

Intertek

# COMPLIANCE NEWSLETTER

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**Intertek**

If e-version needed, please visit <http://www.intertek.com/consumer/news/> for downloads

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## PREFACE

Intertek is a global leading quality and safety service provider, providing high-quality testing, inspection and certification services. With its widely recognized professionalism, quality and integrity, Intertek has become a highly trusted partner for customers worldwide.

In view of Intertek's good reputation in the industry, a number of consulting companies made use of the Intertek brand for misleading promotion. These companies make wrongful claims to have close collaboration or agency relationship with Intertek, which enables them to obtain auditing information and so as to ensure 100% pass in audit. In this way, they mislead, deceive, even threaten the factories to accept their consulting service, so as to gain profit illegally.

Intertek solemnly declares that such promotions are all false. We suggest that all the related parties should treat such information with caution to prevent from being cheated and resulting in any losses. Intertek has never work with any consulting companies. Furthermore, all audit schedules, working procedure, audit information and relevant data are subject to strict confidentiality management. No consulting company or unauthorized personnel have access to these. Such false promotion has brought negative impact to Intertek, and greatly disrupted the order of the audit industry.

Intertek would like to call on all stakeholders to work together to fight against the false promotion, so as to safeguard our legal rights and interests, as well as ensuring an orderly development of the industry.

**Paul Yao**

Group Executive Vice President

Consumer Goods

## Intertek Integrity Messaging Triangle/Statistics

## Announcement Beware: Consultants Fraudulent Use of Intertek Name Detected

### Intertek Integrity Messaging Triangle

#### INTEGRITY POLICY

1. Integrity is critical to Intertek
2. Zero Tolerance Policy
3. Best in Class program
4. Active, Multiplex Management



#### PRE-CONDITION RULES

1. Employee Screened & Trained
2. Givers and takers both responsible
3. Factories sign a declaration
4. Must work directly with our client on issues
5. Fact based investigations
6. Breaches of Integrity will result in
  - Termination
  - Report to authorities

#### TOOLS FOR IMPLEMENTATION

1. Intertek Integrity Golden Rules - Actively communicated to all parties
2. Independent compliance team divorced from operations
3. Intertek has Key Tools, SOP's & Dedicated team to manage Integrity
  - Factory Integrity Acknowledgment / Declaration Forms, Telephone Audits, & Factory Visit
  - On-site Integrity Audits & Mystery Audits
  - Integrity Compliance handling process & statistical analysis
  - Employee Declaration Forms on Integrity

### Intertek Integrity Statistics (Y2009-March 2011)

	Year 2009	Year 2010	January-March 2011
Telephone Audits Conducted	10864	16239	3403
On-site Integrity Factory Visits Conducted	742	1634	272
On-site Unannounced Integrity Audits Conducted	418	527	83
Mystery Audits Conducted	98	259	64
Attempted Bribery Cases Reported by Inspectors/Auditors	480	606	86
Integrity Complaints Received	102	137	21
Integrity Complaints Related to Consultancy Companies Received	10	37	7
Investigations Done Related to Consultancy Companies	10	37	7
Consultancy Companies Being Investigated	8	17	5
Warning Letters Issued to Consultancy Companies	1	0	0
Lawyer Letters Issued to Consultancy Companies	7	15	0
Consultancy Company Cases Reported to Local Authorities	6	11	0
Employees Terminated Due to Integrity Issues	15	11	0
Employees Self-constituted Resigned Due to Integrity Issues	4	9	0

#### Dear Customers.

Recently, it has been brought to our attention that false statements are being circulated on the web, by telephone, and email marketing to our customers and others from various consulting companies that either:

- Claim to have close cooperation with Intertek
- Claim to now employ consultants formerly from Intertek (ie ITS)
- Claim to be engaged in constant communication with current Intertek staff / experts
- And last, but certainly not least, guarantee with 100% certainty that their client will indeed pass the Intertek auditing requirements if they undergo the consultancy company's own respective auditing training program

The consequences of these false statements are truly damaging to both your business and ours. At its very worst, some consulting companies even issued fake Intertek Audit Certification certificates to customers that resulted in financial setbacks and risks to each company's brand reputation.

We here at Intertek are deeply concerned about the situation and its potential impact on your operations. In order to protect customers like yourself from being subjected to such deception as well as to protect your company's reputation, we have instructed our lawyers to take strong legal action to stop such false statements being made by these particular consultants. **We would also like to remind you that Intertek does not enter into cooperation agreements with consultancy companies in the area of social compliance auditing or other standards whereby we collaborate to guarantee pass or favorable results. Any such collusion is a violation of company policy and a conflict of interest. We have never granted any authorization to consultancy companies to introduce clients on our behalf and have never authorized others to issue the Intertek name, brand or certifications in a misleading fashion. If you receive any telephone or email notices about cooperation with Intertek or a guaranty of passing an Intertek audit, be extremely cautious and please contact our Compliance Officer immediately at +86-755-26020514, or email sina.wang@intertek.com to get clarification and avoid unnecessary loss.**

We would like to take this opportunity to remind you to abide by our Company Integrity & Bribery Policy which is provided to your company prior to the commencement of each inspection and audit. Please ensure you adhere to this and do not breach this policy.

We will continue providing professional auditing services to customers with your continued support and cooperation.

Thank you for your attention and wishing you great success in your operations.

#### Grace Li

Vice President of Compliance and Risk Management

Intertek Consumer Goods

Feb 10, 2010

# Consultancy Companies' Misleading Promotion By Use of Intertek Brand

Recently, according to many clients and their respective factories and traders, various consulting companies have been and continue to promote false information on a perceived relationship between us (i.e. Intertek) and them (i.e. these consulting companies in question) or are claiming to be an agent of Intertek for testing businesses, through emails, telephones and the web. Intertek conducted a thorough investigation into these cases and applied improved safeguards for audit data systems to prevent embezzlement of internal information by un-approved personnel or any consultants. The primary cases are as follows:

Name of Consulting Company	Website of Consulting Company	Action taken by Intertek	Follow-up status
Dongguan Shengbang Corporation Planning Co., Ltd.	http://1238223.01p.com	Intertek issued legal documentation to this company as warning. Intertek also timely reported the false promotion of the consultant company to local Administration for Industry and Commerce.	Now the false information has been removed from the consultant's website.
Huajie Compass Consulting Co., Ltd.	http://www.hjcompass.cn/	Intertek had communicated with this company and requested them to remove the false information. Intertek also timely reported the false promotion of the consulting company to local Administration for Industry and Commerce.	Now the false information has been removed from the consultant's website.
League Consulting Service Ltd.	http://www.chinalcs.com/	Intertek issued legal documentation to this company as warning. Intertek also timely reported the false promotion of the consultant company to Shenzhen Market Supervision Administration.	Shenzhen Market Supervision Administration visited the consultant company and gave verbal warning to them. The consultant company also verbally promised no similar cases would happen again.
SPLD Consultant Co., Ltd. (Speeder Consultant Co., Ltd.)	http://www.speedesc.com/	Intertek issued legal documentation to this company as warning. Intertek also timely reported the false promotion of the consultant company to Shenzhen Market Supervision Administration.	Now the false information has been removed from consultant's website. Intertek was updated by local Market Supervision Administration verbally that such false promotion might affect the annual audit for this consultant company.
Ally Information Services Co., Ltd.	http://www.allyservice.com/	Intertek issued legal documentation to this company as warning. Intertek also timely reported the false promotion of the consultant company to Shenzhen Market Supervision Administration.	Now the false information has been removed from the consultant's website.
Dong Guan Chuang Sheng Corporation Image Planning Co., Ltd.	http://www.chuangshengcsr.com/	Intertek issued company letter to this company requesting them to remove false information from their website. For the second tort, Intertek issued legal documentation to this company as a warning and also timely reported the false promotion of the consultant company to Shenzhen Market Supervision Administration for Investigation.	Now the false information has been removed from the consultant's website.
Shanghai Global Compliance Services Co., Ltd.	http://www.gscsl.com/index.html	Intertek issued legal documentation to this company as warning for their misleading information on the website.	Now the false information has been removed from the consultant's website.
Shanghai Shangfan Corporation Managing Co., Ltd.	Http://www.sfcsr.com/	For the false promotion of the consultant company, Intertek issued legal documentation to this company as warning.	Now the false information has been removed from the consultant's website.
Ningbo Grandsense Consulting Corporation	http://www.gscgroup.cn/	For the false promotion of the consultant company, Intertek issued legal documentation to this company as warning.	Now the false information has been removed from the consultant's website.
Shenzhen Jumbo Consultant Co.,Ltd.	http://www.cn-jumbo.com/	Intertek issued legal documentation to the consultant company as warning. Intertek also timely reported the false promotion of the consultant company to Shenzhen Market Supervision Administration.	Shenzhen Market Supervision Administration has accepted the case and investigations are in progress.
C-TSA Consultants Limited	http://www.c-tsa.com/	Intertek reported the false promotion of the consultant company to local Administration for Industry and Commerce.	The local Administration for Industry and Commerce has accepted the case and visited C-TSA Consultants Limited. Upon inquiry with Liu Jianghua, legal representative of the company, it was found that the company's promotion materials and website contents were suspected of false promotion. The authority urged the company to take corrective action and imposed a fine of RMB 10,000 for their unfair competition practice. The company accepted the punishment.
Guangzhou Zhonghe Enterprise Management Consulting Co., Ltd.	http://www.gzzhonghe.cn/	Intertek has reported the false promotion of the consultant company to local Administration for Industry and Commerce.	Local Administration for Industry and Commerce visited the consultant company. The consultant company verbally promised no similar cases would happen again; Now the false information has been removed from the consultant's website.

Name of Consulting Company	Website of Consulting Company	Action taken by Intertek	Follow-up status
Shenzhen Tianxiang Consultant Website	Http://www.intertek.net.cn	The Consultout Website illegally used Intertek brand in its website name which had already infringed the legal interest of Intertek. Intertek would resort to every channel including report to local authorities to protect its legal interest.	Intertek will keep close monitor about the consultant website and would make darification to public that Intertek has no relationship with the website to avoid any misunderstanding caused.
Shenzhen Yangming Lianchuang Administration and Consulting Co., Ltd.	http://www.guo365.com/	Intertek has reported the false promotion of the consultant company to local Market Supervision Administration. With regard to the consultant company's infringement of Intertek's trademark right and copyright for the image of Intertek-GMPC, Intertek issued legal documentation to this company requesting them to remove the related marks from their website.	Shenzhen Market Supervision Administration Shekou Office has accepted the case and inquired the related personnel. Upon acknowledgement of the act of false promotion, the consultant company sent clarifications to the factories and clients which had received the false promotion and posted a letter of apology to Intertek on 'Southern Metropolitan Daily' on September 7, 2010; Now the Intertek trademark and Intertek-GMPC trademark have been removed from the consultant's website.
Hangzhou Yihang Corporation Managing Co., Ltd.	http://www.yihangcoc.com/	For the false promotion of the consultant company in the name of Intertek, Intertek has reported to the local Administration for Industry and Commerce.	The local Administration for Industry and Commerce has accepted the case and Intertek had been informed that the Consultant Company had been given verbal warning to stop such false promotion after investigation.
Dong Guan Hua Bo Corporation Image Planning Co., Ltd.	http://www.kgwin.com/Html/Main.asp	With regard to the alleged connection between the Consultant Company and Intertek, it was verified that there was no existing or former Intertek employee in this company. The related personnel in the company also confirmed the same.	Intertek will pay close attention to the consultant company in the future. In case of any infringement of Intertek's lawful rights, Intertek will take legal measures in a timely manner.
Main Testing Service Co., Ltd.	http://www.main-intertek.com/	For the false information posted on the consultant's website, Intertek issued legal documentation to this company as warning. For Main's infringement of Intertek's lawful rights, Intertek issued legal documentation to the company and reported the incident to Shenzhen Market Supervision Administration.	Now the false information has been removed from the consultant's website. Shenzhen Market Supervision Administration has accepted the case and sent personnel to Main Testing. The company was given a verbal warning to stop such false promotion.
China Quality Focus (Asia Quality Focus)	http://www.asiaqualityfocus.com/	It was verified that Intertek has not established any cooperation agreement with any testing company. Intertek issued legal documentation to the company, requesting them to remove all false promotion contents related to ITS (i.e. Intertek).	Now the false information has been removed from the consultant's website.
Xiamen Sanfang Jiuyu Consulting Co.,Ltd.	http://www.gmicc.net/	Intertek investigators contacted Mr. Zeng of Sanfang Jiuyu upon received feedback from one factory that Sanfang Jiuyu approached to them by use of Intertek brand, Mr. Zeng confirmed in emails that their company had no partnership with Intertek and was not able to obtain any factory audit information from Intertek. Intertek also conducted a comprehensive internal investigation, and no evidence shows any contact between Intertek staff and the company.	Intertek would pay close attention to the consultant company. In case of any infringement of Intertek's lawful rights, Intertek will take legal measures in a timely manner.
Shantou Tianxiang Management Consulting Co., Ltd.	http://www.its-coc.com/	For the unauthorized use of Intertek trademark for false promotion on the website, Intertek issued legal documentation to the company.	Now the Intertek trademark has been removed from the consultant's website.
Shanghai Tranwin Management Consulting Co., Ltd.	http://www.tranwin.org/	For the false promotion of the consultant company, Intertek issued legal documentation to this company as warning. For the unauthorized use of Intertek's internal emails and documents by the consultant company on their website, Intertek issued legal documentation to this company as warning.	Now the false information has been removed from the consultant's website.
Dong Guan Chuangyi Corporation Image Planning Co., Ltd.	http://www.chuangyisr.com/	Intertek timely reported the false promotion of the consultant company to local Administration for Industry and Commerce.	The local Administration for Industry and Commerce has accepted the case and investigations are in progress.
ShangHai Benbo Enterprise Management Consulting Co., Ltd.	http://www.isococ.com/	After received several feedback from client that Benbo obtained her factories' audit information and tried to sell their consulting service to the factories, Intertek conducted an internal investigation and found no improper disclosure from Intertek. An Intertek investigator also contacted the consultant company. They expressed that there was no former Intertek consultant in the company and did not get any factory information from Intertek staff. Intertek issued legal documentation to the consultant company for their misleading promotion on the website.	Now the false posts related to Intertek have been removed from the consultant's website.

# Case Sharing I

## Full Disclosure of Consultant Company's False Promotion (Hope Share)



On Nov 20, 2009, Intertek received a complaint from a client, stating that two of their suppliers had received promotion emails from Shenzhen Hope Share Consulting Company (hereinafter 'Hope Share') prior to Intertek's formal audits. In the emails, Mr. He, a representative of Hope Share, claimed that he got the contact information of the factories through existing relationships with auditing firms, and that most of Hope Share's consultants were formerly employed by well-known companies like CSCC, ITS, SGS, BV, HKQAA, WALMART and NIKE as auditors. On the company's website, we also found similar statements.

Upon receiving the complaint, Intertek immediately carried out an investigation. It was verified that Intertek had never established a business relationship with Hope Share. Through review of the official business registration information of the company, there was no existing or former Intertek employee in the company. Later, Intertek contacted Mr. He, and he confirmed that there was no Hope Share employee who had ever been or now is employed by Intertek, and that they did not obtain the client information and audit information from Intertek. He acknowledged that his intent purely was to draw the attention of the factories.

With regard to Hope Share's practices above, Intertek issued them legal documentation on Jan 21, 2010 as an official warning. Now, the false information has been removed from the Hope Share website.

On Jan 14, 2010, Intertek was updated by another client that one of its suppliers in Dongguan was misled by Hope Share to accept their consulting services.

An Intertek investigator visited the factory. The related personnel of the factory confirmed the following in written form: someone claiming to be Mr. He of Hope Share claimed that the company had a partnership with Intertek, which enabled them to know the audit time and procedure in advance; they could ensure success in Intertek's audits if only a consultant fee was paid. But later, during the cooperation with the Consultant Company, Hope Share failed to know the audit date. During the audit, an Intertek auditor found that the factory's report was a false report (which would directly result in audit failure). In order to change the situation, Mr. Mei from Hope Share tried to bribe the auditor on site to help the

factory pass the audit, but was refused.

As mentioned above, Intertek had never established any partnership with Hope Share. Through review of the official business registration information again, there was no further existing or former Intertek employee in Hope Share.

In Intertek's internal investigation, there was no evidence showing that any Intertek employee colluded with external parties to disclose audit information. Meanwhile, the auditor responsible for the audit for the factory timely reported the attempted bribery issue done by Mr. Mei from Hope Share.

On Jan 28, 2010, shortly after the complaint, Intertek received another complaint from Emily from a toy factory, claiming that they received several calls from a Mr. Luo (Anker) of Hope Share. Mr. Luo claimed that he got the information of the factory through existing relationships with auditing firms, and expressed that the factory would have great difficulty in passing the audit without their help. Mr. Luo (Anker) even suggested that the factory would not pass the audit if they did not receive Hope Share's consultancy services. Furthermore, Mr. Luo (Anker) sent promotion emails to the factory on Jan 27, 2010, with a statement that "Hope Share's consultants were formerly employed by well-known companies like CSCC, ITS, SGS, BV, HKQAA, WALMART and NIKE as auditors".

As mentioned above, Intertek never established any partnership with Hope Share. Through continuous review of the business registration information of Hope Share, there was no existing or former Intertek employee at Hope Share.

On Apr 9, 2010, Intertek received a complaint lodged by Mr. Chen, Administrative of a handbag company. Through a site visit, Intertek got the following information: a Mr. Li, claiming to be a staff member of Hope Share, called the factory. Mr. Li stated that he had worked at ITS and had established good relationships with existing Intertek employees. He also promoted consulting services to the factory and promised to help the factory pass the audit if they accepted their consulting services. In the email sent from Hope Share to the factory, there was a similar statement like "Hope Share's consultants were formerly employed by well-known companies like CSCC, ITS, SGS, BV, HKQAA, WALMART and NIKE

as auditors, with extensive experience in auditing and consultation."

After getting the information above, an Intertek investigator called Hope Share, but they refused to communicate with us. Intertek also tried to reach Mr. Li with no success.

As a result, Intertek carried out a thorough internal investigation. Upon analysis on the handling procedure of the factory's auditing information, the possibility of information leakage by Intertek internal staff was eliminated.

Based on the four complaints against Hope Share, we could conclude the general practice of violating consultant companies as below, with Hope Share as a representative:

1. After getting factory audit information via different channels, the consultant company(s) would call the factories or send emails, claiming that they got the audit information through a partnership with Intertek or from Intertek employees, so as to fake a close relationship with Intertek to mislead factories in accepting their services. In case the factory refused to accept their consulting services, they would contact the factory to fabricate an audit failure notice. If the fabricated notice of failure was sent to a factory who indeed did fail their audit, they would threaten the factory that they would for sure lose the next audit if they did not accept their consulting services.
2. Once a cooperation relationship was established with the factory, the consultant company(s) would send a consultant to the factory for site consultation (they might even help the factory pass audit by making false documentation).
3. Once the factory passed the audit, the consultant company could get large benefits from the factory. But if the factory failed in the audit due to the false documentation or for failing to meet the audit requirements, the consultant company would attempt to bribe the auditor for a pass result.

For Hope Share's improper promotional practices - which had seriously disrupted the order of the audit industry as a whole, Intertek reported such in a timely fashion to the Shenzhen Market Supervision Administration. On May 27, 2010, Shenzhen Market

Supervision Administration Fu Tian Office sent two officers to Hope Share, requesting the company to stop such illegal practices immediately and warning Hope Share that they would be subject to a serious punishment if similar practice were found again. Hope Share submitted a written statement to the authority, expressing that:

1. In Hope Share's consultants team, no one has ever been working in Intertek as an auditor or being engaged in auditing work;
2. Hope Share did not get factory audit information or audit results from Intertek employees in private and illegal channels;
3. Hope Share is not able to ensure factories to pass Intertek audits through a so-called 'special relationship'.

In summation, these consultancy companies, such as Hope Share, succeeded time and time again in misleading the factories and taking wrongful advantage of the factory's situation and desire to eventually pass audits. In this regard, we would like to remind all that factories that Intertek audits are conducted in strict accordance with the laws and regulations, as well as clients' requirements, and any audit result will not be based on any monetary trade or other factor. In order to pass an audit and achieve success after failing previously, factories must enhance their internal management and operations.

Later, Intertek received additional complaints against Hope Share. Intertek reported such cases to the local Administration for Industry and Commerce again and in a timely fashion as done before in order to safeguard our lawful rights and interests through legal measures. Meanwhile, Intertek also called on all related parties to work together to fight against the false promotions of consultant companies, so as to safeguard our fundamental interests and ensure a healthy development of the auditing and inspection industry.

## Case Sharing II

### Full Disclosure of Consultant Company's False Promotion (Yangming Lianchuang)

It was previously stated in the third issue of the Intertek Compliance Newsletter that Shenzhen Yangming Lianchuang Administration and Consulting Co., Ltd. (hereinafter 'Shenzhen Yangming Lianchuang') sent promotional emails to factories, claiming to be an agent of Intertek testing services and could provide low pricing and quick testing services in addition to granting all new customers the opportunity to pay for services rendered after that actual service is completed. Intertek reported the misleading behavior of Shenzhen Yangming Lianchuang to the Shenzhen Market Supervision Administration. After further investigation by the Shenzhen Market Supervision Administration Shekou Office, Shenzhen Yangming Lianchuang confessed that they had no delegation agreement or cooperation agreement with Intertek and that Intertek never delegated Shenzhen Yangming Lianchuang in testing services; Intertek has no business relationship with Shenzhen Yangming Lianchuang. Per Intertek's request, Shenzhen Yangming Lianchuang sent an email to those clients and factories who received their false claim in the first place for clarification, and published a formal Apology Letter in the newspaper named 'Southern Metropolitan Daily' for re-clarification. Shenzhen Yangming Lianchuang also suggested clients to directly contact Intertek for testing services, apologized to Intertek for its misleading promotion, and agreed to bear any loss caused to Intertek as a result of this misleading promotion.

On Sept 3, 2010, Intertek found that Shenzhen Yangming Lianchuang illegally used 'INTERTEK-GMPC' and 'Intertek' trademarks on their website for business promotion. 'INTERTEK-GMPC' and 'Intertek' logos were created by Intertek and its copyright belongs to Intertek. Shenzhen Yangming Lianchuang illegally used Intertek's trademarks, in violation of the Trademark Law of the People's Republic of China and infringing Intertek's

lawful right for the trademark. After investigation, Intertek issued legal documentation to Shenzhen Yangming Lianchuang as a warning, requesting it to stop the tort behaviors; otherwise, Intertek would apply to the administrative authority or judicial authority to seek legal liabilities. Later, the illegally used 'INTERTEK-GMPC' and 'Intertek' trademarks were removed from the website.

On Dec 13, 2010, Intertek received a complaint from a factory in Foshan city, stating that a Ms. Xiang claiming to be a staff member of Shenzhen Yangming Lianchuang called the factory to promote their services. Ms. Xiang also claimed that they had a good relationship with Intertek auditors, and could help the factory pass an Intertek audit with a payment of RMB 30,000 consultant fee.

Intertek carried out internal investigation as soon as the complaint was received. But no evidence showed any violation of the internal confidentiality provisions. Intertek then contacted Ms. Xiang. She confessed about conducting the promotional call, but denied the statement on the good relationship between Shenzhen Yangming Lianchuang and Intertek auditors; She also confirmed that they were not able to obtain any factory audit information from Intertek and had no such 'good relationship' with Intertek and its auditors.

From the cases above, we can conclude that some consultancy companies might promote their businesses by circulating false information through email, call or the internet to deceive factories and manufacturers, so as to obtain benefits illegally. In this regard, Intertek calls on all stakeholders, including clients, traders and factories, to step up vigilance against such false promotional practices to avoid unnecessary losses and to make concerted effort to maintain a well-ordered development of the auditing, inspection and certification market.

## Case Sharing III

### Full Disclosure of Consultant Company's False Promotion(Main Testing)

On Sept 22, 2010, Intertek found the following statement in 'About Us' on the website of Shenzhen Main Testing Service Co., Ltd. (hereinafter 'Main Testing'): 'Our partners include well-known companies like TUV in Germany, SGS in Switzerland, NEMKO in Norway and ITS in U.K.' In order to attract customers, Main Testing illegally made use of ITS's brand for false promotion, in violation of the Advertisement Law of the People's Republic of China and the Law of the People's Republic of China Against Unfair Competition. It misled the public view on Intertek, brought negative impact on Intertek, and should bear corresponding legal liabilities.

On Sept 28, 2010, Intertek issued legal documentation to Main Testing, requesting it to remove the misleading statement related to Intertek on their website and eliminate the negative impact brought to Intertek. On Oct 13, 2010, Intertek sent legal documentation again, requesting Main Testing to remove the false statement related to Intertek on their website to avoid misleading. Currently, the false promotion content has been removed, and also no more false information about Intertek was found.

Shortly after the case, Intertek found an article named 'Washington State Approves Act Restricting Use of Bisphenol-A' on Main Testing's website, which was exactly the same with the one posted on Intertek's website. Moreover, Intertek's office address and contact information were shown in the article. Upon investigation, Intertek found that the article was posted on Main Testing's website on Apr 29, 2010, while Intertek posted the article on Apr 20, 2010. It means that Main Testing illegally reproduced the article prepared by Intertek for business promotion, in violation of the Copyright Law of the People's Republic of China and the

Law of the People's Republic of China Against Unfair Competition and infringing Intertek's copyright. For this second tort, Intertek issued legal documentation to Main Testing and reported to Shenzhen Market Supervision Administration. Shenzhen Market Supervision Administration Nanshan Office accepted the case and carried out investigation against Main Testing. Later, the article was found removed from Main Testing's website.

After the Spring Festival of 2011, Intertek received another complaint against Main Testing from Mr. David Chow of a factory. Mr. David received a promotion email from Main Testing, who claimed to be an agency of ITS's testing report. But it was verified that Intertek had no cooperation relationship with Main Testing and has not delegated any agent for its testing services or testing report. Main Testing's behavior has greatly infringed Intertek's legitimate right. Intertek reported the matter in a timely fashion to Shenzhen Market Supervision Administration. The Administration has accepted the case and sent personnel to Main Testing for investigation. The company was given a verbal warning on stopping such false promotion.

Intertek will keep on fighting against such kind of consultants fraudulent use of Intertek name to protect the integrity of Intertek brand; and avoid any unnecessary loss. We here at Intertek calls on all parties within the supply chain to well understand the fraudulent behavior of those consultants and work together to fight against such behavior for healthy development of the industry.

## Case Sharing IV Full Disclosure of Consultant Company's False Promotion (C-TSA)

On Nov 8, 2010, Intertek CG China Compliance and Risk Management (hereinafter 'CRM') received a complaint that Mr. Liu Jianghua from C-TSA Consultants Limited (hereinafter 'C-TSA') sent a promotional email entitled 'C-TSA & Professional Audit Counseling' to a factory on Nov 8, 2010, claiming that their good relationship with auditing firms could guarantee 100% a pass in factory audits.

Upon receiving the complaint, Intertek carried out an investigation, resulting in the findings below:

First, in the email and its attachment named 'Professional Audit Consulting Program\_V2.0-Sendylau', it claimed that C-TSA had a professional team of consultants, who had extensive experience as lead auditors in well-known certification firms including ITS, SGS, BV and STR; C-TSA had close relationships with third-party audit firms including ITS, SGS, BV, STR, Secura, TUV and HKQAA.

Second, through the link provided in the email, an Intertek investigator found the following introduction on C-TSA's website:

'Dongguan C-TSA Consultants Limited (hereinafter 'C-TSA') is a professional institution aimed at providing consulting services on auditing, management system certification and strategic management improvement. C-TSA was established by experts from auditing firms (SGS, ITS, STR), international register and certification institutions (BSI) and international consultant agencies...'

Meanwhile, in the third-party introduction on the website, it was explicitly confirmed that ITS referred to Intertek. In addition, the Intertek trademark was illegally used as a hyperlink to the Intertek website without any authorization.

Furthermore, through internet searches, we found that the C-TSA posted misleading statements on promotion platforms and recruitment websites such as Alibaba and JOB5156, that 'Many of C-TSA's consultants have extensive experience as lead auditors in well-known certification firms including ITS, SGS, BV and STR.'

Intertek also checked the registration information of C-TSA with the Dongguan Administration of Industry and Commerce, and found that the legal representative of C-TSA was Liu Jianghua and both Liu Jianghua and He Yanwan were C-TSA shareholders. But it was verified that Intertek had no such employee record for Liu Jianghua and He Yanwan.

Through investigation, Intertek found that C-TSA used the false statement related to Intertek on their website, other promotional platforms and recruitment websites, as well as in their promotional materials, which has brought great negative impact to Intertek. The misleading promotion also seriously infringed Intertek's lawful rights and interests, which should be subject to legal punishment. Therefore, Intertek reported the case to the Dongguan Administration of Industry and Commerce.

The Administration carried out an investigation and interviewed the legal representative of C-TSA, and concluded that C-TSA's behavior was suspect of false promotion. For this violation, C-TSA was ordered to pay a fine and make immediate corrections. According to the Administration's feedback, C-TSA has accepted the punishment and corrected the violation.

Upon receiving the Administration's feedback, Intertek re-checked C-TSA's website and found that the false promotion by making use of the Intertek brand has been removed. But unauthorized use of the Intertek trademark still existed on the page of 'Third-Party Introduction' and the introduction of Intertek failed to conform to the actual situation. Intertek asked the lawyer to call C-TSA, requesting them to remove the Intertek trademark and improper introduction of Intertek from the website; otherwise, Intertek would apply to the administrative authority or judicial authority to seek C-TSA's legal liabilities.

Currently, the Intertek trademark and improper introduction of Intertek have been removed from C-TSA's website, those promotion platforms, and recruitment websites.

## Case Sharing V Full Disclosure of Consultant Company's False Promotion (ShangHai Benbo)

On Dec 30, 2010, Intertek CG China Compliance and Risk Management (hereinafter 'CRM') received a complaint from a factory, stating that they received a promotion email entitled 'TESCO-SEDEX Audit Counseling' from a Mr. Tang claiming from ShangHai Benbo Enterprise Management Consulting Co., Ltd. (hereinafter "Benbo"). In the email, Mr. Tang claimed that he got the information that the factory was going to conduct a TESCO-SEDEX audit from a friend who was working in ITS Shanghai branch; he also expressed that 'Benbo's chief and senior audit consultants have been worked in international third-party assessment companies such as SGS, ITS, BV and CSCC, and can guarantee 100% pass in audits.'

Upon receiving the complaint, Intertek carried out investigation, resulting in the findings below:

First, Benbo used such statement as 'Benbo's chief and senior audit consultants have been worked in international third-party assessment companies such as SGS, ITS, BV and CSCC' in the promotion email;

Second, the following statement was found in Benbo's company profile on their website:

'ShangHai Benbo Enterprise Management Consulting Co., Ltd. is a professional consulting company engaging in counseling on CSR audit, CSR system certification and ISO authentication..., founded by specialists from celebrated third-party certification companies such as ITS, BV and WAL-MART.'

Upon investigation with Shanghai Administration of Industry & Commerce, we found that the legal representative of Benbo was Tang Xuebin. However, it was verified that there was no former employee named Tang Xuebin in Intertek's archive. In our telephone communication with Mr. Tang, he expressed that there was no former Intertek employee in Benbo.

In conclusion, the statements that Benbo used in their promotion in virtue of ITS's (Intertek) reputation were false information, which has infringed Intertek's legitimate rights and interests. In regard to the negative impact brought to Intertek by such false and misleading promotion, Intertek issued legal documentation to Benbo on Jan 7, 2011, requesting them to remove all the false statements related to Intertek from their website within a week, and stop such misleading promotion immediately.

A week later, Intertek visited the website and the false information has been removed.

On Feb 23, 2011, Intertek CG China CRM received another complaint that a Mr. Tang and Mr. Zhou Tian from Benbo sent promotion emails entitled 'WCA Audit Counseling' to two factories respectively on Feb 18 and 19, 2011. In the email, Mr. Tang claimed

that he got the information that the factory was going to conduct a WCA audit from a friend working in an audit company; and expressed that Benbo's chief and senior audit consultants had been worked in international third-party assessment and could guarantee 100% pass in audits. Mr. Zhou Tian stated in the email that he got the information that the factory was going to conduct a WCA audit and CSR audit from a friend working in an audit company in Shanghai.

On Mar 10, 2011, CRM received one more complaint from another client that Mr. Zhou Tian from Benbo sent promotion emails entitled 'RE: Audit Counseling; 100% Pass in WCA Audit Guaranteed by Shanghai Benbo! Shanghai Benbo knows all schedule of CSR audit and WCA audit!!!' to two of their suppliers on Mar 1 and 5, 2011. Mr. Zhou stated in the emails that he got the information that the factory was going to conduct a WCA audit from a friend working in a company in Shanghai.

In this regard, Intertek investigator contacted Mr. Tang and Mr. Zhou Tian of Benbo via calls and emails. Mr. Tang expressed that they have removed the promotion statements related to Intertek in a timely manner upon receiving the legal documentation. In regard to the 'information from a friend working in an audit company' mentioned in the email, he confessed that he got the audit information from a friend with connection to Intertek, but was not able to know the specific identity of the person who provided the information. Mr. Zhou Tian expressed that the 'information from a friend working in a company in Shanghai' mentioned in his email referred to a trading company instead of Intertek. But he refused to disclose the name of the company. Both Mr. Tang and Zhou Tian dared not to written confirm above feedback from them.

Intertek investigator also checked the system record of related authorized staff including the email communication record, phone record and personal mobile phone record voluntarily provided by related staff, no evidence was found that information disclosure happened inside Intertek.

From such cases, we found that the consulting company has modified the wordings in their promotion materials to evade the potential risks. With regard to the varied forms of false promotions, Intertek would like to remind our clients, traders, factories and related parties not to be deceived by the '100% audit pass' guarantee of any consulting companies, and to treat the consultants' promotions cautiously, so as to avoid unnecessary losses. If you receive any telephone or email notices about cooperation with Intertek or guaranty of passing an Intertek audit, please contact our Compliance Officer immediately at +86-755-26020514, or email [sina.wang@intertek.com](mailto:sina.wang@intertek.com) to get clarification and avoid unnecessary loss.

## Case sharing VI Full Disclosure of Consultant Company's False Promotion (Hangzhou Yihang)

## Announcement Beware: Fake Reports and / or Certificates by Illegal Use of Intertek Name Detected

On Jul 16, 2010, Intertek CG China Compliance and Risk Management (hereinafter 'CRM') received feedback from a factory claiming that they received a promotional email from Hangzhou Yihang Consulting Co., Ltd. (hereinafter 'Yihang'), in which it stated that 'Yihang is a professional company providing consulting services for audits, that the boss of Yihang is actually from a 3<sup>rd</sup> party auditing firm, and that they can guarantee with 100% certainty a factory can pass an audit in one go / attempt.....'.

On Aug 27, 2010, CRM received another complaint email from a client, who claimed that they received a promotional email from Yihang. The email stated 'this is Mr. Zhao from Yihang; our boss is from a 3<sup>rd</sup> party auditing company and has a good, standing relationship with other 3<sup>rd</sup> party firms, including ITS, BV, SGS, STR, BM, so we could help you to pass any audit on behalf of any client.....'.

On Sep 8, 2010, CRM further received a new complaint from another client, also claiming that they received a promotional email from the same consulting company Yihang. In this promotion email, it said 'this is Mr. Zhao from Yihang; our boss is from a 3<sup>rd</sup> party auditing firm and has a good, standing relationship with other 3<sup>rd</sup> party firms including ITS, BV, SGS, STR, BM, so we could help you pass any audit on behalf of any client.....moreover, we could present you a work attendance system developed by ITS for your long term use.....'.

Upon receiving the above feedback, Intertek conducted investigations immediately. According to the investigation results, Intertek has never signed any agreement with any consulting company including Yihang, nor did Intertek have any relationship with Yihang. Furthermore, Intertek has never developed any work attendance system for factory audits. On Sep 7, 2010 and Sep 15, 2010, Intertek investigators contacted Yihang via phone and had formal communication with the responsible person of Yihang, who orally confirmed that Yihang had no relationship with Intertek, and that Yihang did not hire any former Intertek employee either. The

responsible person from Yihang also admitted that Yihang actually had no such work attendance system for audits, the intention of saying they did possess one was purely to draw the attention of factories interested.

Yihang kept claiming that its boss was from a 3<sup>rd</sup> party auditing company and did have a good relationship with Intertek, which made them capable of helping factories to pass an audit in one attempt. Such misleading promotional behavior and antics is not only a severe violation against related regulations but also could cause a negative effect on the business and reputation of Intertek. Therefore, Intertek reported such misleading promotional behavior of Yihang to the local Administration for Industry and Commerce. Upon receiving our report, the investigator of the local Administration for Industry and Commerce had updated Intertek that they would conduct onsite interviews with Yihang so as to launch further action. And Intertek had been informed by local authority that the Consultant Company had been given verbal warning to stop the false promotion.

In the promotion emails of Yihang, it was apparent that Yihang was inappropriately taunting a factory with the idea that they could pass an audit with 100% certainty and illegally using the brand of Intertek in ultimate pursuit of more business and financial benefit.

Hereon, Intertek would like to remind our clients, traders, factories and related parties not to be deceived by the '100% audit pass' guarantee from any consulting company, and to treat consultants' promotions cautiously, so as to avoid unnecessary losses.

If you receive any telephone or email notices about cooperation with Intertek or a guarantee of passing an Intertek audit, please immediately contact our Compliance Office at +86-755-26020514, or email [sina.wang@intertek.com](mailto:sina.wang@intertek.com) to get clarification and help.



Intertek

### Dear Customers:

Recently, it has been brought to our attention that many customers had required Intertek to check the authenticity of testing reports and/or related certificates by Intertek which had been verified to be false. The circulating of such fake reports and/or certificates in the market not only brings great damage to the business of both customers and Intertek but also results in financial setbacks and risks to each company's brand reputation.

We here at Intertek are deeply concerned about the situation and its potential impact on your operation. In order to protect customers like yourself from being subjected to such deception as well as to protect your company's reputation, we have our independent compliance team to handle such cases; company lawyer is delegated to take strong legal action to stop such illegal behaviors and these cases will be also reported to local authority(s), and take legal measures to stop the violation. **We would also like to remind you that if you are concerned about the authenticity of the Intertek reports and/or certificates received, you could contact related operation department for clarification, or directly get in touch with our Compliance Officer immediately at +86-755-26020514, or email [sina.wang@intertek.com](mailto:sina.wang@intertek.com) to get clarification and avoid unnecessary loss.**

We will continue providing professional services to customers with your continued support and cooperation.

Thank you for your attention and wishing you great success in your operations.

### Grace Li

Vice President of Compliance and Risk Management  
Intertek Consumer Goods  
April 29, 2010

# Case Study VII

## Full Disclosure of Fake Reports / Certificates Illegally Using the Intertek Name Detected



# Safeguard the Integrity of Intertek Brand and Maintain Positive Business Environment

As a world-leading provider of testing and certification services, Intertek has been successfully operating in China for over 20 years now. Intertek has provided professional and high quality service to Chinese manufacturers and helped products 'MADE IN CHINA' enter the global market. However in recent months, some false certificate / reports from manufacturers to buyers, retailers and brands with illegal use of the Intertek name have been identified. These false documents have seriously damaged the integrity and reputation of both Intertek and Chinese manufacturers.

On Sep 9, 2010, Intertek received one client's complaint that they had received a false audit report from their agent in Turkey indicating that Intertek had conducted an audit in a factory named Xuzhou Euhigh Industrial Co., Ltd. (hereinafter 'the factory'). The client informed Intertek that the false audit report was provided to them by the factory, that they (the client) were very concerned about the issue, and requested a formal investigation be done by Intertek. Upon receiving the complaint, Intertek checked the internal audit records according to the audit report number and found the factory shown in the original audit report was from Fujian Province instead of Xuzhou Euhigh Industrial Co., Ltd. Furthermore, it was found that Intertek did not conduct any audit in Xuzhou Euhigh Industrial Co., Ltd. on behalf of any client, nor did Intertek ever have any connection with the factory. According to the factory contact information on the false audit report, Intertek tried to contact Ms. Julia Wang, the factory Sales Manager, but was told by the factory that Ms. Julia Wang had already resigned from the factory. Intertek however got in touch with other factory staff - Ms. Xue and Mr. Zhang, successors of Ms. Julia Wang. Both of them confirmed that the false audit report was forwarded by Ms. Julia Wang before she left the factory but that they did not know the source of the false audit report. Meanwhile, Mr. Zhang confirmed that according to the audit record of the factory, the factory had not received any audit related to the client. Mr. Zhang apologized for the negative impact caused to Intertek due to issuing this false report to a client and he promised that there would be no further distribution of such reports by their factory.

On Mar 17, 2011, Intertek received an enquiry from one client about the authenticity of two GMPC certificates. According to the certificates provided by the client, the factory shown was Mhy Beauty Hair Bath Product Co., Ltd., and the certificates No. were SZ2010126 and SZ2010127. After reviewing both extensively, it was identified that the two certificates were different from the genuine ones issued by Intertek in aspects of layout format and serial numbers, authorized signatory, etc. In addition, internal audit records showed that Intertek had never conducted any GMPC audit in this factory or issued any GMPC certificates with serial numbers SZ2010126 or SZ2010127.

After internal checking that the certificates were indeed false, Intertek contacted the client and notified them of our discovery and confirmation. Then, Intertek contacted the factory (Mhy Beauty Hair Bath Product Co., Ltd) for further clarification and got in touch with a factory representative, Mr. Liu. Mr. Liu claimed he was one of the shareholders of the factory and explained the false certificates were provided by an ex-businessman. The fraudulent use of the Intertek brand by providing fake GMPC certificates to foreign clients of Mhy Beauty Hair Bath Co., Ltd. had infringed the legal interest of Intertek. As a result of such, Intertek reported the case to Shenzhen Entry-Exit Inspection and Quarantine Bureau and the case is currently under investigation.

The circulation of such fake reports / certificates in the market will lead to distrust upon the integrity of testing and certification service providers including Intertek and may also tarnish the reputation of Chinese manufacturers in the global market. Intertek calls on the self-discipline of all parties in the supply chain, including factories, for 100% transparency and honesty in the workplace and throughout all business operations moving forward. Intertek would like to cooperate with customers, suppliers, factories and other parties to together help safeguard and support the healthy development of the auditing, inspection, testing and certification market for futures to come.

As a global leader in quality and safety services, Intertek regards integrity, probity and impartiality as our most important and valuable assets. As a successful commercial brand in the industry, Intertek inevitably faces many challenges in protecting and safeguarding our brand. In this fourth issue of the Compliance Newsletter, Intertek would like to share with clients, suppliers, factories and other related parties our experiences in struggling with violations against business ethics.

On the long road of brand establishment, Intertek rejected agent mechanisms at the very beginning, because we realized that potential bribery brings unusually high risks. So, we resolutely made the decision of 'appointment of any agents and other intermediaries are forbidden' in promoting businesses and enhancing brand awareness. However, in view of Intertek's independence, impartiality, professionalism and good reputation in the industry, a number of individuals or enterprises, regardless of the business ethics, made use of the Intertek brand for misleading promotion, to deceive, or even threaten clients, so as to gain profit illegally. In regard to such violations with increasingly complicated circumstances, Intertek holds a serious and cautious attitude. We are making every effort to reduce the losses resulting from such violations, through enhancing our credit system, carrying out effective promotions directly with our clients and actively communicating and working with the related authorities.

Recently, more and more consulting companies illegally made use of the Intertek brand for business promotion. They either hinted that they had a special relationship with Intertek for them to gain access to factory audit information, or provided false information in calls or emails to suppliers and factories that they were able to affect the Intertek audit process, so as to ensure 100% pass. Such false promotion against business ethics not only undermined the image and reputation of Intertek, but also brought about great risks and losses to the brands of clients and related parties.

In this regard, Intertek is working with the related authorities and organizations to take varied effective measures to interdict the violations.

- From the aspect of internal education, every Intertek employee is required to learn the 'Code of Conduct', and make a written commitment not to disclose any information received in the course of the provision of Intertek services, which is not already published, generally available to third parties or otherwise in the public domain, in strict accordance with confidentiality rules.
- From the aspect of internal information management, professional technical personnel have made a thorough analysis on the Intertek data management system and all relevant channels, including the data processing procedure,

identity of personnel with access to the data, authorization for read and operation of each information module within the system, approval and review of the authorization, automatic event logging in the system, data connection among different systems and data security control. Through optimization of the related operational procedure and information confidentiality in each step, it is ensured that specific confidential information is only accessible by a few designated personnel after logging on to the system using the specific computer. Any data access or revision by each user in the system is recorded in the system's event log. Meanwhile, explicit rules are provided on supervision of the devices used by employees in work: regardless of any purpose, employees are prohibited from setting auto-forwarding in the email system; any forms of disclosure of internal information to unrelated personnel, whether external parties or unrelated internal employees, is forbidden.

- In regard to the false promotion that may damage the reputation of the Intertek brand, Intertek will timely report to the related authority(s), and take legal measures to urge them to stop the violation. Currently, some enterprises have been investigated by administration of industry and commerce for false promotion; once such behavior is confirmed, the enterprises would be subject to fines or delay of annual audit approval for correction, or be ordered to issue an apology letter on newspaper. For the ambiguous promotion which may mislead audiences to pay for their services for a so-called "guaranteed" audit pass, Intertek will put more efforts in reminding factories to remain vigilant against the false information, attach more emphasis on quality and management systems in factories to raise their confidence-so as to prevent any losses resulting from such violations. Intertek has sent a formal notification letter to the clients, traders, factories and other related parties to remind them not to be trapped by such false propaganda in order to avoid losses. Furthermore, with regard to the diverse forms of violations against business ethics, Intertek published the "Compliance Newsletter" for objective reporting and clarification, to prevent false information from hurting the entire industry. In the publication, Intertek hopes to openly and honestly communicate with all stakeholders about the measures taken by Intertek, our efforts and working results, to achieve a consensus among factories, clients and related parties, so as to ensure a healthy development of the industry.

Intertek would like to call on all related parties in the supply chain to enhance communication and collaboration against the violations of business ethics, in order to create a fair and transparent business environment where such violations no longer exist.

# Contact Point for Integrity/Ethics Management (Intertek Consumer Goods)



Compliance and Risk Management of Intertek Consumer Goods has been globally established and operates efficiently in every country and region; this department is led, monitored and audited independently by Intertek headquarters located in London. A compliance hotline has been opened for complaints related to integrity issues and managed by an independent compliance team. Clients, suppliers and factories can access this hotline at any time to report bribery issues in which Intertek then assigns an independent team to handle / attend to accordingly for each issue.

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Morocco	Catherine Durand	General Manager
Poland	Ewa Borcz-Wdowiarska	General Manager
Portugal	Alice Lima	General Manager
Rumania	Liliana Enache	General Manager
Russia	Olga Mikhaylova	Head of Certification
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