



# Trade Descriptions Act 1968

## 1968 CHAPTER 29

### *Misstatements other than false trade descriptions*

#### **11 False or misleading indications as to price of goods**

- (1) If any person offering to supply goods of any description gives, by whatever means, any false indication to the effect that the price at which the goods are offered is equal to or less than—
  - (a) a recommended price; or
  - (b) the price at which the goods or goods of the same description were previously offered by him ;or is less than such a price by a specified amount, he shall, subject to the provisions of this Act, be guilty of an offence.
- (2) If any person offering to supply any goods gives, by whatever means, any indication likely to be taken as an indication that the goods are being offered at a price less than that at which they are in fact being offered he shall, subject to the provisions of this Act, be guilty of an offence.
- (3) For the purposes of this section—
  - (a) an indication that goods were previously offered at a higher price or at a particular price—
    - (i) shall be treated as an indication that they were so offered by the person giving the indication, unless it is expressly stated that they were so offered by others and it is not expressed or implied that they were, or might have been, so offered also by that person; and
    - (ii) shall be treated, unless the contrary is expressed, as an indication that they were so offered within the preceding six months for a continuous period of not less than twenty-eight days;
  - (b) an indication as to a recommended price—
    - (i) shall be treated, unless the contrary is expressed, as an indication that it is a price recommended by the manufacturer or producer; and

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*Status: This is the original version (as it was originally enacted).*

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- (ii) shall be treated, unless the contrary is expressed, as an indication that it is a price recommended generally for supply by retail in the area where the goods are offered;
- (c) anything likely to be taken as an indication as to a recommended price or as to the price at which goods were previously offered shall be treated as such an indication; and
- (d) a person advertising goods as available for supply shall be taken as offering to supply them.

## **12 False representations as to royal approval or award, etc.**

- (1) If any person, in the course of any trade or business, gives, by whatever means, any false indication, direct or indirect, that any goods or services supplied by him or any methods adopted by him are or are of a kind supplied to or approved by Her Majesty or any member of the Royal Family, he shall, subject to the provisions of this Act, be guilty of an offence.
- (2) If any person, in the course of any trade or business, uses, without the authority of Her Majesty, any device or emblem signifying the Queen's Award to Industry or anything so nearly resembling such a device or emblem as to be likely to deceive, he shall, subject to the provisions of this Act, be guilty of an offence.

## **13 False representations as to supply of goods or services**

If any person, in the course of any trade or business, gives, by whatever means, any false indication, direct or indirect, that any goods or services supplied by him are of a kind supplied to any person he shall, subject to the provisions of this Act, be guilty of an offence.

## **14 False or misleading statements as to services, etc.**

- (1) It shall be an offence for any person in the course of any trade or business—
  - (a) to make a statement which he knows to be false ; or
  - (b) recklessly to make a statement which is false;
 as to any of the following matters, that is to say.—
  - (i) the provision in the course of any trade or business of any services, accommodation or facilities;
  - (ii) the nature of any services, accommodation or facilities provided in the course of any trade or business;
  - (iii) the time at which, manner in which or persons by whom any services, accommodation or facilities are so provided;
  - (iv) the examination, approval or evaluation by any person of any services, accommodation or facilities so provided ; or
  - (v) the location or amenities of any accommodation so provided.
- (2) For the purposes of this section—
  - (a) anything (whether or not a statement as to any of the matters specified in the preceding subsection) likely to be taken for such a statement as to any of those matters as would be false shall be deemed to be a false statement as to that matter; and

- (b) a statement made regardless of whether it is true or false shall be deemed to be made recklessly, whether or not the person making it had reasons for believing that it might be false.
- (3) In relation to any services consisting of or including the application of any treatment or process or title carrying out of any repair, the matters specified in subsection (1) of this section shall be taken to include the effect of the treatment, process or repair.
- (4) In this section " false " means false to a material degree and " services " does not include anything done under a contract of service.

## **15 Orders defining terms for purposes of section 14**

Where it appears to the Board of Trade that it would be in the interest of persons for whom any services, accommodation or facilities are provided in the course of any trade or business that any expressions used with respect thereto should be understood as having definite meanings, the Board may by order assign such meanings to those expressions when used as, or as part of, such statements as are mentioned in section 14 of this Act with respect to those services, accommodation or facilities; and where such a meaning is so assigned to an expression it shall be deemed for the purposes of this Act to have that meaning when so used.