

To: Mr Martin Harland,
Principal trading standards officer,
Camden Council.

27th April 2017

Please reply to: XXXXXXXXXXXXXXXXX

Dear Mr Harland,

Follow-up questions concerning Advertising Standards Authority (ASA) Ltd.

Following the complaint from one of us (Paul Burnett – 6th March 2017, your reference: 20901708) concerning ASA Ltd's claim to be *the established means* of advertising regulation, we were pleased to note that ASA Ltd. removed the offending webpage soon afterwards. We deduce therefore that you were in agreement that ASA Ltd's claim was indeed illegal, and we thank you for evidently taking appropriate action. Other problems however remain:

- 1) You are on record (in response to many of us writing to you in November 2016 with regard to ASA Ltd.) as stating, “... *Trading Standards does not have a duty to enforce the Fraud Act 2006*” (e.g. your reply to Suzanne Reyes-Nichol, 21st Nov. 2016, your reference RS/CTS/C089731) and you suggested we refer the matter to the Police. But especially given that your office is itself in a legal agreement with ASA Ltd., we consider that you should yourself have fully investigated this allegation, and issued a detailed statement on your findings (during which you might have decided that the issues should be examined under a different legal instrument of your choosing). Do you on reflection agree with us or, if not, please tell us why not?
- 2) A final paragraph of our letter (Nov. 2016) concerned allegations under the Fraud Act 2006, but the vast majority of allegations came under The Consumer Protection from Unfair Trading Regulations (2008), to which your replies made no mention. What was the reason for that omission?
- 3) I asked you in my communication of 6th March kindly to confirm the terms of your agreement to act as ASA Ltd's ‘legal backstop’. Your office's reply (from Mr Peter Williams, your reference: 20901708) referred me solely to ASA's website which reads: '*This means we can refer non-broadcast advertisers who continue to break the rules on misleading advertising to Trading Standards who can consider legal sanctions to bring them into line*'.

The ‘rules’ to which ASA refers is evidently the so-called ‘CAP code’ which, as confirmed by e.g. John Glen MP (House of Commons, 23rd May 2016) is in no way the law. The CAP code is the opinion of a self-appointed committee of a private limited company that is, in the words of Baroness Deech ‘hermetically sealed’, with none of the checks and balances that a government agency would require. Are you satisfied therefore that your close association with these companies is ethically suitable?

Yours sincerely,

Paul Burnett
(and others redacted)

CC The Lord Harris of Haringey, Chair, National Trading Standards Board
Mr Leon Livermore, Chief Executive, Chartered Trading Standards Institute
Mr Mike Cooke, Chief Executive, Camden Council