

Witness Statement

CJ Act 1967, s.9; MC Act 1980, ss.5A(3) (a) and 5B; Criminal Procedure Rules 2005, Rule 27.1

URN:

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Statement of: ALAN EDWARD RICHARDS

Age if under 18 (if over insert "over 18"): OVER 18

Occupation: TRADING STANDARDS OFFICER

This statement (consisting of Pages(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.

Name / Signature:

3/8/2010 A. Richards

Date:

3/8/10

Tick if witness evidence is visually recorded:

(Supply witness details on last page)

Statement

I am Alan Richards and I am employed as a Trading Standards Officer by the London Borough of Tower Hamlets Trading Standards Service, and as such I am authorised to enforce a number of pieces of Trading Standards legislation including the Trade Marks Act 1994 and the Consumer Protection from Unfair Trading Regulations 2008. I qualified as a Trading Standards officer in 1994 and have considerable experience in dealing with items produced without the authority of the Trade Mark holders, commonly known as counterfeits.

Background

The Trading Standards department, in conjunction with officers from HM Revenue and Customs (HMRC) and the local Police Licensing Team, are carrying out a series of joint visits targeting off licences in the borough looking at a number of potential problems including illicit tobacco, counterfeit goods, alcohol duty evasion and licensing offences. These visits are mainly targeted as a result of intelligence received from any of the agencies involved.

On the 22nd April 2010 I was in the company of Kevin MAPLE (Trading Standards Secondee), four officers from HMRC led by Benjamine COOPER and Police licensing Officer Alan CRUICKSHANK carrying out a number of these visits.

At around 11:20 am I received a telephone call from Anita Davis from the Trading Standards Office informing me that during a visit to a café called 'Munch' at 365 Mile End Road, Environmental Health Officer Ken MARSHALL had noted a quantity of Glens Vodka stored on the premises, possibly stored on behalf of an off licence next door called Low Cost Food and Wine. I am well aware that Glens Vodka is frequently counterfeited and/or smuggled in order to evade

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A. Richards

Signature Witnessed by:

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duty, so as a result of receiving this information we decided to visit these premises.

Visit to 'Munch' 365 Mile End Road

At approximately 12:05, accompanied by an officer from HMRC, I entered Munch. After showing our identification and explaining the purpose of our visit to the manager we went into the storage basement. There was no alcoholic drink, including Glens, on the premises so we then left.

Visit to Low Cost Food and Wines 367 Mile End Road

At approximately 12:10 I entered Low Cost Food and Wines at 367 Mile End Road, London E3 4QS where the other officers were already present and in conversation with the employees/management of the shop. I went down a set of stairs to the side of the counter which led to a large basement storage area consisting of two rooms. In the smaller and first of these two rooms I could see a variety of cases of both alcoholic and non-alcoholic drinks including a number of boxes of Glens vodka and various brands of wine. In the larger second room were further quantities of both alcoholic and non-alcoholic drinks in boxes and loose on shelving, including some bottles of Glens vodka. I then went back upstairs to the shop and informed the officers from HMRC, one of whom came back down with me and we carried out an initial examination of the alcohol and specifically looked at the Glens vodka. The customs officer carried out a screen test on the rear duty labels and was of the opinion that the duty label was counterfeit. Because of this and due to other printing anomalies on the rear label I formed the opinion that the 1 ltr and 70cl bottles of Glens vodka may be counterfeit. We therefore moved the cases of Glens vodka from the first storeroom upstairs into the main area of the store. This comprised of four (4) cases of twelve (12) one litre bottles and four (4) cases of twelve (12) seventy (70) centilitre bottles. From the second storeroom I also bought up seven (7) bottles of one (1) litre and eight (8) bottles of seventy (70) centilitre bottles of Glens vodka.

Within the store I was informed by Kevin Maple that he had located three (3) seventy (70) centilitre bottles of Glens vodka behind the counter which he had sealed in a bag with the unique seal number P00409761.

Within the store I could see that officers from HMRC were examining and seizing a large quantity of wine, which they believed that required duty had not been paid on, and further quantities of the same brands of wine were also being recovered from the basement storage area.

I could also see and hear a quite heated discussion between officers from HMRC and two men, the younger of whom I later learned was Mr Shahid RAHMAN. I interceded into this discussion in order to both deflect it and to more fully

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A. Richards

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introduce myself, the purpose of my visit and the actions I intended to take in relation to the Glens vodka. Mr Rahman informed me that he was the owner of the business and the licensee and gave his address as 32 Ellesmere Road E3 5QX. I fully explained to Mr Rahman the interests of both Trading Standards and HMRC and that I was seizing the Glens vodka as I believed it to be counterfeit under the Trade Marks Act 1994. In order to assist in this explanation Benjamin Cooper from HMRC demonstrated the screen test of the duty labels to Mr Rahman. Mr Rahman was adamant that all the products had been purchased from wholesalers and that he could produce paperwork relating to them.

Kevin Maple and I then bagged the Glens vodka and as follows:

No. bottles	Quantity	Seal number
24	70 cl	LBTH002371
5	70 cl	LBTH002379
3	70 cl	P00409761
12	1 ltr	LBTH002374
24	70 cl	LBTH002372
12	1 ltr	LBTH002377
12	1 ltr	LBTH004603
12	1 ltr	LBTH002400
7	1 ltr	LBTH002378
3	70 cl	P00409760

I noted these products, totalling one hundred and fourteen (114) bottles on a seizure notice number B0407 which was signed for by Mr Rahman and the top copy left with him. I produce the carbon copy of this notice as exhibit **AER/LC/1**.

HMRC had seized a large quantity of wine and some additional spirits upon which they believed duty had been avoided. We then loaded all the items seized by both ourselves and HMRC on the office van and took them to our secure evidence store.

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Meeting with Mr Rahman 30th April

On the 30th April 2010 Mr Rahman attended my office and gave me eleven (11) original invoices he said related to the seized stock of the 22nd April. I then photocopied these invoices, issued by EastEnders Cash and Carry Plc and gave the originals back to him. One invoice, number 41799, related solely to the purchase of Alpa wine and was date and time stamped after our seizure and I produce this as exhibit **AER/LC/Invoice1**. The remaining ten invoices, dated between 6th February 2010 and 3rd April 2010, listed purchases of varied drinks and I produce these as exhibits **AER/LC/Invoice2A to AER/LC/Invoice2J**. On the 6th May 2010 I examined these invoices in some detail and produced a schedule listing all purchases of Glens vodka contained on the invoices. I produce this schedule as exhibit **AER/LC/2**.

Examination of Glens vodka

On the 7th May 2010 I went to our evidence store and one by one I opened each of the seized bags to further examine the Glens vodka. I also removed four (4) samples to be sent to the manufacturer, Glen Catrine, for further examination, resealed the remainder and exhibit them as per a schedule which I produce as exhibit **AER/LC/3**. I also noted the Lot Code applied to each bottle by Glen Catrine and this is also included on exhibit AER/LC/3. The four samples I marked as exhibits **AER/LC/2378/1, AER/LC/2400/1, AER/LC/9760/1 and AER/LC/2372/1** and sealed within an evidence bag with a unique seal number of LA042711 and sent them to Glen Catrine for examination the same day.

Pace Interview with Mr Rahman 4th June 2010

On the 4th June I carried out a recorded interview, in accordance with the Police and Criminal Evidence Act 1984, with Mr Shahid Rahman. I produce a transcript of this interview as exhibit **AER/LC/Transcript** and the sealed master disc as exhibit **AER/LC/PACE**.

Invoices received from Mr Rahman 29th July 2010

On the 29th July I received from Mr Rahman a package of further photocopied invoices relating to purchases from EastEnders Cash and Carry Plc and Bestway Cash and Carry Ltd by Low Cost Food and Wine, which had been received at my office the previous day. This comprised of a total of forty-three (43) invoices for varied drinks dated between the 5th January 2009 and 27th January 2010. Twenty-two (22) of these invoices had no reference to either 70cl or 1ltr bottles of Glens Vodka and I produce these invoices as exhibit **AER/LC/Invoice3**. The remaining twenty-

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A. Richards

Signature Witnessed by:

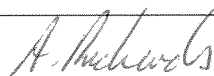
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one (21) invoices did contain reference to purchases of either 70cl or 1ltr bottles of Glens Vodka and I produce these invoices as exhibit **AER/LC/Invoice4A to AER/LC/Invoice4X**. I examined these invoices in some detail and produced a schedule listing all purchases of 70cl and 1ltr Glens vodka contained on the invoices. I produce this schedule as exhibit **AER/LC/4**. Also included in the package was a copy of a pricing offer from EastEnders Cash and Carry for wine and I produce this as exhibit **AER/LC/13**.



Name / Signature:



Signature Witnessed by:



EVU: 56411

PSU: 3028

EXHIBIT AER/LC/3

NO 00B 0407

Trading Standards Service
Mulberry Place (AH)
PO Box 55739
5 Clove Crescent
London E14 1BY

Tel: 020 7364 6008 6719

Name: MR SHAHED RAHMAN

Officer: ALAN RICHARDS

Address: T/A LOW COST FOOD & WINE

Date: 22/4/10

367 MILE END ROAD, BS HQS

- * You are advised that the following matters need attention and should be rectified within days.
- * This document is an official receipt for the items below which have been seized on behalf of the London Borough of Tower Hamlets for retention at the above office. The items will be made available for inspection if required and if practicable to do so.

(*Delete whichever is inapplicable)

TRADE MARKS ACT 1994 - COUNTERFEIT BLENDS VODKA

24 x 70cl	LBTH002371	12 x 11cl	LBTH002374
5 x 70cl	LBTH002379	12 x 11cl	LBTH002377
3 x 70cl	P00409761	12 x 11cl	LBTH004603
24 x 70cl	LBTH002372	12 x 11cl	LBTH002400
3 x 70cl	P00409760	7 x 11cl	LBTH002378
<u>59</u>		<u>55</u>	

Received by MR RAHMAN

Status

Signed

Date 22/04/10

EXHIBIT AER/LC/2

Invoice schedule Low Cost Food and Wine - received 30/04/10

Date of first invoice 06/02/2010
Date of last invoice 03/04/2010

<u>Number</u>	<u>Quantity</u>	<u>Invoice date</u>	<u>Invoice number</u>
12	35 cl	10/02/2010	28301
12	20 cl	10/02/2010	28301
12	20 cl	24/02/2010	31047
12	5 cl	24/02/2010	31047
12	35 cl	10/03/2010	33544
6	1 ltr	13/03/2010	34146
12	20 cl	13/03/2010	34146
6	1 ltr	20/03/2010	35507
12	20 cl	24/03/2010	36132

Totals

1 ltr	12
35 cl	24
20 cl	48
5 cl	12

EXHIBIT AER/LC/3

Examination of Glens Vodka 07/05/10

Number	Quantity	Original Seal	Bottle Lot Code	Number re-sealed	Re-seal No	Exhibit No
7	1 ltr	LBTH002378	L2/048/10 11:29	6*	LBTH004084	AER/LC/3
12	1 ltr	LBTH004603	L2/048/10 12:54	12	LBTH004086	AER/LC/4
12	1 ltr	LBTH002374	L2/048/10 11:31	12	LBTH004087	AER/LC/5
12	1 ltr	LBTH002400	L2/048/10 12:52	11*	LBTH004090	AER/LC/6
12	1 ltr	LBTH002377	L2/048/10 12:53	12	LBTH004672	AER/LC/7
3	70 cl	P00409760	L3/033/10 10:04	2*	LBTH004673	AER/LC/8
3	70 cl	P00409761	L3/033/10 10:04	3	LBTH004674	AER/LC/9
6	70 cl	LBTH002379	L3/033/10 10:04	6	LBTH002205	AER/LC/10
24	70 cl	LBTH002371	L3/033/10 10:04	24	LBTH002203	AER/LC/11
24	70 cl	LBTH002372	L3/033/10 10:04	23*	LBTH002204	AER/LC/12

* Sample removed

EXHIBIT AER/LC/4

2nd Invoice schedule Low Cost Food and Wine - received 28/07/09

Date of first invoice 05/01/2009
 Date of last invoice 27/01/2010

<u>Number</u>	<u>Quantity</u>	<u>Invoice date</u>	<u>Invoice number</u>	<u>C&C</u>
12	70 cl	05/01/2009	847521	Bestway
12	70 cl	10/01/2009	233423	Eastenders
12	70 cl	14/01/2009	233867	Eastenders
12	70 cl	17/01/2009	234587	Eastenders
12	70 cl	24/01/2009	235925	Eastenders
6	1 ltr	31/01/2009	237253	Eastenders
18	70 cl	07/02/2009	238776	Eastenders
6	1 ltr	18/02/2009	241136	Eastenders
6	70 cl	18/02/2009	877765	Bestway
6	1 ltr	28/02/2009	243188	Eastenders
6	70 cl	07/03/2009	244686	Eastenders
6	1 ltr	25/03/2009	248574	Eastenders
6	1 ltr	17/06/2009	266997	Eastenders
6	1 ltr	26/08/2009	280995	Eastenders
6	1 ltr	26/09/2009	2174	Eastenders
6	1 ltr	03/10/2009	3740	Eastenders
6	1 ltr	10/10/2009	5160	Eastenders
6	1 ltr	21/10/2009	7550	Eastenders
6	70 cl	31/10/2009	9806	Eastenders
18	70 cl	04/11/2009	162390	Bestway
6	70 cl	11/11/2009	12029	Eastenders

	Totals	Jan	Feb	March	June	Aug	Sept	Oct	Nov
1 ltr	60	6	12	6	6	6	6	18	0
70 cl	120	60	24	6	0	0	0	6	24