

Mr Azad Ahmadi "Va Maja Sklep |28a Bockingham Road |Katlering |-Northants |NN16/8JS

Dear Mr Ahmadi,

# SALE OF ILLEGAL TOBACCO MOTICE OF MONITORING AND SURVEILLANCE OF TOBACCO RETAILING ACTIVITY

This Service has previously been in contact with you regarding the supply or alleged supply of illegal tobacco from your premises. Advice has been provided about compliance with the legislation relating to tobacco (please see attached for the most recent notice).

To continue to check compliance with the relevant legislation, we are now notifying you that your premises will be monitored and this will include surveillance (watching) of the tobacco retail activities taking place, any persons associated with conducting such tobacco retail activities and any associated vehicles or property linked with the tobacco retail activities. This monitoring and surveillance activity will be ongoing whilst this Service continues to have reason to suspect that the business above is involved in the supply of retail tobacco.

If you have any queries regarding this matter, please do not hesitate to contact me.

Yours sincerely

Carried Country

Carol L. Gamble Community Safety Manager

Signed by:

Print name:

Position:

Major 5/210

OWNER

Trailing Standards Vrootton Hait Park Northampton NN4 005

w. www.northamplorishire.gov.us

01004 352466

- A 600 F 3/52425





BR – Azad Ahmadi Maja Sklep 28a Rockingham Road Kettering Northants NN16 8JS

Please ask for: Tel; Our ref; Your ref;

Nick Lenton 01604 362468 V74038

21<sup>st</sup> December 2016

Dear Mr Ahnadi,

TOBACCO AND RELATED PRODUCTS REGULATIONS 2016
CONSUMER PROTECTION FROM UNFAIR TRADING REGULATIONS 2008
CONSUMER PROTECTION ACT 1987
CONSUMER RIGHTS ACT 2015
TRADE MARKS ACT 1994
GENERAL PRODUCT SAFETY REGULATIONS 2005

On the  $2^{nd}$  September 2016 this Service carried out a tobacco test purchasing exercise using a person employed by this Service for this particular purpose. This person was able to purchase foreign labelled tobacco, at a price significantly less than legitimate tobacco. The test purchaser purchased a packet of 20 Marlboro Gold cigarettes and paid £5.00. The seller is described as a Kurdish male aged 28-30 years, of skinny build, 170cm tall, short black hair.

Under the above legislation, it is an offence to supply or have in your possession for supply tobacco that is not labelled with the required warnings. Each packet must carry <u>in</u>

- A combined health warning including one of the statutory text warnings and associated colour photograph on the front and back surfaces together with smoking cessation information, and
- ✓ A general warning consisting of the text "Smoking kills quit now" and an information message consisting of the text "Tobacco smoke contains over 70 substances known to cause cancer".

Trading Standards Wootton Hall Park Northampton NN4 OGB

w. www.northamptonshire.gov.uk

t. 01804 382486

f. 01804 382425



If you would like further information about the labelling of tobacco products including the introduction of plain packaging, please go to:

https://www.businesscompanion.info/printpdf/en/quick-guides/business-informationother/tobacco-etc-labelling-advertising-and-packaging

If you require a hard copy of this guidance, please contact us to request this.

You must ensure that, in future, you do not supply tobacco which does not comply with the requirements of the above legislation. It is illegal to supply or have in your possession for supply foreign labelled tobacco. There may also be implications under legislation enforced by HMRC if you are supplying non duty paid Items.

You should be aware that a breach of the legislation covering the labelling of tobacco as detailed above could result in a maximum penalty of 2 years imprisonment and/or a fine. If the tobacco was also found to be counterfeit, a breach of the Trade Marks Act 1994 could result in a maximum penalty of 10 years imprisonment and an unlimited fine.

Legitimately manufactured cigarettes are required by law to have Reduced Ignition Propensity (RIP) paper which means that the cigarettes will self-extinguish if left unattended. Counterfeit and non-duty paid tobacco products do not usually have this RIP paper and are considered to be unsafe. The maximum penalty for non-compliance with this legislation is a fine of up to £20,000 and/or 12 months imprisonment.

We do monitor the sales of illegal products around the County and work closely with our partner agencies to ensure that illegal sales are dealt with appropriately.

If you have any queries regarding this matter, please contact Nick Lenton on the telephone number overleaf.

Yours sincerely

Can. L Gambil

Carol L. Gamble

**Community Safety Manager** 

Name: Azad Ahmad ?
Signed: Azad Position: OWJER -



Mr Azad Ahmadi t/a Maja Sklep 28a Rockingham Road Kettering Northants NN16 8JS

Please ask for: Tel: Our ref: Your ref: Date:

Carol Gamble 01604 368100 C301497

12th February 2015

Dear Mr Ahmadi,

CONSUMER PROTECTION ACT 1987
TOBACCO PRODUCTS (MANUFACTURE, PRESENTATION AND SALE) (SAFETY)
REGULATIONS 2002
TRADE MARKS ACT 1994
GENERAL PRODUCT SAFETY REGULATIONS 1994

This Service received information the illegal tobacco products were being supplied from the above premises. On the 6<sup>th</sup> November 2014, these premises were visited and 275 packets of foreign labelled cigarettes and 6 pouches of hand rolling tobacco (HRT) were seized. The notice left at the time was signed by you as the owner of the business (see copy enclosed).

As a result of the seizure this Service has carried out an investigation regarding offences alleged to have been committed by you contrary to the above legislation.

Under the above legislation, it is an offence to supply or have in your possession for supply tobacco that is not labelled with the required warnings. Each packet must carry -

- (a) on the most visible surface, one of the following warnings in ENGLISH—
  - (i) "Smoking kills",
  - (ii) "Smoking seriously harms you and others around you"; and
- (b) on the other most visible surface, an additional health warning in the form of a picture warning.

You must ensure that, in future, you do not supply tobacco which does not comply with the requirements of the above legislation. It is illegal to supply or have in your possession for supply foreign labelled tobacco. There may also be implications under legislation enforced by HMRC if you are supplying non duty paid items. If you have an alcohol license, you may be putting this at risk if you keep or allow to be kept on your premises goods which have been imported unlawfully or without payment of duty. In addition, if you have a lottery terminal a breach of this legislation may affect your fitness to retain your license enabling you to sell lottery tickets.

Northampton NN4 0GB

- w. www.northamptonshire.gov.uk
- £ 01604 362466
- f. 01604 362425
- e. tradestd@northamptonshire.gov.uk



You should be aware that a breach of the legislation covering the labelling of tobacco as detailed above could result in a maximum penalty of six months imprisonment and/or a fine of £5000. If the tobacco was also found to be counterfeit, as in this case, a breach of the Trade Marks Act 1994 could result in a maximum penalty of 10 years imprisonment and an unlimited fine.

Legitimately manufactured cigarettes are required by law to have Reduced Ignition Propensity (RIP) paper which means that the cigarettes will self-extinguish if left unattended. Counterfeit and non-duty paid tobacco products do not usually have this RIP paper and are considered to be unsafe. The maximum penalty for non-compliance with this legislation is a fine of up to £20,000 and/or 12 months imprisonment.

We do monitor the sales of illicit products around the County and work closely with our partner agencies to ensure that illegal sales are dealt with appropriately.

I have considered the facts of this matter and I propose to deal with it by way of a formal undertaking under the Enterprise Act 2002.

Therefore I request you sign a formal undertaking that you will desist from conducting any business that you are involved with in the future in a manner that infringes any UK and European consumer protection legislation covered by the Enterprise Act 2002. The undertaking is being hand delivered to you and I request you to sign it and return it to me by 26<sup>th</sup> February 2015.

I am obliged to inform you that should you fail to accept the undertaking, there is provision within the Enterprise Act 2002 for this Authority to seek an enforcement order through the High Court or the County Court which, if granted, will compel you to conduct your business in a manner that does not infringe abovementloned UK and European consumer protection legislation.

A mobile phone was seized from you on the  $18^{\text{th}}$  September 2014 and this is now being returned to you.

If you have any queries regarding this matter, please contact me on the telephone number overleaf.

Yours sincerely

Carol L. Gamble

Community Safety Manager



## Formai Undertaking Under Section 219 of the Enterprise Act 2002

| i, 'Azad AHMADI   |
|---|
| of 28 Olympic Way, Ketter, NNIS 6 F6 (home address)   |
| trading as Maja Sklep, 28a Rockingham Road, Kettering, Northants, NN16 8JS hereby give Northamptonshire County Council a written undertaking sought by them pursuant to Section 219 of the Enterprise Act 2002 that I (whether by myself, my servants or agents, or under any trading name or entity or any other means), will not engage in the following course of conduct: |
| Contravening the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002  |
| <ul> <li>By supplying, including offering, exposing or possessing for supply, non-compliant<br/>tobacco products contrary to Regulation 14; specifically where the producer has<br/>failed to mark the product with the statutory warnings in the prescribed format, in<br/>English.</li> </ul>   |
| Contravening the Trade Marks Act 1994   |
| <ul> <li>By selling, exposing for sale or having in possession, custody or control in the<br/>course of a business goods which bear a sign identical to, or likely to be mistaken<br/>for, a registered trade mark with a view to gain for myself or another and without the<br/>consent of the trade mark holder, contrary to section 92 of the Act.</li> </ul>              |
| IF YOU SIGN THIS DOCUMENT YOU AGREE TO OBEY ITS REQUIREMENTS. AN ENFORCEMENT ORDER MAY BE SOUGHT FROM THE COURT IF YOU CONTINUE TO BREACH OR CONTRAVENE THE LEGISLATION SET OUT ABOVE.  |
| Signed: Date: 12 / 12 / 15  |
| Signed: Date: 12 1 02 1 15  Print Name: AZad Alamad: Date of Birth: 26 108 186  |
| Witnessed by: Date: 12/02/2015  |
| Print Name: MUL LEVAL   |
| Trading Standards Service Wootton Hall Park   |

Wootton Hall i Northempton NN4 0GB

w. www.northamptonshire.gov.uk
1. 01604 368100
7. 01604 362425
e. iradestd@northsmptonshire.gov.uk

Aprilhamptonshire County Council



### Trading Standards Service Wootton Hall Park, Northampton NN4 0GB

Tel: (01604) 707900 Fax: (01604) 707901

email: TRADESTD@northamptonshire.gov.uk http://www.tradingstandards.gov.uk/northants

| 4/ M. C.  | Head Office Address  |
|---|--|
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| KETTERNE  | ~~~  |
| NN16  |  |
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| Date: 06/1/14 Enquires should be made to Receipt of this notice is ackn     | Signed:  Trading Standards Officer/Authorised Officer  at above address  nowledged by (signed)       |

NORTHAMPTONSHIRE COUNTY COUNCIL TRADING STANDARDS SERVICE

DEFENDANT: MASA SKLEP ROCK, JSHAM ROW

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|--------|--|-------------------|-------------|-------------------------------|----------|-------|----------|
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Seizing Officer: N LENNAL



Mr Azad Rasul Ahmadi 118 Dunton Street Leicester LE3 5EN

Please ask for: Tel:

Our ref: Your ref: Date: Trading Standards 01604 362466

=AU

1 September 2014

Dear Mr Ahmadi

#### **ENTERPRISE ACT UNDERTAKING**

Thank you for returning the signed Enterprise Act Undertaking. I am enclosing a copy for your records.

You were also provided with a voluntary surrender form and I have not received this. I am sending you a further copy; please sign this and return in the envelope provided.

In relation to your letter I would make the following points:

On the 27th March 2014, we did not 'find' two packets of illicit cigarettes. A test purchase was made from your premises and the male behind the counter <u>sold</u> two packets of illicit Marlboro Lights for £5.00 each. These were stored below the counter. The money for these cigarettes was placed by him into your till.

In relation to the 17<sup>th</sup> April 2014, I have stated in the letter that the tobacco seized was not from an employee and that no illicit tobacco was found in your premises.

On the 12<sup>th</sup> June 2014, we did not 'find' two packets of illicit cigarettes. A test purchase was made from your premises and the male behind the counter <u>sold</u> two packets of illicit L&M cigarettes for £4.50 each. These were stored below the counter. The money for these cigarettes was placed by him into your till.

On the 11<sup>th</sup> July 2014, we seized 55 packets of illicit cigarettes, 9 pouches of illicit hand rolling tobacco and 72 packets foreign labelled blunts. These were concealed in a hinged storage area below your shop counter. It is clear that when the sales took place on the 27<sup>th</sup> March 2014 and the 12<sup>th</sup> June 2014, this is where the tobacco was stored.

NCC Trading Standards Service Wootton Half Park Northampton NN4 0GB

w. www.northamptonshire.gov.uk

- t. 01604 362466
- f. 01604 362425
- e. cgamble@northamptonshire.gov.uk



On the 13<sup>th</sup> August 2014, we visited your premises to provide you with the Enterprise Act undertaking. Again, illicit cigarettes were found stored below the counter as they had been previously.

As the owner of the shop, it is your responsibility to ensure that you and your employees comply with all relevant legislation.

We do regularly carry out test purchasing exercises and unannounced inspections and it is likely that your premises will be visited in the future.

If you have any further queries relating to this matter, please do not hesitate to contact me.

Yours sincerely

Carol L. Gamble

**Community Safety Manager** 

Ep. A. Gamble



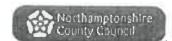
### Formal Undertaking Under Section 219 of the Enterprise Act 2002

| i, Azad Rasul AHMADI, date of birth: 26 /08 / 86   |
|--|
| of   |
| trading as Maja Skiep, 28a Rockingham Road, Kettering, NN16 8JS, hereby give Northamptonshire County Council a written undertaking sought by them pursuant to Section 219 of the Enterprise Act 2002 that I (whether by myself, my servants or agents or under any trading name or entity or any other means), will not engage in the following course of conduct: |
| Contravening the Tobacco Products (Manufacture, Presentation and Sale) (Safety) Regulations 2002   |
| <ul> <li>By supplying, including offering, exposing or possessing for supply, non-compilant<br/>tobacco products contrary to Regulation 14; specifically where the producer has<br/>failed to mark the product with the statutory warnings in the prescribed format, in<br/>English.</li> </ul>  |
| Contravening the Trade Marks Act 1994  |
| <ul> <li>By selling, exposing for sale or having in possession, custody or control in the<br/>course of a business goods which bear a sign identical to, or likely to be mistaken<br/>for, a registered trade mark with a view to gain for myself or another and without the<br/>consent of the trade mark holder, contrary to section 92 of the Act.</li> </ul>   |
| IF YOU SIGN THIS DOCUMENT YOU AGREE TO OBEY ITS REQUIREMENTS. AN ENFORCEMENT ORDER MAY BE SOUGHT FROM THE COURT IF YOU CONTINUE TO BREACH OR CONTRAVENE THE LEGISLATION SET OUT ABOVE.   |
| Signed: Date:7.5.10.52.11.14   |
| Print Name: AZas Ahnasi Date of Birth: 26/28/86  |
| Witnessed by:  |

Print Name: .....

Trading Standards Service Wootton Hall Park Northampton NN4 0GB

w. www.northamptonahire.gov.uk 1. 01604 368100 1. 01604 362425 2. tradestd@northamptonahire.dov.uk



Maja Sklep 28 A Rockingham Road, Kettering, NN16835.

## Dear Mr and Mrs

I have been ask to sign some paper work, but I am not agree with that because all blame you put on me which is not okay with me.

Below I put an explanation. Taking into account the date and the problem of what occurred.

Only the 24th March 2014, you have found 2 packets of illicit Marlboro which belonged to one of my employee.

On the 17th April 2014, you were found a large quantity of illicit cigarettes with the person who came to my shop which is absolutly not work with me because that wasn't even mine and the guy is not my employee. People are coming and asking if we want to buy but we not buying at all.

On the 12th June 2014, you have found 2 packets of illicit LBN slim cigarettes which belonged to a same one of my employee.

On the 11th July 2014, you have found 55 packets of foreign labelled cigarettes, 9 pouches of tobacco and 72 puckets labelled cigar which I am agree that we make mistake and from that day me have stoped.

One the 13th August, you were found 4 packets of cigarettes which belonged to a same employee who not grand work for me anymore. He been told couple of time that he is not alowed to have this kind of stuff at work.

Azad Rasul Ahmad.



Mr Azad Rasul AHMADI t/a Maja Sklep 28a Rockingham Road Kettering Northants NN16 8JS Please ask for: Tel: Our ref:

Carol Gamble 01604 362466

EΑ

Your ref: Date:

13<sup>th</sup> August 2014

Dear Mr Ahmadi.

CONSUMER PROTECTION ACT 1987
TOBACCO PRODUCTS (MANUFACTURE, PRESENTATION AND SALE) (SAFETY)
REGULATIONS 2002
TRADE MARKS ACT 1994

On the 27<sup>th</sup> March 2014, a representative from this Service made a purchase of 2 packets of illicit Marlboro Lights cigarettes from your premises. The cigarettes purchased displayed the health warnings in a language other than English.

On the 17<sup>th</sup> April 2014, your premises were visited and a large quantity of illicit cigarettes were seized from a person who was present within your shop, but was not one of your employees. No other illicit cigarettes were found.

On the 12<sup>th</sup> June 2014, a representative from this Service made a purchase of 2 packets of lilicit L&M Slim cigarettes from your premises. The cigarettes purchased displayed the health warnings in a language other than English.

On the 11<sup>th</sup> July 2014, your premises were visited and officers seized 55 packets of foreign labelled cigarettes, 9 pouches of foreign labelled hand rolling tobacco and 72 packets of foreign labelled cigar wraps (blunts). These were concealed in a hinged storage area under shelving within your shop counter.

As a result of the test purchases and the selzure, this Service has carried out an investigation regarding offences alleged to have been committed by you contrary to the above legislation.

Wootton Hall Park Northampton NN4 0GB

w. www.northamptonshire.gov.uk

t. 01604 362486

f. 01804 382425

e. tradestd@northamptonshire.gov.uk



If you have any queries regarding this matter, please contact me on the telephone number shown at the top of this letter.

Yours sincerely

Carol L. Gamble

Community Safety Manager



Trading Standards Service
Wootton Hall Park, Northampton NN4

Ceo, ce, 26

Tel: (01804) 707904 Fax: (01604) 707901

email: TRADESTD@northamptonshire.gov.uk

Web: www.northamptonshire.gov.uk

| Head Office Address  Ketteria  Note 853  The matters brought to your attention may constitute a contravention of the following egislation.  (C/E No:  Tokacco Podnets (Manufacture Reportation & Wale) (Sofoth)  Regulation 2002 an anabel  Talabor and Young Person Act (Malashin from House) Act 1991  Dang an inspection of your products in presence for supply. These items have been signal details as per the attended of should be presented it is a similar of the presented warning. You were also failing to display the presented from con affice and form the above also failing to the presented from con affice and form the contained from con affice and form the above address.  The gned:  A. A. gned:  A. ading Standards Officer/Authorised Officer at above address.  The color of this notice is acknowledged by (signed)   | 02/                                       | web: www.nonnamptonsnire.gov.uk<br>21 278≤68 |
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| lame: JHAHRAM SAID) Position: Tell   | Receipt of this notice is acknowledged by | y (signed)                                   |
| - · · · · · · · · · · · · · · · · · · ·  | Name: SHAHRAM SAIT                        | 2) Position:                                 |
| I I  | -   | =  |
| PP HO HA SM Completed  | APP HO HA                                 | ISM Completed                                |
| Copy Copy Repeat Visit Y/N by Date   |   | Repeat Visit Y/N Date                        |

| NORTH           | NORTHAMPTON COUNTY COUNCIL TRADING STANDARDS  | DEFENDANT:        | Taga Steller 38.                                   | 28 Loc          | Hacken G. B. 20 |
|-----------------|---|-------------------|--|-----------------|-----------------|
| Entry<br>Number | Description of Property   | Exhibit<br>Number | Where Found  | Found By        | By Logged       |
| _               | 4 x 1.9 8 blue (x 20)   | 2 02 1            | Behind Lill  | Nick<br>Lenton. | 105 pm.         |
|                 |   |                   | e  |                 |                 |
| 7               | 6 x holder Virginia Sost<br>35 x Habbero hold (x20) 1x<br>16 x L.A Forward (x20) Views<br>8x L.9 Eller (x20) Views<br>8x L.9 Eller (x20) Views                | 70/7              | 1/01/2 Buit - hinged Nicht<br>Ender Ganter Lentern | N:de<br>Lention | 115pg           |
| $\sim$          | 3 + 8 lueber / Grew lungs<br>3 x Bubble gan exce wees<br>36 x Shawber light wees<br>16 x leave Yerlan exce lungs<br>17 lin + Suite exce lungs<br>10 x worther | 5 /7017           | on Shalk<br>behind Hill                            | nick<br>benton  | 13094.          |
| ť               | h   | 25<br>25          |  | 3               | 16              |