

Consumer Protection and Price Control Division

The Consumer Protection Regulations 2016 specify a role for Investigation Officers appointed under the Consumer Protection Act. They involve:

1. Inspecting products of the restricted types in shops and showrooms, to check that they meet the relevant MEPS and energy labelling requirements.
2. For labelled products, ensuring that the correct energy label is present and clearly visible. The label should be fixed to the “display front” of the product. For a refrigerator or freezer this means the upper-most door. For a multi-part air-conditioner (e.g. a split unit) the display front is usually the air-handling unit to be installed indoors, rather than the outdoor compressor unit.¹ The energy labelling standards allow for the label image to be printed on either a stick-on label or on a double-sided swing tag. Manufacturers sometimes use swing tags if the surface is liable to marking from glue (as for some stainless steel surfaces) or there is not enough flat surface on the display front (in some air conditioners the entire surface consists of louvres for air flow). Swing tags can become detached, so special care is needed to check these products.

The label must not be obscured by price tags or other stickers.

3. Ensuring that the energy label matches the product. The label must have the brand and model number printed on it. This can be easily checked against the permanent markings on the product, which will be either on a metal or plastic plate at the back (usually near the power cable) or, for refrigerators and freezers, on a label inside the cabinet. If the brand and model number do not match, this is evidence of non-compliance.

If the description on the label matches the product, it is *likely* to be the correct label, but it is not proof. There is still a risk that the product has not been registered, or the values on the label do not correspond to the values on the registration documents (i.e. the label could be counterfeit). That can only be determined by further investigation.

4. Ensuring that no other energy labels are fixed to regulated products. Under the Consumer Protection Regulations 2016 only the standard labels may be displayed and it is an offence to display any other type of energy label. However, it is not an offence to display non-standard energy labels on appliances that are not regulated. Therefore non-standard energy labels (e.g. Chinese, Hong Kong, Singapore or European, as shown in Appendix A) may appear on non-regulated products (e.g. clothes washers, dishwashers, and televisions).

¹ There is one category of products that may not have a label. The standard allows optional labelling for 3-phase air conditioners (generally those with a cooling capacity of 10-15 kW or more).

The appearance of non-standard labels on other products will be confusing to consumers. While the Consumer Protection Regulations 2016 cannot prevent their appearance, it is possible that the Consumer Protection Act could be used to require their removal. Section 24 of the Act is Misleading or deceptive conduct. It states "No trader or person shall in the course of a trade or business, engage in conduct that is misleading or deceptive or is likely to mislead or deceive."

This would occur if:

5. - the label is obviously false or counterfeit. This is the case with the "made-up" energy labels illustrated in Appendix A. Some of these can look like legitimate labels, but appear on a product type which that labelling system does not cover. Others are obviously made up, combining visual elements from different labelling systems.
- the label is legitimate, but presents information that is misleading in the context of the Solomon Islands. For example, the Singapore energy label gives an annual running cost in "\$" based on Singapore electricity tariffs (SG\$ 0.27/kWh). Neither the tariff nor the currency is indicated on the label, so a consumer in the Solomon Islands is likely to assume that it refers to local tariffs and local currency.²

In each of the above cases there may be a legal case to remove the labels because they are misleading.

The Minister of Commerce, Industries, Labour and Immigration can authorize any person to act as an Investigation Officer. To carry out this work, the Investigation Officer must:

- Carry a copy of the letter of authorization;
- Carry an identity card with their photograph and name;
- Be familiar with the relevant provisions of the Legislation, including their powers of entry and powers to take evidence (in the form of photographs, originals or copies of documents or seized products);
- Carry out their duties politely and co-operatively;
- Carry out their duties systematically and with care, and make records and gather evidence in a way that would support a prosecution if necessary.

When inspecting premises where regulated products are stored or offered for sale, authorized officers should make notes on the products they see, using the standard data recording forms in Appendix B:

² For example, an air conditioner with a Singapore energy label seen on sale in the Solomon Islands in late 2015 showed an annual running cost of \$99. The running costs in Solomon Islands dollars and tariffs (SI\$ 6.7/kWh) was actually \$2,445.

- Form W. Record of Product Inspection by Investigation Officer – Refrigerators and Freezers
- Form X. Record of Product Inspection by Investigation Officer – Air Conditioners
- Form Y. Record of Product Inspection by Investigation Officer – Lighting Products

As well as keeping written records, it is also useful to carry a camera or smartphone, and photograph products and labels where necessary. If there are follow-up investigations after field visits, e.g. to check with the Energy Division that labels are legitimate or that products are registered for compliance with MEPS, written notes should be kept of the steps taken and the outcomes.

Checking compliance in the field

Figure 1 illustrates the procedure that an Investigation Officer should follow when checking products in warehouses, retail showrooms and other places. For product where both MEPS and energy labelling apply (refrigerators, freezers and air conditioners) the main areas of non-compliance that are detectable in the field are absence of a correct energy label, a mismatch between the brand and model on the label and the product itself, and the presence of a non-standard type of energy label.

Lighting products are only subject to MEPS, not energy labelling, and non-compliance with the MEPS requirements is almost impossible to determine by inspection alone, so consultations with the Energy Division will be necessary.

If the Solomon Islands product register is available on-line and the Investigation Officers have smartphones, or if they carry paper copies of the register with them, they can check product registrations on the spot. If a product does not appear on the register, it is highly likely to be non-compliant (unless it was imported before 20 January 2016). If the register cannot be checked on the spot, the Investigation Officer will have to leave the premises and to undertake follow-up investigations in the Energy Division's offices.

Investigation Officer Procedures – SI

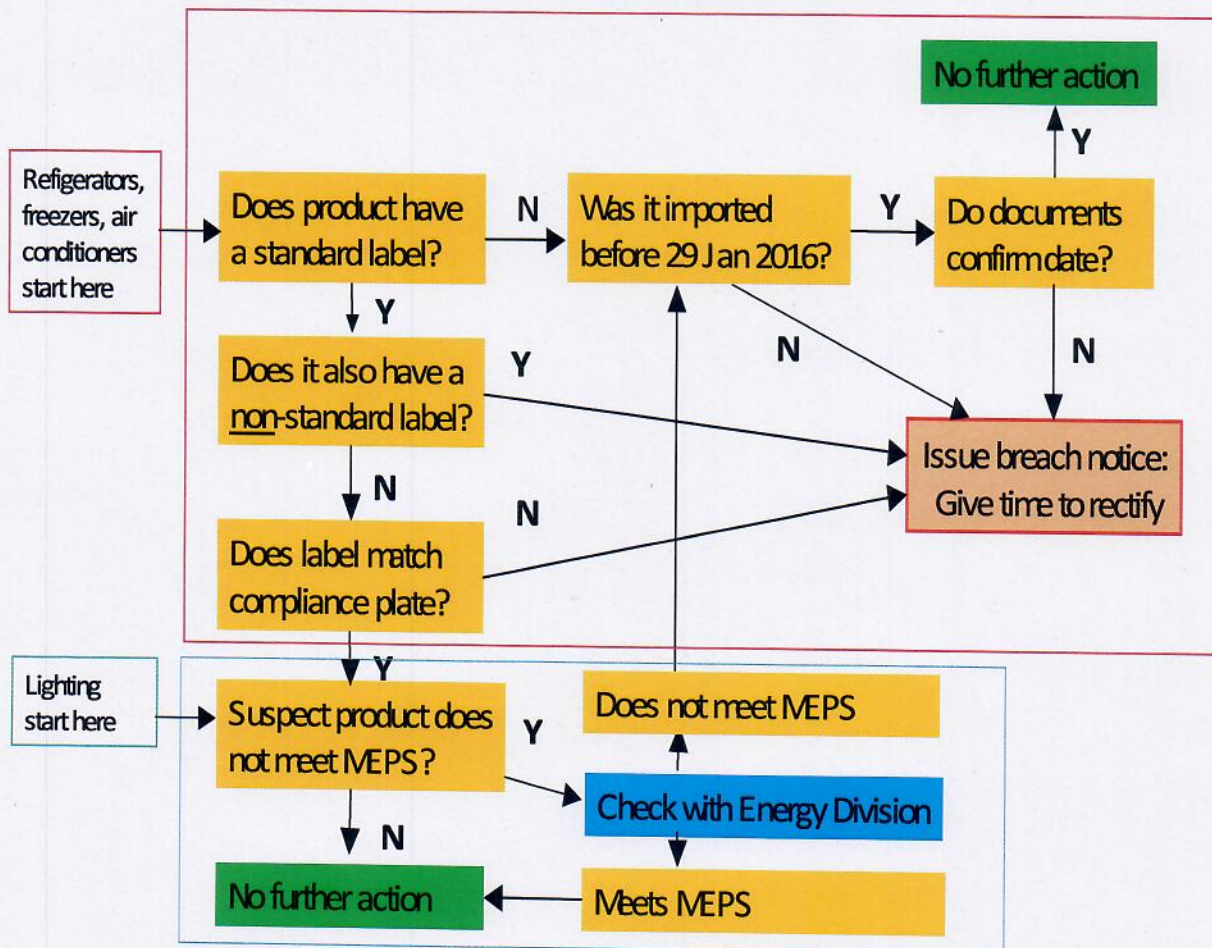


Figure 1 Standard Operating Procedures for Checking Compliance in the Field