



House of Commons

Environment, Food and Rural
Affairs Committee

Fur trade in the UK: Government Response to the Committee's Seventh Report

**Thirteenth Special Report of Session
2017–19**

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The Environment, Food and Rural Affairs Committee

The Environment, Food and Rural Affairs Committee is appointed by the House of Commons to examine the expenditure, administration and policy of the Department for Environment, Food and Rural Affairs and associated public bodies.

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Committee staff

The current staff of the Committee are Philip Aylett (Clerk), Sian Woodward (Clerk), Ben Street (Second Clerk), Xameerah Malik (Senior Committee Specialist), Andy French (Committee Specialist), Thomas Smallwood (Committee Researcher), James Hockaday (Senior Committee Assistant), Ian Blair (Committee Assistant) and Annabel Russell (Committee Assistant).

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Thirteenth Special Report

The Environment, Food and Rural Affairs Committee published its Seventh Report of Session 2017–19, *Fur trade in the UK* (HC 823), on 22 July 2018. The Government response was received on 22 October 2018 and is appended to this report.

Appendix: Government Response

The Committee's recommendations and conclusions are in bold and are followed by the Government's responses.

Recommendation 1

We recommend the introduction of a new mandatory labelling regime that identifies fur and other animal products accurately. The fur label should show the species of fur, the country of origin and method of production. We call on the Government to amend the labelling regime for products containing fur post-Brexit.

Government response

The Government welcomes the Committee's scrutiny of the UK's consumer rights laws and their effectiveness in enabling consumers to understand whether products contain real or fake fur. **The Government is committed to providing robust consumer protection laws and ensuring that all consumers are easily able to exercise their consumer rights.**

The Government recognises that for many consumers, the prospect of inadvertently purchasing real fur is upsetting. It is clear from the written evidence submitted to the Committee by members of the public and animal advocacy groups that many people believe fur products are immoral and consequently avoiding these products is very important to them.

The Government agrees with the Committee that consumers should have confidence in the products they purchase and that all businesses have a responsibility to ensure that they are selling items as described.

During the Inquiry several distinct scenarios where consumers may have inadvertently purchased real fur have come to light. As set out below, in each of these scenarios the Government does not believe that a new fur labelling law would be an effective remedy. As a result, the Government considers that the existing regulatory framework adequately prevents consumers from being misled about the composition of the products they purchase.

The Government will however commit to keeping evidence of non-compliance with the textile labelling rules under review and remain open to suggestions from businesses, consumers and representative groups about the best way to ensure consumers get the information they need about fur products.

Scenarios:

(1) Businesses unknowingly sourcing products containing real rather than faux fur

The Inquiry found that some businesses with fur free policies have unknowingly been provided with real fur products from their suppliers, which they then unknowingly sold to consumers as faux fur.

The core issue here is that there is a perceived incentive on the part of suppliers to substitute real fur for faux fur to increase their profits. Humane Society International told the Committee that due to “high-volume, low-welfare intensive farming of animals”, real fur could be produced and sold more cheaply than fake fur.¹ Consequently suppliers may have an incentive to use real fur instead of faux fur. However, while this situation is clearly concerning, a new fur labelling law is highly unlikely to change the ability of, or incentives for, suppliers to mislead the businesses they are working with.

To prevent these problems in the supply chain, businesses must ensure they implement and maintain robust supply chain management processes that ensure they receive the product they ordered. The Government welcomes positive steps by trade organisations, such as the British Retail Consortium, to provide information to businesses as to how they can reduce raw material risk and effectively source faux fur.² **To support businesses to put in place robust supply chain management processes, BEIS has committed to working with all interested parties to ensure such information is available from a range of sources.** The Government believes the sanctions for breaching existing laws provide a sufficiently dissuasive effect to encourage businesses to implement robust supply chain management processes now that this problem has come to light.

(2) Online marketplaces failing to enforce ‘fur free’ policies

In response to consumer concern about the presence of real fur in textile and other products, many businesses have responded positively by introducing fur free policies. Regrettably, the Inquiry found that in some cases online platforms have not always ensured that their ‘fur free’ policies are implemented with suitable diligence to prevent fur being sold.

The Government agrees with the Committee that online marketplaces must ensure that businesses using their platform comply with any fur free policies in place. It would be good practice for online marketplaces to ensure that consumers can quickly and easily understand the checks carried out to ensure businesses comply with the marketplaces’ terms and conditions, such as fur free policies. Online marketplaces should also ensure that it is always clear to consumers when they are purchasing from a business that is not the marketplace itself. This will allow consumers to make informed decisions about where they purchase products containing faux fur from. A new fur labelling law would not be an effective remedy in this situation as businesses seeking to avoid a marketplace’s fur free policies are unlikely to attach an accurate fur label to their products.

(3) Lack of consumer awareness

The Government recognises that, through no fault of their own, there is a lack of understanding by the public about the cost of real fur. Consumers are often unaware

1 Humane Society International UK (FUR0040)

2 British Retail Consortium, “BRC Voluntary Guideline on Artificial/Fake Fur”, V 01 April 2018 < <https://brc.org.uk/media/273161/voluntary-guidelines-on-artificial-faux-fur.pdf> >

that real fur is available in low or medium cost items and sometimes assume that because it is relatively low cost that it must be faux fur. However, it would be disproportionate and inconsistent with long-standing 'better regulation' principles³ for the Government to introduce new legislation in this case as while many consumers are morally opposed to purchasing real fur, it is a legal product.

The Government believes that the best way to ensure concerned consumers ask whether a product contains real or faux fur is to enhance awareness of the availability of relatively inexpensive fur products. As more businesses become aware that this is a common consumer question, they are likely to respond by proactively providing relevant information at the point of sale. When consumers ask whether a product contains real or faux fur, the law prohibits traders from misleading them.

That said, the Government understands that the current consumer protection laws rely on consumers being proactive. We appreciate the efforts of organisations, such as Humane Society International and Citizens Advice, which is funded by the Department for Business, Energy and Industrial Strategy (BEIS) in raising the understanding and awareness of consumers. **The Government is committed to working with the organisations it sponsors and other interested parties to give greater prominence to this issue.**

The Government also recognises that a consumer's ability to make an informed decision relies on the ability of the trader to provide an accurate and timely response. BEIS has already worked with the Chartered Trading Standards Institute (CTSI) who operate the Business Companion website, which is sponsored by BEIS, to ensure that information for businesses on the requirements of the EU Textile Labelling Regulation is prominent. **BEIS is committed to working with all interested parties to ensure such information is available to businesses from a range of sources.**

- (4) Labelling or marking textile products with the phrase 'contains non-textile parts of animal origin'

The Government recognises the Committee's concern that the labelling requirements for textile products that contain fur can be confusing for consumers and don't give them the information they may need. But while the 'non-textile parts of animal origin' element of the Regulation does not, by itself, inform consumers whether a product contains real fur, it does provide a useful prompt for concerned consumers to ask the retailer further questions about the product.

It is likely that many consumers seek to avoid textile products containing any parts of animal origin (not just non-textile ones). Other consumers may seek to only avoid textile products containing parts of animal origin from specific animals. The wording 'non-textile parts of animal origin' ensures that all consumers receive a prompt to make further enquiries. On seeing the wording, consumers can ask the business they are considering

3 Better Regulation Task Force, "Principles of Good Regulation", 2003 <http://webarchive.nationalarchives.gov.uk/20100407173247/http://archive.cabinetoffice.gov.uk/brc/upload/assets/www.brc.gov.uk/principlesleaflet.pdf>

purchasing the product from for more information. When consumers ask retailers questions about the composition of a product consumer protection laws come into effect. This means consumers must be given a truthful answer and must not be misled.⁴

If the business is unable to provide the consumer with the information they need, the consumer can 'vote with their feet' and go to another business or choose another product. This will provide a strong incentive to businesses to provide enough information on the label or at the point of purchase (for instance, by providing more information in the product description when sold online or ensuring staff on the shop floor have the necessary information). **Businesses can add more information about the specific 'non-textile parts of animal origin' in textile products to the labelling or marking. Government has made this clear in its guidance to business.**⁵

(5) Businesses misleading consumers that real fur products are faux fur products

It is illegal to deliberately mislead a consumer as to whether a product contains real or fake fur, when this would affect the transactional decision of the average consumer. The Government set out the existing regulatory framework in its written evidence.⁶ There are a wide range of sanctions for breaching existing longstanding and well understood consumer laws.

While the Government appreciates that avoiding purchasing real fur is extremely important to many consumers and animal rights groups, **introducing a new fur labelling law is unlikely to stop traders who knowingly break the law from continuing to do so.** It might simply have the effect of re-categorising behaviour that is currently illegal under the existing laws as illegal under a new law, without impacting the offending behaviour. The introduction of a new law also risks imposing additional costs on compliant businesses as well as those responsible for assessing whether the regulations have been complied with and those responsible for administering any remedies or sanctions when non-compliance is identified.

Recommendation 2

It is illegal to give misleading information about the characteristics of goods. We are disappointed that there has been a lack of enforcement by Trading Standards officers in local authorities against those retailers responsible. The Government must ensure that local authorities are properly resourced to deliver these services.

4 Department for Business, Energy and Industrial Strategy and Department for Environment, Food and Rural Affairs, "Written evidence submitted by the Department for Business, Energy & Industrial Strategy and the Department for Environment, Food, and Rural Affairs", paragraphs 13-28, 28th March 2018 < <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/environment-food-and-rural-affairs-committee/fur-trade-in-the-uk/written/80044.pdf> >

5 Department for Business, Energy and Industrial Strategy, "Guidance on the Textile Products (Labelling and Fibre Composition) Regulations 2012", April 2018, p. 8 <https://assets.publishing.service.gov.uk/Government/uploads/system/uploads/attachment_data/file/513963/BIS-16-193-textile-labelling-regulations-guidance.pdf>

6 Department for Business, Energy & Industrial Strategy and the Department for Environment, Food, and Rural Affairs, "Written evidence submitted by the Department for Business, Energy & Industrial Strategy and the Department for Environment, Food, and Rural Affairs [to the Environment, Food and Rural Affairs committee's enquiry into the UK Fur Trade]", Paragraphs 3-28 < <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/environment-food-and-rural-affairs-committee/fur-trade-in-the-uk/written/80044.pdf>>

We call on local authorities to ensure that Trading Standards officers enforce the law on selling fake faux fur. Where required, we call on local authorities to ensure that Trading Standards officers receive training on this issue and to conduct proactive investigations into the mis-sale of real fur as fake fur.

Government Response

Future changes to ensure effective public enforcement of consumer law

The Government acknowledges that the system of public enforcement of consumer law is under pressure. Specifically, a National Audit Office (NAO) report published in 2016 raised significant concerns about resourcing for enforcement and prioritisation of issues.⁷

The Government's Consumer Green Paper sought views on what changes are needed to ensure that local and National Trading Standards work within an effective framework for protecting consumers.⁸ Specifically, the Government noted that a stronger system of public enforcement of consumer law would be one in which there was a strong national body with statutory powers and duties that could provide leadership and specific expertise and lead complex national enforcement cases where necessary. Local authorities could continue to focus on issues principally affecting their own areas and would provide an important role in gathering local intelligence where traders operate locally and nationally. This would build on the good progress they have made over recent years in improving the collection and recording of intelligence, building an intelligence network and increasing their analytical capability.

The consultation closed on 4 July and the Government is currently analysing the consultation responses.

Current enforcement resourcing arrangements

Local authorities, who fund local Trading Standards services, are independent from central Government and are, therefore, responsible for their own finances and recruitment, and accountable to their local electorate. This means that spending and resourcing decisions are a matter for individual local authorities.

However, the Government is committed to ensuring that there is robust public enforcement of consumer law. BEIS funding provides National Trading Standards (NTS) and Trading Standards Scotland with just over £14 million per year for the coordination of regional and national Trading Standards activity. Since 2014, NTS have tackled £654 million in detriment – £12.28 of benefits for every £1 spent.

The Government works hard to make sure that national, regional and local enforcement is joined up. National Trading Standards and Trading Standard Scotland support their local colleagues in sharing intelligence and handling complex or wider-ranging issues which span local authority boundaries.

7 National Audit Office, "Protecting consumers from scams, unfair trading and unsafe goods", 13th December 2016 < <https://www.nao.org.uk/wp-content/uploads/2016/12/Protecting-consumers-from-scams-unfair-trading-and-unsafe-goods.pdf> >

8 Department for Business, Energy and Industrial Strategy, "Modernising Consumer Markets: Consumer Green Paper", April 2018 < https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/699937/modernising-consumer-markets-green-paper.pdf >

National Trading Standards has established a National Tasking Group that develops intelligence, assigns investigations and enforcement work to be undertaken nationally and regionally, and takes decisions based on the intelligence and information it receives.

Prioritisation of enforcement activity

Government recognises the importance of ensuring that consumer rights are effectively enforced and that consumers are therefore not misled. As noted above, the Government is currently considering, through the Consumer Green Paper, the best way to ensure that local and National Trading Standards work within an effective framework for protecting consumers.

However, NTS has a finite level of funding and therefore must prioritise the areas where NTS has evidence of the greatest consumer harm, and where their actions can make the biggest impact on the lives of consumers. **Funding decisions are made by the NTS Board independently from central Government. This allows decision making to be made by Trading Standards experts who are closer to the communities they serve.**

It is important that, in determining their enforcement priorities, public enforcers take full account of the highest areas of consumer detriment. The 2016 Citizens Advice consumer detriment survey found that five product categories contributed to three quarters of the £22.9 billion net cost associated with consumer detriment. These were: TV, phone and internet service industries, professional services, construction followed by home maintenance and property services.

Consumers can raise concerns, including about issues relating to the presence of real fur in textile or other products, to the Citizens Advice Consumer Service (CACS) by phone or online. Approximately a million consumers use the CACS annually, which has helped to create a sizeable intelligence database which all local trading standards services have access to. This then ensures that Local Authorities are aware of the issues affecting consumers (including how they change over time) and can prioritise enforcement action accordingly.

Effectiveness of existing sanctions framework for breaches of the EU Textile Labelling regulation

Most consumer laws can be enforced through both criminal and civil sanctions. Currently, any non-compliance with the EU Textile Labelling regulation can only be sanctioned through a fine imposed by a criminal court. A criminal prosecution will not always be proportionate or in the public interest, and as such the absence of civil sanctions is possibly a barrier to effective enforcement.

Conversely, non-compliance with most other consumer laws can be dealt with through undertakings or enforcement orders, where business can agree with an enforcer to put measures in place to remedy their breach of the law. Alternatively, a court can impose an enforcement order or accept an undertaking following an application by an enforcer.

Consequently, ensuring the sanctions for breaching the textiles regulation are in line with those for other consumer laws is likely to ensure more proportionate and effective enforcement.

The Government will assess what specific civil sanctions should be introduced to ensure breaches of the Textile Labelling regulation can be swiftly remedied or sanctioned by enforcers; while ensuring criminal sanctions remain available for the most serious breaches of the regulation.

Recommendation 3

We recommend that the Government holds a public consultation to consider whether to ban fur. In looking at whether to ban the sale and import of fur post-Brexit, the Government will have to balance the needs of animal welfare against consumer choice.

Government Response

The Government shares the British public's high regard for animal welfare and, after we leave the EU, the Government plans to retain our current regulations banning the import of fur from domestic cats, dogs or commercial seal hunts.

Fur farming was banned in the UK in 2000. Fur farming is legal in other EU countries, and whilst rules are in place to ensure that animals kept for fur production in the EU are kept, trapped and killed humanely the Government has supported higher animal welfare standards worldwide to phase out fur farming and trapping practices in other parts of the world that are banned here. After EU exit once the UK assumes an independent seat on international bodies such as CITES and OIE we will have an opportunity to promote further our high standards in these international fora.

While the UK is a member of the EU it is not possible to introduce restrictions relating to the fur trade which are inconsistent with the Treaty on the Functioning of the EU and which impair the free movement of goods within the EU single market. There will be an opportunity for government in the future, once we have left the EU and the nature of our future trading relationship has been established, to consider further steps such as a ban on fur imports or a ban on sales. In the interim the government considers that the transparency of information provided to consumers is key