

The National Trading Standards (NTS) Scams Team is funded by National Trading Standards and is hosted by Surrey County Council. The team was founded in 2012 to tackle mass marketing fraud, specifically mail fraud and more recently telephone fraud.

The team works with trading standards and partner agencies to investigate scams and identify and support those who fall victim to them. The team provides guidance, best practice and establishes a centre of excellence to assist local authorities and local multi agency approaches in supporting local victims and taking local enforcement action.

Friends Against Scams is an NTS Scams Team consumer facing initiative that aims to prevent and protect people from becoming victims of scams by empowering people to take a stand against scams. With over 1.2 million recruited Friends, it is designed to inspire action, highlight the scale of the problem, change the perceptions of why people become victims of scams and make scams a community, regional and national topic. The National Trading Standards (NTS) Scams team welcomes the opportunity to respond to this consultation

1. Do you have any comments on the structure or clarity of the Draft Guidance?

No.

2. Do you have any comments on the illustrative examples of commercial practices applying the prohibitions? Are there any areas where you think additional examples could usefully be reflected in the Draft Guidance?

Example 3 in Section 8.5 mentions a 50% time-limited discount to put pressure on a consumer. We recommend removing the level of the discount or at least putting it in vaguer terms. By including a specific number, it leads to the question of what level of discount could be deemed acceptable.

3. Do you have any comments on the Draft Guidance on the 'drip pricing' provisions in the DMCC Act (found in the 'Material pricing information' section of Chapter 9 of the Draft Guidance), including the illustrative examples? In particular, are there any specific pricing practices that have not been included in the 'drip pricing' illustrative examples which you think it would be helpful to include, and if so, what should such further guidance specifically cover?

This chapter only includes two examples, whereas other sections include up several. It would benefit from further illustrations.

It is not clear whether the last example in this section on page 56 is deemed acceptable or not. This needs to be made clearer.

4. Do you have any comments on the Draft Guidance on the banned practice relating to fake consumer reviews (found in Annex B to the Draft Guidance)?

No.

5. Do you have any other comments on topics not covered by the specific questions above? If so, the CMA requests that respondents structure their responses to separate out their views in relation to each of the Draft Guidance's chapters.

In relation to Chapter 3: The section (3.22) outlining when consumer may be considered vulnerable to a practice could be more detailed. Specifically, the section about credulity could be clearer. The example given to illustrate is nebulous.

In relation to chapter 8 on harassment, coercion and undue influence, the definitions are too narrow. First, harassment is not defined. Some description of what it might entail would be useful. Coercion is 'non-exhaustive' defined as including 'the use of threat of physical force. Coercion can just as easily involve psychological abuse.