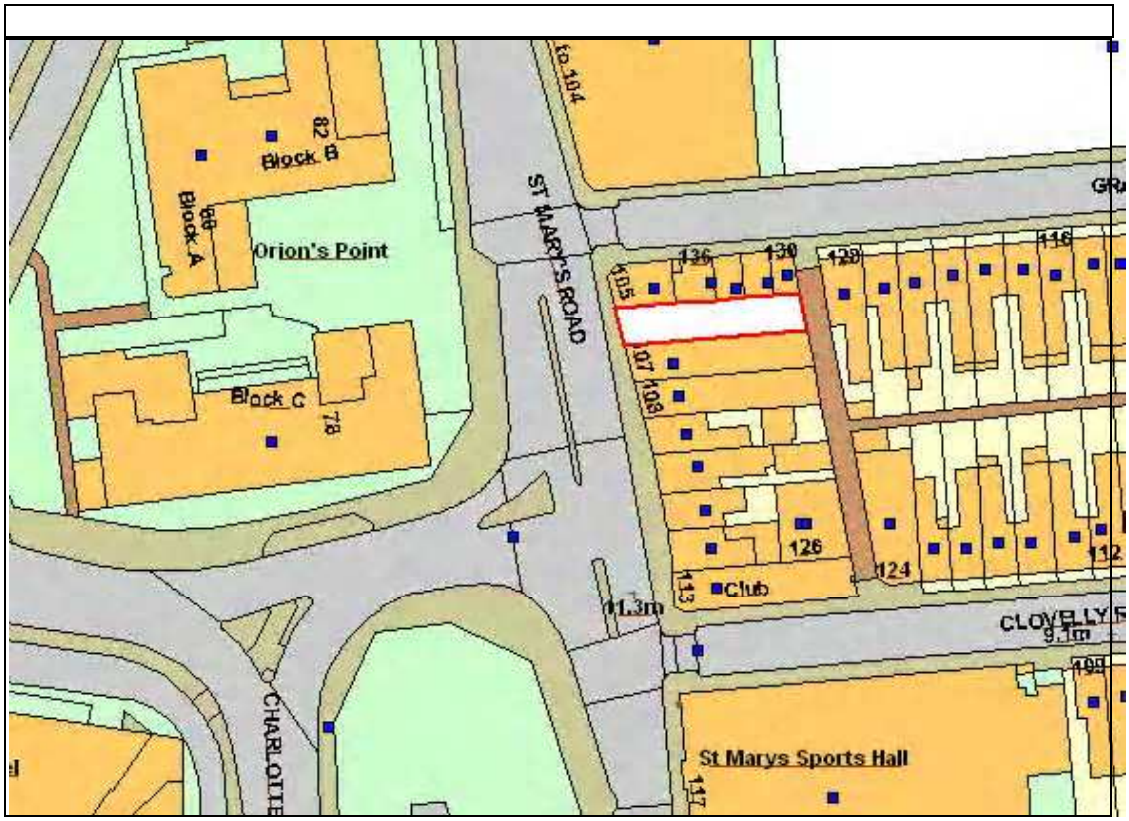
Reference: 2010/02212/01SRAP

Hearing: 6th January 2011

Application for Review of Premises Licence

Premises Name:	Pound Xtra	Application Date:	12th November 2010
Premises Address:	106 St. Marys Road Southampton SO14 0AN	Application Received Date:	12th November 2010
		Application Valid Date:	12th November 2010



Representation From Responsible Authorities

Responsible Authority	Satisfactory?	Comments
Child Protection Services - Licensing	No Response Received	

Hampshire Fire And Rescue - Licensing	No Response Received	
Environmental Health - Licensing	No Response Received	
Planning & Sustainability - Building Control - Licensing	No Response Received	
Planning & Sustainability - Development Control - Licensing	No Response Received	
Hampshire Constabulary - Licensing	No Response Received	
Trading Standards - Licensing	No	

Other Representations

Name	Address	Contributor Type
None		

Legal Implications

1. The Licensing Act 2003 specifically restricts the grounds on which the Council, as Licensing Authority (LA), may refuse an application for a new Premises Licence, or impose conditions. Where relevant representations are made, the LA may refuse on the grounds that the licensing objectives are not met or the operating schedule is inadequate. Equally, conditions may be imposed where relevant and necessary. The LA may also refuse an application in part and thereby only permit some of the licensable activities sought.

2. The decision making committee, in considering an application, must have regard to the adopted Statement of Licensing Policy and any relevant representations made by those directly affected.

3. An applicant for a new Premises Licence whose application has been refused, or who is aggrieved by conditions imposed, may appeal against the decision to the Magistrates' Court.

4. In considering this application the committee will sit in a quasi-judicial capacity and is thus obliged to consider applications in accordance with both the Licensing Act 2003 (Hearings) Regulations 2005, and amending secondary legislation and the rules of natural justice. The practical effect of this is that the committee must makes its

The committee must also have regard to:-

5. *Crime and Disorder Act 1998*
Section 17 of the Crime and Disorder Act 1998 places the Council under a duty to exercise its various functions with due regard to the likely effect of the exercise of those functions on, and the need to do all that it reasonably can to prevent, crime and disorder in its area.

6. *Human Rights Act 1998*
The Act requires UK legislation to be interpreted in a manner consistent with the European Convention on Human Rights. It is unlawful for the Council to act in a way that is incompatible (or fail to act in a way that is compatible) with the rights protected by the Act. Any action undertaken by the Council that could have an effect upon another persons Human Rights must be taken having regard to the principle of Proportionality - the need to balance the rights of the individual with the rights of the community as a whole. Any action taken by the Council which affect another's rights must be no more onerous than is necessary in a democratic society. The matter set out in this report must be considered in light of the above obligations.

SOUTHAMPTON CITY COUNCIL

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.

I Southampton City Council Trading Standards Service
(Insert name of applicant)

apply for the review of a premises licence under section 51 / apply for the review of a club premises certificate under section 87 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 Pound Xtra, 106 St. Marys Road, Southampton, SO14 0AN	
Post town Southampton	**Post code (if known)** SO14 0AN

Name of premises licence holder or club holding club premises certificate (if known) Sara Desta Woldemichael

Number of premises licence or club premises certificate (if known 2009/00141/01SPRN

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 ☐

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12 NOV 2019

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 names**

I am 18 years old or over — **Please tick yes** ☐

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 (if any)
E-mail address (optional)

(C) DETAILS OF RESPONSIBLE AUTHORITY APPLICANT

Name and address Lucas Marshall Trading Standards Service Southampton City Council Civic Centre Road Southampton SO14 7LY
Telephone number (if any) 02380 834930
E-mail address (optional) lucas.marshall@southampton.gov.uk

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

Please tick one or more boxes

1) the prevention of crime and disorder ☒
2) public safety ☒
3) the prevention of public nuisance ☐
4) the protection of children from harm ☒

Please state the ground(s) for review (please read guidance note 1)
The Prevention of Crime and Disorder
Public Safety
Protection of children from harm

On 27th July 2010 a complaint was received by Southampton City Council Trading Standards Service alleging that counterfeit Smirnoff Vodka was being sold at Pound Xtra, 106 St Marys Rd, Southampton. The complainant claimed that the Smirnoff Vodka which he had purchased from Pound Xtra had made him ill.

Counterfeit vodka has increasingly been found by Trading Standards Officers around the UK. It is often produced from industrial alcohol which is imported into the country. It is diluted and packed in bottles which are copies of a variety of brands, including Smirnoff. Clearly controls over the quality of the product are not as strict as would be found at a distillery producing the genuine product, and issues have been reported regarding excessive levels of methanol being present, which is poisonous.

On 27th July 2010 an inspection of Pound Xtra was made by a Trading Standards Officer, and samples of Smirnoff Vodka and Marlboro cigarettes were taken from the premises. These were later examined and confirmed as being counterfeit.

Paragraph 11.26 of the October 2010 Amended Guidance Issued Under Section 182 of the Licensing Act 2003 states that "there is certain criminal activity that may arise in connection with licensed premises, which the Secretary of State considers should be treated particularly seriously." Which includes "the use of the licensed premises for the sale of smuggled tobacco and alcohol". Counterfeit cigarettes usually originate in China, and are smuggled into the UK. It is also highly unlikely that duty would have been paid on the Smirnoff vodka.

It is considered that the holder of the premises licence has not fufilled the duty under the Licensing Act 2003 to prevent crime and to protect public safety. We are therefore applying to review the licence.

In the supporting information we give more details and state the conditions we would wish to see added to the licence in order to promote the above licensing objectives.

Please provide as much information as possible to support the application (please read guidance note 2)

On 27th July 2010 a Mr Joseph Kelly contacted Southampton Trading Service regarding Pound Xtra, 106 St Marys Road, Southampton. He claimed that he had purchased a 70cl bottle of Smirnoff Vodka there on the 26th July 2010. He drank a quantity of the vodka that evening, which had caused symptoms including vomiting and blurred vision, which he said that he would not usually suffer, and he believed that the vodka was counterfeit (see statement of Joseph Kelly).

On 27th July I visited Pound Xtra. I spoke to Aklilu Alem. He is a partner in the business with his wife Sara Desta Woldemichael, who is the Premise Licence Holder and the Designated Premises Supervisor. Mr Alem claimed that his wife is only at the store a couple of times a week, as she looks after their child. Mr Alem is usually present at the store.

Using guidance produced by Diageo, the manufacturer of Smirnoff Vodka, I examined Smirnoff which was displayed for sale behind the counter and identified some which was likely to be counterfeit. I took samples which included 4 x 70cl bottles of Smirnoff Vodka (sample ref 012085 and exhibit LM/1). Mr Alem claimed that he had obtained the Smirnoff and other vodka from a man who had visited his premises in a van, and whom he had no previous dealings with. Mr Alem said he believed the man was from London. He said that he had not paid for the delivery and that the man had told him that he would return to receive payment. He produced a delivery note (exhibit LM/2) which he claimed was for the Smirnoff, however Smirnoff is not one of the products listed on the note.

Whilst searching behind the counter in the store I found a black bin bag containing 72 packs of 20 Marlboro Cigarettes (exhibits LM/3 and LM/4). The packaging didn't look genuine, so I seized them. Mr Alem claimed that the cigarettes were not intended for sale: he said that he was given them to store by a man who he knows as Harvey on the previous evening. I requested to see the CCTV footage of Harvey delivering the cigarettes, and Harvey's telephone number, on this and subsequent occassions, however, despite stating that he would do so, Mr Alem has not provided this information.

On 28th July 2010 I revisited Pound Xtra and found another 70cl bottle of Smirnoff Vodka which appeared to be counterfeit. I took this as a sample (exhibit LM/5). I also visited the complainant, Mr Kelly, and took the remainder of his vodka as a sample (reference CS009275).

Sample reference 012085 and the complainant's sample were submitted to Hampshire Scientific Services, the Public Analyst, and confirmed as being counterfeit (Certificates of Analysis exhibits LM/6 and LM/7). The markings on the 3 remaining bottles (exhibits LM/1 and LM/5) indicate that these are also counterfeit.

A sample of the Marlboro Cigarettes (LM/4) was submitted to Robert Fenton, Security Liaison Manager at the Tobacco Manufacturers Association. He confirmed that they were counterfeit (see statement of Robert Fenton).

Incidents of poisoning following consumption of counterfeit vodka have been reported occurring across the UK. It is not acceptable that a premises licenced by this Authority should become a market place for counterfeit goods. I would therefore request that the following conditions are imposed on the premises licence to promote the licensing objectives:

- "A CCTV system shall be installed and maintained in the licensed premises to the satisfaction of the Licensing Authority, Hampshire Constabulary and Trading Standards. As a minimum, it shall enable surveillance of both external and internal areas of the premises including entrances and exits. Recordings from the system shall be of a quality acceptable as evidence in a court of law and shall be securely retained at the licensed premises for a minimum period of 30 days after the recording, and shall be surrendered to Hampshire Constabulary, the Licensing Authority, or Trading Standards immediately on request. The Premises Licence Holder and staff must be capable of operating the CCTV system".

- "The Premises Licence Holder must keep complete records, such as invoices, receipts and delivery notes, relating to alcohol and cigarettes obtained by him for sale from his shop. Records must include the name, address and telephone number of the supplier, the date of supply, the products supplied, and their prices. Where items have been delivered to his shop from a vehicle details of the vehicle registration, the name of the delivery person and contact details including the name, address and telephone number for the business must be kept. These details must be available on request to Responsible Authorities within 24 hours. The Premises Licence Holder must be able to identify who supplied alcohol and cigarettes present at his premises "

Mr Alem has previously received a Simple Caution regarding the sale of alcohol to a 15 year old girl which occurred at Pound Xtra on 19th January 2010 so I would also request that the following conditions are imposed on the premises licence so as to assist the licence holder and designated premises supervisor in the effective management of the premises and to promote the licensing objectives.

- "The holder of the premises licence shall ensure that every individual who appears to be under 25 years of age seeking to purchase or be supplied with alcohol at or from the premises shall produce means of identification acceptable to the Licensing Authority proving that individual to be 18 years of age or older. If the person seeking alcohol is unable to produce acceptable means of identification, no sale or supply of alcohol will be made to or for that person. Notices regarding the store's "Challenge 25" policy must be displayed"

- "All staff who sell alcohol will be trained to NCPLH (National Certificate of Personal Licence Holder) level. All sales of alcohol must be directly supervised and authorised by a Personal Licence Holder until such staff have achieved training to NCPLH level."

- "That staff are trained regarding appropriate precautions to prevent the sale of alcohol to persons under the age of 18; that records are kept of such training, which are signed and dated by the member of staff who has received the training; that staff receive refresher training every six months as a minimum and that records, signed and dated by the member of staff, are kept of this refresher training. Records of training will be available for inspection by Hampshire Constabulary, the Licensing Authority, Trading Standards and other Responsible Authorities on request."

- "The holder of the premises licence shall keep a written record, namely a refusals book, of those incidents where a person who a member of staff believes to be under the age of 18, and is unable to produce acceptable means of identification proving that they are of 18 years or more, attempts to purchase alcohol and is refused. The record shall include details, in English, of the date, time, a brief description, including estimated age, of the person who attempted to purchase the alcohol, the type of alcohol and the name of the person who refused the sale. Staff shall be trained in the use of the refusals book and it should be kept in a readily accessible place known by all members of staff. The record will be regularly checked by the premises licence holder or the designated premises supervisor to ensure that all staff are completing records and, and this person will sign and date the record as evidence that they have

checked it. The refusals book will be available for inspection by Hampshire Constabulary, the Licensing Authority, Trading Standards and other relevant authorities on request."

- I would also ask that the licence is suspended for a period of 3 months, both as a deterrent and to give the Premises Licence Holder a period of time in which to put the above conditions into effect.

Please tick 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

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

N/A

Please tick 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 above 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 or 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
....

Date 12/11/10
.....

Capacity Trading Standards Officer
.....

Contact name (where not previously given) and postal address for correspondence associated with this application (please read guidance note 5) Lucas Marshall Trading Standards Service Southampton City Council Civic Centre Rd
Post town Southampton / **Post Code** SO14 7LY
Telephone number (if any)
If you would prefer us to correspond with you using an e-mail address your e-mail address (optional) lucas.marshall@southampton.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.
6. See separate guidance for responsible authorities' details.

SOUTHAMPTON CITY COUNCIL

TRADING STANDARDS SERVICE WITNESS STATEMENT

(C J Act 1967 S.9; MCA 1980 ss5A(3)(a) and 5B; Criminal Procedure Rules 2005 (Rule 27.1(1))

STATEMENT OF: **LUCAS MARSHALL**

AGE IF UNDER 18: **OVER 18**

This statement (consisting of 2 page(s) 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.

Dated the 5 day of Nov 2010 Signature: ....

..... being unable to read the statement,

I..... of .....

.....read it to him/her before he/she signed it.

Dated the ..... day of .... Signature: .....

A My name is Lucas Marshall. I am employed by Southampton City Council as a Trading Standards Officer. On 27 July 2010 I received a complaint from a member of the public, namely Joseph Kelly, alleging that he had purchased Smirnoff Vodka which he believed to be
B counterfeit, from Pound Xtra, 106 St Marys Road, Southampton. That day, at approximately 10.05 am, I visited the store. I spoke to a person who I know as one of the partners in the business, Aklilu Alem, and told him about the complaint. I examined bottles of Smirnoff Vodka,
C which were displayed for sale behind the shop counter. Referring to a document produced by Diageo, the manufacturer Smirnoff, four 70 cl bottles of Smirnoff appeared to be counterfeit. I took one of these bottles as a sample, reference 012085 and seized the remaining 3 bottles,
D which I produce as Exhibit LM/1. At approximately 10:26 I cautioned Aklilu Alem. I asked him where he had got the Smirnoff Vodka from. Mr Alem claimed that he had obtained the Smirnoff and other vodka from a man who had visited his premises in a van, and whom he had no
E previous dealings with. Mr Alem said he believed the man was from London. He said that he had not paid for the delivery and that the man had told him that he would return to receive

ST1(1)HQ Signature: .....

payment. He produced a receipt which he claimed was for the Smirnoff. I seized the receipt and produce it as Exhibit LM/2. Whilst searching behind the counter in the shop I found a black bin bag containing 72 packs of 20 Marlboro cigarettes. The packaging didn't look genuine, so I seized them. I produce 71 packs of the cigarettes as Exhibit LM/3 and one packet of 20 Marlboro cigarettes as Exhibits LM/4, the latter of which was sealed in a plastic bag using a seal numbered BA50402 and subsequently submitted to Robert Fenton, Security Liaison Manager at the Tobacco Manufacturers Association, for examination. Mr Alem claimed that the cigarettes were not intended for sale: he said that he was given them to store by a man who he knows as Harvey on the previous evening. I requested to see the CCTV footage of Harvey delivering the cigarettes, and Harvey's telephone number, on this and subsequent occasions, however, despite stating that he would do so, Mr Alem has not yet provided this information. On 28 July 2010 I revisited Pound Xtra and found another 70 cl bottle of Smirnoff Vodka which appeared to be counterfeit. I seized the bottle and produce this as Exhibit LM/5. That day I also visited the complainant, Mr Kelly and took the remainder of his vodka as a sample, reference CS009275. On 30 July 2010 I submitted the sample, reference 012085, the 70 cl bottle of Smirnoff Vodka and the complainant's sample, reference CS009275, to Hampshire Scientific Services, the Public Analyst. On 27 September 2010 I received the results of analysis from the Public Analyst, which confirmed that samples 012085 and CS009275 were not genuine Smirnoff Vodka. I produce the Certificates of Analysis as Exhibits LM/6 and LM/7. The markings on the remaining bottles, Exhibits LM/1 and LM/5 indicated that these were also counterfeit.

Signature: ....

SOUTHAMPTON CITY COUNCIL

TRADING STANDARDS SERVICE WITNESS STATEMENT

(C J Act 1967 S.9; MCA 1980 ss5A(3)(a) and 5B; Criminal Procedure Rules 2005 (Rule 27.1(1))

STATEMENT OF: **JOSEPH KELLY**

AGE IF UNDER 18: **OVER 18**

This statement (consisting of 1 page(s) 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

Dated the 21st day of OCT 2010 Sig

..... being unable to read the statement,

I..... of .....

.....read it to him/her before he/she signed it.

Dated the ..... day of ..... Signature: .....

A My name is Joseph Kelly. On the evening of 26 July 2010 I went to Pound Xtra, a shop at 106 St Marys Road, Southampton. Behind the counter, displayed for sale, were 70 cl bottles of Smirnoff Vodka. They were priced at £11.99. The person working behind the counter was
B black, tall and appeared to be about 30 years old. I asked him for a bottle of the Smirnoff vodka. He gave one to me, but let me have it for £10. That evening I drank about a quarter of the bottle of vodka. I would not normally have suffered any ill effects from drinking this much vodka,
C however later that evening I started vomiting and I felt hot, restless and shaky and my vision was blurred. I put the remaining vodka in my fridge and the next day I contacted Southampton Trading Standards, as I believed that the vodka may be counterfeit. On 28 July Trading
D Standards Officer, Lucas Marshall visited me and took my remaining vodka as a sample.

Signature: ....

E

ST1(1)HQ

Witness Statement

(CJ Act 1967, s.9 MC Act 1980, s.s.5A (3a) and 5B MC Rules 1981, r.70)

Statement of **Robert Fenton QGM**

Age if under 18 **Over** *(if over 18 insert "over 18").* Occupation **Security Liaison Mnagare**

This statement (consisting of **1** page(s) 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.

Dated the **30th** day of **July 2010**

Tick if witness evidence is visually recorded ☐
(supply witness details on rear)

Sig

I am employed by the Tobacco Manufactures@ Association as The Security Liaison Manager and have been so since November 1997. Part of my work is to act as the liaison point for the various enforcement agencies on tobacco related matters and to assist them identify tobacco products. Today I received in the post a pack of Marlboro Gold cigarettes. They were sealed in a tamper proof bag seal number BA50402. I have examined the packet on an electronic reader and it shown them to be not recognised. I have also opened up the packet and discovered that they were in fact hand packed probably from China. I also note that the tear strip on the packet said that they were Exclusive for Duty Free sale and yet the packet itself showed the UK fiscal mark as a duty paid product. There is absolutely no doubt that they are a counterfeit product. The brand owners are Phillip Morris International. After examination I resealed them together with the original seal and bag in a tamper proof bag with seal number BA50147

Signature

Signature witnessed by

SOUTHAMPTON CITY COUNCIL

Trading Standards Service

Incident reference

10/01328/FOODST

Exhibit reference

LM/1

Description of article

3 x 70cl SMIRNOFF GOTHICS

Signature of person originally identifying

Name of person originally identifying (block letters)

LUCAS MARSHALL

EH.126 07.10.22561

JUN. CASHCARY
WEST LOTHIAN
EH54 7.DD
[redacted]
DELIVERY NOTE

7
16 06 2010

PAUND XTRA
106 ST MARY ROAD
SO 14 0AN
SOUTHAMTON

Date	Description	Rate	
4	CASE AROSVOTKA 39.99	159	96
	%17.50 V.A.T.	27	98
	NO. PAID PEOPO INVOCE CAMING AFTER PAID		
	Total	187	94

SOUTHAMPTON CITY COUNCIL®

Trading Standards Service

Incident reference
10/01328/FOODST

Exhibit reference
LM/2

Description of article
RECEIPT DELIVERY NOTE

Signature of person originally identifying

Name of person originally identifying (block letters)
LUCAS MARSHALL

EH.126 07.10.22561

SOUTHAMPTON CITY COUNCIL

Trading Standards Service

Incident reference

10/01328/FOOD1T

Exhibit reference

LM/3

Description of article

7 X PACKS OF 20 MARLBORO CIGARETTES

Signature of person originally identifying

Name of person originally identifying (block letters)

LUCAS MARSHALL

EH.126 07.10.22561

SOUTHAMPTON CITY COUNCIL

Trading Standards Service

Incident reference

10/01328/FOOST

Exhibit reference

LM/4

Description of article

1 X PACKET OF 20 MARLBORO CIGARETTES

Signature of person originally identifying

Name of person originally identifying (block letters)

LUCAS MARSHALL

EH.126 07.10.22561

SOUTHAMPTON CITY COUNCIL

Trading Standards Service

Incident reference

10/01328/FOODS

Exhibit reference

LM/5

Description of article

1 X 70cl BOTTLE OF SMIRNOFF VODKA

Signature of person originally identifying

Name of person originally identifying (block letters)

LUCAS MARSHALL

EH.126 07.10.22561

Hampshire County Council

INVESTOR IN PEOPLE

Scientific Service
Consulting Scientists & Public Analysts
Property, Business and Regulatory
Hyde Park Road, Southsea, Hampshire PO5 4LL
Telephone (023) 9282 9501
Fax (023) 9281 8347

FOOD SAFETY ACT 1990

CERTIFICATE OF ANALYSIS OR EXAMINATION CARRIED OUT UNDER FOOD SAFETY (SAMPLING AND QUALIFICATIONS) REGULATIONS 1990

To: L Marshall — Southampton City Council, Civic Centre, Southampton, Hampshire, SO14 7LY

I, the undersigned, Public Analyst for Southampton City Council, certify that on 30/07/2010 the sample marked:

Date sample taken	Reference number, description etc.	Weight/measure
27/07/2010	012085	710ml
1120	1 X 70CL BOTTLE SMIRNOFF VODKA 1L 37.5%	

Place of Sampling: POUND XTRA, 106 ST MARYS RD, SOUTHAMPTON

was received by me from you (the person named above)

I certify that the sample was analysed by me or under my direction and the results are as follows:-

Alcohol % v/v	:	38.9
Fructose mg/l	:	< 2.0
Glucose mg/l	:	538
Sucrose mg/l	:	64.0
Methanol g/100L alc	:	0.00

My opinion and observations are:-

The declared alcoholic strength was 37.5 % volume.

The uncertainty of measurement is 0.4% alcohol by volume.

24 September 2010
Lab ref: 161490

The difference between the amount of alcohol found and the amount declared taking into account the uncertainty of measurement was 1% by volume. This difference is outside the permitted tolerance of 0.3% alcohol by volume prescribed in The Food Labelling Regulations 1996 for vodka.

The sample had an alcohol content of 0.7% volume more than the maximum permitted.

In my opinion, "Smirnoff" brand vodka contains the sugars fructose, glucose and sucrose (typically 30 mg/l fructose, 30 mg/l glucose, 45 mg/l sucrose).

These sugars were not detected at these levels in the sample and I am therefore of the opinion that the sample was not genuine "Smirnoff" brand vodka as retailed in the United Kingdom.

The UK duty stamp on a Smirnoff brand vodka label fluoresces at a wavelength of 365nm.

The UK duty stamp did not fluoresce.

I further certify that the sample had undergone no change which would affect my results, opinion or observations.

Certified by me this 24th day of September 2010, at Southsea

Signature: _____

Name: SHAYNE DYER
PUBLIC ANALYST

Official address/Telephone No: As Letterhead

Unless you request otherwise this specimen will be disposed of 28 days from the date of this report.

SOUTHAMPTON CITY COUNCIL

Trading Standards Service

Incident reference

10/01328/FOODST

Exhibit reference

LM/6

Description of article

CERTIFICATE OF ANALYSIS FOR SAMPLE 012085

Signature of person originally identifying

Name of person originally identifying (block letters)

LUCAS MARSHALL

EH.126 07.10.22561

SOUTHAMPTON CITY COUNCIL®

Trading Standards Service

Incident reference

10/01328/FOODST

Exhibit reference

LM/7

Description of article

REPORT OF ANALYSIS

FOR SAMPLE CS009275

Signature of person originally identifying

Name of person originally identifying (block letters)

LUCAS MARSHALL

EH.126 07.10.22561

Hampshire County Council

INVESTOR IN PEOPLE

Scientific Service
Consulting Scientists & Public Analysts
Property, Business and Regulatory
Hyde Park Road, Southsea, Hampshire PO5 4LL
Telephone (023) 9282 9501
Fax (023) 9281 8347

Trading Standards Department
Southampton City Council
Civic Centre
Southampton
Hampshire
SO14 7LY

Lab ref: 161486
Client Ref: CS009275
Date: 24/09/2010
Opinion **Unsatisfactory**
Reported by Shayne Dyer

REPORT OF ANALYSIS

Labelled as: **1 X BOTTLE SMIRNOFF 70CL 37.5%**

Location: **JOE KELLY, 110 GRAHAM RD, SOTON**
Sampled by: **L Marshall**
Date taken: **28/07/2010**
Date submitted: **30/07/2010**

Observations:

The complainant stated that after consuming some of the vodka he noticed a chemical taste and smell. He further claimed that the vodka caused vomiting, blurred vision, dizziness and that he felt hot and shaky.

The specimen consisted of the remains of a bottle of vodka containing 260ml of liquid. The specimen was received in a clear plastic bag sealed with a white tag bearing the number BA50121.

In my opinion, "Smirnoff" brand vodka contains the sugars fructose, glucose and sucrose (typically 30 mg/l fructose, 30 mg/l glucose, 45 mg/l sucrose).

These sugars were not detected at these levels in this specimen and I am therefore of the opinion that the specimen was not genuine "Smirnoff" brand vodka as retailed in the United Kingdom.

No methanol was detected in the sample.

The analysis performed gave no indication as to the cause of the symptom alleged by the complainant.

Determination	Result	Method
Alcohol % v/v	37.7	05.109
Fructose mg/l	< 2.0	75.005
Glucose mg/l	588	75.005
Sucrose mg/l	64.9	75.005
Methanol g/100L alc	0.00	55.009