



[inside story]

Consumer stories that make a difference



The claims made for the Novo diet in its glossy brochure are hard to swallow

The £350 rip-off diet

'I dropped a dress size by ditching lettuce for chocolate' is one testimony for Novo, a diet from weight-loss company Immogenics that featured widely in the press last autumn. But our investigation has found it's a rip-off.

The company says 'excess weight has little to do with the amount you eat,' and that the main cause of weight gain is inflammation caused by food intolerance.

To discover your intolerances, you pay Immogenics £350. You have a blood test, which is analysed. Advice on the foods that you should and shouldn't eat is sent to you.

We sent two researchers for the test twice. Even though their blood samples were identical, each researcher received two different lists. One researcher's first test listed no foods to avoid, but the second listed ten, including coffee, oysters and wheat.

Novo Immogenics is little more than new, glossier marketing for an old diet. We first branded the same service a rip-off in 1994 when it was called Individual Diet Company, and again in 1996 and 1998 after it changed its name to Nu Tron Laboratories. The test costs have doubled.

We presented our findings to a leading dietician. She concluded that the claims for the Novo test and diet weren't medically proven. 'Inflammation is not a

diagnostic tool for obesity. To suggest otherwise is incorrect and bad science,' she said, adding that there's no evidence linking food intolerance and excess weight.

'If we made a generous assumption that there could be something in this "intolerance" testing, we would have to assume the samples would give similar results,' she said.

The results didn't match, which our expert says means test methods were unreliable and flawed. 'One may as well throw a dice to predict sensitive foods.'

"The main cause of weight gain is inflammation"

Our expert concluded that any weight loss on the diet would be despite, rather than because of, the test results. Not one of the diets listed restrictions on high-fat or high-sugar foods, other than to exclude those with E numbers.

ACTION POINT

The only sensible way to lose weight just by dieting is to reduce calorie intake and to eat smaller portions less often. For advice on healthy eating, visit www.eatwell.gov.uk.

Car trick

What's a good way to lose almost £10,000 in two months? For one motorist, it was shelling out on a nearly new, top-end Porsche.

Dave Thompson paid £46,000 for his five-month-old Porsche V6 Cayenne in July and says that the Porsche Centre in Swindon assured him the car would hold its value.

For personal reasons, Dave decided to sell the car eight weeks later, and the same garage offered him only £37,000.

'It is absolutely scandalous that it depreciated so much,' he said. 'I was so upset that I contacted Porsche. It arranged for me to speak to two other Porsche dealers; one offered me £40,000.'

Porsche advises motorists to obtain a trade-in quote from several Porsche dealers, as demand for different models varies.

See our article, 'Money guzzlers,' p23, so you can avoid falling into the car depreciation trap.



Researcher A
The first test didn't come up with anything to avoid, but the second test found she should avoid ten foods



Researcher B
Ten foods to avoid on each visit, but the items aren't all the same

contact inside story

If there's something you'd like us to investigate, leave a message on the Inside Story Hotline on **0800 252088** (calls are free) or email **insidestory@which.co.uk**. We're sorry but we can't reply individually.

round-up**WARRANTIES**

The government has delayed plans for controls on expensive extended warranties, due last month, until spring ('Extended warranty rules', Which?, December 2004, p8). Instead, the Department of Trade and Industry announced diluted plans – shops must display the warranty price next to goods but won't have to give prices equal prominence.

LEGAL AID REFORM

Medical accident victims will find it harder to get justice if legal aid changes are approved.

This month the Legal Services Commission is due to decide on limiting public funding for clinical negligence claims. It will also say whether it's approved proposals to refuse legal aid for homeowners with £100,000 equity. Victims with less equity will get aid but only for the early stage of a claim and only once the NHS complaints procedure has been exhausted. To go to court, you'd have to risk your home with a no-win, no-fee solicitor.

Rights for card users overseas

Shoppers who use credit cards abroad should still claim if things go wrong – despite a ruling that foreign transactions don't have the same protection as UK purchases. This is because many companies will still consider claims individually.

In our last issue ('No protection for overseas shoppers', p9) we revealed that the High Court had ruled that overseas credit card transactions are not covered by section 75 of the Consumer Credit Act.

In the UK, section 75 means that if you spend more than £100 and less than £30,000 on goods or services with a credit card, the card issuer and retailer are jointly liable if something goes wrong. This provides protection if, for example, the item is faulty, or if the seller fails to honour the contract or goes out of business before the item is delivered.

But, despite the High Court decision that this doesn't apply to purchases abroad, we've found that a number of credit card companies will still consider claims on overseas purchases.

We surveyed UK credit card companies. Of those that replied before we went to press, Egg told us claims would be reviewed individually and that its policy is to refund customers where a breach of contract has occurred.

Abbey, Alliance & Leicester, Bank of Scotland, Barclaycard, Halifax and Morgan Stanley also said that they will consider claims individually.

For overseas and online claims, The Royal Bank of Scotland will credit the cardholder up to the

amount originally paid by credit card where it believes this is appropriate.

Similarly, Lloyds TSB, welcoming the ruling, said: 'We are pleased to have clarification. We will continue our existing policy of paying UK credit card claims in full and foreign claims to the amount charged to the card on a voluntary basis'.

The Co-operative Bank, Capital One and Sainsbury's Bank are reviewing the ruling's impact.

Many credit card companies will still consider claims on purchases made abroad

New access to information

Want to know why your council plans to close a school or why wards are shutting at your local hospital?

Under the new Freedom of

Information Act, which came into force this month, you can find answers to these questions. (A similar act applies to Scotland.) For the first time, you

have the right to see information held by public bodies, including councils, health trusts, medical practitioners, schools, colleges, universities and government departments.

There are exemptions. Public bodies can refuse to release information on matters affecting national security, and commercially sensitive or confidential information.

Even so, in certain cases, authorities must

release data if the public interest is greater than the public interest in withholding it. If you meet with refusal, you can appeal to the Information Commissioner.

More information on the act is available on the Campaign for Freedom of Information's website at www.cfoi.org.uk and on the Information Commissioner's site at www.informationcommissioner.gov.uk.



If your local school is closed, you can demand information about the decision

Blade boots blamed for injury

Parents are calling for a ban on bladed football boots after their sons suffered horrific injuries.

Twenty-three-year-old Gareth Risbridger's Staines Town FC career halted last January when he clashed with an opponent wearing boots with long studs rather than conventional, round studs.

His mother, Janet, says: 'When he got up from the tackle, his knee was flapping. The emergency services said it looked more like a road traffic accident than a football injury.'

Gareth needed four operations.

We've heard of many more victims. Les Shield from Royston has uncovered 16 injuries blamed on the blade-style

Gareth needed four operations after he was injured by an opponent's bladed boots



studs, including his 11-year-old son Tom's injury – a gash that ripped to the bone – and a severed vein that nearly cost a Somerset player his leg.

Les says: 'Blade studs are dangerous and should be banned. Conventional studs leave their mark but blades grip and cut in.'

A Football Association (FA) spokesperson quoted a ruling by Fifa, football's world governing body, that

the boots are no more dangerous than conventional studs. The FA says it's up to individuals and referees to make sure boots are safe.

ACTION POINT
The FA says poor maintenance can cause blades to become sharp, so look after your boots. The referee can ban someone from playing with dangerous blades, so raise your concerns.

DIY double disaster

Black & Decker has launched an investigation after a Which? reader twice narrowly escaped injury using one of its tools.

Ex-mechanical engineer Brian Cannell, 44, from Clevedon, North Somerset, tried heat guns from two different stores to take up floor tiles in the bedroom he was converting into an office. Both guns, which reach a blistering heat of 580 degrees, sparked and failed after minutes of use.

He said: 'I'd used the first gun for five minutes when red-hot particles came from the nozzle and the gun stopped working. I was lucky – it could have easily set fire to something. I checked the fuse and found the plug had been wired extremely poorly.'

Brian went to buy a new gun but the only one in stock was the same Black & Decker model CD701. The new gun managed just ten minutes before it failed in the same way as the first.

Brian says: 'This heat gun also had a very poorly wired plug, with the earth connection just long enough and the live and neutral wires twice as long as required. I'm concerned there may be a fault in the design or manufacturing that could lead to a fire or injury.'

Brian returned the gun and received a refund. In



Brian Cannell took the heat guns back

the end he finished the job with a cheaper heat gun from a third store.

We contacted Black & Decker with Brian's complaint. It has pledged to test the heat guns, adding that it hadn't heard of any other problems with them.



There was a time when customer loyalty counted.

Patricia and David Mason, from London, have been AA members since 1966 so you'd think the motoring organisation would be keen to help. Sadly, this doesn't seem to be the case.

[fighting your corner]

Which?'s Simon Spruce takes on big companies for you

In April the couple's car hit a wall at 60 miles per hour. Patricia was thrown through the windscreen and the car was a write-off.

They called the AA and its agent came and arranged for a recovery company to remove the car. The couple were charged £574 by the recovery firm, which their car insurance company paid. But the AA issued a £141 recovery bill. The

couple queried the bill, thinking that it was covered by their £140-a-year membership, but were told that if it wasn't paid, they would lose their membership and the debt would be passed to a collection agency. The



Masons say they still could not get an explanation from the AA and their membership was later suspended.

'I kept trying to explain but it just threatened to put us in the hands of a debt collection agency,' said David.

I contacted the AA which said the charge was valid. It says its membership is for 'spontaneous mechanical failure,

not for road traffic accidents'. It will provide recovery after a crash, but charges £141 to turn up and tow (up to 15 miles), then £1.50 per mile. It admitted the couple should have been treated better and given an explanation. It wrote off the £141 as goodwill.

Rival RAC will recoup costs in similar circumstances. To avoid the charge, call a garage direct.



Insurance rules set to tighten

This month the Financial Services Authority (FSA) brings in new rules to protect consumers buying insurance.

From 15 January, if you buy any policy, such as car insurance or payment protection, the firm or adviser that sold it will be regulated by the FSA, and you'll have access to the Financial Ombudsman Service if anything goes wrong.

The regulations respond to worries that consumers buy policies, such as life cover and health insurance, in a pressurised sales environment. The wrong choice can leave buyers with an expensive or unsuitable policy (see 'The protection question,' June 2004, p15).

Sellers must now give clearer information on their policies

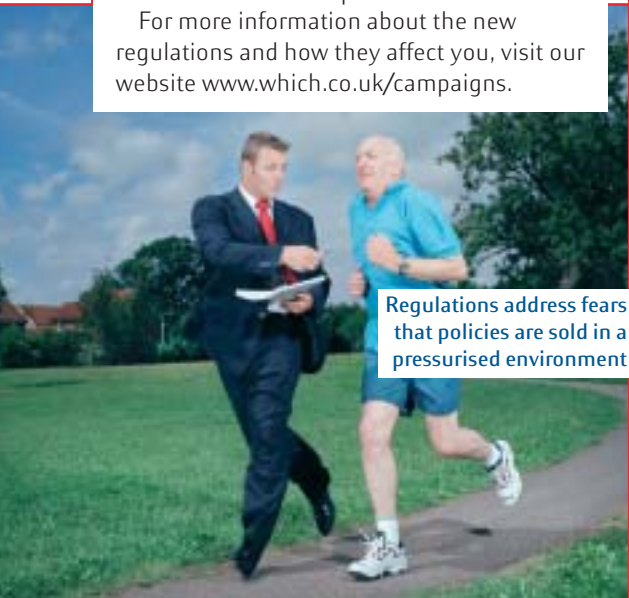
Sellers must now give clearer information on the policies they sell, and use scripted questions so buyers have accurate and consistent information. This means sales staff must ask critical questions to ensure the customer is eligible for the policy.

But we think that the rules don't go far enough. People may still be coaxed into buying insurance they don't need through pressure tactics, such as the peace of mind insurance will bring. This problem hasn't been addressed.

The other big omission from these new regulations is travel insurance bought from travel agents. According to our research, travel agents are the worst offenders for not asking the right questions. Yet this is the one group that is let off the hook.

Another issue is that customers will now have to sign a statement to say they're happy with the insurance they've bought, which will make it harder to complain later.

For more information about the new regulations and how they affect you, visit our website www.which.co.uk/campaigns.



Regulations address fears that policies are sold in a pressurised environment



Qualitas decision is no nearer

Ten months after it began, a review of the furniture industry watchdog is no nearer completion.

The Office of Fair Trading (OFT) says it is still examining whether the payment protection scheme run by Qualitas, the body set up to resolve disputes between consumers and furniture-makers, such as kitchen and bathroom companies, is effective. The scheme was set up to

'Qualitas was supposed to give consumers more confidence when buying expensive products such as bathrooms and kitchens. But the scheme has only given people false hope. The OFT needs to come up with a new scheme that people can rely on.'

'We'd like to see a scheme the industry is committed to and publicises.'

We still receive a steady stream of complaints from

Katharina said she wouldn't use Dolphin Bathrooms again

began to leak into the kitchen below. Dolphin inspected the work and found faulty pipes and dangerous wiring.

'It was appalled by the poor quality of work,' said Katharina. 'It had to send another "best fitter" to take all the installations out and reinstall both bathrooms from scratch. I would never ever use it again.'

Dolphin paid £1,750 compensation to Katharina for the problems and damage, and gave her two bathrobes as a goodwill gesture. She has also been given an extended guarantee.

Dolphin said that it accepted there was a problem, which is now resolved. The company added that it had spoken with Katharina, who had confirmed that nothing was outstanding and that it had addressed everything to her satisfaction.

"We'd like to see a scheme the industry is committed to and publicises" Emma Harrison

protect consumers when things go wrong. Under current rules, if you can't reach agreement with the company, it should refer you to Qualitas. But customers aren't always told this.

Our senior campaigner, Emma Harrison, is in no doubt about what needs to happen:

consumers, particularly about firms that install kitchens and bathrooms.

Dr Katharina Sokoll paid Dolphin Bathrooms nearly £11,000 in September 2003 for work on two bathrooms and a toilet at her home in West Yorkshire.

After weeks of delays Dolphin sent its 'best fitter' to complete the job but soon water

THE PUBLIC'S VIEW

There isn't a limit on the interest rate that can be charged on personal loans. One suggestion is to limit it at a certain percentage above bank base rate. Should there be such a limit?

NO: 7%

DON'T KNOW: 3%

YES: 90%

Survey of 1,028 adults carried out online for Which? by Explorandum between 3 and 8 December. Findings don't necessarily represent our views.

Endowment payout

Nationwide Building Society unwittingly helped a couple win £1,700 compensation when it turned down their endowment mis-selling claim.

Stuart and Linda Asher complained when they were advised of a £3,000 shortfall on their policy.

The couple took out the policy in 1986 and no longer had all the documents, but knew from our Endowment Action campaign website that they could request their endowment file from Nationwide.

It turned down their complaint, saying: 'There is nothing to suggest that you were issued with any written assurances that the policy would definitely pay off your mortgage.' But with that came a copy of a document sent in 1986, stating: 'The policy will pay off the loan and leave a sizeable margin payable to you as a tax-free "nest egg".'

After an appeal to the Financial Ombudsman Service, Linda and Stuart received £1,700.

Since our Endowment Action campaign launch, more than 450,000 people have claimed: the total compensation is £1 billion and rising.

ACTION POINT

If you have no original documents, request a copy of your file when you complain. You may be charged. See www.which.co.uk/campaigns.



Sun, sea, sand and...sewage

Tourists should bypass Abta and take travel complaints to court, say one couple who received a 'derisory' sum.

Darren and Wendy Gidman from Warrington spent over £2,100 on a seven-day, all-inclusive trip to Le Grand Courlan resort in Tobago in November 2003. But Darren and Wendy found the beach covered in sewage and plagued by flea-infested cats and dogs, while the hotel was understaffed.

After complaining to Virgin back home the couple were offered £400 compensation. They turned it down, complained to Abta and agreed to have their case referred to the Chartered Institute of Arbitrators, under Abta's arbitration scheme, which gave them around £370 in compensation.

'It was a derisory sum,' said Wendy. She and Darren believe they would have received more in the small claims court. In 2003,

Unwanted guests helped ruin a holiday



Darren and Wendy complained about their Virgin holiday

Holiday Which? found that judges made higher awards than arbitrators in eight of their 11 cases. In Scotland, the small claims limit is lower, so arbitration may be a better option there.

ACTION POINT

If you have a problem with your holiday, complain on the spot to give the company a chance to put it right. This will strengthen your case if you need to pursue it once home.

And finally... Unhappy birthday

It may be bright and colourful enough to get a small child's attention, but there is a major drawback to this 'Happy 2nd Birthday' card. According to the manufacturers, the card isn't suitable for any children under the age of three.



Send your examples of daft or misleading products or promotions to us at: Dept LE, PO Box 44, Hertford X, SG14 1SH