.97 per pack, and 7.5kg hardwood eco logs that weighed just 6.18kg, causing detriment of £1.05 per pack to consumers.

Although inflation is reducing in the UK, food, fuel and energy prices are continuing to rise, and these pricing and short-weight errors prove that the overall detriment to the consumer continues to be a significant factor in the continuing cost of living crisis.

It is important that consumers get fair measure and are charged the correct price, and that prices are easily compared across stores in a competitive marketplace. Local authority Trading Standards is ideally placed to not only protect consumers against detriment through overcharging but to also support local businesses through advice and intervention where necessary.

Alexandra Connell, Chair of SCOTSS (Society of Chief Officers of Trading Standards in Scotland) explained:

"Transparency in pricing is at the heart of fair trade in goods and is a core issue for Trading Standards teams across Scotland, making sure that consumers pay the correct price for their purchases and that businesses are diligent in presenting goods for sale accurately and legally. With a continuing cost of living crisis, it is important that the processes and systems that should be in place are working properly and that consumers pay the correct amount for their shopping. My advice to shoppers is always check prices carefully when in store and make sure you have been properly charged at the till."

She continued:

"Consumers should always get what they pay for, and fair measurement is a centuries old principle at the heart of fair trade in goods and at the heart of our profession, making sure that consumers get what they pay for and that businesses are weighing and measuring goods accurately. As with the pricing issues, and the key importance of weights and measures to the overall market, metrological systems must be working properly."

John Herriman, Chief Executive of the Chartered Trading Standards Institute (CTSI) said:

"The vitally important work being carried out by Scottish Trading Standards in relation to pricing and metrological issues could not be more timely. With the cost of living crisis still having such a substantial impact on the decisions consumers make around spending, price transparency and trust in measurement is crucial to ensure that consumers know that they're spending their money wisely."

Sam Ghibaldan, Chief Executive of Consumer Scotland, the statutory body for consumers in Scotland, said:

"This is an important project on the pricing and weight of goods carried out by Scottish local authority Trading Standards."

"It is essential consumers have accurate information about the goods they are buying, particularly during a cost of living crisis when consumers are facing increased hardship."

ENDS

Notes for Editors:

For press queries and further details on this project, email Ken Daly, SCOTSS Coordinator at coordinator@scotss.org.uk or call 07720538349

1. The Society of Chief Officers of Trading Standards in Scotland (SCOTSS) represents the 31 local authority Trading Standards services in Scotland. SCOTSS was established in 1996 and helps support and coordinate the activities of Scottish local authority trading standards teams. It is a Scottish Charitable Incorporated Organisation SC047951 and works closely with other governmental and regulatory organisations, such as the Competition and Markets Authority, the Office of Product Safety and Standards, Trading Standards Scotland, Consumer Scotland, and the Scottish Government.
2. Trading Standards Officers in Scottish councils advise on and enforce laws that govern the way we buy, sell, rent and hire goods and services. Local authorities carry out inspections and monitor or investigate complaints, they work with businesses to help achieve compliance but ultimately, can instigate prosecutions or take civil actions against those who break the law.
3. Local Authority Trading Standards are responsible for enforcing laws that ensure accurate pricing for consumers, such as the Price Marking Order 2004 and The Consumer Protection from Unfair Trading Regulations 2008. The Price Marking Order 2004 requires that where goods are offered for retail sale, the selling and, where appropriate, the unit price, must be given in writing. They require the selling price to be inclusive of VAT, unambiguous, easily identifiable, and clearly legible.
4. Weights and Measures is the oldest form of consumer protection and regulates the way that almost all goods are weighed and measured. The UK metrological system not only ensures that consumers get what they pay for but also that businesses are able to trade on a level market-place, not only within the UK but internationally.
5. Short weight in this context means packages less than twice the allowed error deficient of the marked pack weight. The average system allows packers of goods in predetermined constant quantities to take account of the variations caused by their equipment and pack to a level which is on average not less than the (nominal) quantity marked on the package. With the proviso that any packs that are deficient in quantity can only be light by a specified amount.
6. The Scottish convenience store market is estimated to be worth around £1 billion. Assuming that the average price of a grocery item is £2 and using our finding that around one out of every ten items was charged at a higher price, that is potentially around 50 million incorrectly priced items *per annum*. For every penny that the price was wrong, consumers across Scotland might be being overcharged £500,000 each year due to pricing errors, in the convenience store sector alone. If prices were wrong by 20p, that would amount to overcharging of over £10m *per annum*, in this one sector, on top of retail prices that are continuing to rise due to inflation.
7. In instances where issues were found, action was taken according to local Enforcement Polices around the four 'Es' of Engage, Explain, Encourage, with Enforcement only as a last resort. Outcomes included verbal warnings and advice, written or advisory letters, revisits, and referral to Primary Authorities.

8. The full pricing report can be found at www.scotss.org/files/pricing24.pdf
9. The full Weights and Measure report can be found at www.scotss.org/files/met24.pdf
Some examples of packs can be seen here: www.scotss.org/files/met24examples.pdf
10. The CMA report on Unit Pricing can be found at <https://www.gov.uk/cma-cases/unit-pricing>