



Australian
Competition &
Consumer
Commission

Targeting scams

Report of the ACCC on scam activity 2009





Peter Kell, Chairman, Australasian Consumer Fraud Taskforce

Foreword

The Australian Competition and Consumer Commission has seen a substantial increase in the number of scams being reported over the last few years. Complaints to the ACCC about scams climbed by 16 per cent in 2009 and many consumers reported substantial losses.

The ACCC hopes this report will stimulate discussion about how we can best confront the challenges posed by scams. The report explains key trends in scam activity and highlights the impact of scams on the community.

Importantly, the report highlights the cooperative work undertaken by the ACCC, other regulators and law enforcement agencies to disrupt scams and educate consumers. This cooperative work, through organisations such as the Australasian Consumer Fraud Taskforce (ACFT), involves agencies in Australia and overseas.

Scams can be sophisticated and difficult to identify. Many victims feel embarrassed and can suffer considerable losses as they are fleeced of many thousands of dollars.

Increasingly, victims are targeted online, which is why the ACFT has focused on this area for its 2010 Fraud Week campaign: *Online Offensive—Fighting Fraud Online*.

To complement the theme of the 2010 Fraud Week, the ACCC has invited a number of businesses and community and government agencies to partner with the ACFT for its online campaign.

Online businesses have a particularly vital role to play in combating scams. The online businesses that scammers may target (for example, dating websites, online auctions, classifieds and social networking websites) have great potential to assist in detecting new scams and alert consumers most at risk.

As scams evolve, one of the key challenges is to detect them early. The ACCC will continue to work with other agencies to take enforcement action where possible, and to implement educational strategies to assist consumers to identify and avoid scams.

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1. Snapshot of 2009

- Scammers continue to target individuals, regardless of age, gender, education or income level. Small businesses are also targets. Online scams are increasingly prevalent and scammers continue to concoct scams to take advantage of major events such as the global financial crisis, celebrity deaths and national and overseas natural disasters.
- During 2009, losses reported to the ACCC from scams totalled almost \$70 million. Although this amount is unverified and based solely on information provided to the ACCC by complainants, it is likely to be only the tip of the iceberg. Many scams go unreported. Furthermore, the ACCC is only one of many agencies that receive scam complaints.
- Most contacts made to the ACCC concerning scam activity reported no financial loss. However, of those who reported losing money, the majority reported a loss of less than \$1000.
- More than 20 000 scam reports were made to the ACCC in 2009. This represents an approximate increase of 16 per cent when compared with 2008. Each year, the ACCC receives numerous complaints about various issues; however, scam-related reports continue to make up a large proportion of total complaints and it is one of the fastest growing categories.
- More than 54 per cent of the scam reports received by the ACCC concerned mass marketed advance fee fraud (MMAFF), making this the most complained about scam category in 2009. This scam category includes advance fee / up-front payment (Nigerian style), dating and romance, lottery and sweepstakes, and unexpected prize scams.
- The ACCC continued to receive complaints about online auction and shopping, false billing (advertising), banking and online account, job and employment, dating and romance, mobile phone and computer prediction software scams.
- The ACCC observed an increase in reporting regarding scams targeting small business operators—for example, those promising business opportunities. Additionally, consumers experiencing financial difficulty during the economic downturn are more vulnerable to job-related scams.
- Important areas of responsibility for the ACCC include active raising of awareness and educating the community about scams. The key pillars of the ACCC's education strategy include its SCAMwatch website (www.scamwatch.gov.au); outreach activities; and publications such as the *Little black book of scams* and scams fact sheets.
- It is impossible to stop all scam activity or recover all moneys sent to scammers. Many scammers are based overseas and can be hard to track, especially in the online environment. However, the ACCC works closely with a wide range of other agencies to disrupt scammers and inform consumers.
- The ACCC's cooperative work with local and international agencies and private businesses is particularly important in the area of disruption and enforcement. Working with providers of online classifieds to remove advertising for questionable business opportunities, rental scams and advertisements for non-existent pets resulted in positive outcomes in 2009. Furthermore, international cooperation has resulted in swift detection of scams, resulting in, for example, the disabling of a bogus website purporting to sell soccer tickets.

2. ACCC observations: complaints and trends

2.1 The most complained about scams in 2009

Mass marketed advance fee fraud (MMAFF) was the most complained about scam in 2009, contributing 54.9 per cent to total scam contacts received by the ACCC.

There is no universal definition of what constitutes MMAFF; however, the ACCC uses the term to capture activities that share a common theme: requesting fees up-front for goods, services or rewards that are never supplied. This category includes advance fee fraud / up-front payment scams, lottery and sweepstake scams, unexpected prize scams, and dating and romance scams.

The ACCC continued to receive numerous complaints about online auction and shopping, false billing (advertising, directory and domain name), banking and online account, job and employment, dating and romance, mobile phone, and computer prediction software scams.

Advance fee fraud and other scams are discussed in more detail below.

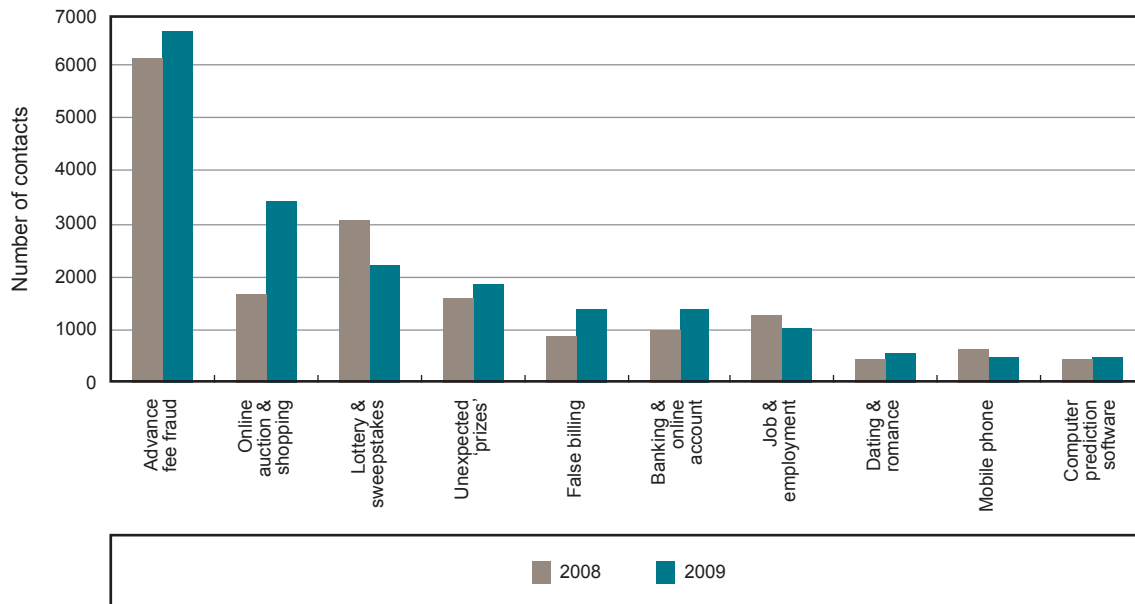
Table 1: Top 10 scam types complained about to the ACCC in 2009

Type	Percentage
Advance fee / up-front payment (Nigerian style)	32.4
Online auction and shopping	16.6
Lottery and sweepstake	10.8
Unexpected 'prize'	9.0
False billing (advertising, directories, domain names)	6.8
Banking and online account (including phishing)	6.7
Job and employment (including business opportunity)	5.0
Dating and romance (including adult services)	2.7
Mobile phone (ringtones, competitions, missed calls)	2.4
Computer prediction software (including betting)	2.4

Note: Because of rounding, percentages do not add up to 100.

When compared with the types of scams predominantly reported in 2008, the ACCC received an increased number of contacts of advance fee fraud (+8.8%), online shopping (+102%), unexpected prizes (+17.7%), false billing (+59.5%), banking and online (+38.6%), dating and romance (+29.7%) and computer prediction software (+10.2%) scams. The ACCC received a decreased number of reports relating to lottery and sweepstake (-27.8%), job and employment (-20.2%) and mobile phone scams (-20.5%).

Figure 1: Comparison of scam types in 2008 and 2009



Mass marketed advance fee fraud

At present, the ACCC considers that MMAFF consists of the following four scam categories:

- advance fee / up-front payment (Nigerian style)
- lottery and sweepstake
- unexpected prize
- dating and romance (including adult services).

The aim of MMAFF is to trick consumers into sending money by using inventive and seemingly legitimate reasons for doing so—for example, to claim a bigger prize or benefit. As an example, the ACCC has received reports that scammers send letters or emails notifying consumers that they have won a lottery, inherited a large sum of money from a long-lost relative or won an unexpected prize. However, in order to claim these ‘winnings’ or ‘prizes’, the recipients must send payment for expenses such as government taxes and/or legal fees.

Often scammers will target a consumer’s emotional decision making—for example, in scams involving health cures and dating and romance. In the case of dating and romance scams, the scammer will form a strong rapport with the victim before asking for money, giving various excuses (such as sickness) for doing so.

Over the last year, there has been an increase in MMAFF type scams sent via SMS. This new form of scam transmission is growing more rapidly than the more cumbersome letter process and operates more efficiently (although it is important to note that scams via ‘snail mail’ are still widespread). An example is where consumers are sent an SMS stating that they have won a significant sum of money and they need to send further details in order to claim their prize. This particular scam led to a spike in the number of complaints to the ACCC during June 2009. Similarly, in a ‘death threat’ scam, an SMS is sent to many consumers demanding that they send money or risk physical harm. Research indicates that money is often sent to scammers in these circumstances.

There is a common misperception that most scams originate in Nigeria. International research indicates that scam perpetrators are located across the globe and no individual country dominates as a source of consumer fraud. In a random sample of five per cent of all advance fee fraud reports made to the ACCC, complainants reported that the scams appeared to have come from various countries, including Spain, Laos, Nigeria, the UK, Hong Kong, South Africa and Australia.

Online auction and shopping scams

The online auction and shopping category forms the second most complained about type of scam, contributing 16.6 per cent to total scam contacts.

The online auction and shopping category is very broad and can incorporate many different types of scams. In one of the most common complaints submitted to the ACCC, consumers have reported purchasing goods such as pets, used cars, boats, bikes and caravans advertised online at very low prices. However, once money is sent, the purchaser does not receive the goods and is unable to contact the seller. Many consumers reported that they were required to send the funds by wire transfer.

The ACCC has also observed an increased number of complaints about scammers targeting consumers selling goods online or via internet classifieds. This scam involves elements of advance fee fraud. In several cases, the scammer has made excuses for their inability to pay various up-front costs (such as transportation costs) and has asked the seller to pay these costs first. The scammer has gone to great lengths to convince the seller that this is a legitimate request, including, in some instances, by sending the seller an email that appears to come from the wire transfer company advising that the funds are being held by the wire transfer company in trust. However, once the seller has paid various up-front costs, it is often too late to recover the money and/or contact the 'seller'.

Another recent example of scammers using classifieds and the internet to lure unsuspecting consumers involves the sale of non-existent pedigree puppies. Often the advertised price is relatively cheap to entice consumers. The scammer aims to trick potential buyers into paying transportation costs. The promised puppy is never delivered and the scammer takes the money.

Another trend in the online auctions and shopping category involves travel and accommodation offers via websites that look legitimate. However, consumers have complained that the vouchers they received were either fakes or could not be used as promised.

False billing (advertising, directory and domain name) scams

As in previous years, the ACCC received numerous complaints about false billing in 2009. False billing scams contributed 6.8 per cent to total scams reported to the ACCC.

Scammers continued to target small businesses in an attempt to trick them into paying for a listing or advertisement in a magazine, journal or business register/directory. A common example is where a small business is sent a subscription form disguised as an outstanding invoice. This is an attempt to trick the recipient into signing up for unwanted advertising services.

On 18 August 2009, the ACCC initiated proceedings against the European City Guide (trading as Industry and Commerce). Since 2006, Industry and Commerce has written to Australian businesses advising that its *Register of business information* is being updated and has asked businesses to check and update their details to ensure that the business is 'positively and correctly presented'. It is alleged that Industry and Commerce has engaged in misleading and deceptive conduct, as businesses have been misled into believing that their business had already been published on a register and that updating the service will not incur any costs. However, businesses that return the form have been pursued for payments. More information about this is outlined in section 4.2.

Banking and online account (including phishing) scams

Banking and online account scams contributed 6.7 per cent to total scams reported to the ACCC in 2009.

The aim of these scams is to trick people into giving their personal and banking information so that scammers can steal their money. Scammers send messages that appear to be from legitimate businesses—normally banks or other financial institutions, or telecommunications providers—requesting that recipients provide personal bank account details.

Scammers often use sophisticated tricks to convince recipients that their request is genuine. Often they will copy an institution's logo and message format and even provide links to websites that are convincing fakes of real companies' website home pages.

An emerging scam: 'free' trial offers

The ACCC has seen an increasing number of complaints about 'free' trial offers. Consumers are offered a 'free' trial where only postage and handling is payable. However, without clear disclosure, consumers subsequently receive unwanted goods and/or services from the business, have their credit card information transferred directly to another business, and/or have regular deductions made from their credit card by an entity not related to the company from which the initial purchase was made.

Consumers have complained that it is extremely difficult to cancel the membership/s, as telephone support is not available. Losses in relation to this type of conduct ranges from \$12 to \$1000 per affected consumer.

2.2 Financial losses reported to the ACCC in 2009

During 2009, consumers reported to the ACCC scam losses of nearly \$69.9 million. This amount is based solely on information provided to the ACCC by complainants and, as such, is not presented as the actual financial losses of Australians in 2009.

Even though this figure is not verified, the ACCC suggests that it is just the tip of the iceberg. Many scams are unreported and the ACCC is only one of many agencies that receive scam complaints.

For example, when considering the broader characterisation of personal fraud, the Australian Bureau of Statistics (2008)¹ found that almost \$1 billion was lost by Australians over a 12-month period.² The survey—the first of its kind in Australia—reported that almost six million people are exposed to scams and frauds during any given year, with over 800 000 people falling victim in some way. Approximately 83 per cent of people who contacted the ACCC regarding scam activity in 2009 reported no financial loss. However, of those who did report losing money, the majority reported a loss of less than \$1000. In 2009, two complaints received by the ACCC reported losses in excess of \$10 million. Those losses were from investment seminar / real estate scams. The ACCC has liaised with state law enforcement bodies on these issues.

Table 2 provides a further breakdown of the financial losses reported by consumers. The ACCC is mindful that some losses that have been reported possibly represent amounts that complainants believe they may have been entitled to if the offer in question had been genuine. A classic example is in the case of lottery scams: a consumer may report losses of many millions of dollars when, in fact, the consumer has lost only the opportunity of winning this money if the offer had been legitimate.

1 'Personal fraud' includes credit or bank card fraud, identity theft (including the unauthorised use of a person's personal details) and the following selected scams: lotteries, pyramid schemes, phishing and related scams, financial advice, chain letters and advance fee fraud. For further information, see Personal Fraud, Australia 2007 (cat. no. 4528.0), available from the ABS website www.abs.gov.au.

2 The ABS 2007 survey on personal fraud was conducted throughout Australia during July to December 2007. One randomly selected person per household aged 15 years or over was asked about their experiences of personal fraud and provided information about incidents that occurred over a 12-month period prior to the date of interview.

Table 2: Monetary losses reported by consumers as a result of scams in 2009

Monetary range (\$)	Number of consumers
1 to 99	599
100 to 499	818
500 to 999	434
1000 to 9999	1238
10 000 to 49 999	349
50 000 to 499 999	91
500 000 to 999 999	10
1 million to 10 million	3
10 million +	2

2.3 Complaints and inquiries directed to the ACCC in 2009

Scams are constantly evolving and becoming increasingly sophisticated as scammers attempt to lure a greater number of unsuspecting victims.

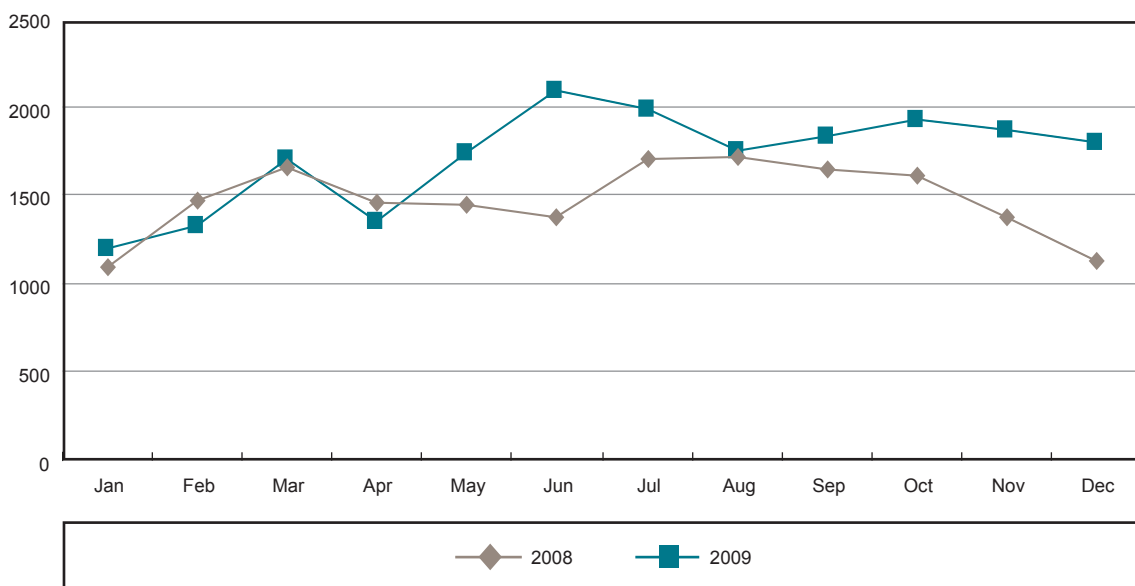
Number of scam-related complaints and inquiries

In 2009, the ACCC received 20 554 scam-related complaints and inquiries ('contacts')—an average of just over 1700 per month. This represents an increase of 16.3 per cent compared with the number of scam-related contacts made in 2008 (17 671 contacts).

Like the pattern observed in 2008, scam-related contacts to the ACCC in 2009 were generally higher in the middle of the year, with contacts tapering off during the December/January holiday period.

However, in June 2009, the ACCC received a 51 per cent increase in scam-related contacts compared with June 2008 due to a particular lottery scam circulated via text message at that time. Also, in December 2009, there was an increase of 59 per cent in scam contacts compared with the same period in 2008. This was largely due to a particular type of advance fee fraud scam where recipients were asked to pay various fees before claiming their 'winnings'.

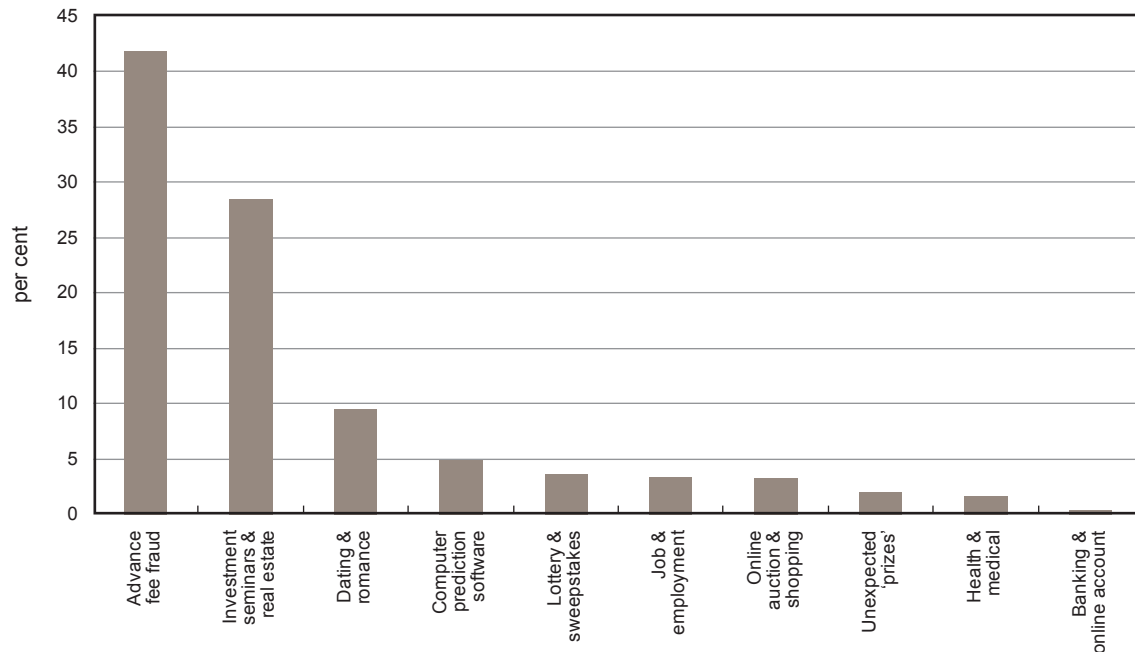
Figure 2: Number of scam-related contacts made to the ACCC in 2008 and 2009



Financial losses based on scam type

As illustrated in Figure 3, advance fee fraud and fraudulent investment opportunities account for over 70 per cent of money lost by consumers. The remaining losses (30 per cent of total losses) comprised a range of scams including dating and romance scams, computer prediction software scams and job and employment scams.

Figure 3: Monetary losses reported to the ACCC in 2009 based on scam type



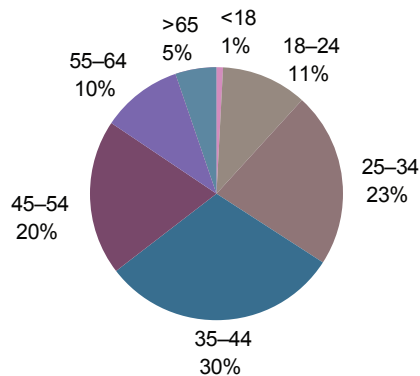
Method of communication of scams

The majority of consumers said they were contacted by alleged scammers via the internet (68.6 per cent). The remaining contacts were made by postal mail (12.6 per cent), telephone (9.9 per cent), text message (7.8 per cent) and facsimile (1.1 per cent).

Age range of complainants

The ACCC received scam complaints and inquiries from consumers across a broad age range during 2009; however, almost three-quarters of complainants who provided their age were between 25 and 54 years old. Thirty per cent of complainants were in the 35 to 44 year range, 23 per cent in the 25 to 34 year range, and 20 per cent were in the 45 to 54 year range. Five per cent of complaints were received from people over 65. While the provision of age data is voluntary, the statistics provide a useful indication of the trends observed.

Figure 4: Age range of scam complainants contacting the ACCC during 2009



3. Taking action to educate consumers

3.1 Promoting scams awareness

Local and international research confirms the ACCC's observation that, regardless of age, gender, education or income level, any consumer can be scammed. Everyone is vulnerable. Disrupting consumer inertia and challenging the perception of invincibility are key aims of the ACCC's education and outreach strategy.

In addition to providing general scams awareness messaging relevant to all Australians, increasingly the ACCC is developing more targeted strategies—for example, for young consumers and small businesses.

A report commissioned by the Australasian Consumer Fraud Taskforce (ACFT) for the 2009 annual scams awareness campaign confirmed the effectiveness of this approach. The report showed that many people do not respond to general scams messaging, as they believe they are already well informed and that scammers are relatively unsophisticated and easy to identify. Messages showing how specific scams work may have greater resonance. Also, personal stories are an effective way of creating engagement with our messages, as consumers identify with the victims.

The ACCC uses its SCAMwatch website, media releases, interviews, printed materials and partnerships with key stakeholders to promote scams awareness messages. The ACCC also participates in the work of multi-agency initiatives combating scams, such as the ACFT, the Inter-agency Sports Betting Taskforce and international groups dealing with mass marketed fraud. Aims of these initiatives range from education to intelligence sharing to assist in locating scammers or disrupting their activities.

3.2 ACCC scams awareness resources

SCAMwatch website

The ACCC's SCAMwatch website (www.scamwatch.gov.au) provides information to consumers and small businesses about how to recognise, avoid and report scams. The website explains how scams operate and offers guidance to consumers and small business operators on what to look out for and how to minimise their chances of being scammed.

The SCAMwatch radar is a popular feature of SCAMwatch used by the ACCC to highlight widespread or novel scams which carry a particular risk of consumer detriment. In addition to posting the alert on the website, the alerts may also be emailed to SCAMwatch subscribers. Alerts are increasingly being issued at the request of other government agencies and of private and community groups affected by the scam activity.

The site also posts warnings to alert subscribers to emerging scams and warns them about prevalent and/or emerging scams with high risk of financial loss, in partnership with other government agencies.

In 2009, SCAMwatch issued 38 radar alerts warning consumers about the imminent risk of scams around current events such as celebrity deaths, the Victorian bushfires and the government's stimulus package. This is more than three times the number of SCAMwatch radar alerts issued in 2008 (in 2008, 12 SCAMwatch radar alerts were issued). A full list of 2009 SCAMwatch radar alerts is provided in Appendix 1.

In addition to providing information about scams and how to avoid them, SCAMwatch promotes initiatives and campaigns being undertaken by the ACFT and acts as the portal for the ACFT's annual Fraud Week campaign.

SCAMwatch also provides for the cross-promotion of independent scam-related activities being undertaken by ACFT member agencies through its calendar of events. More information about the ACFT is outlined in section 3.3.

Since the SCAMwatch website was launched in 2006, the number of subscribers to the SCAMwatch radar alert service has grown to over 12 000. The number of site visits also continues to be strong. During 2009, there were 520 000 visits to SCAMwatch—an average of 44 000 visits per month. A surge in visits to SCAMwatch during March 2009 (over 60 000 visits) was largely associated with increased public awareness generated by the annual ACFT scams awareness campaign.

Recent SCAMwatch educational initiatives include providing annotated examples of real scams to show consumers what typical scams may look like, and also detailed reports from consumers telling about their difficulties dealing with scammers. Internationally, the website is considered a unique resource. A number of countries, including the UK, South Africa and New Zealand, refer consumers to the website.

Printed materials

The *Little black book of scams* is one of the ACCC's most popular consumer publications.

In 2009, over 76 000 copies of this booklet were distributed to the public. The *Little black book of scams* highlights a variety of popular scams that are regularly used to target Australian consumers and small business, in areas such as fake lotteries, internet shopping, mobile phones, online banking, employment and investment opportunities. It also offers consumers tips on how to protect themselves from scams, what they can do to minimise damage if they do get scammed and how they can report a scam.

The ACCC has developed a range of scam-specific fact sheets to support this publication. The ACCC recently published four fact sheets covering phishing scams; money transfer scams; sports investment scams; and lottery and competition scams. These scams were selected based on the high level of complaints reported to the ACCC from the public. The fact sheets provide information about how the scams work, what the warning signs are, what preventative measures can be taken and where readers can obtain more information. Additional fact sheets are being developed, with a small business fact sheet due for release in March 2010.

Refer to Appendix 2 for a full list of scam-related publications, including the *Little black book of scams*, several scam fact sheets and ACFT printed material.

Media and communications activity

The ACCC uses a variety of media platforms and communication opportunities to promote its scams awareness message to the widest possible audience.

In addition to issuing regular media releases to promote both general and specific scams awareness messages, the ACCC also uses media releases to publicise its successful enforcement action. ACCC commissioners and outreach officers actively seek and accept opportunities to provide media interviews, community and business presentations and speeches to encourage awareness of new scams and promote awareness of the ACCC's roles in minimising scam related harm and education. Major newspapers across the country also publish articles by the ACCC on topical scam issues.

This ongoing and extensive engagement with mass media is a crucial component of the ACCC's efforts to remind Australians of the presence of scams, how to recognise them and how to avoid them.

Appendix 3 highlights the ACCC's key media and communications initiatives in 2009.

3.3 The Australasian Consumer Fraud Taskforce

About the Australasian Consumer Fraud Taskforce

The Australasian Consumer Fraud Taskforce (ACFT) comprises 21 national, state and territory government departments with responsibility for consumer protection in relation to frauds and scams. It also includes the New Zealand consumer protection agencies. The ACCC is the chair of the ACFT and also provides secretariat services to the taskforce. The ACFT meets throughout the year to discuss scams education, enforcement and research. The ACCC considers that the participation of a wide range of regulatory and law enforcement agencies and research bodies (such as the Australian Institute of Criminology) is critical to the overall fight against scam activity.

The ACFT runs an annual information campaign that allows all agencies to share information and generate greater interest in research on consumer frauds and scams. The annual ACFT information campaigns commenced in 2006 and are timed to coincide with the Global Consumer Fraud Prevention Month.

The objective of the annual information campaign is to inform consumers and businesses about scams so that they are able to identify and avoid them. The information campaign also provides an opportunity to highlight any emerging and widespread scams.

The ACFT works closely with partners from community groups, private businesses, government organisations and industry associations to promote the ACFT's consumer fraud awareness message. The assistance that partners provide is integral to the ACFT's work in promoting the campaign message and raising awareness of consumer fraud across Australia. Partners assist in raising scams awareness through various means, including website links, internal and external news releases and website advertising of campaign messages.

Australasian Consumer Fraud Taskforce 2009 campaign

The 2009 ACFT Fraud Week campaign was held from 2 to 8 March 2009. The campaign built on previous ACFT campaigns and drew on the expertise of ACFT member agencies to implement a coordinated national consumer campaign to raise awareness of scams and fraud, the ACFT and its members, and the involvement of private sector and community partners.

The 2009 campaign was based on findings from the Australian Bureau of Statistics (ABS) scams report and results from user testing. Key messages included 'Scams can target anyone: protect yourself'. There was a strong focus on scams that commonly target Australians, such as lottery, dating and romance, phishing and identity theft scams. The ACFT promoted the Fraud Week campaign through a national advertising campaign on metropolitan press and radio.

The 2009 campaign featured a number of new initiatives including the Consumer Fraud Forum. The Consumer Fraud Forum was held in Melbourne on 2 March 2009 and was hosted by the ACCC. The forum provided an opportunity for agencies involved in combating scams to exchange ideas and experiences and to raise the level of scam awareness through the media. The forum focused on the prevalence and types of scams in a globalised environment and ways for consumers to protect themselves from scammers. The forum incorporated a number of victim stories that generated media interest in the campaign.

The ACFT Partner Program continued to grow in 2009, with 26 new members, particularly government and community partners. In total, the 2009 Fraud Week campaign involved 29 government agencies, 39 business partners and 35 community partners. The 2008 ACFT partners included 13 government agencies, 43 business partners and 21 community partners. Overall, the partners reported that the ACFT Fraud Week campaign was well received and generally successful in reaching consumers and educating them about ways to identify and combat scams.

Refer to Appendix 4 for a list of the 2009 government, private business and community partners.

Australasian Consumer Fraud Taskforce 2010 campaign

The 2010 ACFT Fraud Week campaign will be held from 1 to 7 March 2010.

Titled *Online Offensive—Fighting Fraud Online*, it focuses on tips and traps for consumers and small business when transacting online. The 2010 campaign will have a particular focus on young consumers, small businesses and older consumers.

Online consumer fraud was chosen because of the growing popularity of the internet as a tool for communication, trade and other business and household uses. It is important to remind people of the need to ensure their security online, educate them about various online scams, and show them how to protect themselves from becoming victims.

Like the 2009 ACFT campaign, the 2010 campaign messages and general scam education programs will be promoted through other government, private and community partners. To complement the theme of Fraud Week 2010, the ACCC has invited a number of private businesses with online operations to join the ACFT's pool of private partners. By building relationships with businesses in the online environments that scammers may target (such as dating websites, online auction websites, online classifieds websites and social networking websites), there is greater potential for the campaign message to reach those most at risk.

The ACCC has also approached an additional eight community groups and four government organisations to partner with the ACFT in addition to the current partners already confirmed for the 2010 campaign.

Refer to Appendix 4 for a list of government, private business and community partners that have confirmed their participation as of 8 February 2010.

4. Action to disrupt scams and enforce the law

4.1 Scam disruption activities

The ACCC cooperates with a number of agencies and private businesses in the area of disruption to get the most effective outcomes.

Often it is difficult to establish the exact identities and locations of scammers. Consequently the ACCC focuses on disruption to achieve positive outcomes.

In particular, positive outcomes have resulted from working with providers of online classifieds. This has been an effective way of removing advertising for questionable business opportunities, rental scams and advertisements for non-existent pets. In 2009, the ACCC, in collaboration with providers, was responsible for the removal of over 500 suspect advertisements from online classified listings.

The ACCC has engaged in disruption activities in a number of scam types and in relation to a variety of issues. Some case studies are discussed below.

Case study: Victorian Bushfire Appeal

In some instances, rather than waiting for scams to be reported, a strategic approach has been adopted in anticipation of scam activity. Scammers may be difficult to find, but often they are predictable. Unfortunately, natural disasters such as floods, fire and tsunamis offer scammers new money-making opportunities.

During the February 2009 bushfires in Victoria, the ACCC took a proactive approach. A number of warnings were issued via SCAMwatch and media releases for consumers to be on alert for scammers seeking to capitalise on a generous response from the public.

The ACCC compiled a list of domain names that scammers could possibly use in order to capture online donations. These domain names were monitored on a daily basis. The ACCC actively scrutinised any websites found and noted any contact details or payment portals used for donations.

As a result, the ACCC located two websites of concern. One website was disabled through the assistance of another agency and the other website was modified by the website's owner.

The ACCC's Infocentre was also actively involved in taking information from concerned consumers and passing that information promptly to investigating staff.

Also, trap email accounts were monitored for any phishing emails. To date, none have been received. However, the unfortunate event could be used as part of an inheritance scam at a later date. Inheritance scams commonly involve advance fee/up-front payment where recipients are required to pay for various fees before claiming their 'inheritance'. Scammers use various excuses to justify payment for various fees including taxes, processing fees and legal fees.

Case study: online directories

Unsolicited mass-marketed mailouts for directory-style listings are a scourge for many in the business community. Each year the ACCC receives hundreds of complaints about this activity.

In 2009, a number of different approaches were taken. In December, the ACCC announced it had instituted proceedings against The European City Guide (also known as Industry and Commerce).

The ACCC also worked with an Australian debt collection agency employed to collect money on behalf of an overseas-based trader. The moneys were being collected after Australian businesses had been tricked into paying for a worthless listing on a website.

In November, staff focused on disrupting the activities of two overseas traders engaged in mass marketing online directories. A media release was issued naming the businesses: World Business Guide and World Business Directory.

Case study: sports betting

The ACCC has been working with the Queensland Office of Fair Trading, Queensland Police, the Australian Securities and Investments Commission and the Australian Taxation Office to develop coordinated enforcement and consumer education strategies to tackle these types of sports 'investment' scams.

A taskforce conducted investigations on businesses premises and as a result it collected valuable information about how the businesses operate and how bogus contact details are used to fool prospective customers. Work in this area is continuing.

The ACCC also moved to develop a sports investment scams fact sheet. The fact sheet provides an explanation of how sports investment scams work, what the warning signs are and what tricks are used by scammers.

4.2 Scam-related enforcement activities

In 2009, the ACCC initiated proceedings or concluded actions against a number of online traders allegedly involved in misleading and deceptive or scam-like conduct.

These included European City Guide SL (Industry and Commerce), Cosic Holdings Pty Ltd (Emerald Passport pyramid scheme), Jetplace Pty Ltd (www.redhotpie.com.au), Burnan Pty Ltd (Resumé Service), Ozdirect Online Brands Pty Ltd, Leanne Rita Vassallo and Aaron David Smith (health cure ebook), Zanok Technologies Pty Ltd, Australialink Pty Ltd and Bindert (Ben) Kloosterman & Ors (Designer Brand Outlet).

A number of these matters are before the court.

Case study: European City Guide (also known as Industry and Commerce)

The ACCC has initiated proceedings against the European City Guide (trading as Industry and Commerce). The ACCC alleges that, between 2006 and 2009, Industry and Commerce engaged in misleading or deceptive conduct and made false or misleading representations.

Since 2006, Industry and Commerce has been writing to Australian businesses advising that their Register of Business Information is being updated and has asked businesses to check and update their details to ensure that their business is 'positively and correctly presented'.

It is alleged that Industry and Commerce engaged in misleading and deceptive conduct in that businesses were misled into believing that the business had already been published on the register and the service would not incur any costs; however, businesses who returned the form were required to pay \$1600 per year for a minimum of three years.

This matter is listed to return to court on 9 February 2010.

Case study: Designer Brand Outlet

In late 2008, the US Federal Trade Commission notified the ACCC about the activities of the Designer Brand Outlet. Consumers reported that they paid for goods on what appeared to be an Australian website. However, the website was operated out of China. Many consumers reported that the goods purchased were inferior in quality and did not match the advertised goods. In some other instances, consumers did not receive the goods.

To minimise detriment to other consumers, the ACCC worked with a number of businesses to prevent the operation of the Designer Brand Outlet. For example, the ACCC contacted the Domain Name Registrar, which resulted in the website being disabled. This prevented further money from being transferred into the website merchant's bank. The ACCC was also able to have the assets of the company frozen to ensure some return for consumers who lost money.

The matter was concluded in April 2009 after those responsible for the website offered compensation for consumers that had been misled.

This investigation highlights the importance of swift action and cooperation with a number of parties, including overseas agencies, to achieve a positive outcome for consumers.

4.3 The International Consumer Protection and Enforcement Network

The International Consumer Protection and Enforcement Network (ICPEN) is a network of consumer protection law enforcement authorities from over 40 economies. The ACCC took on the role of President from August 2009 for a one-year term. The ACCC hosted the ICPEN Conference in Sydney in November 2009.

ICPEN provides a forum where authorities can cooperatively share information and look at combating consumer problems that arise with cross-border transactions in goods and services, such as e-commerce fraud and international scams.

The mandate of ICPEN is to encourage practical action to prevent cross-border marketing malpractice. ICPEN aims to share information about cross-border commercial activities that may affect consumer interests and encourage international cooperation among law enforcement agencies.

Key activities of ICPEN are outlined below.

Fraud Prevention Month

Running throughout March each year, Fraud Prevention Month is an education campaign that aims to inform consumers about fraud and raise awareness of scams through a series of events and activities. The ACCC participates in this as part of its Fraud Week campaign with the ACFT.

E-consumer.gov

E-consumer.gov (www.econsumer.gov) is a website that provides consumers with a global online complaint mechanism to report suspect online transactions with foreign businesses. The portal also provides consumers with tips on how they may be able to resolve their issues and provides contacts for alternative dispute resolution services in various ICPEN member jurisdictions, including Australia. The ACCC's case against Designer Brand Outlet in 2009 was the first case originating from this initiative.

International Consumer Protection and Enforcement Network Annual International Internet Sweep

The ICPEN Annual International Internet Sweep is a global web-surfing exercise introduced to improve consumer confidence in e-commerce by demonstrating a law enforcement presence online. Participating enforcement agencies search for websites that may potentially be deceiving and/or defrauding consumers. The ACCC is the international coordinator of this initiative.

In 2009, the international sweep theme was 'Crisis Scams'. The focus was on frauds conducted during stressful times. The ACCC sweep searched for websites which were likely to attract consumers looking for special bargains in light of the global financial crisis.

As a result of the sweep, a bogus 2010 FIFA World Cup™ soccer ticketing website was detected. This website purported to sell tickets to this popular event; however, it was not able to deliver what it promised. The ACCC issued a warning about this website and advised consumers to be vigilant when buying tickets.

Through the work of the ACCC, the international nature of these ticketing scams is being recognised within ICPEN. ICPEN is currently working with FIFA to enhance international enforcement and consumer awareness.

4.4 Other partnerships and cooperative activities

As scams commonly operate in a global environment, international cooperation is becoming an essential part of effective disruption and minimisation of scams. The ACCC actively works with international counterpart agencies either bilaterally or as part of international networks such as ICPEN to identify, disrupt and minimise scam activity. Other international forums that the ACCC participates in are outlined below.

OECD Committee on Consumer Policy

The OECD Committee on Consumer Policy seeks to enhance the development and enforcement of effective consumer policies through research and analysis, exchange of information and development of guidelines to address problematic areas. Cross-border fraud and e-commerce are two of the current areas of focus with relevance to enforcement work on scams. The ACCC participates as a member of the Australian delegation.

International Mass Marketing Fraud Working Group

Since February 2008, the ACCC has been an active participant in the International Mass Marketing Fraud Working Group (IMMFWG). The IMMFWG consists of a number of domestic and international law enforcement agencies.³ The multinational initiative focuses on mass marketed fraud, with the following goals:

- improving intelligence
- increasing disruption of scam/fraud operations
- expanding public awareness and prevention measures
- enhancing cooperation and coordination in enforcement actions against mass marketed fraud activity.

Consumers International

Consumers International is an independent body consisting of representatives from 115 countries. It was founded in 1960 to campaign for the rights of consumers across the world. The ACCC is a government member of the Australian representation and regularly participates in World Consumer Day.

³ Members of this group include the US Federal Trade Commission, US Department of Justice, US Postal Inspection Service, Federal Bureau of Investigation (US), United Kingdom Office of Fair Trading, National Fraud Agency (UK), Serious Organised Crime Agency (UK), Canadian Competition Bureau, Canadian Royal Mounted Police, Europol (Europe), Nigerian Economic Financial Crimes Commission, London Metropolitan Police, and Netherlands and Amsterdam Police.

5. Conclusions and challenges for 2010

Because of the global nature of scams and significant improvements in technology, greater importance has been placed on preventative measures through education and scam disruption activities.

Based on the increasing number of scam-related reports submitted to the ACCC, it appears that the level of scam awareness in the community is rising. Many Australians are now able to identify, recognise and report scams.

This increase also shows a greater awareness on the part of consumers of the functions of the ACCC and other regulatory agencies in relation to scam activity.

As scams constantly evolve, one of the key challenges is to detect emerging scams early. The ACCC will continue to work proactively with other agencies to detect scams and implement widespread educational strategies to help consumers to identify and avoid scams.

Appendix 1: 2009 SCAMwatch radars

Happy win or just a scam?

December 2009: SCAMwatch warns consumers to be wary of advance fee fraud scams disguised as 'winnings'.

Casino telemarketing scams

November 2009: SCAMwatch warns that casino telemarketing scams are still active.

Discount holiday accommodation vouchers

November 2009: SCAMwatch is warning consumers to be careful when purchasing vouchers for discount holiday accommodation.

Overcharged bank fees scam

November 2009: SCAMwatch is warning consumers about hoax offers of assistance to reclaim overcharged bank fees.

Bogus anti-virus alerts

November 2009: SCAMwatch is warning consumers to be wary of bogus security software or 'scareware'.

Travelling to the USA?

November 2009: SCAMwatch is warning all prospective travellers to the United States of America to be wary of unauthorised third party websites.

Comcover non-refundable loan email

November 2009: SCAMwatch is warning about an email from Comcover that offers a non-refundable loan.

Steer clear of sports investment schemes

November 2009: SCAMwatch is warning you to be very careful if you think you can improve your odds with the aid of sports 'investment' opportunities.

Facebook password scam email

October 2009: SCAMwatch is warning Facebook subscribers about a hoax email they may receive under the guise of a password reset email.

Visa Europe survey bonus scam

October 2009: VISA Europe survey bonus scam.

Trevor Smallwood hoax email

October 2009: SCAMwatch is warning consumers about an email allegedly from the Australian Federal Police.

SCAMwatch warns about scam business directory offers

October 2009: SCAMwatch warns businesses to watch out for unsolicited emails or letters that claim to offer 'free' business directory listings.

Patrick Swayze and other celebrity scams—be on guard online

September 2009: SCAMwatch is urging consumers to be on guard online, even when searching celebrity news items. The latest celebrity scam exploits the death of Patrick Swayze.

It's not all Pink and rosy—celebrity scams on the rise!

September 2009: SCAMwatch urges caution when entering competitions or responding to 'free' offers online and purchasing concert tickets from fake fan club websites rather than official ticket sites.

Business opportunity scams

September 2009: SCAMwatch is warning consumers to be extremely cautious about getting involved in business opportunity schemes that promise a lot of income for little or no effort.

Canadian scammer fined millions—scammers beware!

September 2009: SCAMwatch is pleased to report a major win in the fight against scammers obtained in Canada this week.

UNICEF—fake job offer and investment grants scams

August 2009: SCAMwatch is warning consumers about fake job offers and investment grants sent by scammers in an attempt to steal personal information and money.

Grand Sands Casino fake prize SMS scam!

August 2009: SCAMwatch is warning Australians to be on the lookout for a new telemarketing scam where scammers send text messages to advise consumers they have won 'third prize' in a bogus prize.

Beat the recession chain letter scam

August 2009: SCAMwatch is warning Australians to be on the lookout for a new chain letter scam seeking to take advantage of the current economic climate.

Australian Taxation Office—door-to-door scam warning

August 2009: SCAMwatch is warning Australians to be aware of a door-to-door scam.

Jackson and other celebrity scams

July 2009: SCAMwatch is warning consumers to be wary of spam emails that link to viruses and spyware embedded in songs, videos and pictures of celebrities.

Australian Federal Police email scam

July 2009: SCAMwatch is warning consumers about a fake Australian Federal Police email that claims your credit card has been used in transactions related to criminal organisations.

Sports investment schemes—it's just gambling

June 2009: SCAMwatch is warning consumers that sports 'investment' schemes are just another form of gambling and are often outright scams.

Australian Taxation Office tax refund online!

June 2009: SCAMwatch is warning consumers about an email that invites recipients to claim a bogus tax return of \$452 by completing an online application.

Commonwealth Bank of Australia—phishing email SCAMwatch radar

June 2009: SCAMwatch is warning consumers to continue to be wary of unsolicited emails that appear to come from well-known businesses and financial institutions.

Phishing scams on social networking sites—don't be tricked into giving your information away!

June 2009: SCAMwatch is again warning consumers to protect themselves from identity theft when using social networking sites such as Facebook, MySpace and Twitter.

Swine flu scams

May 2009: SCAMwatch is warning consumers to be on the look-out for scammers seeking to profit from the recent swine flu health threat.

Superannuation scams

May 2009: SCAMwatch is reminding consumers to be careful in protecting their superannuation account statements in particular and all of their personal information more generally.

SMS windfall for scammers

May 2009: SCAMwatch is warning consumers to watch out for an unsolicited text message announcing an unexpected win.

Fake Myer gift card

May 2009: SCAMwatch is warning consumers to be wary of spam emails promising a \$500 Myer gift card, which may actually be a ruse to steal your money and personal details.

Credit card scam targeting small businesses

May 2009: SCAMwatch is warning small to medium businesses to be on the look out for unusual or complicated orders from overseas, particularly orders which are being paid for by credit card.

Bogus McDonald's email 'phishing' for your bank details

April 2009: SCAMwatch is warning consumers to continue to be wary of unsolicited emails that appear to come from well-known businesses or agencies.

Coming soon! Tax bonus payment

April 2009: SCAMwatch is again warning consumers to be on the lookout for bogus phone calls, emails and other scams relating to the government's economic stimulus package.

Losing money is a sure bet with sports arbitrage schemes

March 2009: SCAMwatch is warning consumers to stay away from sports arbitrage 'opportunities'.

Australian Government stimulus package scams

February 2009: SCAMwatch is warning Australians to be on the lookout out for scammers trying to rip off bonus payments and steal personal information.

Victorian bushfire appeal scams

February 2009: SCAMwatch is warning consumers wanting to contribute to the Victorian bushfire appeals to be on alert to ensure they are not taken in by scammers.

Global financial crisis—another excuse for a scam

January 2009: Scammers are using the global financial crisis as another excuse to trick consumers into giving away their money and their personal details.

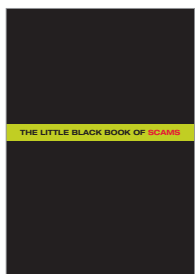
Appendix 2: ACCC scam resources for consumers and businesses

SCAMwatch website (www.scamwatch.gov.au)



*The little black book of scams*⁴

Date published 24 February 2008



Fact sheet: *Phishing scams*⁴

Date published: 23 October 2008



Fact sheet: *Money transfer scams*⁴

Date published: 23 October 2008



⁴ See the publications page at acc.gov.au.

Fact sheet: *Lotteries, sweepstakes and competition scams*⁵
 Date published: 23 October 2008



Fact sheet: *Sports investment scams*⁵
 Date published: 25 June 2009



Fact sheet: *If it sounds too good to be true it probably is*⁵
 Date published: 20 December 2006



*Australasian Consumer Fraud Taskforce campaign resources*⁶



5 See the publications page at accg.gov.au.

6 See scamwatch.gov.au.

Appendix 3: Key ACCC media releases and communications initiatives

2009 ACCC scam media releases

'ACCC moves to protect Australian businesses from Spanish-based directory listing company', 21 December 2009.

'Federal Court declares StoresOnline breached undertaking to ACCC', 18 December 2009.

'Scammers focus on cheap holiday accommodation offers', 24 November 2009.

'International internet sweep highlights problem websites', 08 November 2009.

'ACCC institutes proceedings against operators of dating website', 06 November 2009.

'Show some horse sense this spring racing carnival: Steer clear of sports investment schemes', 03 November 2009.

'ACCC warns about scam business directory offers', 15 October 2009.

'Sports "Investment" Schemes A Fast Way To Do Your Bucks', 25 June 2009.

'Scammers More Active Than Ever: ACCC', 21 May 2009.

'Refunds For Some Consumers Who Bought From Designer Brand Outlet', 28 April 2009.

'Sports Arbitrage—A Fast Way To Lose Your Bucks', 06 March 2009.

'Silence is Golden—For Scamsters (ACFT)', 02 March 2009.

'Scams Proliferate in Global Financial Crisis (ACFT)', 01 March 2009.

'SCAMwatch Posts Bushfire Charity Scams Tips', 12 February 2009.

'ACCC Warns of Possible Bushfire Charity Scams', 09 February 2009.

2009 press articles contributed by the ACCC

'Fraud risks during economic downturn', *Northern Territory News*, 24 December 2009.

'Cashing in on cupid's online arrow', *Adelaide Advertiser*, 10 February 2009.

'Beware sting of love', *Courier Mail* and *Herald Sun*, 9 March 2009.

'Scammers to be targeted', *Australian Private Equity Guide*, May 2009.

'Stimulating scammers', *The Age* and *Sydney Morning Herald*, 13 May 2009.

'The thieves in the machine', *Sydney Morning Herald*, 20 May 2009.

'Network sites are magnet for scammers', *West Australian*, 13 July 2009.

'You can bet you'll lose your money', *Sydney Morning Herald* and *The Age*, 2 September 2009.

'Celebrities scammed to pick the pockets of fans', *Sydney Morning Herald* and *Newcastle Herald*, 24 September 2009.

'Scam targets jobless', *Herald Sun*, *Courier Mail*, *Daily Telegraph*, *Adelaide Advertiser*, 26 October 2009.

'Don't fall prey to "mystery" scams', *Northern Territory News*, 18 November 2009.

'Care needed when buying online', *Dungog Chronicle*, 23 December 2009.

'Scams cost us many millions', *Canberra Times*, 12 January 2009.

2009 ACCC speeches containing scam messages

Peter Kell's speech at Minter Ellison boardroom luncheon, entitled 'Securing Australia's future: the role of the ACCC', 5 February 2009.

Michael Schaper's speech at James Cook University, Townsville, entitled 'The ACCC's regulatory role and current top-of-mind issues', 3 March 2009.

Michael Schaper's speech to Chamber of Commerce and Industry WA, entitled 'How business owners should protect themselves against business scams', 21 April 2009.

Michael Schaper's speech to the Australian Innovation Research Centre, University of Tasmania, entitled 'Small business in 2009: competition regulation & the global downturn', 8 May 2009.

Peter Kell's speech at Law Week South Australia Justice Oration, entitled 'Financial stress and vulnerability: the perfect recipe for scams', 21 May 2009.

Peter Kell's speech at CFO forum (CEO forum), 19 June 2009.

Michael Schaper's speech at the Energise Enterprise, entitled 'Small business in challenging times', 20 August 2009.

Appendix 4: 2009 and 2010 Australasian Consumer Fraud Taskforce partners

Australasian Consumer Fraud Taskforce members (2009 and 2010)

Attorney-General's Department
Australian Bureau of Statistics
Australian Communications and Media Authority
Australian Competition and Consumer Commission (Chair)
Australian Institute of Criminology
Australian Securities and Investments Commission
Australian Federal Police
Australian Taxation Office
Department of Broadband, Communications and the Digital Economy
Consumer Affairs Victoria
New South Wales Office of Fair Trading
Consumer Affairs NT
Queensland Office of Fair Trading
South Australian Office of Consumer and Business Affairs
Tasmanian Office of Consumer Affairs and Fair Trading
Department of Commerce (WA)
New South Wales Police Fraud Squad
Office of Regulatory Services ACT
State and Territory Police Commissioners
New Zealand Commerce Commission
Scamwatch New Zealand (New Zealand Ministry of Consumer Affairs)

2009 government, private and community partners

2009 government partners

AusAID
Australian Customs
Australian Department of Foreign Affairs and Trade
Australian Taxation Office
Australian Trade Commission (Austrade)
Child Support Agency
Comcare

ComSuper
CRS Australia
CSIRO
Department of Finance and Deregulation
Department of Human Services
Department of Immigration and Citizenship
Department of Innovation, Industry, Science and Research
Department of Parliamentary Services, Parliament of Australia
Federal Magistrates Court of Australia
Geoscience Australia
IP Australia
Medicare
National Archives of Australia
National Audit Office
National Library of Australia
National Native Title Tribunal
Office of the Inspector General of Intelligence and Security
Office of the Official Secretary to the Governor-General
Office of the Privacy Commissioner
Migration Review Tribunal and the Refugee Review Tribunal
Social Security Appeals Tribunal
Workplace Ombudsman

2009 private partners

AAPT
Abacus—Australian Mutuals
ANZ Bank
Australian Telecommunications Users Group
auDA
AusCert
Australia Post
Australian Bankers Association
Australian Computer Society (Vic)
Australian Mobile Telco Association
Australian Publishers Bureau
AustralianSuper
Bankwest
Bigpond

Commonwealth Bank
Choice
Communications Alliance
CPA Australia
Dell
eBay Australia
Internet Industry Association
ISOC—AU
Just Car Insurance
Legion Interactive
MasterCard
McAfee
Microsoft
MTAA and MTAA Super
National Australia Bank
Optus
PhoneChoice
Sensis
Suncorp Metway
Symantec
Telstra
Trading Post
Visa International Australia
Westpac

2009 community partners

Alexandra District Hospital
Australian Council of Social Services
Australian Council on the Aging—SA
Australian Council on the Aging—Victoria
Australian Financial Counselling and Credit Reform Association
Australian Seniors Computer Clubs Association
Banyule Community Health
Better Hearing Australia Vic Inc
Brotherhood of St Laurence
Child and Family Services
Community Connections Victoria
Community Information Diamond Valley

Consumer Action Law Centre
Consumers Federation of Australia
Consumers' Telecommunications Network
Country Women's Association of Australia
Cranbourne Information and Support Service
Federation of Ethnic Communities Council of Australia
Financial and Consumer Rights Council Victoria
Indigenous Consumer Assistance Network
JobWatch
Laverton Community Centre
National Association of Community Legal Centres
National Children's and Youth Law Centre
Neighbourhood Watch
Otway Health and Community Services
Public Interest Advocacy Centre
Reach Out for Kids Foundation
RSL Headquarters
RSL NSW
RSL SA
RSL WA
Seniors Information Victoria
The Benevolent Society
Whittlesea Community Connections

2010 Australasian Consumer Fraud Taskforce partners

As at 8 February 2010, the following partners have confirmed their participation in the 2010 ACFT campaign.

2010 government partners

CRS Australia
Social Security Appeals Tribunal
Office of the Inspector General of Intelligence and Security
Australian Trade Commission
National Library of Australia
Telecommunications Industry Ombudsman
Energy & Water Ombudsman NSW

2010 private partners

AAPT

Abacus—Australian Mutuals

Australian Hotels Association

Australian Telecommunications Users Group

Australian Computer Society

Betfair

eBay

PayPal

MasterCard

Microsoft

MTAA and MTAA Super

Myspace.com

Optus

Telstra

Suncorp Metway

Symantec

Sensis

Trading Post

2010 community partners

Consumer Action Law Centre

National Children's and Youth Law Centre

Financial and Consumer Rights Council Victoria

Australian Seniors Computer Clubs Association

Child and Family Services

Community Information Diamond Valley

Cranbourne Information and Support Service

Reach Out for Kids Foundation

RSL—national and state branches

