

## Membership logos and claims of approval

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### **This guidance is for England, Scotland & Wales**

Logos denoting membership of, or approval by, an organisation may be legitimately used by businesses. However, their misuse, deliberate or otherwise, can result in a commercial advantage, enabling work to be acquired unfairly, and may constitute a breach of the law.

The Consumer Protection from Unfair Trading Regulations 2008 (CPRs) specifically ban businesses from displaying any form of trust mark, quality mark or equivalent if they are not authorised to do so. It is also a breach of the Regulations to provide false or deceptive information.

### **Which businesses use logos?**

Many sectors of commerce and trade promote their activities by using logos. Examples exist of logos used by the building industry, motoring organisations, professions, retail trade federations, finance and insurance services, tourism, catering industries, plumbers, and electricians.

### **What do logos convey to customers?**

Any business using a logo representing membership or approval encourages a potential customer to assume a benefit arising from one or more of the following:

- approval of a standard of service
- training or qualification of company personnel
- compliance with rules or codes of conduct
- existence of complaints / arbitration procedures
- commitments to be 'fair traders' or approved by well-known organisations such as councils, governments, etc

## How are logos used?

Logos are used in a variety of different ways, including being displayed on / in:

- business / company premises, hoardings, banners, vehicles and clothing
- business / company letterheads and other stationery
- trade and consumer brochures and leaflets
- advertisements published in newspapers and on television, telephone and trade directories
- business / company websites

## The law

If invalid at the time, the use of a logo in any of the above circumstances would breach the CPRs. See 'Consumer protection from unfair trading' for further information on these Regulations.

The CPRs specifically ban businesses from displaying any form of trust mark, quality mark or equivalent if they are not authorised to do so. They also ban any form of claim that a business, or their service, has been approved, authorised or endorsed by a public or private body when it hasn't (thus, written claims that are untrue are also prohibited, as well as the use of logos). They also ban a business from claiming to be a signatory to a code of conduct if the business is not a member / signatory.

It is a breach of the Regulations generally to provide false or deceptive information that leads consumers to enter into contracts they would not otherwise have entered into - for example, a consumer contracting with a business only because they saw the logo of a trade association and therefore thought they would have additional protection if something went wrong.

Particular care should be taken in the use of the Gas Safe logo. The Gas Safe Register is the only gas engineer registration scheme approved by HSE under the Gas Safety (Installation and Use) Regulations 1998. Under these Regulations, all gas engineers wanting to lawfully undertake domestic and certain other gas work in Great Britain must be registered with this scheme.

You should also be aware that if you advertise to other businesses then the Business Protection from Misleading Marketing Regulations 2008 make it an offence to deliberately mislead a business. There are also rules in these Regulations regarding comparator advertising. See 'Business-to-business marketing' for more information.

If you are not sure whether any of your advertising or marketing material breaches the above legislation then you should seek advice from your local trading standards service. Ideally this should be done before publication.

## Specific precautions for businesses

When applying for membership or approval of an organisation, businesses are advised that they should not start to use any logo until authorised to do so by the organisation. Care should be taken when membership or approval of a business ceases, arising in particular from:

- any lapse of membership
- notification or cancellation by an organisation for any reason, such as a failure to meet standards or other requirements

Businesses should be particularly careful when:

- using stationery, websites, publications, premises, etc
- providing advertising agencies with copy, or authorising them to use it

It is the responsibility of businesses to ensure that no invalid claims of membership or approval are made (whether made themselves or on their behalf, including by advertising agencies).

## Oral statements

Statements do not have to be in writing in order to breach the law. Any false or deceptive statements concerning the membership or approval of a business made by businesses or their staff would breach the CPRs.

## Penalties

Failure to comply with trading standards law can lead to enforcement action and to sanctions, which may include a fine and/or imprisonment. For more information please see 'Trading standards: powers, enforcement & penalties'.

## Key legislation

Gas Safety (Installation and Use) Regulations 1998

Business Protection from Misleading Marketing Regulations 2008

Consumer Protection from Unfair Trading Regulations 2008

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## Please note

This information is intended for guidance; only the courts can give an authoritative interpretation of the law.

The guide's 'Key legislation' links may only show the original version of the legislation, although some amending legislation is linked to separately where it is directly related to the content of a guide. Information on amendments to legislation can be found on each link's 'More Resources' tab.

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