



During this edition, we will go through an issue, which normally arises when consumers want to purchase an item. Is the item original or counterfeited? What are the pros and cons of purchasing a product? Is it allowed to purchase a counterfeited product? Are there any risks? How can one limit the possibility of purchasing a fake? Moreover, this newsletter also mentions the particular period that ECC-Net went through during the COVID-19 pandemic, including two success stories as an example of a normal complaint received during this period. Additionally, the last page is dedicated to the 15th ECC-Net anniversary, where every month awareness is being raised on specific topics.

## What are **COUNTERFEITS**?

Counterfeit is not something new, many argue that it has been in existence since the introduction of authentic products. Counterfeit goods are fakes or unauthorised replicas of the real product. Counterfeits tend to imitate something authentic to trick consumers who trust brands and logos when deciding to purchase a product. When a consumer decides to purchase a branded item, the consumer expects the quality to be synonymous with the chosen brand.

These goods might appear that they are safe and legitimate, but they have a reputation for being of inferior

quality. Moreover, certain products might contain substances that could harm the buyer, as the product might contain toxic materials. Needless to say, counterfeited products do not come with any after-sales or guarantees.

Some consumers intentionally buy counterfeit goods, while others genuinely think they are purchasing the original product. In this article, ECC Malta will outline some tips on how one can verify before purchasing a product. Keep in mind that this is one type of stealing from consumers, and the brand owner, who worked hard to establish the brand in the market. When

consumers choose to buy counterfeit products, they would be contributing to organised crimes in exploiting labourers who have no rights and are paid very little.

Counterfeit products are found everywhere, such items are sold online, on high streets or through mobile applications. Sometimes even local businesses might be tricked, as counterfeiters manage to precisely imitate the original product. Therefore, consumers need to pay attention to what is being purchased especially when abroad or via the online websites, where the products are not physically seen.





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### **Are there any risks?**

The counterfeiter's only concern is to imitate an object and therefore there could be materials that can be very different from the ones used by the authentic producer. According to Europol, certain items should never be purchased, and these include; medicines and pharmaceutical products as they might contain ingredients that may cause irreversible health problems or even prove to be fatal; cigarettes and alcohol; clothing; batteries and electronic goods as most of these items are not tested to meet the requirements of the CE marking certificate. This certificate gives peace of mind that the product meets all the legal requirements and can be sold in the European Economic Area. One should always keep in mind that when purchasing a counterfeit product, the EU customs administrations have the authority to detain and even destroy the counterfeited product.

### **What are the indicators that the object purchased is counterfeited?**

**Price:** This can be the first indicator that the product is fake, although this might not always be the case. Usually counterfeited goods tend to be cheaper than the genuine brand. To make it more attractive, counterfeiters attract consumers by heavily discounting the object, to trick consumers into believing to be purchasing an authentic product. This will leave the consumer with an imitation rather than the indicated bargain.

**Quality:** Counterfeited products are usually made up of inferior quality, often much poorer than the original as their main interest is the profits acquired rather than the name of the brand. Carefully observe the seams and labels, on the product as often

they are flawed and carelessly made. Consumers must check for the correct spelling of the brand's name and that no details in the logo are missing or differ from the original one. Labels and the laundry instructions must be read and the text should be checked, as it is quite common that there is some form of misspelling.

**Packaging:** Most high street brands and business invest in high-quality packaging. Therefore, if the received object is in ill-fitting or suspicious packaging or wrapped in cheap plastic or other flimsy materials, this should raise a warning sign that the object is not authentic.

**The store you are buying from:** Usually only specific retailers are authorised to sell the products of a particular brand. When a consumer chooses to buy from an authorised retailer, there is peace of mind that the object bought is authentic. One can double-check by entering the official website and verify if the retailer's name is listed as authorised to sell their products.

**Payment method:** Our advice is whether you are buying in-person or online is to use the credit card as it is much safer and will contain the details of all transactions. When buying in-person one must check exactly that the transaction included the right amount, especially when one is shopping abroad. For online users, when purchasing always make sure that you are buying from a website which address begins with <https://> and a lock symbol which means that the website complies with the quality requirements of the mark and promises a secure online shopping experience. Most traders request payment from their customers via

credit card or debit card. One should be cautious when a trader requests other types of payment such as bank transfers. Always keep the receipt of the purchased object and the order confirmation, if the product is purchased online.

### **Online users**

Adding to the above tips, when buying online one should also verify other issues before purchasing the product. Carefully inspect the website as it is common that there might be misspellings, grammatical error and sometimes even the photo quality is inferior. Furthermore, verify the seller's identity whereby you must check for the contact details of the seller like the company's name; geographical address; email address or a genuine contact form; and the phone and fax number if available.

This does not mean that because there is an address, then the company is real, as a seller may use an address and never set up a company in that address. The address is only used to give the impression that the company exists and deceives potential consumers. Another tip is to check for online reviews, whereby you can read on previous consumers' experiences and make your own judgement whether to buy or not from a particular trader. Do not trust URL address, just because an address ends with .it or .uk or another European extension does not necessarily mean that the company is truly located within the EU.

Consumers are always happy when they get a bargain, however, there is no reason to purchase a fake product at a lower price because you are only purchasing a similar product which might be risky to your health and safety. Always remember:

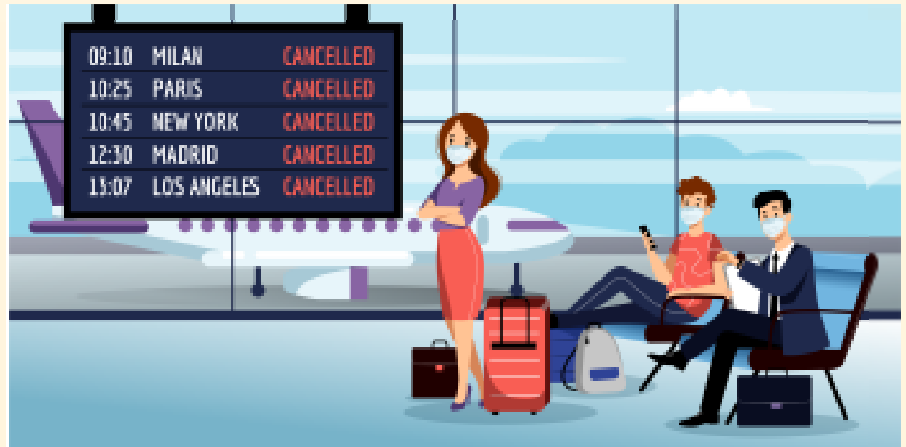
# Covid-19

**This year was a challenge for the network due to the current COVID-19 crisis. As a network, we experienced the busiest period ever with almost eighteen thousand queries in April.**

The long-standing experience and stability provided by 150 legal experts within the network are proving to be essential through this challenging period. European Consumer Centres had to keep up to date with recent developments to inform the consumers with the best way forward since most countries were adapting their laws to the current COVID situation. Most of the complaints received were related to accommodation services, package

tours and air passenger rights. This is an ongoing process and as a network, we are striving to help the consumers. Consequently, anyone who purchased a service from a company within the European Member States including Norway, Iceland and the United

Kingdom is encouraged to contact ECC Malta for free, via email, telephone, Facebook or Instagram. For more information, consumers can access our website <http://eccnetmalta.gov.mt/> or call us on +356 21 221901.



## Success Stories

**The consumer claimed refund of expenses incurred with regards to an international conference he was going to attend in Cologne, Germany on the 16th and 17th March of this year.**

However, due to the Covid-19, the conference was cancelled one week before it was due to take place and delegates were promised that there will be a refund for the conference registration fee and other travelling and accommodation expenses. The consumer contacted our Centre, as even though all the documents including receipts were sent, the trader received no response. Consequently, ECC Malta forwarded the complaint to our German counterparts for mediation. The case handler contacted the trader on different occasions highlighting the consumer's claim and request. The trader co-operated and processed the full payment. Through the ECCs intervention, the consumer confirmed that the full amount of 349 euro was received.

### The second success

The story relates to accommodation. In January 2020, the consumer booked a 3-bedroom apartment in Manchester through an online booking agent for a 7-day holiday in April for five adults, a child and an infant. The total cost of the booking was EUR 1,063. On the 14th of January 2020, the consumer paid a deposit of EUR 587.44.

On March 2020, most of the EU countries were declared a state of emergency due to Covid-19 and travel bans were being issued amongst most of the EU countries. Given this travel ban, the consumer had to cancel his booking. The consumer immediately contacted the host of the apartment through the online booking platform. The host replied that he had no objection to issuing a refund however, the cancellation must be made through the booking platform.

On the 29th of March the consumer cancelled the booking however, he was later informed by the booking platform that as he declined the booking, he lost his right to get a refund of the deposit paid. The consumer contacted our Centre for further advice. The consumer forwarded all the details including correspondence and his complaint was shared simultaneously against the host and the booking platform. Unfortunately, the host did not reply to our counterpart's requests however, the booking platform when contacted by our counterparts in The Netherlands has reviewed the consumer's case and decided to solve this case amicably by issuing a voucher to the consumer amounting to EUR 587.44 representing the deposit that was paid.





# European Consumer Centre Network 15th Anniversary

**2020 marks the 15th anniversary of the network of European Consumer Centre (the ECC-Net) established in 27 Member States including Norway, Iceland and the United Kingdom. Notwithstanding the significant increase in complaints due to the extraordinary situation we are experiencing, as part of the 15th anniversary, ECC-Net embarked on a strategy to create awareness on social media whereby each month all ECCs are sharing material in a systematic manner related to a specific subject. In this newsletter, we will deal with the first three topics; sustainability, online scams and guarantees; and the right of withdrawal.**

## Sustainability

The idea behind this topic was to create an awareness campaign on sustainable consumption and production, targeting European consumers. The daily work of consumer assistance by the European Consumer Centres, together with their host organisations lead to early detect the changing perception and the new needs and expectations by consumers, whose attitude towards a circular economy and "green" consumption is growing rapidly. Through various



visuals, ECC Italy and ECC Netherlands provided the necessary material to raise public interest besides informing and suggesting concrete steps to minimize the environmental impact both in consumption as well as in production pathways. #SustainableTraveller #SustainableShopper #ConsumeLessChooseWell #TravelMoreWasteLess.

## Online scams

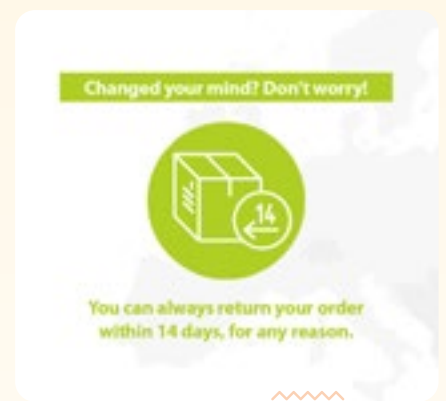
According to a recent study by the European Commission, 56% of European consumers have experienced some form of fraud in the last two years. This type of fraud is often on social media and is referred to as "buying scams", where consumers are tricked into subscriptions or purchasing products that are fake or do not exist. Through this campaign, ECC-Net emphasised the importance for the consumer to analyse and take screenshots as proof before clicking on an advert. The main reason is that it can be very difficult to track down these traps as adverts tend to disappear once the consumer clicks on them. The consumers may end up victims as competitions or free trial on



social media may seem particularly tempting. ECC Denmark and ECC Bulgaria took care of this campaign #TooGoodToBeTrue #FindUnfairDeals

## Guarantee and Withdrawal Rights

Unfortunately, even though there is a lot of information, some consumers still do not know their rights when purchasing online. The intention was to raise awareness of the basic rights the consumers have when purchasing online. All products bought from the European Union should have at least two years of legal warranty in case of defects. Some traders do offer additional protection which is named as the commercial warranty. Another fundamental right when purchasing online is the right to withdraw: because of this right the consumers can enjoy a fourteen-day cooling-off period. During this period the consumers have the right to return the object received. ECC Luxembourg prepared the material for these topics including a press conference and various visuals.



## European Consumer Centre Malta

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