

Did you know that fish bought from a supermarket counter may have been previously frozen?

Is fish fresh or frozen?

FOOD

While selling previously frozen fish is allowed, you'd be forgiven if you're confused over what the rules are – a straw poll of Which? staff showed that most of us think that fish from supermarket counters is fresh.

When we visited Asda, Sainsbury's, Tesco and Waitrose counters, we found differences in labelling, so you may have to look closely to know what you're buying. The Food Standards Agency (FSA) says that counters should show clearly whether fish is fresh or has been previously frozen.

Shopping trip

At Asda, the symbols used with 'previously frozen' and 'freezable' fish looked virtually identical. Also, the counter sign said 'Fresh fish' even though previously frozen fish was sold on it. An Asda spokeswoman said: 'Products on the fresh fish counter are clearly labelled to show customers which are fresh and which have been previously frozen.'



TAKE ACTION!

■ It's safe to refreeze fish, even if it's been cooked, but the FSA said that 'it may not be very nice, as taste and texture of food changes if it's frozen for too long'.

In Tesco, we found cod fillets 'may have been previously frozen'. A spokeswoman told us: 'Fish is sometimes frozen to guarantee availability, and so in this case some of the fish may have been previously frozen.'

Fish quality

Seafood industry body Seafish told us that while it's not necessary for fish to be frozen before going on sale, freezing ensures that seasonal fish can be sold year round, and it can help the preservation of fish shipped from a distance.

Member benefit

The limited edition *Which? Complete Guides*, available now in newsagents and shops, are on offer to you at a discount, while stocks last. Call 01992 822 800 and quote your membership number.

■ *Which? Complete Guide to Greener Driving* is packed with tips on how to save money and cut pollution. £5.99 (RRP £6.99) – quote 'GDRIVM'.

■ *Which? Complete Guide to HDTV, Audio & Photography* is three-guides-in-one to help you create the ideal digital home on different budgets. £6.99 (RRP £7.99) – quote 'DIGHOM'.

■ *Which? Complete Guide to PC Security* is the must-have guide to keeping your computer safe. £4.99 (RRP £5.99) – quote 'PCSECM'.



Which? calls for crackdown on Botox ads

COSMETICS

eBay has pledged to remove unlawful advertising of Botox, after Which? discovered there were 244 adverts for it on the site.

Botox is promoted as a quick fix to wrinkles, but it's a powerful natural poison that has been linked with facial paralysis and breathing difficulties for people with certain conditions, or if it's injected incorrectly.

As a prescription medicine, it's unlawful to advertise Botox to consumers. But during five days in October 2008, we found 16 com-

panies and individuals advertising a Botox service. When we contacted them, several said they didn't know they were breaking the law.

Some offered discount vouchers and encouraged people with introduce-a-friend offers but, without a consultation with a qualified health professional, consumers have no idea of their suitability or the treatment risks.

We've complained about the adverts to the Advertising Standards Authority, and also to the Medicines and Healthcare products Regulatory Agency (MHRA). We complained to the MHRA

about similar adverts a year ago, and it took action with the companies concerned.

An MHRA spokeswoman said it was taking several steps, including writing to magazines where Botox is advertised to alert them to the law. It's also supporting a proposal for the healthcare industry body to advise and oversee the Botox providers.

TAKE ACTION!

■ Go to www.which.co.uk/cosmetic for Which? advice on cosmetic treatments.



Which? health campaigner Jenny Driscoll said: 'It's good to hear that our complaint is being taken seriously. However, the proof will be whether there's an effective clampdown on Botox ads.'

An eBay spokeswoman said it would take down any Botox adverts and make the law clearer to sellers.



Policies on compensation for delays, buying tickets on board and refunds vary wildly

The great train fare robbery

RAIL TRAVEL

You might imagine that you'd get all your money back if your train journey was delayed by three hours – but refunds depend on which company operates your route, and we found one case where just 20% is returned.

During our research for this month's report on cheaper rail fares (see p28), we found wide variation in policies on compensation for delays, charges for buying tickets on board and the cost of cancelling journeys. This came as inflation-busting New Year fare rises averaging 6% were announced.

This postcode lottery was revealed in our survey of 22 train companies.

Delays

When we asked about refunds for journeys that don't arrive on time, we were told that a 30 minute hold-up on First TransPennine and London Overground trains gets you a full refund on tickets,

while other companies offer up to 50% of what was paid – or nothing at all.

For delays of an hour, most operators give a 100% refund but some give 50% – or even less. Virgin offers 25%, while on Merseyrail and Arriva Wales you'll get just 20% of the ticket price back.

For three-hour delays with c2c, some First Great Western services and Northern Rail you get 50%, and on Merseyrail just 20% of the fare is refunded.

Tickets on board

Almost all companies we spoke to said that, unless ticketing facilities weren't available at a station, only 'anytime' fares could be bought on board, with no discount for railcards – even at off-peak times.

This can make a huge difference to a fare. For example, a Virgin London to Birmingham anytime return ticket costs £123, compared with £26 for an off-peak journey using a senior railcard.

But customers on First Hull from London to Hull, Grand Central from



Companies say that they sell only full-price tickets on board to deter fare evaders

London to Sunderland and Wrexham & Shropshire from London to Wrexham can use railcards and buy off-peak tickets on board. Grand Central also gives a 50% refund if you can't find a seat.

Others say that they sell only full-price peak tickets on board to deter fare evasion, but that doesn't explain why railcards – which cost £24 a year – can't be used.

Refunds on cancellations

The charge for getting a refund on an unused ticket also varies. Most charge £10 to cover 'administration costs'.

Some companies, including Cross-Country, Northern Rail, Southeastern, Chiltern and Southern, charge £5, but it shouldn't cost £5 to refund a £5 ticket. We'd like to see high fees reduced, or for companies to follow London Midland's example and waive fees.

Take advantage of the experiences of other Which? members

Use Which? Local to find reliable traders

TRADESPEOPLE

Members tell us that they often struggle to find reliable traders and have literally gone that extra mile to get someone that they trust.

When we spoke to 1,737 members of our online panel last autumn, 66% had travelled outside of their area to get a trustworthy service in the previous two years.

More than a third of respondents had driven some distance to find a reliable garage, while 30%

had travelled out of their area to use a respected dentist, and 16% to buy from a good butcher.

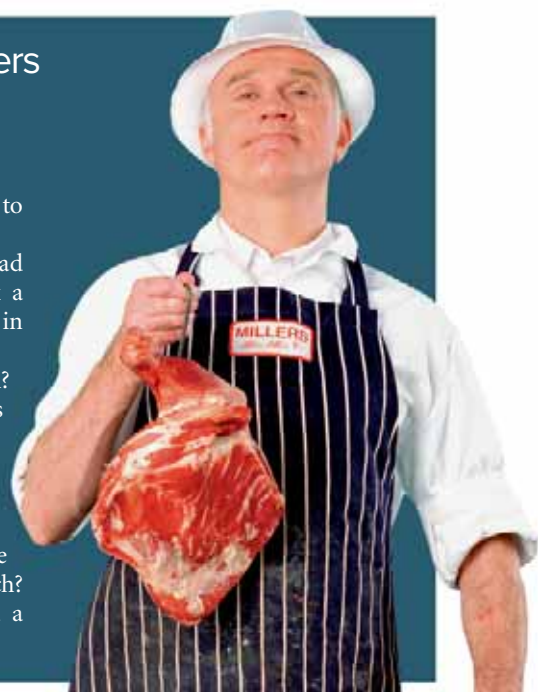
If members didn't already know a reliable tradesman for a certain job on their home, 39%

thought it would be difficult to find someone suitable.

Of those surveyed, 16% had employed somebody to fix a botched job on their home in the previous two years.

Pete Tynan, head of Which? Local, says: 'Our research shows that many people struggle to find a reliable trader – this is where www.which-local.co.uk can help.

'You can use the knowledge and experience of other Which? members to help you find a reliable business.'



Your story



Decision for phishing victim

The Financial Ombudsman Service has ruled that NatWest was wrong to hold a customer wholly responsible for losses arising from a phishing scam.

In April 2008 (see p7), we reported that Michael Peak had £3,670 stolen from his account after he responded to a fake email purporting to be from his bank.

NatWest refused to reimburse the £1,877 Michael lost in savings and told him to repay the £1,793 stolen from his overdraft facility.

While the ombudsman ruled that Michael hadn't acted with reasonable care and was liable for his lost savings, it found NatWest liable for the overdraft losses because Michael didn't authorise the withdrawal.

NatWest was ordered to clear the overdraft, including interest charges, and to pay Michael £200 for inconvenience it has caused.

Michael told us: 'I think it was very unfair of NatWest to act as it did when all the other banks have paid out as a gesture of goodwill to loyal customers.'

What is phishing?

Phishing is electronic fraud where a victim is duped into sending personal information by email or via a weblink in response to a seemingly legitimate message.

Confusion over portion sizes could make managing your diet difficult

Cereal fillers

FOOD

If your thoughts turn to losing a few pounds in the New Year, portion sizes can make all the difference to your weight.

As part of our January drive to help you lead a healthier lifestyle – see p11 and 14 for information on weight loss, p70 for our exercise machine test and opposite for advice on gym contracts – we scoured supermarket shelves and found a huge range of portion sizes for similar prepackaged foods.

For example, Tesco's chicken tikka masala was 350g for one, while Sainsbury's served up 400g to two people.



A 40g serving of muesli

So how realistic are recommended serving sizes?

Even with healthier products, differences in nutrient intake can be significant.

To demonstrate this, we asked five adults to pour muesli into a breakfast bowl as they would in the morning. The recommended serving of 40g, is 144kcal, before adding milk.

All poured in more than the suggested serving – four at least

Can you tell the difference?

All testers served themselves more than the recommended amount



Cereal servings on trial

We asked five people to serve themselves a bowl of cereal. The recommended serving is 40g

	Male	Male	Male	Female	Female
Cereal served (g)	149	133	119	99	62
Milk served (ml)	226	282	95	171	99
Total calories (kcal)	641	610	471	435	270

twice as much – with calories per bowl ranging between 223kcal and 535kcal.

This also means that other nutrients vary, for example, sugar ranged between 14.3g and 34.3g per bowl.

The amount of milk added also varied, with some adding almost three times as much as others.

We asked the same adults to repeat the exercise using a smaller rice bowl. All served themselves less cereal, but three still poured out twice as much as the suggested serving.

Our snapshot follows research

from the FSA in 2007, which found 85% of people have more cereal than is recommended on packages. There are no rules on food portion sizes, and people's energy needs differ depending on age, gender and so on.

If you regularly read nutritional information on packaging to find out how many calories, or how much sugar, fat and salt you will be consuming, bear in mind the portion size you eat may not be the same as the one that is suggested on the packaging – you may actually be consuming more calories, sugar, fat and salt.

Thinking of signing up to a gym? Read the contract carefully

Fighting fitness flaws

HEALTH

If your New Year's resolution is to join a gym, be careful what you sign up for.

More than 20 Which? members have contacted us in recent months after having difficulties with their gym contracts.

Even though gyms' refusals to cancel contracts may seem unfair, you might be stuck if you're not fully aware of their terms and conditions.

Some members have been threatened with debt collectors, and others were told they could cancel at any time when they signed up, only to find they were actually tied into a year's contract.

Two of our members couldn't end contracts when they lost their jobs, and one was refused cancellation when she became pregnant.

Elaine Robson faced similar difficulties when she was diagnosed with cancer. Elaine was a member of an



'I had to threaten legal action before it stopped taking money'



Esporta Gym when she became ill. She tried repeatedly to cancel her membership but Esporta kept taking money so, as a last resort, she cancelled the direct debit. The gym then threatened her with debt collectors.

Elaine says: 'This happened while I was undergoing surgery and radiotherapy, which I explained many times.'

Only when her solicitor contacted Esporta's head office was the contract ended and a refund issued.

A member of another gym, Laura Clifton, says: 'I signed up to a £10 three-month deal, believing I could easily cancel whenever I liked.'

'In fact, it took ages to get it cancelled and, by that time, they'd taken more than £200 from my account. Despite all of my letters, I haven't received a penny back.'

And gym member Linda Parker said: 'My gym cut its crèche hours, which made it hard for me to go, so I tried to cancel.'

'This turned out to be really difficult and I had to threaten legal action before it stopped taking money.'

TAKE ACTION!

- Find Best Buy gym equipment that costs less than a year's gym membership, p70

Peter McCarthy, of Which? Legal Service, advises you on what to watch out for

- Look for terms that allow you to cancel without penalty if there are circumstances beyond your control, such as illness or redundancy. It's best if these circumstances are spelled out.

- Don't sign up if conditions say that you must pay even if facilities change significantly, such as drastically cutting opening hours.

- Always read contract terms and conditions – checking for the length of contract and whether you can cancel part-way through. If someone offers terms not in the contract, get this in writing.



- Avoid terms that try to limit legal liability for personal injury, death, theft or damage to possessions due to their negligence.

- Watch out for long notice periods and automatic renewals that commit you to a further fixed term.

In brief

HOLIDAY PROTECTION INCREASED

- From 1 January 2009, travel agents and airlines selling travel insurance will be regulated by the Financial Services Authority. They'll have to provide clear and consistent information on policies and ensure staff sell policies correctly. Unresolved problems can now be passed to the Financial Ombudsman Service (www.financial-ombudsman.org.uk).



ONLINE SHOPPING COSTS

- Under rules introduced by HM Revenue and Customs, duty on goods from non-EU websites is only due for orders of £105 or more – up from only £18. However, you still have to pay VAT. Go to www.hmrc.gov.uk/podcasts for more.



COUNTERFEIT GOODS ONLINE

- If you're concerned about whether you're buying genuine brands from websites. Visit www.which.co.uk/counterfeitgoods for our new guide to spotting fake goods such as DVDs, vehicle parts or medicines.

BROADBAND SPEED UPDATE

- Telecoms regulator Ofcom has brought in its broadband speed code of practice following our 2007 investigation that found discrepancies between promised and actual broadband speeds. The code requires providers to give more details on likely speeds. See www.which.co.uk/broadbandspeed for more info.

