

## Business Advice **Fact Sheet**

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### Essential Information for Business Success

#### **Publishing Scams**

Trading Standards frequently receive complaints and enquiries from businesses, relating to the activities of rogue publishing houses.

Typically, the publisher alleges that the business has agreed to buy advertising space in their publication, such as a magazine, wallchart, diary or yearbook. The publication is usually associated with a 'good cause', such as the emergency or health services, charities, youth projects or drug awareness projects.

The publisher states that a contract has been made over the telephone, or perhaps in writing, and they demand payment. They normally state that there is a recording of the telephone call. Even if the business recognises the scam at this stage, there is often a temptation to pay, simply to get rid of the publisher and to stop the demands coming through.

If you have received a demand for payment for advertising which you have not agreed to, you are not obliged to pay. Although the publishers may persist in demanding money, they rarely (if ever) try to obtain payment by taking Court action. Your property or money cannot be seized unless and until the publisher obtains a Court judgment which you fail to pay.

If you are taken to Court, you will have a chance to defend any claim. Claims below £5000 are 'Small Claims', which means that you would not normally face the risk of having to pay the other side's lawyers' costs. You do not need to employ a lawyer to defend a Small Claim.

#### **If you receive a demand for payment:**

- You do not have to pay, unless you agreed to the service **and** the service has been performed correctly.
- Tell the publisher to put all contact in writing.
- It is possible, although unlikely, that a rogue publisher will start Court proceedings against you.



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at your service

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- If a claim is made against you in Court, you would defend it on the basis that no contract was made (or that the services were not provided in accordance with what was agreed, or that the publisher misled you in some way).
- Keep copies of all correspondence.
- Report the publisher to Trading Standards. Although we cannot pursue individual complaints on behalf of businesses, we monitor all complaints. In some cases, it may be possible for us, or another enforcement body, to take action against the publisher based on complaints received.

### Things to do:

- Write to the publisher stating that you do not believe you have made a contract with them. Ask for proof that a contract has been made.
- If they say that they have a tape recording of the call, ask for a copy (not just a transcript).

For more information or advice concerning publishing scams please telephone

Norfolk Trading Standards on **0344 800 8013**

Alternatively you may email us at [trading.standards@norfolk.gov.uk](mailto:trading.standards@norfolk.gov.uk)

Did you know that we have a wide range of information and advice for businesses on our website? Log onto [www.norfolk.gov.uk/tradingstandards](http://www.norfolk.gov.uk/tradingstandards)



If you need this advice sheet in large print, audio, Braille, alternative format or in a different language please contact the Customer Service Centre on 0344 800 8013 and we will do our best to help.