

Application for the review of a premises licence or club  
premises certificate under the Licensing Act 2003

**PLEASE READ THE FOLLOWING INSTRUCTIONS FIRST**

Before completing this form please read the guidance notes at the end of the form. If you are completing this form by hand please write legibly in block capitals. In all cases ensure that your answers are inside the boxes and written in black ink. Use additional sheets if necessary.

You may wish to keep a copy of the completed form for your records.

**Wendy Scott (East Sussex County Council Trading Standards Service)**

*(Insert name of applicant)*

**apply for the review of a premises licence under section 51 I of the Licensing Act 2003  
for the premises described in Part 1 below (delete as applicable)**

**Part 1 - Premises or club premises details**

Postal address of premises or, if none, ordnance survey map reference or description  Ideal Mini Mart  61 Queens Road  Hastings  East Sussex	
Post town  Hastings	Post code (if known)  TN34 1RE
Name of premises licence holder or club holding club premises certificate (if known) Mr Aub Mahmud	
Number of premises licence or club premises certificate (if known) HOP50403	

**Part 2 - Applicant details**

I am

**Please tick yes**

1) an interested party (please complete (A) or (B) below)

A) a person living in the vicinity of the premises

B) a body representing persons living in the vicinity of the premises

C) a person involved in business in the vicinity of the premises

D) a body representing persons involved in business in the vicinity of the premises

2) a responsible authority (please complete (C) below)

3) a member of the club to which this application relates (please complete (A) below)

**(A) DETAILS OF INDIVIDUAL APPLICANT (fill in as applicable)**

**Please tick**

Mr

Mrs

Miss

Ms

Other title

(for example Rev)

**Surname**

**First name**

**Please tick yes**

I am 18 years old or over

**Current postal address if different from premises address**

**Post town**

**Post code**

**Daytime contact telephone number**

**E-mail address (optional)**

**(B) DETAILS OF OTHER APPLICANT**

**Name and address**

Telephone number
E-mail address (optional)

**(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT**

<p>Name and address</p> <p>Wendy Scott</p> <p>Senior Trading Standards Officer</p> <p>East Sussex County Council Trading Standards Service</p> <p>St Mary's House</p> <p>52 St Leonards Road</p> <p>Eastbourne</p> <p>East Sussex</p> <p>BN21 3UU</p>
<p>Telephone number (if any)</p> <p>01323 463431</p>
<p>E-mail address (optional)</p> <p><b>Wendy.Scott@eastsussex.gov.uk</b></p>

**This application to review relates to the following licensing objective(s)**

Please tick one or more boxes

- |   |                                     |
|---|-------------------------------------|
| 1) the prevention of crime and disorder | <input checked="" type="checkbox"/> |
| 2) public safety                        | <input type="checkbox"/>            |
| 3) the prevention of public nuisance    | <input type="checkbox"/>            |
| 4) the protection of children from harm | <input type="checkbox"/>            |

<p><b>Please state the ground(s) for review</b> (please read guidance note 1)</p> <p><b>LICENSING OBJECTIVE - THE PREVENTION OF CRIME AND DISORDER</b></p> <p>Enforcement agencies and licence holders have a duty to do all that is reasonably possible in reducing and preventing crime and disorder in their area.</p> <p>There is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously. One of these is the use of the licensed premises for the sale of smuggled tobacco and alcohol.</p>
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The information provided below gives details of offences relating to fake and illicit alcohol found at Ideal Mini Market, Queens Road, Hastings.

On 12/1/12 an inspection visit to Ideal Mini Market, 61 Queens Road, Hastings was carried out.

The visit was carried out as part of Operation Mistletoe, a Trading Standards operation in response to intelligence received regarding the sale of smuggled, counterfeit, illicit and dangerous alcohol.

At the time of the visit 30 bottles of Blossom Hill wine and 2 bottles of Jacobs Creek wine were seized on suspicion of being counterfeit. The brand holders have confirmed that these bottles are counterfeit. I have statements to this effect.

408 bottles of Italian wines priced at 2 for £5 were also seized and sampled and taken from the premises. No adequate traceability could be supplied for these wines in terms of invoices or receipts. On inspection of the wines,

- some appeared to have inadequate names and addresses.
- some had poor quality labelling bearing spelling mistakes or poor English translations.
- some appeared to have the same lot codes for different products and some bottles contained floating particles.

Breaches of the legislation include the following:

- Trade Marks Act 1994
- The Consumer Protection from Unfair Trading Regulations 2008.
- Food Safety Act 1990
- General Food Regulations 2004
- The Food (Lot Marking) Regulations 1996
- EC1234/2007 - establishing a common organisation of agricultural markets and on specific provisions for certain agricultural products – wine.
- EC607/2009 - regards protected designations of origin and geographical indications, traditional terms, labelling and presentation of certain wine sector products.

An investigation file is being completed in relation to the above offences for consideration for prosecution.

East Sussex Trading Standards are of the opinion that the offences found indicate that the licensing objective indicated above has not been met.

A list of the wines seized, the reason for suspicion and a summary of the breaches of legislation are displayed in the table below:

**Please provide as much information as possible to support the application**

(please read guidance note 2)

The visit was carried out as part of Operation Mistletoe, a Trading Standards operation in response to intelligence received regarding the sale of counterfeit, smuggled, illicit and dangerous alcohol.

On the 12<sup>th</sup> January 2012, Wendy Scott, Senior Trading Standards Officer visited Ideal Mini Market, Queens Road, Hastings.

32 bottles of branded wines (30 Blossom Hill soft and fruity red, 2 Jacobs Creek Semillon sauvignon blanc) were seized on suspicion of being counterfeit and smuggled. This has since been confirmed by the trademark brand holders.

408 Suspect bottles of smuggled Italian wines were seized of which 28 formal samples were taken and submitted for compositional analysis. The remainder were seized and attempts have been made to contact the producers to confirm the name and address details on the labelling. So far, the letters addressed to the producers of the Corte Dorata wines (comprising 93 bottles seized), Conti Cantinieri wines (comprising 46 bottles) and Revolani Wines (comprising 10 bottles) have been returned as bearing insufficient address details. None of the remaining producers have confirmed or verified the validity of the addresses printed on the labels and the letters are listed as being held in Milan awaiting processing on the Royal Mail tracking service despite being received in Italy on the 18/1/2012.

The results of analysis of the formal samples were as follows:

- 7 x Italian wines contained less alcohol than the amount stated on the label.
- 4 x Italian wines were noted not to bear lot codes contrary to the Food lot marking Regulations.

At the time of the visit and subsequently since, the owner and licensee Aub Mahmud has not been able to provide any adequate traceability or explanation as to where the wine has come from other than it was there when he took over the premises from the previous owner/licensee Sardar Hamed Razai. Although Mr Mahmud did eventually provide several invoices allegedly relating to the purchase of the Italian wines under the ownership of Mr Razai, unfortunately these invoices do not name the varieties of wine and only account for 120 bottles. They are also dated July and Sept 2010.

Furthermore in relation to the alcohol licence for the premises, at the time of our visit, Mr Aub MAHMUD was not in possession of a valid alcohol licence as he had not applied to transfer the premises licence from the previous owner something which he should have done.

Mr Razai, the previous shop owner had sold the premises to Mr MAHMUD on 23rd July 2011. The legal obligation on Mr Razai was to sign the consent to the transfer to Mr Mahmud only. It was then Mr Mahmud's responsibility to transfer into his name which he had failed to do. Technically any alcohol sold from the premises was unauthorised and unlawful prior to licence transfer which has since taken place. At the time of our visit, there did not appear to be a valid licence in place.

**A summary of the Legislation breached is as follows:**

Trade Marks Act 1994  
 Food Safety Act 1990  
 Food (Lot marking) Regulations 1996  
 Consumer Protection from Unfair Trading Regulations 2008  
 The General Food Regulations 2004  
 EC1234/2007 Art 118  
 EC607/2009

Item and amount	Reason for suspicion	Breaches of legislation
32 X branded wines (30 blossom Hill & 2 Jacobs Creek)	<p>Spelling mistakes on the labelling:</p> <p>Blossom Hill wine: Blossom spelt blossom in web address on label.</p> <p>Jacobs Creek Wine: Australia spelt Austria, drink aware spelt drink oware.</p>	<p><b>Trade Marks Act 1994 92 (1) (b) Unauthorised use of trade mark, &amp;c. in relation to goods.</b> with a view to gain for himself or another, or with intent to cause loss to another, and without the consent of the proprietor— Had wines exposed for sale which were in breach of a registered trademark</p> <p><b>The Consumer Protection from Unfair Trading Regulations 2008.</b> Reg 3 (4) (d) schedule 1 9. Creating the impression that a product can be legally sold when it cannot.</p>
	Traceability record not available	<p><b>General Food Regulations 2004 (Regulation 4 Requires any person to comply with provisions of the Regulations (EC) No 178/2002)</b></p> <p><b>Article 18 Traceability.</b>                      Food and feed business operators shall be able to identify any person from whom they have been supplied with a food.                      To this end, such operators shall have in place systems and procedures which allow for this information to be made available to the competent authorities on demand.                      Food and feed business operators shall have in place systems and procedures to identify the other businesses to which their products have been supplied. This information shall be made available to the competent authorities on demand.</p>

<p>7 x Italian wines</p>	<p>Deficient in alcohol. Actual alcohol content on analysis is less than that stated on the label.</p>	<p><b>EC607/2009 ARTICLE 54</b>  Contains the tolerances permitted for Actual alcoholic strength.</p> <p><b>S15 falsely describing or presenting food</b>  (1)Any person who gives with any food offered or exposed by him for sale or in possession for the purposes of sale, a label whether or not attached to or printed on the wrapper or container which- a) falsely described the food or  b) is likely to mislead as to the nature, substance or quality of the food shall be guilty of an offence.</p> <p><b>General Food Regulations 2004 (Regulation 4 requires any person to comply with the provisions of the regulations of 178/2002)</b></p> <p><b>Art 16</b>  Without prejudice to more specific provisions of food law, the labelling, advertising and presentation of food or feed, including their shape, appearance or packaging, the packaging materials used, the manner in which they are arranged and the setting in which they are displayed, and the information which is made available about them through whatever medium, shall not mislead consumers.</p> <p><b>The Consumer Protection from Unfair Trading Regulations 2008. Reg 3 (4) (d) schedule 1 9.</b> Creating the impression that a product can be legally sold when it cannot.</p>
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	Traceability record not available	<p><b>General Food Regulations 2004 (Regulation 4 Requires any person to comply with provisions of the Regulations (EC) No 178/2002)</b></p> <p><b>Article 18 Traceability.</b>  Food and feed business operators shall be able to identify any person from whom they have been supplied with a food:  To this end, such operators shall have in place systems and procedures which allow for this information to be made available to the competent authorities on demand.  Food and feed business operators shall have in place systems and procedures to identify the other businesses to which their products have been supplied. This information shall be made available to the competent authorities on demand</p>
4 X Italian wines	No lot codes	<p><b>Food Lot Marking Regulations 1996 R5 Failure to comply with R3 Lot marking requirement</b>  No person shall sell any food which forms part of a lot unless it is accompanied by a lot marking indication. The lot mark should be preceded by the letter "L", except in cases where that lot marking indication is clearly distinguishable from the other indications on the packaging of the food or on a label attached to its packaging. A lot marking indication for prepacked food shall appear on, or on a label attached to, the packaging of the food; and shall in all cases appear in such a way as to be easily visible, clearly legible and indelible</p> <p><b>The Consumer Protection from Unfair Trading Regulations 2008. Reg 3 (4) (d) schedule 1</b>  9. Creating the impression that a product can be legally sold when it cannot.</p>



	<p>Traceability record not available</p>	<p><b>General Food Regulations 2004 (Regulation 4 Requires any person to comply with provisions of the Regulations (EC) No 178/2002)</b></p> <p><b>Article 18 Traceability.</b>  Food and feed business operators shall be able to identify any person from whom they have been supplied with a food.  To this end, such operators shall have in place systems and procedures which allow for this information to be made available to the competent authorities on demand.  Food and feed business operators shall have in place systems and procedures to identify the other businesses to which their products have been supplied. This information shall be made available to the competent authorities on demand</p>
<p>408 x Italian wines (total wines)</p>	<p>Name and address details inadequate.</p> <p>Some labels appeared poor quality, with poor spelling and poor English translations which raised suspicions as to authenticity.</p> <p>Letters have been sent to each of the bottlers informing them of the samples taken (details taken from the bottles of wine) whilst some of the letters have been returned to the authority already, some letters remain undelivered despite being posted in January.</p>	<p><b>EC1234/2007 Designations of origins, geographical indications and traditional terms in the wine sector: Article 118Y sets out the compulsory particulars that should be carried on a wine label including the name of the bottler.</b></p> <p><b>EC607/2009 laying down detailed rules as regards labelling and presentation of certain wine sector products: Article 56 indication of the bottler, producer, importer and vendor in terms of a name and address.</b></p> <p><b>General Food Regulations 2004 (Regulation 4 Requires any person to comply with provisions of the Regulations (EC) No 178/2002)</b></p> <p><b>Art 16</b>  Without prejudice to more specific provisions of food law, the labelling, advertising and presentation of food or feed,</p>

		<p>including their shape, appearance or packaging, the packaging materials used, the manner in which they are arranged and the setting in which they are displayed, and the information which is made available about them through whatever medium, shall not mislead consumers.</p> <p><b>The Consumer Protection from Unfair Trading Regulations 2008.</b> Reg 3 (4) (d) schedule 1 9. Creating the impression that a product can be legally sold when it cannot.</p>
	<p>Traceability record not available</p>	<p><b>General Food Regulations 2004 (Regulation 4 Requires any person to comply with provisions of the Regulations (EC) No 178/2002)</b></p> <p><b>Article 18 Traceability.</b>  Food and feed business operators shall be able to identify any person from whom they have been supplied with a food. To this end, such operators shall have in place systems and procedures which allow for this information to be made available to the competent authorities on demand.  Food and feed business operators shall have in place systems and procedures to identify the other businesses to which their products have been supplied. This information shall be made available to the competent authorities on demand</p>

Under the General Food Regulations 2004, a business is required to maintain records of traceability (invoices) for all of the food and drink products they have on offer for sale and to produce those records when required to do so. Mr MAHMUD has failed to produce adequate records of traceability and is therefore unable to demonstrate that duty and VAT has been paid on these products.

Guidance issued under S182 of the licensing Act 2003 lists certain criminal activity which may arise in connection with licensed premises which the secretary of State considers should be treated particularly seriously. This list includes the use of the licensed premises for the sale of smuggled alcohol. This guidance states that even in the first instance revocation of the premises licence is appropriate where the premises have been used for the sale of smuggled alcohol.

In further support of this application, please find enclosed (**please note these are all restricted documents and not for public dissemination**):

1. Witness statement of Wendy Scott, Senior Trading Standards Officer.
2. Table of overall wines seized and issues noted.
3. Table of problems with the sampled wines.
4. Witness statement of Barnaby Brown, Senior Trading Standards officer.
5. Copy of the public analyst certificates for unsatisfactory samples.
6. Copies of brand holders statements.
  - Bottles of the counterfeit and genuine blossom Hill wines and Jacobs's creek wines will be brought in to show the panel.
  - Bottles of the Italian wines will be brought in to show the panel.

Taking all the information into account East Sussex Trading Standards are of the opinion that the offences found indicate that the licensing objective has not been met and as such we would like to recommend that the licence is revoked.

Please tick if yes

Have you made an application for review relating to this premises before?

If yes please state the date of that application

Day Month..Year

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If you have made representations before relating to this premises please state what they were and when you made them

Please tick if yes

- I have sent copies of this form and enclosures to the responsible authorities and the premises licence holder or club holding the club

premises certificate, as appropriate

- I understand that if I do not comply with the requirements my application will be rejected

**IT IS AN OFFENCE, LIABLE ON CONVICTION TO A FINE UP TO LEVEL 5 ON THE STANDARD SCALE, UNDER SECTION 158 OF THE LICENSING ACT 2003 TO MAKE A FALSE STATEMENT IN OR IN CONNECTION WITH THIS APPLICATION**

**Part 3 – Signatures** (please read guidance note 3)

**Signature of applicant's solicitor or other duly authorised agent** (see guidance note 4). If signing on behalf of the applicant please state in what capacity.

Signature: ..... *Wendy Scott* .....

Date: ..... *31/5/2012* .....

Capacity: ..... *SENIOR TRADING STANDARDS OFFICER* .....

**Contact name (where not previously given) and postal address for correspondence associated with this application** (please read guidance note 5)

Wendy Scott  
Senior Trading Standards Officer  
East Sussex County Council Trading Standards Service  
St Mary's House  
52 St Leonards Road  
Eastbourne  
East Sussex

**Post town**

Eastbourne

**Post Code**

BN21 3UU

**Telephone number (if any)** 01323 463431

**If you would prefer us to correspond with you using an e-mail address, enter your e-mail address here (optional)** Wendy.Scott@eastsussex.gov.uk

**Notes for Guidance**

1. The ground(s) for review must be based on one of the licensing objectives.
2. Please list any additional information or details for example dates of problems which are included in the grounds for review if available.
3. The application form must be signed.
4. An applicant's agent (for example solicitor) may sign the form on their behalf provided

that they have actual authority to do so.

5. This is the address which we shall use to correspond with you about this application.



EAST SUSSEX COUNTY COUNCIL

STATEMENT OF WITNESS

(C.J. Act 1967, s.9; M.C. Act 1980 ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, Rule 27.1)

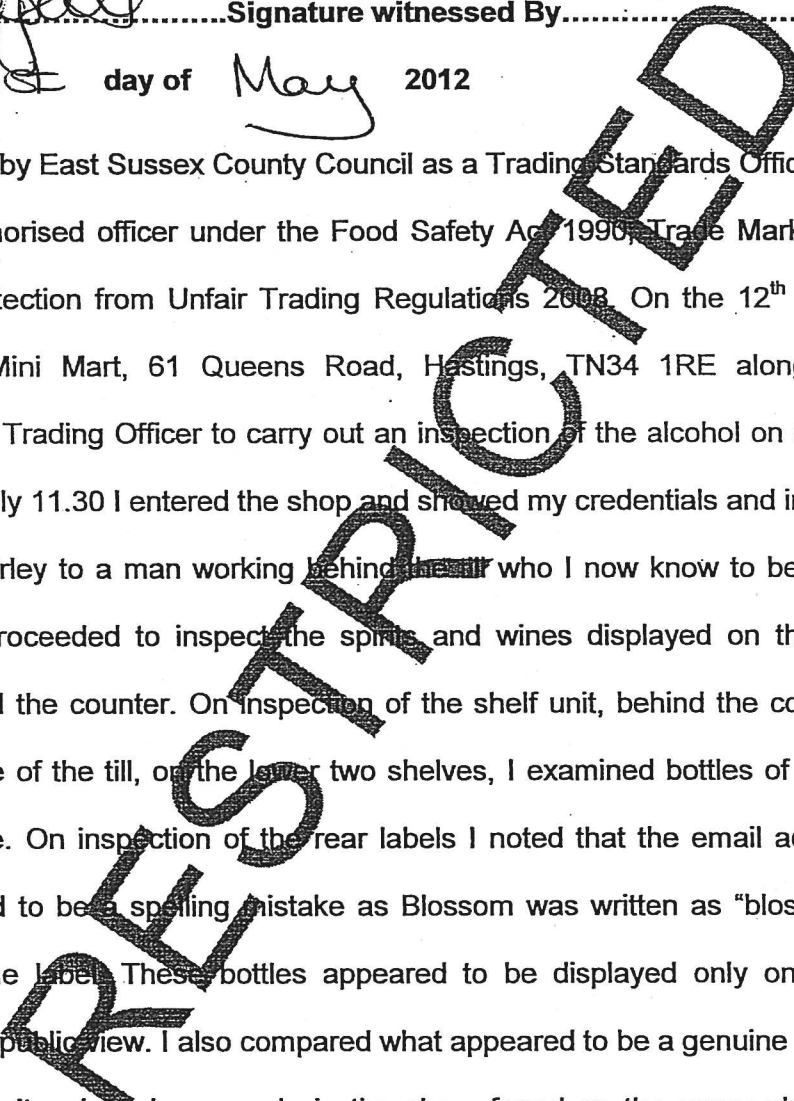
Name: Wendy Scott
Age of Witness (if over 18 enter "over 18"): Over 18
Occupation: Trading Standards Officer

This statement (consisting of 4... pages 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.

Signed: [Signature] Signature witnessed By: .....

Dated the 31st day of May 2012

I am employed by East Sussex County Council as a Trading Standards Officer and as such I am a duly authorised officer under the Food Safety Act 1990, Trade Marks Act 1994 and Consumer Protection from Unfair Trading Regulations 2008. On the 12th January 2012, I visited Ideal Mini Mart, 61 Queens Road, Hastings, TN34 1RE along with Deborah LeShirley, Fair Trading Officer to carry out an inspection of the alcohol on sale in the shop. At approximately 11.30 I entered the shop and showed my credentials and introduced myself and Mrs LeShirley to a man working behind the till who I now know to be the owner, Aub Mahmud. I proceeded to inspect the spirits and wines displayed on the rear and side shelves behind the counter. On inspection of the shelf unit, behind the counter and to the right hand side of the till, on the lower two shelves, I examined bottles of Blossom Hill red and fruity wine. On inspection of the rear labels I noted that the email address contained what appeared to be a spelling mistake as Blossom was written as "blosom" in the email address on the label. These bottles appeared to be displayed only on the bottom two shelves out of public view. I also compared what appeared to be a genuine bottle of Blossom Hill red and fruity wine also on sale in the shop, found on the upper shelves behind the counter and found the labelling on the bottle bearing the spelling mistake to be of inferior quality. I seized 30 bottles of Blossom Hill red and fruity wine from the shelves behind the counter on suspicion of being counterfeit and in order to have them examined by the brandholder. Deborah LeShirley, then handed me 2 bottles of Jacobs Creek Semillon



Signed: [Signature] Signature witnessed by: .....

Home address .....

Home telephone number .....

Business telephone number .....

Date and place of birth .....

Maiden name .....

Male / Female (delete as applicable)

Dates to be avoided. Delete dates of non-availability of witness.

Month of:							Month of:							Month of:						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				
Month of:							Month of:							Month of:						
1	2	3	4	5	6	7	1	2	3	4	5	6	7	1	2	3	4	5	6	7
8	9	10	11	12	13	14	8	9	10	11	12	13	14	8	9	10	11	12	13	14
15	16	17	18	19	20	21	15	16	17	18	19	20	21	15	16	17	18	19	20	21
22	23	24	25	26	27	28	22	23	24	25	26	27	28	22	23	24	25	26	27	28
29	30	31					29	30	31					29	30	31				

Contact point, if different from above

Address

Telephone number

STATEMENT TAKEN BY

**CRIMINAL PROCEDURE AND INVESTIGATIONS ACT 1996**

Record below anything that may affect the credibility of the person making this statement,

eg; previous convictions IN LAST 5 YEARS, relationship to defendant. If there is nothing state 'none' below.

Dated the ..... day of ....., 20

Signed .....



EAST SUSSEX COUNTY COUNCIL  
STATEMENT OF WITNESS

(C.J. Act 1967, s.9; M.C. Act 1980 ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, Rule 27.1)

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Continuation of Statement by Wendy Scott

Sauvignon Blanc she had found in the fridge opposite the counter. On inspection of the rear Labels of both bottles, I noted that Australia had been spelt wrongly and appeared as "Austria". I seized these bottles on suspicion of being counterfeit. I noted that there was a large volume of Italian wines on sale in the shop priced at 2 for £5. I was aware that there had been issues in general with cheap Italian wines being supplied to premises without duty or VAT being paid. I asked Mr Mahmud where all of the bottles of wine had come from and he said he was unsure as they had been ordered in by a previous employee Sagar Hamed Razai who no longer worked for the business. He further explained that he had only had the business for 8 months and the bottles were already there when he took over. He showed me some invoices for other supplies of alcohol to the premises but none in relation to the alcohol seized. On looking at the labels of the bottles of Italian wines on the shelves on the shop floor, some appeared to have inadequate trading name and address details on the labels, some had poor quality labels containing spelling mistakes or poor English translations, some appeared to have the same lot codes for different products and some bottles contained floating particles. Formal samples were taken from the bottles of Italian wines on sale in the shop and the remainder of the bottles not formally sampled were seized under the Consumer Protection from Unfair Trading Regulations 2008. Additional officers attended the premises to assist with this process namely, Robert Newton, Trading Standards Officer, Su Knight, Fair Trading Officer, Diana Burr, Technical assistant, Barnaby Brown, Trading Standards Officer and Graham Wolstenholme, Fair Trading Officer. I took a formal sample from 8 bottles of Cervino Merlot Red Wine found behind the till from the back shelf bearing the code L.OIMV, and a bottle cap code of ICQRF NA7565, sample number A0780 and a formal sample from 8 bottles of Cervino Merlot Red wine, found in the same

Signed:  Signature witnessed by: .....

EAST SUSSEX COUNTY COUNCIL  
STATEMENT OF WITNESS

(C.J. Act 1967, s.9; M.C. Act 1980 ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, Rule 27.1)

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Continuation of Statement by Wendy Scott

place with the same lot code but no bottle cap code, sample number A0781. The remainder of the bottles were seized and bagged and the sealing details entered onto the seizure list. Bottles of Cervino Pinot Blush were also seized from the shop floor and the sealing details entered onto the seizure list. I also took formal samples of Pinot Grigio Sicilia Pink, sample number A1630 and Corte Dorato Garganega Pinot Grigio Veneto white wine, sample number A1631 from the shelves on the left hand side, located in the middle of the shop. The remaining bottles were bagged and seized under the Consumer Protection from Unfair Trading Regulations 2008 and the sealing details entered onto a seizure list produced by Barnaby Brown. Once all of the alcohol that had either been sampled or seized had been dealt with, I invited Mr Mahmud to select sample portions from the formal alcohol samples taken to retain in the store which he duly did so, details of the formal samples taken are listed on a visit note, a copy of which was left with Mr Mahmud. I asked Mr Mahmud if he had any further information on where the alcohol had come from and he repeated his response from earlier. Mr Mahmud also supplied detail of the premises licence and the licence holder was listed as Muhammed Hassan with an additional name written underneath in pen of Sardar Razai. There was also a notice stuck on the gantry stating that "Ideal mini market is owned and operated by Sardar Hamed Razai". Prior to leaving the shop I gave Mr Mahmud a list of bottles seized, a visit note containing a list of formal samples taken, and a visit note recording the seized items and a request for invoices to be supplied for all of the items seized. We then left the shop at around 6.00pm. On the 18<sup>th</sup> January 2012, the formal samples of wine were submitted to the public analyst for compositional analysis. On the 19<sup>th</sup> January 2012, letters were sent to all of the addresses marked on the various different varieties of the Italian Wines informing the companies that formal samples had been taken and

Signed:  Signature witnessed by: .....

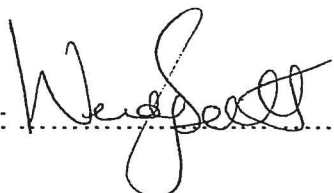
EAST SUSSEX COUNTY COUNCIL  
STATEMENT OF WITNESS

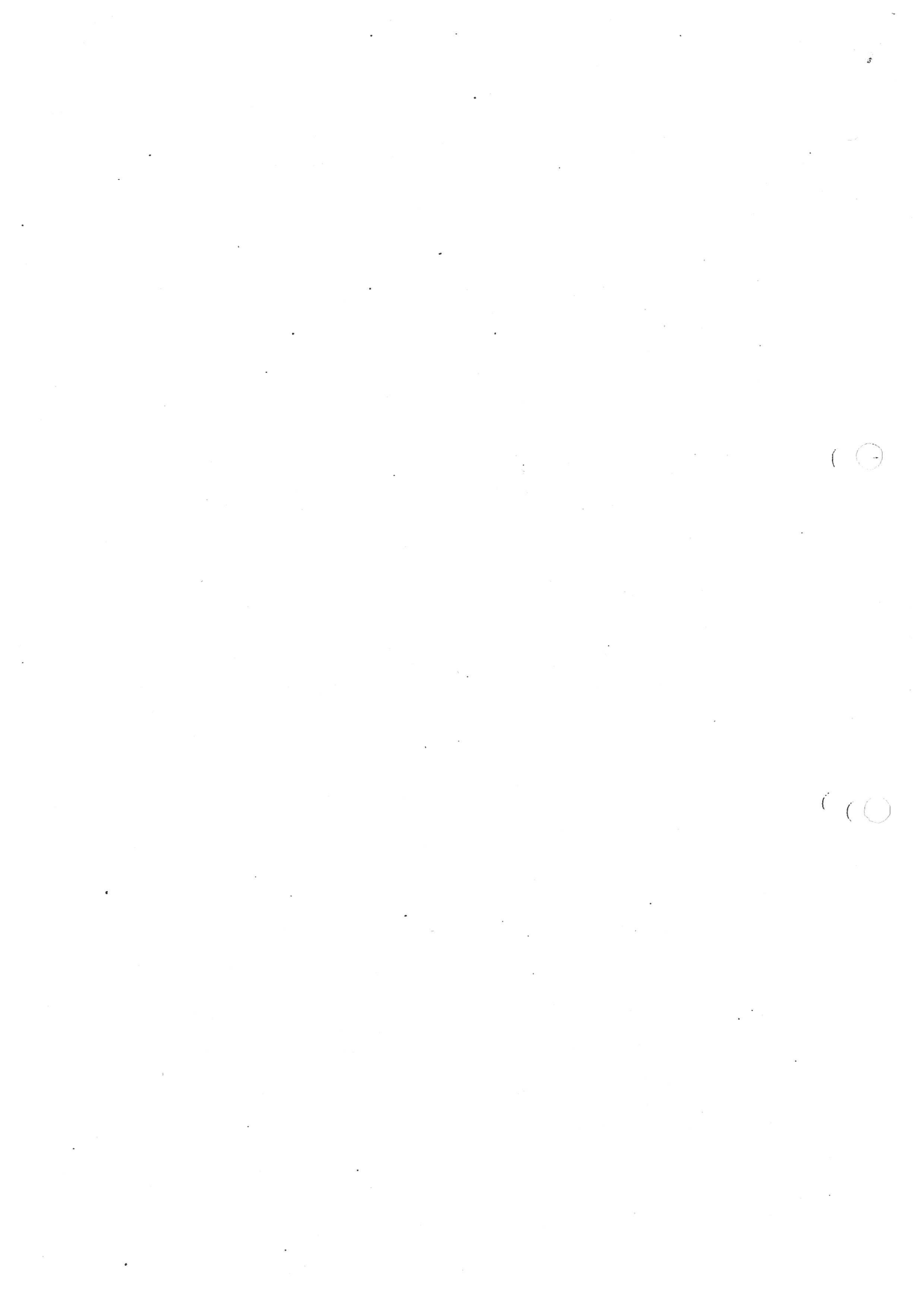
(C.J. Act 1967, s.9; M.C. Act 1980 ss5A(3)(a) and 5B, Criminal Procedure Rules 2005, Rule 27.1)

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Continuation of Statement by Wendy Scott

asking for confirmation that the addresses on the labels were in fact correct. So far 3 of the 8 letters sent have been returned to the service with the reason that the addresses are insufficient. The remaining 5 letters have remained on hold in Italy since sending them in January. I produce a copy of the returned envelopes as WS/4 (EXHIBIT.....). On the 23<sup>rd</sup> January 2012, samples of the bottles of Jacobs Creek Wines and Blossom Hill wines were sent to the brandholders for authentication. Statements have been obtained from the brandholders confirming that the products are counterfeit. Several requests have been made to Mr Mahmud to provide traceability for the wines seized from the shop, both in writing and verbally. After attending a PACE interview on the 27<sup>th</sup> March 2012, Mr MAHMUD forwarded some invoices allegedly relating to the supply of wine to the shop. This information was received by this service on the 23<sup>rd</sup> April 2012. I produce copies of the invoices as WS/5 (EXHIBIT.....). These invoices do not identify the varieties of Italian wines supplied and only amount to a supply of 120 bottles, the relevant invoices are dated 28<sup>th</sup> July 2010 and 29<sup>th</sup> September 2010. An attempt has been made to contact the previous owner Mr SARDAR LAZAI to discuss the supply of alcohol during his time as the owner of the premises however he has confirmed via a telephone call that he does not remember anything about the wines supplied to the shop and a follow up letter to sent to him at an address he gave over the phone has been returned and marked "addressee gone away". The results of analysis for the 28 formal samples of wines taken and submitted to the public analyst for analysis have resulted in 7 compositionally unsatisfactory results. I produce copies of these certificates as WS/6- WS/12 (EXHIBIT.....) and certificates of analysis WS13 and WS14 in respect of wines identified as not bearing lot codes.

Signed:  Signature witnessed by: .....



East Sussex  
County Council  
Trading Standards Service

Exhibit No.  
NS4

Report Concerning:

Signature:

*Wendy Smith*

Date:

31/5/2012

Proprietor  
Revolani Wines  
VI. CAL  
Lozzolo  
Italy

When responding  
please ask for  
Wendy Smith

Posteitaliane

Mod.248 - EP8699 - SL (11)  
Mod.01408 (Ex. W6911)  
Lotto OA238 Ed. 03/11

Siamo spiacenti di non aver recapitato  
questo invio in quanto:

- è stato rifiutato  l'indirizzo è insufficiente  
 l'indirizzo è inesatto  l'indirizzo è inesistente

il destinatario è:

- irreperibile  sconosciuto  
Où  deceduto  trasferito

Data \_\_\_\_\_ Firma \_\_\_\_\_

Siamo spiacenti di non aver recapitato  
questo invio in quanto:

- è stato rifiutato  l'indirizzo è insufficiente  
 l'indirizzo è inesatto  l'indirizzo è inesistente

il destinatario è:

- irreperibile  sconosciuto  
 deceduto  trasferito

Data \_\_\_\_\_ Firma \_\_\_\_\_

Proprietor  
Conti Cantinieri  
Ellerreci s.n.c  
Silvano D'Orba  
Italy

When responding  
please ask for  
Barnaby Brown  
01223 463444

Cont Ref  
A16325, A163

Royal Mail  
signedfor  
International

Great Britain  
Recommandés

R  
B

RI 3268 1111 0GB Sig req



RI 3268 1111 0GB Sig req

RI 3268 1111 0GB  
SIGNATURE ON DELIVERY

Posteitaliane

Siamo spiacenti di non aver recapitato  
questo invio in quanto:

- è stato rifiutato  l'indirizzo è insufficiente  
 l'indirizzo è inesatto  l'indirizzo è inesistente

il destinatario è:

- irreperibile  sconosciuto  
 deceduto  trasferito

Data 21/5/12 Firma \_\_\_\_\_

Proprietor  
Corte Dorata wines  
Ellerreci s.n.c  
Silvano D'Orba  
Italy

Royal Mail  
signedfor  
International

Great Britain  
Recommandés

R  
B

RI 3268 1116 8GB Sig req

RI 3268 1116 8GB Sig req

CO

CO

Report Concerning:

Signature: *W. [Signature]*

Date: 31/5/2012

Page: 1

IDEAL MINI MARKET  
61 QUEENS ROAD  
HASTING  
TN34 1RE  
Cust. VAT Reg No.

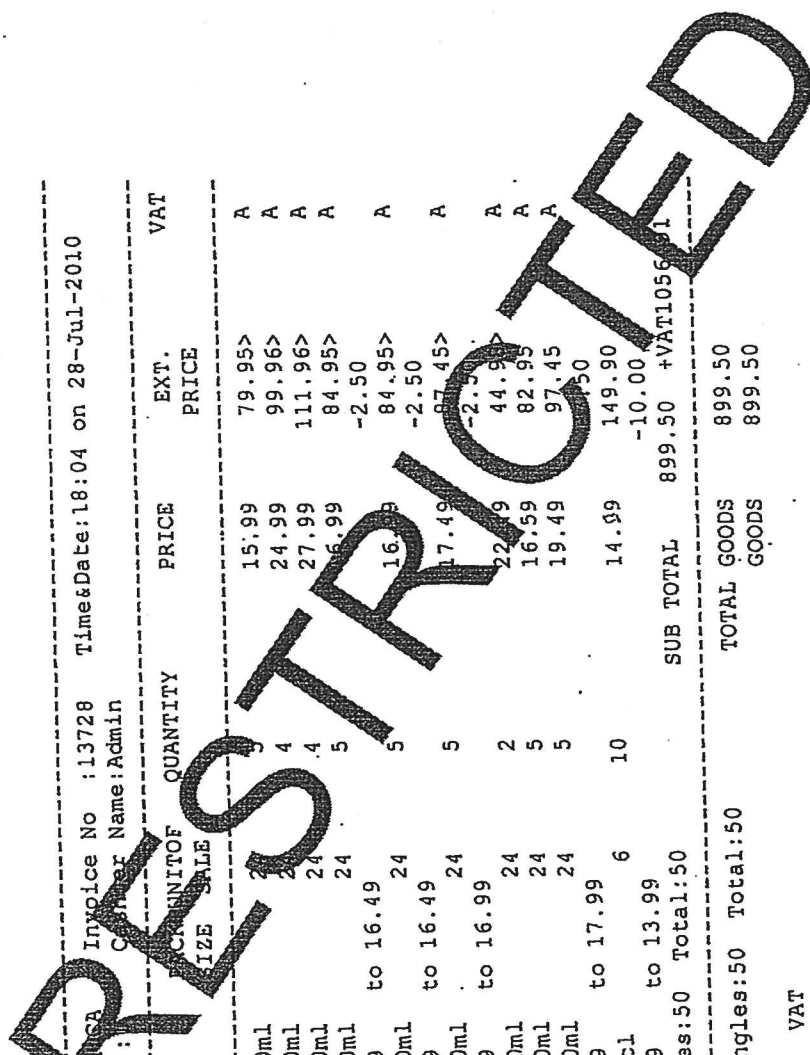
Account : 101261 Payment Method : Invoice No : 13728 Time & Date : 18:04 on 28-Jul-2010  
Till Number : 1 Cashier ID : Cashier Name : Admin

ITEM CODE	DESCRIPTION	PACK UNIT OF SALE	QUANTITY	PRICE	EXT. PRICE	VAT
622	SCRUMPY JACK 24 X 500ML 500ml	24	3	15.99	79.95	A
680	TENNENTS SUPER 24x500ml 500ml	24	4	24.99	99.96	A
615	SPECIAL BREW 500ml CAN x500ml	24	4	27.99	111.96	A
654	TYSKIE 24x500ml 500ml	24	5	16.99	84.95	A
	Price overridden from 16.99				-2.50	
486	LECH CANS 24x500ml 500ml	24	5	16.99	84.95	A
	Price overridden from 16.99				-2.50	
989	ZUBR CANS 24x500ml 500ml	24	5	17.49	87.45	A
	Price overridden from 17.49				-2.50	
507	MAGNERS 500mlx24 500ml	24	2	22.99	44.98	A
460	KRONENBOURG 1664 500ml C500ml	24	5	16.59	82.95	A
640	STELLA ARTIOS 500ml CAN 500ml	24	5	19.49	97.45	A
	Price overridden from 19.49				-2.50	
146	ITALIAN WINES 6x75cl 75cl	6	10	14.99	149.90	
	Price overridden from 14.99				-10.00	
Trolley: 1 Cases: 0 Singles: 50 Total: 50				SUB TOTAL	899.50	+VAT1056.91

COUNT TOTAL: Cases: 0 Singles: 50 Total: 50  
TOTAL GOODS 899.50  
TOTAL GOODS 899.50

CODE RATE GOODS VAT  
A 17.50 899.50 157.41

VAT-TOTAL 157.41  
INVOICE-TOTAL 1056.91







Report Concerning:

Signature: *[Signature]*

Date: 31/5/2012

Page: 1

IDEAL MINI MARKET

61 QUEENS ROAD  
HASTING  
TN34 1RE  
Cust. VAT Reg No.

Account : 101261 Payment Method: CA Invoice No : 15253 Time&Date: 18:25 on 23-Sep-2010  
Till Number: 1 Cashier ID: Cashier Name: Prakash

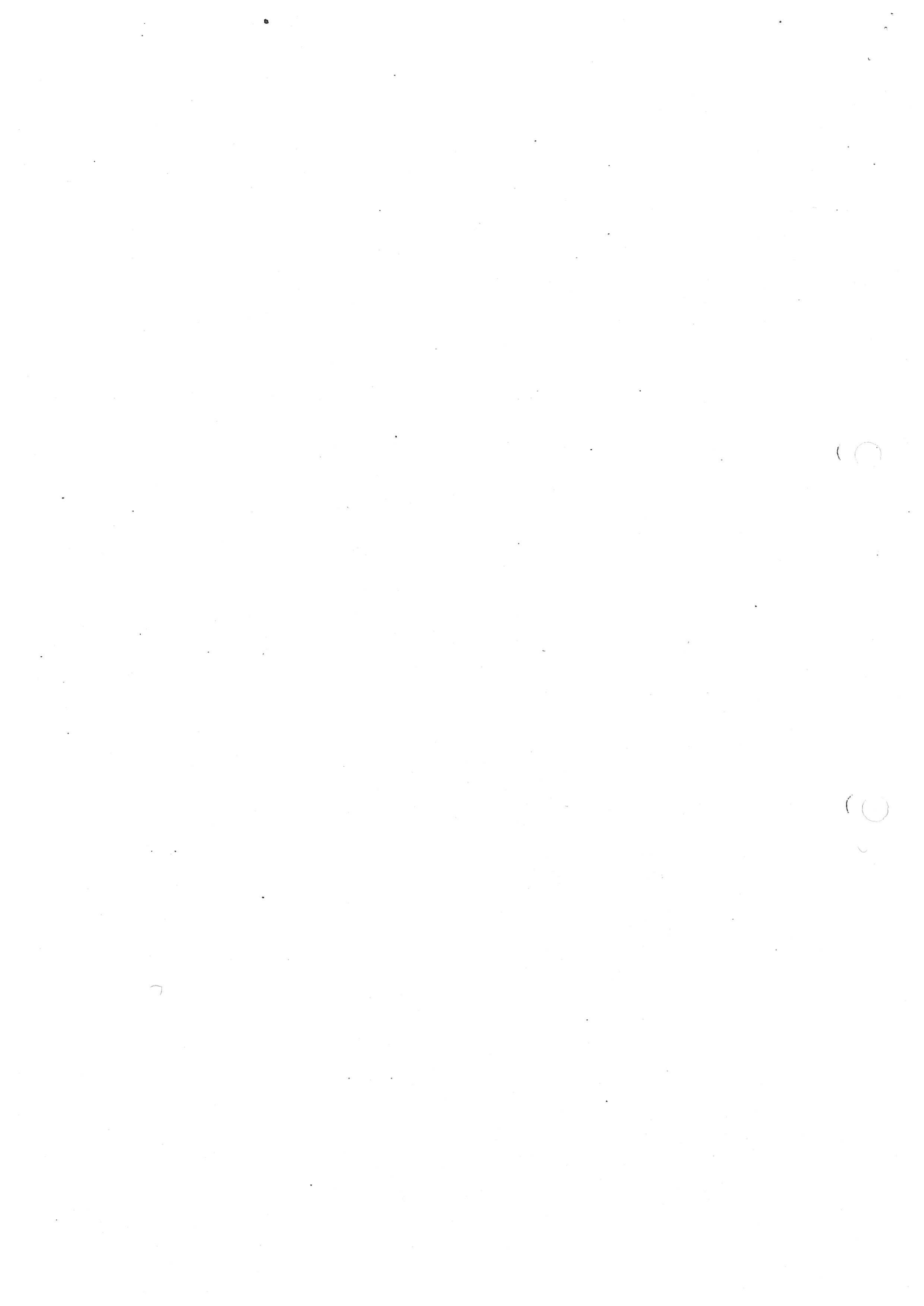
ITEM CODE	DESCRIPTION	PACK SIZE	UNIT OF SALE	QUANTITY	PRICE	EXT. PRICE	VAT
146	ITALIAN WINES 6x75cl 75cl			10	14.99	149.90	A
	Trolley: 1 Cases: 0				TOTAL	149.90 +VAT	176.13

COUNT TOTAL: Cases: 0 Singles: 10 Total: 10  
 TOTAL GOODS 149.90  
 VAT TOTAL 26.23  
 INVOICE TOTAL 176.13

CODE	RATE	GOODS	VAT
A	17.50	149.90	26.23

a







0627

East Sussex  
County Council  
Trading Standards Service

Exhibit No.

NS9

Report Concerning:

Signature:

*[Handwritten Signature]*

Date:

31/5/2012



scientific services

For the attention of: WENDY SCOTT  
East Sussex Trading Standards (Food)  
St Mary's House  
52 St Leonards Road  
Eastbourne  
East Sussex  
BN21 3UU

Date of report: 25/05/2012  
Our Reference: EFF12/00119  
Sample received on: 18/01/2012

**Food Safety Act 1990 report on the analysis of sample:**

A0873B Revolani Montepulciano D'abruzzo red wine

Method	Result Name	Test Value	Units
FGEN01	Sulphur dioxide	95	mg/kg
F1701	Alcohol by gas chromatography	11.1	% vol
* F1704L	Ethyl acetate in drinks	59.2	mg/L
* F1704K	Methanol in drinks	110	mg/L
* F1704M	Propan-1-ol in drinks	23.9	mg/L
* F1704N	2-methylpropan-1-ol in drinks	50.7	mg/L
* F1704P	Amyl alcohols in drinks	296	mg/L
* FLABEL	Label compliance check	Satisfactory	

**Comments:**

The sample was labelled as Revolani Montepulciano D'abruzzo wine, which in my opinion is a community controlled wine and outside the scope of Schedule 5 of the Food Labelling Regulations 1996, relating to acceptable tolerances for alcohol content.

In my opinion the appropriate acceptable tolerances for alcohol content for this product as a community controlled wine are laid down within Commission Regulations 607/2009, although these Regulations were not implemented into English law at the time of production of this wine. These Regulations specify maximum permitted positive and negative tolerances for this type of wine as 0.5% alcohol by volume.

The label declared an alcohol content of 12.5% vol.

The sample was found to contain 11.1% alcohol by volume, a deficiency of 1.4% alcohol by volume compared to the declared value.

Signed:

*[Handwritten Signature]*

Paul Hancock, Public Analyst

**Report outcome: UNSATISFACTORY**

Report ID: 1200119-3

Page: 1 of 2

\* indicates determinand not included in UKAS accreditation. Details of methods of analysis can be obtained from the address below. Opinions, comments and interpretations expressed herein are outside the scope of UKAS accreditation.

am therefore of the opinion that the sample label is likely to mislead as to the quality of the food within the meaning of section 15 of the Food Safety Act 1990.

The amount of sulphur dioxide found in the sample is satisfactory with regards to the requirements of EC Regulation 1831/2003. The warning statement 'Contains sulphites' was present on the sample label.

The alcoholic congener profile, in my opinion, is typical for a red wine product.

**RESTRICTED**

Signed:



Paul Hancock, Public Analyst

**Report outcome: UNSATISFACTORY**

Report ID: 1200119-3

Page: 2 of 2

indicates determinand not included in UKAS accreditation. Details of methods of analysis can be obtained from the address below. Opinions, comments and interpretations expressed herein are outside the scope of UKAS accreditation.

Worcestershire County Council, Scientific Services, Unit 5, Berkeley Business Park, Wainwright Road, Worcester WR4 9FA  
Tel. 01905 751300, Fax. 01905 751301, [scientificservices@worcestershire.gov.uk](mailto:scientificservices@worcestershire.gov.uk)



0627

East Sussex  
County Council  
Trading Standards Service

Exhibit No.

WS10

Report Concerning:

Signature:

*Wesford*

Date:

31/5/2012



scientific services

For the attention of: WENDY SCOTT  
East Sussex Trading Standards (Food)  
St Mary's House  
52 St Leonards Road  
Eastbourne  
East Sussex  
BN21 3UU

Date of report: 25/05/2012  
Our Reference: EFF12/00115  
Sample received on: 18/01/2012

**Food Safety Act 1990 report on the analysis of sample:**

A0875B Revolani Merlot Veneto red wine

Method	Result Name	Test Value	Units
FGEN01	Sulphur dioxide	95	mg/kg
F1701	Alcohol by gas chromatography	11.0	% vol
* F1704L	Ethyl acetate in drinks	61.2	mg/L
* F1704K	Methanol in drinks	115	mg/L
* F1704M	Propan-1-ol in drinks	24.0	mg/L
* F1704N	2-methylpropan-1-ol in drinks	52.4	mg/L
* F1704P	Amyl alcohols in drinks	269	mg/L
* FLABEL	Label compliance check	Satisfactory	

**Comments:**

The sample was labelled as Revolani Merlot Veneto wine, which in my opinion is a community controlled wine and outside the scope of Schedule 5 of the Food Labelling Regulations 1996, relating to acceptable tolerances for alcohol content.

In my opinion the appropriate acceptable tolerances for alcohol content for this product as a community controlled wine are laid down within Commission Regulations 607/2009, although these Regulations were not implemented into English law at the time of production of this wine. These Regulations specify maximum permitted positive and negative tolerances for this type of wine as 0.5% alcohol by volume.

The label declared an alcohol content of 12.0% vol.

The sample was found to contain 11.0% alcohol by volume, a deficiency of 1.0% alcohol by volume compared to the declared value.

Signed:

*Paul Hancock*

Paul Hancock, Public Analyst

**Report outcome: UNSATISFACTORY**

Report ID: 1200115-3

Page: 1 of 2

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am therefore of the opinion that the sample label is likely to mislead as to the quality of the food within the meaning of section 15 of the Food Safety Act 1990.

The amount of sulphur dioxide found in the sample is satisfactory with regards to the requirements of EC Regulation 06/2009. The warning statement 'Contains sulphites' was present on the sample label.

The alcoholic congener profile, in my opinion, is typical for a red wine product.

**RESTRICTED**

Signed:



Paul Hancock, Public Analyst

Report outcome: **UNSATISFACTORY**

Report ID: 1200115-3

Page: 2 of 2

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Worcestershire County Council, Scientific Services, Unit 5, Berkeley Business Park, Wainwright Road, Worcester WR4 9FA  
Tel. 01905 751300, Fax. 01905 751301, [scientificservices@worcestershire.gov.uk](mailto:scientificservices@worcestershire.gov.uk)



0627

East Sussex  
County Council  
Trading Standards Service

Exhibit No.  
WS 11

Report Concerning:

Signature:

Date:

31/5/2012

**worcestershire  
county council**  
scientific services

For the attention of: **ROB NEWTON**  
East Sussex Trading Standards (Food)  
St Mary's House  
52 St Leonards Road  
Eastbourne  
East Sussex  
BN21 3UU

Date of report: 25/05/2012  
Our Reference: EFF12/00103  
Sample received on: 18/01/2012

**Food Safety Act 1990 report on the analysis of sample:**

A1625 Soave 12% vol

Method	Result Name	Test Value	Units
FGEN01	Sulphur dioxide	190	mg/kg
F1701	Alcohol by gas chromatography	11.0	% vol
* F1704L	Ethyl acetate in drinks	35.4	mg/L
* F1704K	Methanol in drinks	56.5	mg/L
* F1704M	Propan-1-ol in drinks	25.5	mg/L
* F1704N	2-methylpropan-1-ol in drinks	39.0	mg/L
* F1704P	Amyl alcohols in drinks	243	mg/L
* FLABEL	Label compliance check	Satisfactory	

**Comments:**

The sample was labelled as Brunin Soave wine, which in my opinion is a community controlled wine and outside the scope of Schedule 5 of the Food Labelling Regulations 1996, relating to acceptable tolerances for alcohol content.

In my opinion the appropriate acceptable tolerances for alcohol content for this product as a community controlled wine are laid down within Commission Regulations 607/2009, although these Regulations were not implemented into English law at the time of production of this wine. These Regulations specify maximum permitted positive and negative tolerances for this type of wine as 0.5% alcohol by volume.

The label declared an alcohol content of 12% vol.

The sample was found to contain 11.0% alcohol by volume, a deficiency of 1.0% alcohol by volume compared to the declared value.

Signed:

Paul Hancock, Public Analyst

**Report outcome: UNSATISFACTORY**

Report ID: 1200103-4

Page: 1 of 2

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I am therefore of the opinion that the sample label is likely to mislead as to the quality of the food within the meaning of section 15 of the Food Safety Act 1990.

The amount of sulphur dioxide found in the sample is satisfactory with regards to the requirements of EC Regulation 306/2009. The warning statement 'Contains sulphites' was present on the sample label.

The alcoholic congener profile, in my opinion, is typical for a white wine product.

**RESTRICTED**

Signed:



Paul Hancock, Public Analyst

**Report outcome: UNSATISFACTORY**

Report ID: 1200103-4

Page: 2 of 2

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Tel. 01905 751300, Fax. 01905 751301, [scientificservices@worcestershire.gov.uk](mailto:scientificservices@worcestershire.gov.uk)**





0527

East Sussex County Council Trading Standards Service | Exhibit No. WS12

Report Concerning:

Signature: [Handwritten Signature]

Date: 31/5/2012



For the attention of: ROB NEWTON
East Sussex Trading Standards (Food)
St Mary's House
52 St Leonards Road
Eastbourne
East Sussex
BN21 3UU

Date of report: 25/05/2012
Our Reference: EFF12/00104
Sample received on: 18/01/2012

Food Safety Act 1990 report on the analysis of sample:
A1626B Pinot Grigio 11.5%

Table with 3 columns: Method, Result Name, Test Value Units. Rows include Sulphur dioxide (205 mg/kg), Alcohol by gas chromatography (10.5 % vol), Ethyl acetate in drinks (59.1 mg/L), Methanol in drinks (< 2.0 mg/L), Propan-1-ol in drinks (28.1 mg/L), 2-methylpropan-1-ol in drinks (26.4 mg/L), Amyl alcohols in drinks (209 mg/L), and Label compliance check (Satisfactory).

Comments:

The sample was labelled as Brunin Pinot Grigio wine, which in my opinion is a community controlled wine and outside the scope of Schedule 5 of the Food Labelling Regulations 1996, relating to acceptable tolerances for alcohol content.

In my opinion the appropriate acceptable tolerances for alcohol content for this product as a community controlled wine are laid down within Commission Regulations 607/2009, although these Regulations were not implemented into English law at the time of production of this wine. These Regulations specify maximum permitted positive and negative tolerances for this type of wine as 0.5% alcohol by volume.

The label declared an alcohol content of 11.5% vol.

The sample was found to contain 10.5% alcohol by volume, a deficiency of 1.0% alcohol by volume compared to the declared value.

Signed: [Handwritten Signature]
Paul Hancock, Public Analyst

Report outcome: UNSATISFACTORY

Report ID: 1200104-3

Page: 1 of 2

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am therefore of the opinion that the sample label is likely to mislead as to the quality of the food within the meaning of section 15 of the Food Safety Act 1990.

he amount of sulphur dioxide found in the sample is just in excess of the maximum permitted amount as prescribed by C Regulation 606/2009, this excess amounting to 5mg/L but in my opinion satisfactory, having regard to analytical tolerance. The warning statement 'Contains sulphites' was present on the sample label.

he alcoholic congener profile, in my opinion, is typical for a white wine product.

**RESTRICTED**

Signed:



Paul Hancock, Public Analyst

**Report outcome: UNSATISFACTORY**

Report ID: 1200104-3

Page: 2 of 2

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Tel. 01905 751300, Fax. 01905 751301, [scientificservices@worcestershire.gov.uk](mailto:scientificservices@worcestershire.gov.uk)



0627

East Sussex  
County Council  
Trading Standards Service

Exhibit No.  
WS13

Report Concerning:

Signature: *[Signature]*

Date: 31/5/2012



For the attention of: BARNABY BROWN  
 East Sussex Trading Standards (Food)  
 St Mary's House  
 52 St Leonards Road  
 Eastbourne  
 East Sussex  
 BN21 3UU

Date of report: 25/05/2012  
 Our Reference: EFF12/00093  
 Sample received on: 18/01/2012

**Food Safety Act 1990 report on the analysis of sample:**  
 A0869B Venti Zero Nove Merlot Veneto

Method	Result Name	Test Value	Units
FGEN01	Sulphur dioxide	136	mg/kg
F1701	Alcohol by gas chromatography	11.6	% vol
* F1704L	Ethyl acetate in drinks	69.7	mg/L
* F1704K	Methanol in drinks	62.6	mg/L
* F1704M	Propan-1-ol in drinks	22.7	mg/L
* F1704N	2-methylpropan-1-ol in drinks	38.5	mg/L
* F1704P	Amyl alcohols in drinks	197	mg/L
* FLABEL	Label compliance check	See comments	

**Comments:**

The sample was labelled as Venti Zero Nove Merlot Veneto wine, which in my opinion is a community controlled wine and outside the scope of Schedule 5 of the Food Labelling Regulations 1996, relating to acceptable tolerances for alcohol content.

In my opinion the appropriate acceptable tolerances for alcohol content for this product as a community controlled wine are laid down within Commission Regulations 607/2009, although these Regulations were not implemented into English law at the time of production of this wine. These Regulations specify maximum permitted positive and negative tolerances for this type of wine as 0.5% alcohol by volume.

The label declared an alcohol content of 12% vol.

The sample was found to contain 11.6% alcohol by volume, and is therefore satisfactory in my opinion.

Signed: *[Signature]*  
 Paul Hancock, Public Analyst

**Report outcome: UNSATISFACTORY**

Report ID: 1200093-2

Page: 1 of 2

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The amount of sulphur dioxide found in the sample is satisfactory with regards to the requirements of EC Regulation 1831/2003. The warning statement 'Contains sulphites' was present on the sample label.

The product did not show a batch code as required by The Food (Lot Marking) Regulations 1996.

The alcoholic congener profile, in my opinion, is typical for a red wine product.

**RESTRICTED**

Signed:



Paul Hancock, Public Analyst

**Report outcome: UNSATISFACTORY**

Report ID: 1200093-2

Page: 2 of 2

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Worcestershire County Council, Scientific Services, Unit 5, Berkeley Business Park, Wainwright Road, Worcester WR4 9FA  
Tel. 01905 751300, Fax. 01905 751301, [scientificservices@worcestershire.gov.uk](mailto:scientificservices@worcestershire.gov.uk)



0627

Report Concerning:

Signature: *W. Hancock*

Date: 31/5/2012

For the attention of: BARNABY BROWN  
East Sussex Trading Standards (Food)  
St Mary's House  
52 St Leonards Road  
Eastbourne  
East Sussex  
BN21 3UU

Date of report: 25/05/2012  
Our Reference: EFF12/00097  
Sample received on: 18/01/2012

**Food Safety Act 1990 report on the analysis of sample:**

A0877B Conti Cantinieri Chardonnay (no Lot Mark)

Method	Result Name	Test Value	Units
FGEN01	Sulphur dioxide	169	mg/kg
F1701	Alcohol by gas chromatography	11.6	% vol
* F1704L	Ethyl acetate in drinks	57.6	mg/L
* F1704K	Methanol in drinks	35.3	mg/L
* F1704M	Propan-1-ol in drinks	23.2	mg/L
* F1704N	2-methylpropan-1-ol in drinks	31.1	mg/L
* F1704P	Amyl alcohols in drinks	196	mg/L
* FLABEL	Label compliance check	Satisfactory	

**Comments:**

The sample was labelled as Conti Cantinieri Chardonnay wine, which in my opinion is a community controlled wine and outside the scope of Schedule 5 of the Food Labelling Regulations 1996, relating to acceptable tolerances for alcohol content.

In my opinion the appropriate acceptable tolerances for alcohol content for this product as a community controlled wine are laid down within Commission Regulations 607/2009, although these Regulations were not implemented into English law at the time of production of this wine. These Regulations specify maximum permitted positive and negative tolerances for this type of wine as 0.5% alcohol by volume.

The label declared an alcohol content of 12% vol.

The sample was found to contain 11.6% alcohol by volume, and is therefore satisfactory in my opinion.

Signed: *Paul Hancock*

Paul Hancock, Public Analyst

**Report outcome: UNSATISFACTORY**

Report ID: 1200097-2

Page: 1 of 2

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The amount of sulphur dioxide found in the sample is satisfactory with regards to the requirements of EC Regulation 1831/2003. The warning statement 'Contains sulphites' was present on the sample label.

The product did not show a batch code as required by The Food (Lot Marking) Regulations 1996.

The alcoholic congener profile, in my opinion, is typical for a white wine product.

**RESTRICTED**

Signed:



Paul Hancock, Public Analyst

**Report outcome: UNSATISFACTORY**

Report ID: 1200097-2

Page: 2 of 2

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Tel. 01905 751300, Fax. 01905 751301, [scientificservices@worcestershire.gov.uk](mailto:scientificservices@worcestershire.gov.uk)

**STATEMENT OF WITNESS**

**(Criminal Procedure Rules 2011, r.27.1);**

**Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, s.5B**

**Statement of:** Jodie McCombie  
**Age of Witness:** Over 21 years  
**Occupation of Witness:** Manager,  
Brand Security Pernod Ricard

This statement (consisting of three pages, 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.

Signed: *Jodie McCombie*

Date: 30/01/2012

I am Jodie McCombie, and I hold the appointment of Manager of Brand Security, Pernod Ricard. I have been so employed since 5th May 2009.

I report to the Vice President, Brand Security, Pernod Ricard who is the senior executive in charge of all matters relating to the security of Pernod Ricard's portfolio of brands. I am therefore authorised to speak on behalf of the company in this respect. Headquartered in Paris, France, Pernod Ricard is a leading global producer of premium branded beverages, operating in more than 190 countries and territories. I am based in Pernod Ricard's London office at Chivas House, 72 Chancellors Rd, London, W6 9RS. Pernod Ricard has global ownership and responsibility for all production, marketing and distribution of the Company's beverage alcohol brands.

One wholly owned subsidiary of Pernod Ricard is the Premium Wines Brands Pty Ltd, Australia and their subsidiary Orlando Wines, Australia. One of the range of wines produced by Orlando Wines is Jacob's Creek Wines. One of my

*Jodie McCombie*

roles and responsibilities is the visual examination of my company's brands, including Jacobs Creek, to establish whether or not it is genuine product.

The mark 'Jacob's Creek' is a UK registered trade mark 1184628 held by Pernod Ricard Pacific Pty Ltd. I produce and identify a true copy of the registration and renewal certificates for Jacob's Creek UK National Trademarks in Class 32 and Class 33, and also EU Class 33 as exhibits JM/1, JM/2 and JM/3 respectively.

In January 2011 my company received a small number of consumer complaints regarding the apparent poor quality of wine in bottles of what appeared to be Jacob's Creek wines that had been purchased from independent retail outlets in the greater London area. Subsequent investigations by my department revealed the wine was counterfeit and that in December an unknown volume of counterfeit Jacob's Creek wines had been offered for sale to retail and wholesale outlets by persons as yet unknown. Analysis of the wine in the counterfeit bottles revealed no evidence of any potentially harmful material. However, the quality of the counterfeit wines is poor and an obvious difference to the genuine exists.

Since that time, and in a process managed by Pernod Ricard Brand Security, Trading Standards offices in the UK have been briefed on the presence of the counterfeit wine and advised on how to identify it during their inspections.

On 26 January 2012 I was given the evidence bag detailed below by Joseph Blair of Pernod Ricard Brand Security which contained the following items, marked with the Jacob's Creek trade mark:

Evidence seal: P01084596

2 bottles of Semillon Sauvignon Blanc

As a result of my examination of the aforementioned bottles I can confirm that each bottle bears a copy of the Jacob's Creek registered trade mark. A visual inspection of the products reveals they are inconsistent with products produced

*Jacob's Creek*



by Pernod Ricard. In particular, the labels reveal a series of spelling mistakes. The mistakes include, for example; "www.drinkaware.co.uk" is spelt "www.drinkoware.co.uk"; "Australia" is spelt "Austria"; "Responsibly" is spelt "Responsibility". The ROPP ("Roll On Pilfer Proof") closure is also inconsistent with genuine product as evidenced by the fact that the print detail and colour are not the same as the original. The ROPP closure is a tamper evident closure which provides a visual indicator when the closure has been opened as the cap separates from the bottom ring of the closure.

The above information enables me to state categorically that the examined bottles are counterfeit. Pernod Ricard does not authorise the use of the Jacob's Creek trade mark on products that are not genuine, therefore I can confirm that the above product bears the Jacob's Creek trade mark without the consent of the trademark holder.

The impact of counterfeit Jacob's Creek is potentially highly significant. Pernod Ricard invests a significant amount of effort and resources to ensure that all our brands, including our range of Jacob's Creek wines, are of premium quality and offer value to consumers. In addition, significant amounts are invested in promoting these brands, to raise consumer brand awareness and understanding. Counterfeiting of Jacob's Creek, or indeed any other wine or spirit brand, misleads consumers into purchasing poor quality products which do not meet our high standards or the expectation of the consumer. As the deception is often not obvious to the consumer, their quality perception of the product they have purchased will be attributed to the Jacob's Creek brand which is extremely detrimental to the reputation and brand equity of Jacob's Creek. The counterfeit products also take unfair advantage of the high levels of consumer awareness of the Jacob's Creek brand, which has been built by Pernod Ricard at significant cost.

Signed:

*Joanna Cornie*

Date: 30/01/2012

TRADE MARKS  
REGISTRY



REGISTRATION  
CERTIFICATE

Trade Marks Act 1994 of Great

Britain and Northern Ireland

The mark shown below has been registered under No. 2221250 as of the date 03 February 2000.

JACOB'S CREEK

The mark has been registered in respect of:

Class 32:

Beers; non-alcoholic beverages.

In the name of Orlando Wyndham Group Pty Ltd  
Incorporated in Australia

RESTRICTED

Sealed this day at my direction

ALISON BRIMELOW, REGISTRAR  
DATE 14 July 2000



Mewburn Ellis LLP  
33 Gutter Lane  
London  
UK  
EC2V 8AS

04 January 2010

### CERTIFICATE OF RENEWAL OF TRADE MARK

Trade Mark Number : 2221250  
in Class(es) : 32  
registered in the name of : Pernod Ricard Pacific Pty Ltd  
has been renewed until : 03 February 2020  
Your Reference : 6609291R

**IMPORTANT** We have shown the first 100 characters of the owner's name as recorded in the Register of Trade Marks. If this is wrong, please fill in and send us a form TM16 if ownership has changed or a form TM21 for other changes.

If you have any queries on this renewal, they should be addressed to the Renewals Section on 01633 814433

WORLD INTELLECTUAL  
PROPERTY ORGANIZATION

34, chemin des Colombettes, P.O. Box 18, CH-1211 Geneva 20 (Switzerland)  
WIPO postal cheque account: No. 12-5000-8 Geneva  
Int'l Bank Account Number (IBAN): Credit Swiss Bank, Geneva  
CH35 0425 1048 7080 8100 0 / Swift Code: CRESCHZZ12A  
Tel. (41-22) 338 8111 Fax: (41-22) 733 5428  
E-mail: [inreg.mail@wipo.int](mailto:inreg.mail@wipo.int) Internet: <http://www.wipo.int>



24 MAR 2006

Madrid Agreement  
and  
Madrid Protocol

By registered mail

Madderns  
Level 1,  
64 Hindmarsh Square  
ADELAIDE SA 5000  
Australia

Our reference: 860/331635501

Geneva, 16/03/2006

Re: Statement of Grant of Protection  
International registration No. 83757 (JACOB'S CREEK)

Madam,  
Sir,

Please find enclosed a statement of grant of protection for the above-mentioned international registration, issued by the Office of European Community, in accordance with Rule 17(6) (a) (i) of the Common Regulations under the Madrid Agreement and the Protocol Relating to that Agreement.

You will also find enclosed a copy of Information Notice No. 23/2000, which concerns such statements.

International Bureau of the World Intellectual  
Property Organization (WIPO)

RESTRICTED



OFFICE FOR HARMONIZATION IN THE INTERNAL MARKET  
(TRADE MARKS AND DESIGNS)

Trade Marks Department

W304

**Second Statement of Grant of Protection pursuant to Rule 17(6)(a)(iii) of the Common Regulations under the Madrid Agreement and Protocol, and Rule 116(2) of the Regulation implementing the Community Trade Mark Regulation**

Alicante: 06/03/2006

<i>International registration number:</i>	0837572
<i>Date of notification to OHIM:</i>	23-12-2004
<i>Name of the Holder:</i>	Orlando Wyndham Group Pty Ltd
<i>Trade Mark:</i>	JACOB'S CREEK

The opposition period has expired without any opposition or observations by third parties being filed and the above-mentioned mark is accepted for protection in the European Community.

Pursuant to Article 146(2) of the Community Trade Mark Regulation and Rule 116(1) of the Regulation implementing the Community Trade Mark Regulation, it shall have the same effect as the registration of a mark as a Community trade mark.

MORALES PAREDES, Juan Antonio  
Examiner

RESTRICTED



TRADE MARKS ACT, 1938

GREAT BRITAIN AND  
NORTHERN IRELAND

Certified a true copy of  
the original document

*KAT Thomas 8.6.2010*

**RESTRICTED**

KYLIE THOMAS  
A Commissioner for taking Affidavits  
in the Supreme Court of South Australia  
167 Fullarton Road Dulwich  
South Australia 5065

JACOB'S CREEK

The Trade Mark shown above has been registered in Part B of the Register under No. 628 as of the date 3rd November 1982  
in Class 33 Schedule IV in respect of wines, spirits (beverages) and liqueurs

in the name of G. GRAMP & SONS PROPRIETARY LIMITED, Australia (South Australia.)

The Trade Marks Registry, Patent Office,  
25, Southampton Buildings, London, W.C.2.

Registration is for 7 years from the date first above mentioned, and may then be renewed, and also at the expiration of each period of 14 years thereafter.  
This certificate is not for use in Legal Proceedings or for obtaining Registration abroad.

Sealed at my direction this

*6<sup>th</sup> day of February 1985*

IVOR DAVIS CB  
REGISTRAR.

NOTE—Upon any change of ownership of this Trade Mark, or change in address, applications should AT ONCE be made to the Registrar to register the change.



# TRADE MARKS ACT, 1938

GREAT BRITAIN AND  
NORTHERN IRELAND

1235

## CERTIFICATE OF RENEWAL

The Trade Mark No. 1184628 in Class 33, registered in the name of  
G. GRAMP & SONS PROPRIETARY LIMITED

has been renewed for a period of 14 years from the 3 November 1989

№ 5804

The Trade Marks Registry, The Patent Office,  
State House  
66-71 High Holborn,  
London WC1R 4LP

P.R.S. HARTNACK  
REGISTRAR

Certified a true copy of  
the original document

*KATtemus 8.6.2010*

KYLIE THOMAS  
A Commissioner for taking Affidavits  
in the Supreme Court of South Australia  
167 Fullarton Road Dulwich  
South Australia 5065

TRADE MARKS  
REGISTRY



RENEWAL  
CERTIFICATE

The Trade Mark No. 1184628 in Class(es)

33

registered in the name of Orlando Wynham Group Pty Ltd  
Incorporated in Australia  
has been renewed for a period of 10 years from the 3 November 2003  
and was advertised as renewed in Trade Mark Journal 6503.

Certified a true copy of  
the original document

*KAThemis 8-6-2010*

KYLIE THOMAS

A Commissioner for taking Affidavits  
in the Supreme Court of South Australia

*167 Fullarton Road Dulwich  
South Australia 5065*

Sealed this day at my direction

ALISON BRIMELOW, REGISTRAR  
DATE

30 September 2003





**INTELLECTUAL  
PROPERTY OFFICE**

## Case details for Trade Mark 1184628

Explanation of terms used on this page

Case history including, where available, licensee details

<b>Mark</b>	
<b>Mark text:</b>	JACOB'S CREEK

<b>Status</b>	
<b>Status:</b>	Registered
<b>Class:</b>	33

<b>Relevant dates</b>	
<b>Filing date:</b>	03 November 1982
<b>Next renewal date:</b>	03 November 2013

<b>Publication in Trade Marks Journal</b>	
<b>First advert:</b>	
<b>Journal:</b>	5537
<b>Page:</b>	2816
<b>Publication date:</b>	24 October 1984
<b>Renewal:</b>	
<b>Journal:</b>	6503
<b>Publication date:</b>	24 October 2003

<b>List of goods or services</b>
----------------------------------

**Class 33:** Wines, spirits (beverages) and liqueurs.

**Names and addresses**

**Proprietor:** Pernod Ricard Pacific Pty Ltd  
167 Fullarton Road, Dulwich SA 5065, Australia

**Incorporated country:** United Kingdom

**Residence country:** United Kingdom

**Customer's ref:** REW/FG6602510

**ADP number:** 0841193001

**Other cases owned by this proprietor**

**Agent:** Mewburn Ellis LLP  
33 Gutter Lane, London, EC2V 8AS

**ADP number:** 0000109001

**Service:** Mewburn Ellis LLP  
33 Gutter Lane, London, EC2V 8AS

**ADP number:** 0000109001

**Other particulars**

**Disclaimer:** Registration of this mark shall give no right to the exclusive use of the word "Jacob's".

**Earlier rights notification**

Opted in for notifications

Explanation of terms used on this page

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Intellectual Property Office is an operating name of the Patent Office



**INTELLECTUAL  
PROPERTY OFFICE**

## Trade Mark Details as at 09 June 2010

### Case details for Trade Mark 1184628

#### Historical Event

**Date Actioned:** 28 January 2009

**Details:** TM33 received L/F 2006195 JNL 6773

**Previous Details:**

**Agent:** Withers & Rogers LLP  
Goldings House, 2 Hays Lane, London, SE1 2HW  
0001776001

**ADP Number:**

**Service:** D. Young & Co LLP  
420 Holborn, London, EC1N 2DY

**ADP Number:** 0006059001

#### Historical Event

**Date Actioned:** 20 February 2007

**Details:** ADP NUMBER CHANGED BY CLEANUP  
00049933

#### Historical Event

**Date Actioned:** 20 February 2007

**Details:** ADP NUMBER CHANGED BY CLEANUP  
00049933

#### Historical Event

**Date Actioned:** 20 February 2007

**Details:** ADP NUMBER CHANGED BY CLEANUP  
00049933

<b>Historical Event</b>	
<b>Date Actioned:</b>	30 September 2003
<b>Details:</b>	Trade Mark Renewed
<b>Historical Event</b>	
<b>Date Actioned:</b>	11 August 2003
<b>Details:</b>	Renewal Reminder Sent
<b>Historical Event</b>	
<b>Date Actioned:</b>	7 April 1993
<b>Details:</b>	TM1 RECEIVED 22.03.1993
<b>Historical Event</b>	
<b>Date Actioned:</b>	31 March 1993
<b>Details:</b>	ADP NUMBER CHANGED BY CLEANUP 00008804
<b>Historical Event</b>	
<b>Date Actioned:</b>	31 March 1993
<b>Details:</b>	ADP NUMBER CHANGED BY CLEANUP 00008804
<b>Historical Event</b>	
<b>Date Actioned:</b>	20 March 1992
<b>Details:</b>	Record Correction
<b>Previous Details:</b>	
<b>Disclaimer:</b>	Disclaimer inserted:
<b>Exclusive use restrictions:</b>	addition of a wholly descriptive and non-Trade Mark character.tererons filedthe word JACOB'S

<b>Historical Event</b>	
<b>Date Actioned:</b>	5 April 1991
<b>Details:</b>	Name And Address Change
<b>Previous Details:</b>	
<b>Proprietor:</b>	Pernod Ricard Pacific Pty Ltd 167 Fullarton Road, Dulwich SA 5065, Australia
<b>Residence Country:</b>	United Kingdom
<b>ADP Number:</b>	0841193001

<b>Historical Event</b>	
<b>Date Actioned:</b>	28 March 1991
<b>Details:</b>	Name And Address Change
<b>Previous Details:</b>	
<b>Proprietor:</b>	Pernod Ricard Pacific Pty Ltd 167 Fullarton Road, Dulwich SA 5065, Australia
<b>Residence Country:</b>	United Kingdom
<b>ADP Number:</b>	0841193001

<b>Historical Event</b>	
<b>Date Actioned:</b>	16 October 1989
<b>Details:</b>	Trade Mark Renewed

<b>Historical Event</b>	
<b>Date Actioned:</b>	14 August 1989
<b>Details:</b>	Renewal Reminder Sent

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**Witness Statement**

(Criminal Procedure Rules, r27.1(1); Criminal Justice Act 1967, s.9; Magistrates' Courts Act 1980, ss5A(3)(a) and s5B, Magistrates' Court Rules 1981, r70)

Statement of: **Iain MACLEOD**

Age of Witness: **Over 18**

Occupation of Witness: **Technical Anti Counterfeit Manager**

This statement, consisting of 2 pages 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 anything which I know to be false or do not believe to be true.

Dated 26<sup>th</sup> day of January 2012

Signature.....

"I, Iain MACLEOD am the Technical Anti Counterfeit Manager employed by DIAGEO and am authorised to make this statement on their behalf. I have been employed by Diageo as a packaging expert since 2000 and am familiar with the products manufactured by Diageo. My duties include the identification of counterfeit versions of those products, which I am able to do because of my familiarity with those products and because of my training and experience. Diageo is the registered proprietor of trade mark No. 2157498 for Blossom Hill Wine.

A certified copy of this trade mark registration is provided marked as Exhibit IM/1

On 26/01/12 I received from Wendy SCOTT of EAST SUSSEX COUNTY COUNCIL TRADING STANDARDS, 8 x 75cl bottles of Blossom Hill Soft and Fruity Red wine in sealed evidence bags. I opened and examined samples A0784A and B (secured with tags W18856169 and 68), samples A0783A, B & C (secured with tags W18856150, 79, and 80), and samples A0782A, B and C (secured with tags W18856110, 09, and 49).

I inspected all the sample bottles thoroughly and made the following findings:

1. I firstly examined the bottle. In all cases the bottle profile, emboss detail and markings were incorrect, I concluded in my professional opinion beyond any doubt that the bottles were counterfeit and not genuine product as supplied to Diageo for the packaging of Blossom Hill.
2. I examined the closure. In all cases different machine tooling to that used by Diageo had been used in its manufacture. The colours and printed Blossom Hill motifs were incorrect. I concluded in my professional opinion beyond any doubt that the closures were counterfeit and not genuine product as supplied to Diageo for the packaging of Blossom Hill.

Signature.....

[Formerly form 13, Magistrates' Courts' (Forms) Rules 1981 (SI 1981/553), relating to rule 70 of the Magistrates' Courts Rules 1981, section 9 of the Criminal Justice Act 1967 and section 5B of the Magistrates' Courts Act 1980].

Continuation of witness statement of: Iain MACLEOD

3. I examined the labelling applied to the bottle. In all cases each label was printed on the incorrect type and quality of substrate and printed using the incorrect artwork separations. I concluded in my professional opinion beyond any doubt that the labels were counterfeit and not genuine product as supplied to Diageo for the packaging of Blossom Hill.

In view of these findings I am able to say that the items I examined were counterfeit and were not made by or on behalf of Diageo.

Diageo has not at any time consented to any other person, including IDEAL MINI MART, 61 QUEENS ROAD, HASTINGS TN43 1RE, applying any of its registered trademarks to the bottle.

On 26<sup>th</sup> January 2012 after completing my examination of the bottles, I arranged for the bottles to be resealed (A0784A with tag W18856142; A0784B with tag W18856151; A0782A with tag W18856146; A0782B with tag W18856147; A0782C with tag W18856152; A0783A with tag W18856148; A0783B with tag W18856144; and A0783C with tag W18856145) and returned to Wendy SCOTT.

Signature 

*[Formerly form 13, Magistrates' Courts' (Forms) Rules 1981 (SI 1981/553), relating to rule 70 of the Magistrates' Courts Rules 1981, section 9 of the Criminal Justice Act 1967 and section 5B of the Magistrates' Courts Act 1980].*

The impact of counterfeit Blossom Hill is potentially highly significant. Diageo invests a significant amount of effort and resources to ensure that all our brands, including our range of Blossom Hill wines, are of premium quality and offer value to consumers. In addition, significant amounts are invested in promoting these brands, to raise consumer brand awareness and understanding.

Counterfeiting of Blossom Hill, or indeed any other wine or spirit brand, misleads consumers into purchasing poor quality products which do not meet our high standards or the expectation of the consumer. As the deception is often not obvious to the consumer, their quality perception of the product they have purchased will be attributed to the Diageo brand which is extremely detrimental to the reputation and brand equity of Blossom Hill. The counterfeit products also take unfair advantage of the high levels of consumer awareness of the Blossom Hill brand, which has been built by Diageo at significant cost.

IM/1

TRADE MARKS  
REGISTRY



REGISTRATION  
CERTIFICATE

Trade Marks Act 1994 of

Great Britain and Northern Ireland

The mark shown below has been registered under No. 2457498 as of the date 05 June 2007

  
**BLOSSOM  
HILL**

The mark has been registered in respect of:

Class 33:

Alcoholic beverages (except beers).

In the name of Diageo North America, Inc.

Incorporated in United States of America, Connecticut

The mark on this certificate was filed in colour and is reproduced here in colour. It has been scanned as accurately as our equipment allows but you should refer to the application form, which is available for public inspection, and any colour standard provided by the applicant to determine the exact colour(s).

**REGISTERED**

Signed this day at my direction

Robin Webb



Bristows  
100 Victoria Embankment  
London  
EC4Y 0DH

Date: Tuesday, 12 August 2008  
O/ref: RA/BR  
Y/ref: M10598  
Tel: 01633 811030

Dear Sirs

**APPLICATION TO RECORD ASSIGNMENT OF TRADE MARKS**

**Assignment to: Dineo Chateau & Estate Wines Company**

I am writing to confirm that we have recorded the assignment of the mark(s) listed in your recent request. Confirmation of these changes can be viewed via our website at

<http://www.ipo.gov.uk/tm/tra/-number.htm>. Please contact me if anything is incorrect.

Notice of the transaction will be published in Trade Marks Journal No. 6750 on 29.8.2008.

Yours faithfully

  
Mrs B Roche  
Trade Mark Administrator

**UNITED KINGDOM  
SCHEDULE**

Mark	Reg/App No	Status
ARCHETYPE - Word Block Letters	2394470	Registered
ARCHSTONE - Word Block Letters	2394468	Registered
ARCHSTONE ESTATES - Word Block Letters	2394469	Registered
ARCHSTONE VINEYARDS - Word Block Letters	2394471	Registered
BLOSSOM HILL - Word Block Letters	1507969	Registered
BLOSSOM HILL - Words & Flower logo	2483294	Pending
BLOSSOM HILL - Words and Flower Device	2457498	Registered
BLOSSOM HILL FLOWER - Device	2457497	Registered
BV - Stylized Letters and Device (with landscape background)	1304728	Registered
BV - Word Block Letters	2382400	Registered
NEWHAVEN - Word Block Letters	2444211	Registered
SONOMA JUNCTION - Word Block Letters	2375375	Registered
ST. DUNSTAN - Word Block Letters	2164109	Registered
STERLING VINEYARDS - Label	1529271	Registered
STERLING VINEYARDS - Word Block Letters	2379644	Registered
THE MONTEREY VINEYARD - Label (Two Birds in Black Circle)	1529613	Registered
WINERY LAKE - Word Block Letters	2321162	Registered
BISTRO - Word Block Letters	2450223	Registered
CE CHATEAUX ESTATES - Word and Device	2047352	Registered