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Press release

# CMA warns PCR test providers against breaking consumer law

The CMA has sent an open letter to PCR COVID-19 test providers warning that a range of harmful practices in the sector could breach consumer protection law.

From:

Competition and Markets Authority (<https://www.gov.uk/government/organisations/competition-and-markets-authority>)

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The practices of concern to the Competition and Markets Authority (CMA) include:

- advertising up-front prices for PCR tests which do not include additional charges that everyone must pay
- advertising cheap PCR tests which are only actually available in very small quantities or are not available at all
- failing to deliver PCR tests or provide results within stated timescales, or at all
- refusing to provide consumers with refunds where tests are not provided within advertised and/or agreed timescales, or at all.

It comes after the Government this week (23 August) announced it would be warning 82 companies that they face being removed from the Gov.uk list if they advertise misleading prices.

Building on this, the CMA letter warns PCR test providers that if they mislead customers or treat them unfairly they could also face enforcement action from the CMA or Trading Standards. The letter instructs PCR test providers to 'immediately review their practices and policies to make sure they are in line with the requirements of consumer law and to make any changes where necessary'.

CMA General Counsel Sarah Cardell said:

PCR test providers should be in no doubt that they need to get on the right side of the law. If they don't, they risk enforcement action.

Our advice today will also help people by setting out exactly what they should expect for their money.

This warning goes hand-in-hand with action taken by Government this week and is the latest step in our work to tackle rip off prices and bad service. We continue to work closely with DHSC in reviewing this market and will be providing further advice to DHSC on action that can be taken.

The letter lists 11 steps providers should take, including not focusing their advertising on cheap tests which are only available in small numbers; showing the full cost of tests including all compulsory charges; and providing 'honest, accurate and clear' timescales on when tests will be received. PCR test providers should also ensure that PCR tests and results are provided within advertised timescales.

Further information can be found on the CMA rapid review of PCR testing for travel web page (<https://www.gov.uk/government/collections/cma-rapid-review-of-pcr-testing-for-travel>).

## Notes to Editors

The open letter is available on the CMA's website (<https://www.gov.uk/government/publications/open-letter-to-pcr-providers-on-compliance-with-consumer-letters>).

On 12 August the CMA provided an update on the areas we are exploring as part of our work on the PCR testing market. There are 3 areas that the CMA is currently exploring:

- Whether individual PCR providers may be breaching their obligations under consumer law and should be subject to enforcement action;
- Whether there are structural problems in the market for PCR tests, affecting price or reliability;
- Whether there are any immediate actions that the Government could take in the meantime.

The CMA has sent initial advice to the Secretary of State on options that DHSC could consider to address concerns over the price and reliability of PCR tests and the quality of service people receive from providers.

The Government announced its 'two strike' system on 23 August 2021 (<https://www.gov.uk/government/news/82-testing-providers-to-be-issued-warnings-over-misleading-prices>).

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