

Consultation on Consolidating and Simplifying the Food Orders

This consultation document seeks your views on proposals to simplify the weights and measures legislation that relates to sale of food including alcoholic drinks. The main proposal is to consolidate the existing UK legislation on quantity indications (which comprises three main Orders amended by five further Orders) into a single Order, and simplify it by modelling the requirements more closely on the relevant Directives. This would make the legislation easier to understand and implement, particularly for new entrants.

The Department is at this stage seeking views on the principle of these proposals, with a view to consulting on a draft Order, taking account of responses to this consultation, in the New Year.

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CHAPTER 1: EXECUTIVE SUMMARY

1.1 This document seeks the views of consultees on proposals for simplifying the weights and measures legislation that relates to sale of food including alcoholic drinks - in particular, the legislation on quantity indications, and on specified quantities (i.e., requirements that certain foods may be sold only in certain specific weights or volumes).

1.2 The main EC requirements in this area are contained in a single instrument, Directive 2000/13/EC, on the labelling, presentation and advertising of foodstuffs. However, the implementation of that Directive in UK law is spread over three Orders, which have been amended at various times by five further Orders. The Orders are also structured by reference to detailed lists of particular foods, in contrast to the more general approach of the Directive. There have from time to time been complaints from businesses and others affected about the complexity of the UK legislation. Some modification of the law is in any case necessary in order to reflect a recent decision by the European Court of Justice relating to specified quantities.

1.3 The Department therefore proposes to consolidate and simplify the current UK legal provision in this area. This would complement the Department's proposals published in March for the reform of the legislation for average quantity control of packaged goods (a copy of that consultation can be viewed here - <http://www.dti.gov.uk/ccp/consultpdf/wmcondoc04.pdf>).

1.4 The Department's proposals have four main elements:

- (a) The eight existing UK Orders could be consolidated into a single Order which would also include the UK implementation of certain related EC requirements and update UK law in the light of a recent ruling by the European Court of Justice (ECJ) on the free movement of goods between Member States;
- (b) The provisions could also be simplified by modeling them on the general approach of the Directive rather than the present lists of specific foods;
- (c) There could be scope to remove UK requirements within the existing Orders which are not required by EC law, so long as these are no longer necessary for consumer protection; and
- (d) There is a specific deregulatory proposal relating to bread freshly baked in convenience stores and supermarkets.

1.5 These proposals would affect all packers and importers of food. They would also affect the local weights and measures authorities, who would continue to be responsible for enforcement. Consumers would not be affected by the consolidation and simplification exercise, but could be affected if any additional UK provision is removed.

1.6 The proposals apply to England, Wales and Scotland, but do not affect Northern Ireland, which has its own weights and measures legislation.

1.7 The main benefit of the proposals would be to make it easier for new entrants to understand the law and what is required of them. Established businesses would need to familiarise themselves with the new legal requirements, but thereafter should benefit from reduced compliance costs.

1.8 Views are invited on all aspects of the proposals set out in this paper, and on how the resulting legislation might best be implemented.

Questions on Proposals

- Q1. Do you agree that it would be desirable to consolidate and simplify the UK implementation of Directive 2000/13/EC and the other EC legislative provisions listed in Annex D?
- Q2. Do you agree that the main requirement of the new Order should be a general requirement for pre-packaged foods to be labelled with an indication of the net quantity by volume in the case of liquids and by weight in the case of other products?
- Q3. Do you agree that the nominal quantity of ice cream should be expressed in volume irrespective of the quantity in which it is packed?
- Q4. Do you agree that foods that are normally sold by number, where the number of items can be easily seen and counted without opening the package or the number of items is indicated on the labelling, should be exempt from quantity indications?
- Q5. Do you agree that the new Order should provide an exception from an indication of quantity for all foods except for herbs and spices in quantities of less than 5 g or 5 ml, and for all sugars in quantities of less than 20 g ?
- Q6. Would it be appropriate to include in the new Order any exemptions from indications of quantity, in relation to foods which are subject to considerable losses by weight or volume?
- Q7. Should the new food Order offer any exemptions for foods presented in fancy packaging such as figurines or souvenirs?
- Q8. Do you agree that the existing rules on open containers strike a reasonable balance between simplicity and ensuring the consumer is adequately informed, and can you provide information on the treatment of such packages in other Member States?
- Q9. Are there any particular foods for which multipacks containing packages which are not regarded as units of sale, could usefully be exempted from the requirement to declare the number of packages?
- Q10. Do you agree that the UK legislation should simply transpose the relevant EC requirements, and the provisions of Schedule 7 of the Weights and Measures Act 1985 on aerosols should be removed?
- Q11. Do you agree that mixed packs should continue to be subject to a requirement to indicate the number of individual packages contained and their quantities, and can you provide information on the treatment of such packages in other Member States?
- Q12. Do you agree that net quantity indications should continue to be required on all pre-packaged foods, and can you provide information on the treatment of such foods in other Member States?
- Q13. Do you have any views on the existing EC requirements for specified quantities, either for or against change?

Q14. Do you agree that existing UK specified quantities should be maintained in relation to the sale of milk and bread when prepackaged?

Q15. Do you agree that the new Order should require foods that are not pre-packaged to be sold by volume in the case of liquids and by weight in the case of other foodstuffs, except for foodstuffs that are normally sold by number?

Q16. Do you agree that existing UK provisions for specified quantities should be maintained in relation to sales of unpackaged bread and alcoholic drinks for consumption on licensed premises?

Q17. Do you agree that retailers of bread from in-store bakeries should have the option of compliance with the minimum system rather than the average system?

Q18. Do you agree that the commencement date for new weights and measures legislation should be 1st April or 1st October, or are there alternative dates which should be considered?

Q19. Do you agree that the weights and measures legislation should be reformed as soon as practical, rather than awaiting the completion of the European Commission's review?

Q20. Do you have any other comments on the content of the proposed new Food Order?

Q21. Are there any other aspects of weights and measures legislation which you think could be improved or made easier to comply with?

Questions on Costs

Can you:

- (a) identify any types of costs or benefits for your company or more generally resulting from these proposals?
- (b) quantify those costs.

See Annex C (Draft Regulatory Impact Assessment) for details of the costs and benefits identified so far by the DTI.

CHAPTER 2 : HOW TO REPLY

2.1 This consultation seeks the views from packers, importers and retailers of packaged foodstuffs and foodstuffs sold without pre-packaging, local authority trading standards departments, consumer organisations, and others. When responding, please state whether you are responding as an individual or representing the views of an organisation. If responding on behalf of an organisation, please make it clear who the organisation represents and, where applicable, how the views of members were assembled.

2.2 We invite comments by 4 January 2005 at the latest. Earlier responses would be very welcome.

2.3 Responses should be sent - by email if possible - to the address below. An electronic version of the response form can be found at: www.dti.gov.uk/ccp/consultations.htm. Copies sent by post should be marked "Food - Weights and Measures Consultation" on the envelope.

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2.4 All responses will be acknowledged. Your response may be made public by the DTI. If you do not want all or part of your response or name to be made public, please state this clearly in your response. Any confidentiality disclaimer that may be generated by your organization's IT system or included as a general statement in your fax cover sheet will be taken to apply only to information in your response for which confidentiality has been requested.

2.5 We will handle any personal data you provide appropriately in accordance with the Data Protection Act 1998.

2.6 This document is available electronically at: www.dti.gov.uk/ccp/consultations.htm. You may also photocopy it if you wish, or additional hard copies may be obtained by calling 020 7215 0336. Other versions of the document in Braille, other languages or audiocassette are available on request.

2.7 A list of those organisations and individuals consulted is in Annex M. We would welcome suggestions of others who may wish to be involved in this consultation process.

2.8 This consultation is being carried out in accordance with the Government's Code of Practice on Written Consultations (see Annex A). All the basic information that is relevant to this consultation is in this paper, including the annexes. Details of how to obtain copies of or access to the UK and EC legislation referred to in this document are set out in Annex B.

Help With Queries

2.9 If you have questions about the issues discussed in this consultation document, please phone Paul Cole on 020 7215 0332.

CHAPTER 3: THE CENTRAL PROPOSAL

3.1 The main existing UK weights and measures requirements for food are set out in three Orders made under section 22 of the Weights and Measures Act 1985:

- The Weight and Measures Act 1963 (Cheese, Fish, Fresh Fruits and Vegetables, Meat and Poultry) Order 1984 (SI 1984/1315), as amended by SI 1985/988 and SI 1985/1980.
- The Weights and Measures (Intoxicating Liquor) Order 1988 (SI 1988/2039), as amended by SI 1990/1550, SI 1994/1883 and SI 1994/2868.
- The Weights and Measures (Miscellaneous Foods) Order 1988 (SI 1988/2040), as amended by SI 1990/1550 and SI 1994/2868.

3.2 These Orders implement the main existing EC weights and measures requirements for foodstuffs, which are set out in Directive 2000/13/EEC¹, which includes a general obligation to label pre-packaged food with an **indication of quantity**; and also implement certain weights and measures provisions for food in other EC legislation (summarised in Annex D of this document), including requirements for **specified quantities** for certain pre-packaged foods. The Orders also carry forward certain older UK requirements on matters not prescribed by the EC legislation.

3.3 The content of the Orders is therefore for the most part necessary to give effect in UK law to EC legislative requirements. However, the historical development of the UK legislation has the effect that food packers and importers have to consult eight different documents to obtain a full view of these requirements. Moreover, the Orders are also structured by reference to detailed lists of particular foods, whereas the main Directive (2000/13/EC) is set out in terms of more general requirements. There have from time to time been complaints from businesses and others affected about the complexity of the UK legislation. Some modification of the law is in any case necessary in order to reflect a recent decision by the European Court of Justice relating to specified quantities.

3.4 **The main proposal for reform is therefore to replace the existing weights and measures food Orders and their amending Orders with a single new weights and measures food Order implementing the provisions set out in Directive 2000/13/EC and the EC legislation listed in Annex D; and to simplify the provisions, in particular by modelling relevant requirements on the broader formulations of the Directive.** This also presents an opportunity to consider whether those requirements not prescribed by EC law are still relevant and useful to consumer protection.

Question

Q1. Do you agree that it would be desirable to consolidate and simplify the UK implementation of Directive 2000/13/EC and the other EC legislative provisions listed in Annex D?

¹ Directive 2000/13/EC of the European Parliament and of the Council of 20 March 2000 on the approximation of the laws of the Member States relating to the labelling, presentation and advertising of foodstuffs. (Formerly Directive 79/112/EEC.)

3.5 Chapters 4 to 8 below outline the possible content of this new Order under the following headings:

- Chapter 4: Prepackaged foodstuffs – indications of quantity:
 - General obligations -paragraphs 4.1 to 4.4;
 - Derogations and exceptions -paragraphs 4.5 to 4.17;
 - Aerosols and multipacks- paragraphs 4.18 to 4.23;
 - Additional UK requirements - paragraphs 4.24 to 4.26).
- Chapter 5: Pre-packaged foodstuffs: specified quantities (paragraphs 5.1 to 5.6).
- Chapter 6: Foodstuffs that are not pre-packaged: quantity indications and specified quantities (paragraphs 6.1 to 6.5).
- Chapter 7: Other matters to be included in/excluded from the new Order (paragraphs 7.1 to 7.11).
- Chapter 8: Part-baked bread (paragraphs 8.1 to 8.3).

CHAPTER 4: PRE-PACKAGED FOODS - INDICATIONS OF QUANTITY

Section A: General Obligations for Indications of Quantity

4.1 This section is concerned with the legislation on indications of quantity for pre-packaged foods. The purpose of this legislation is to ensure that the consumer is given common information about the quantity of product contained in pre-packages, and is protected from short weight or measure in packages.

4.2 Directive 2000/13/EC sets down a general obligation for pre-packaged foods to be labelled with an indication of quantity:

- Under Article 3 (1), point 4, the **net quantity**² should be indicated on the labelling³ of pre-packaged foods⁴.
- Under Article 8 (1), the indication of net quantity should be expressed in **volume** in the case of **liquids** and in **mass (weight)** in the case of **other products**.
- Article 3 (1), point 4, and Article 8 (1) are subject to derogations and exceptions in Community provisions or in national provisions where there are no Community provisions. The derogations and exceptions are considered in paragraphs 4.5 to 4.17 below.

4.3 The requirements of the existing weights and measures food Orders (see paragraph 3.1 above) on indications of quantity for pre-packaged food are summarised in the four tables in Annex E of this document, which list the foods that should be labelled with an indication of **net weight** (Table 1), **volume** (Table 2), **number** (Table 3), or **net weight** or **number** (Table 4). An indication of **net weight** or **volume** is required for foods not listed in Tables 1 - 4.

4.4 The Department considers that the legislation would be simpler and more transparent if the new food Order reflected the general approach of the Directive described in paragraph 4.2 above rather than the food-specific approach in the existing weights and measures food Orders described in paragraph 4.3 above. **We therefore propose that the main requirement of the new Order would be to require pre-packaged foods to be labelled with an indication of the net quantity by *volume* in the case of liquids and by *weight* in the case of other products, subject to the derogations and exemptions considered in paragraphs below 4.5 to 4.17 below.**

² Directive 2000/13/EC does not define “net quantity”, but Article 8 (2) (a) provides that where the indication of a certain type of quantity (e.g. nominal quantity, minimum quantity, average quantity) is required by Community provisions, or national provisions where there are no Community provisions, the quantity shall be regarded as the net quantity for the purposes of Directive 2000/13/EC.

³ For the purposes of Directive 2000/13/EC, Article 1 (3) (a) provides that “labelling” shall mean any words, particulars, trade marks, brand name, pictorial matter or symbol relating to a foodstuff and placed on any packaging, document, notice, label, ring or collar accompanying or referring to such foodstuff.

⁴ Under Article 1 (3) (b), “pre-packaged food” shall mean any single item for presentation as such to the ultimate consumer or to mass caterers, consisting of a food and the packaging into which it was put before being offered for sale, whether such packaging encloses the food completely or only partially, but in any case in such a way that the contents cannot be altered without opening or changing the packaging.

Question

Q2 Do you agree that the main requirement of the new Order should be a general requirement for pre-packaged foods to be labelled with an indication of the net quantity by *volume* in the case of liquids and by *weight* in the case of other products?

Section B: Derogations and Exceptions from the General Obligations

4.5 This section is concerned with derogations and exceptions from the requirement that pre-packaged foods should be labelled with an indication of volume in the case of liquids and an indication of net weight in the case of other products. These derogations and exceptions recognise that alternative indications of quantity may be more useful for consumers for some products, and remove the labelling burden where, for example, the quantity of food in a package is below certain thresholds.

Volume instead of Weight/ Weight instead of Volume

4.6 Under Article 8 (1) Directive 2000/13/EC, Community provisions - or national provisions where there are no Community provisions - may derogate from the general requirement for the net quantity of pre-packaged foodstuffs to be expressed in volume for liquids and by weight for other products (see second bullet point in paragraph 4.2 above).

4.7 Directive 80/232/EEC provides for the nominal quantity of **ice cream** to be expressed in volume when pre-packaged in certain quantities⁵. **We propose to simplify the provision in the new Order so that this derogation will apply to all ice cream, regardless of the quantity in which it is pre-packaged.** The Department would welcome feedback from consultees on whether other foods should have a similar derogation; and on the derogations that apply in other Member States.

Question

Q3. Do you agree that the nominal quantity of ice cream should be expressed in volume irrespective of the quantity in which it is packed?

Foods Sold By Number

4.8 Under Article 8 (3) of Directive 2000/13/EC, packages containing foods “normally sold by number” need not provide indications of net weight, provided that **either** the number of items can be clearly seen and easily counted without opening the package **or** the number of items is indicated on the labelling.

4.9 Under the existing weights and measures food Orders, packages containing the foods listed in Table 3 in Annex E of this document should be labelled with an indication of number; and packages containing the foods listed in Table 4 in Annex E should be labelled with an indication of **either** net weight **or** number, unless the number of items can be counted without opening the package (in which case neither an indication of weight or number is required).

4.10 **We propose that the new Order should provide an exemption from indications of**

⁵ Annex I, point 2.1, of Council Directive 80/232/EEC of 15 January 1980 on the approximation of the laws of Member States relating to the ranges of nominal quantities and nominal capacities permitted for certain pre-packaged products.

weight for foods that are normally sold by number, where the number of items can be easily seen and counted without opening the package or the number of items is indicated on the labelling. The Department would welcome feedback from consultees on the types of foods that are normally sold by number in the UK and in other Member States.

Question

Q. 4 Do you agree that foods that are normally sold by number, where the number of items can be easily seen and counted without opening the package or the number of items is indicated on the labelling, should be exempt from quantity indications?

Quantities Below Specified Thresholds

4.11 Under Article 8 (5) (b) of the Directive, indications of quantity are not compulsory if the quantity of food is less than **5 g or 5 ml**, except for **herbs and spices**. In addition, the second sub-paragraph of Article 8 (5) provides that Community provisions, or national provisions where there are no Community provisions, may in exceptional cases lay down exceptions from indications of quantity below higher thresholds than 5 g or 5 ml, provided that the higher threshold does not result in the purchaser being inadequately informed.

4.12 The only higher threshold exemption under Community provisions is set out in Directive 2001/111/EC, which excepts **certain sugars** from an indication of quantity where the quantity is less than 20 g⁶.

4.13 Under the existing weight and measures food Orders, there are exceptions from an indication of quantity for: (a) specified foods below a higher exception threshold than 5 g or 5 ml (see Table 1 in Annex F to this document); (b) specified foods above certain thresholds (see Table 2 in Annex F); and (c) specified foods regardless of their quantity, in the majority of cases on the condition that the number of items can be seen or information about the net quantity is available to the purchaser by means other than a label on the package (see Table 3 in Annex F).

4.14 **We propose that the new Order should provide an exception from an indication of quantity for all foods except for herbs and spices in quantities of less than 5 g or 5 ml, and for all sugars in quantities of less than 20 g (i.e. not just the sugars to which the exemption in Directive 2001/111/EC applies).** The Department would welcome feedback from consultees on whether there is a continuing justification for retaining the other exceptions listed in Annex F, either at the present threshold levels or at different threshold levels; and on the exceptions that apply in other Member States.

Question

Q.5 Do you agree that the new Order should provide an exception from an indication of quantity for all foods except for herbs and spices in quantities of less than 5 g or 5 ml, and for all sugars in quantities of less than 20 g ?

Weight or Volume Loss

4.15 Under Article 8 (5) (a) of Directive 2000/13/EC, indications of quantity are not mandatory for foods which are subject to considerable losses in weight or volume and which are

⁶ Article 2 (2) of Council Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption.

sold by number or weighed in the presence of the purchaser. The existing weight and measures food Orders do not include any exceptions under this heading. **The Department would welcome feedback from consultees on foods to which the exemption might apply; and on the exemptions that apply in other Member States.**

Question

Q.6 Would it be appropriate to include in the new Order any exemptions from indications of quantity, in relation to foods which are subject to considerable losses by weight or volume?

Fancy Packaging

4.16 Under Article 15 of Directive 2000/13/EC, national provisions that impose less stringent requirements than the Directive are permitted for labelling foods that are presented in fancy packaging (such as figurines or souvenirs). The existing weights and measures food Orders do not allow for this exception in respect of indications of quantity. **The Department would welcome feedback from consultees on whether it would be appropriate to introduce any such exceptions in respect of particular types of foods or types of fancy packaging; and on relevant practice in other Member States.**

Question

Q.7 Should the new food Order offer any exemptions for foods presented in fancy packaging such as figurines or souvenirs?

Open Containers

4.17 The requirements of Directive 2000/13/EEC concerning packaged foods apply only to packages that “are made up before being offered for sale, whether the packaging encloses the content completely or only partially, but in any case in such a way that the contents cannot be altered without opening or changing the packaging”. The Directive allows Member States to adopt simpler rules for sale of food in other circumstances, provided that the purchaser still receives sufficient information. As regards foods sold in open containers, such as strawberries in punnets, the existing weights and measures food Orders generally require that open containers should be labelled with an indication of net quantity. There are certain exceptions – countable items can be sold by number, and if the weight of the container falls within certain limits, the food can be sold by gross weight. In these cases, no labelling of the container is required providing the quantity is made known to the purchaser. **The Department’s initial view is that these rules strike a reasonable balance between simplicity and ensuring that the consumer is adequately informed, but it would welcome views from consultees, and also any information on the treatment of open containers in other Member States.**

Question

Q. 8 Do you agree that the existing rules on open containers strike a reasonable balance between simplicity and ensuring the consumer is adequately informed, and can you provide information on the treatment of such packages in other Member States?

Section C: Indications of Quantity for Multipacks and Aerosols

4.18 This section is concerned with the special requirements for indications of quantity which apply where foods are offered for sale in the form of multi-packs, or in aerosols.

Multi-Packs

4.19 Under Article 8 (2) (c) of Directive 2000/13/EC, where a pre-packaged food consists of two or more individual pre-packaged items containing **the same quantity of the same product**, there must be an indication of the net quantity that each individual package contains **and** the total number of such packages, except where the total number of such packages can be clearly seen and easily counted without opening the outer packaging and where at least one indication of the net quantity contained in each individual package can be clearly seen without opening the outer packaging.

4.20 Under Article 8 (2) (d) of the Directive, where a pre-packaged item consists of two or more individual packages which are **not regarded as units of sale**, the net quantity must be given by indicating the total net quantity and the total number of individual packages. National provisions may exempt particular foods from the requirement for an indication of the total number of individual packages.

4.21 The new Order should include the provisions on the different type of multi-packs as set out in the Directive. **We invite views on any cases in which multipacks containing packages which are not regarded as units of sale, could usefully be exempted from the requirement to declare the number of packages.** The position regarding mixed packs is considered in paragraph 4.25 below.

Question

Q.9 Are there any particular foods for which multipacks containing packages which are not regarded as units of sale, could usefully be exempted from the requirement to declare the number of packages?

Aerosols

4.22 Foods pre-packaged in aerosols are subject to a number of requirements under EC and UK legislation concerning indications of quantity:

- Under Directive 2000/13/EC, an aerosol containing a food product should be labelled with an indication of net quantity expressed in **volume** in the case of liquids and in **net weight** in the case of other products (see paragraph 4.2 above).
- Under Directive 75/324/EEC, an aerosol which falls within certain capacity limits and is marked with the reverse epsilon should be labelled with an indication of the net contents by **weight and volume**⁷ unless the product and its container are one of the product quantities and corresponding container capacities listed in Directive 80/232/EEC, in which case only an indication of net contents by **volume** is required⁸.

⁷ Article 8 (1) (c) of Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of Member States relating to aerosol dispensers.

⁸ Annex III, point 1, of Council Directive 80/232/EEC of 15 January 1980 on the approximation of the laws of

- Under paragraph 3 of Schedule 7 of the Weights and Measures Act 1985, an aerosol that is not marked with the reverse epsilon should be marked with an indication of **weight**.

4.23 It would be simpler to standardise on the requirements of the EC Directives, and the Department proposes that all aerosols should be required to carry the indications of weight and volume required by Directive 75/324 EEC. . . **We therefore propose to remove aerosols from Schedule 7 of the Weights and Measures Act 1985..**

Questions

Q.10 Do you agree that the UK legislation should simply transpose the relevant EC requirements, and the provisions of Schedule 7 of the Weights and Measures Act 1985 on aerosols should be removed?

Section D: Additional UK Requirements for Indications of Quantity

4.24 This section is concerned with two categories of pre-packaged foods that do not come within the scope of the EC legislation listed in Annex D of this document, but which come within the scope of the existing weights and measures Orders (i.e., those cited in para. 3.1 above) or of Part IV of the Weights and Measures Act 1985 more generally.

Mixed Packages

4.25 Directive 2000/13/EC makes no provision for packages that contain two or more individual packages of **different** foods. The existing weights and measures food Orders require that the labelling on the external package should indicate the number of individual packages and the net quantities in the individual packages, unless this information is visible through the packaging. **Again, the Department inclines to incorporate these provisions in the new Order but would welcome feedback from consultees, particularly on the treatment of mixed packages in other Member States.**

Question

Q.11 Do you agree that mixed packages should continue to be subject to a requirement to indicate the number of individual packages contained and their quantities, and can you provide information on the treatment of such packages in other Member States?

Member States relating to the ranges of nominal quantities and nominal capacities permitted for certain pre-packaged products.

Packages supplied to Businesses other than Mass Caterers

4.26 Directive 2000/13/EC applies only to foodstuffs to be delivered as such to the ultimate consumer or intended for supply to restaurants, hospitals, canteens “and other similar mass caterers”. The existing weights and measures food Orders require pre-packaged foods to be labelled with an indication of net quantity in all cases. **The Department inclines to retain these provisions in the new Order but would welcome feedback from consultees, particularly on the treatment in other Member States of pre-packaged foods supplied to businesses other than mass caterers.**

Question

Q.12 Do you agree that net quantity indications should continue to be required on all pre-packaged foods, and can you provide information on the treatment of such foods in other Member States?

CHAPTER 5: PRE-PACKAGED FOOD - SPECIFIED QUANTITIES

5.1 This chapter is concerned with the requirements for certain foods to be pre-packaged only in specified quantities, the purpose of the legislation being to prevent consumers who do not or are not able to consult indications of quantity from being misled or confused by foods pre-packaged in similar but different quantities and by marginal reductions in quantity.

EC Specified Quantities

5.2 Directive 75/106/EEC⁹ and Directive 80/232/EEC¹⁰ specify the quantities and capacities in which the foods to which the two Directives apply (see Annex J of this document) may be pre-packaged. The quantities specified for spirits and wine are mandatory, but Member States may permit additional quantities and capacities for the pre-packaging of other foods to which the two Directives apply.

5.3 When the two Directives were adopted, it had been understood that Member States could make the EC non-mandatory specified quantities mandatory at national level, including for imports from another Member State. But the European Court of Justice (ECJ) ruled on 12 October 2000 in Case C-3/99 (*Cidreirie Ruwet SA - v - Cidre Stassen*) that a Member State must permit the import of food that is pre-packaged in a quantity other than an EC non-mandatory specified quantity if the quantity is lawfully manufactured and marketed in the exporting Member State. This requires a modification of current UK law, to permit the import of pre-packages made up in any quantity that is lawful in another Member State, even if the quantity is not one of the quantities set down in Directive 75/106/EEC or Directive 80/232/EEC.

5.4 Following the ECJ ruling, the Commission is preparing but has not yet published proposals to revoke the EC non-mandatory specified quantities and to replace them with EC mandatory specified quantities for a limited number of foods, including spirits and wine. **The Department would welcome feedback from consultees on whether any of the current EC mandatory specified quantities should be removed or, conversely, should be retained; and whether there are any foods for which new EC requirements would be desirable.**

Question

Q.13 Do you have any views on the existing EC requirements for specified quantities, either for or against change?

UK Specified Quantities

5.5 The foods for which when pre-packaged UK specified quantities are mandatory are listed in Annex K of this document. For some products, the UK specified quantities are the same as the EC specified quantities set out in Annex J to this document (e.g. wines and spirits). For some products, the UK specified quantities include additional quantities to those set out in Annex J (e.g. milk). For some products there are no EC specified quantities (e.g. bread).

⁹ Annex III of Council Directive 75/106/EEC of 19 December 1974 on the approximation of the laws of Member States relating to the making-up by volume of certain pre-packaged liquids.

¹⁰ Annexes I-III of Council Directive 80/232/EEC of 15 January 1980 on the approximation of the laws of Member States relating to ranges of nominal quantities and nominal capacities permitted for certain pre-packaged products.

5.6 There would be modest scope for deregulation if it were acceptable to remove any of these requirements, but this might have little impact for most packers, or consumers, because of the much longer list of EC requirements. **It would in any case appear desirable to retain specified quantities for milk as a staple foodstuff. The Department would welcome views on the balance of advantage in removing or modifying any or all of the existing UK requirements on specified quantities.**

Question

Q.14 Do you agree that existing UK specified quantities should be maintained in relation to the sale of milk and bread when prepackaged?

CHAPTER 6: FOOD NOT PRE-PACKAGED

6.1 This chapter is concerned with requirements under UK legislation for: (a) information about quantity for food not sold in pre-packages, the purpose of the legislation being to ensure that the consumer is informed about the quantity of such foods and is protected from short weight or measure; and (b) specified quantities for food not pre-packaged, the purpose of the legislation being to ensure that the consumer is sold standardised quantities, including for making quantity/price comparisons between competing suppliers and for monitoring alcohol consumption.

Information about Quantity

6.2 Under Article 14 of Directive 2000/13/EC, the ultimate consumer and mass caterers should be provided with information about the quantity of foods that are offered for sale without pre-packaging or where foods are pre-packaged on the sale premises at the consumer's request or pre-packaged for direct sale.

6.3 As with pre-packaged foodstuffs, we propose that the new Order would require foods that are not pre-packaged to be sold by volume in the case of liquids and by weight in the case of other foodstuffs, except for foodstuffs that are normally sold by number.

Question

Q.15 Do you agree that the new Order should require foods that are not pre-packaged to be sold by volume in the case of liquids and by weight in the case of other foodstuffs, except for foodstuffs that are normally sold by number?

Specified Quantities

6.4 The existing weights and measures food Orders set down mandatory specified quantities for the following foods when not sold in a pre-package: **whole loaves of bread**, which in a net weight above 300 g may be sold only in a quantity of 400 g or a multiple of 400 g; and **alcoholic drinks for consumption on licensed premises**, which may be sold only in the following volumes:

- Draught beer and cider: third of a pint, half of a pint, a multiple of half of a pint.
- Gin, rum, whisky, vodka by the glass: 25 ml, 35 ml and multiples of 25 ml and 35 ml.
- Wine by the glass: 125 ml multiples, 175 ml, and multiples of 125 ml and 175 ml.
- Wine in an open container: 250 ml, 500 ml, 750 ml, 1 L.

6.5 The Department proposes to retain these provisions in the new Order.

Question

Q.16 Do you agree that existing UK provisions for specified quantities should be maintained in relation to sales of unpackaged bread and alcoholic drinks for consumption on licensed premises?

CHAPTER 7: OTHER MATTERS TO BE INCLUDED IN/EXCLUDED FROM THE NEW ORDER

7.1 For completeness, this chapter sets out certain requirements of EC legislation which would have to be included, or excluded from, the new Order.

General prohibition on misleading presentation

7.2 Under Article 2 of Directive 2000/13/EC, the methods used for the labelling, presentation and advertising of food must not be such as could mislead the purchaser to a material degree as to the quantity of food on offer. These restrictions apply to foods whether pre-packaged or not. The new Order would accordingly incorporate these restrictions.

Extraction Solvents, Food Flavourings and Food Additives

7.3 Three food-related EC directives require that the following products should be labelled with an indication of quantity when pre-packaged:

- Extraction solvents used in foods, the net quantity to be given as units of volume¹¹.
- Flavourings for use in foods intended for human consumption and source materials for their production, the nominal quantity to be expressed in units of mass (weight) or volume¹².
- Food additives authorised for use in foods intended for human consumption, the net quantity to be expressed in either weight or volume¹³.

These requirements would be included within the new Order.

Solid Foods Pre-packaged in a Liquid Medium: Drained Net Weight

7.4 Under Article 8 (4) of Directive 2000/13/EC, pre-packaged solid foods that are presented in a “**liquid medium**”¹⁴ should be labelled with an indication of **drained net weight** in addition to net weight. Article 8 (4) also envisages a common method for checking the drained net weight for compliance and enforcement purposes, but a common method has not yet been adopted¹⁵.

¹¹ Article 7 (1) (d) of Council Directive 88/344/EEC of 13 June 1988 on the approximation of the laws of Member States on extraction solvents used in the production of foodstuffs and food ingredients.

¹² Article 7 (1) (h) and Article 9A (1) (f) of Council Directive 88/388/EEC of 22 June 1988, as completed by Commission Directive 91/71/EEC of 16 January 1991, on the approximation of the laws of Member States relating to flavorings for use in foodstuffs and to source materials for their production.

¹³ Article 7 (1) (h) of Council Directive 89/107/EEC of 21 December 1988 on the approximation of the laws of Member States concerning food additives authorised for use in foodstuffs intended for human consumption.

¹⁴ Under Article 8 (4), “liquid medium” means the following products, possibly in mixtures and also where frozen or quick-frozen, provided that the liquid is merely an adjunct to the essential element of the preparation and is thus not a decisive factor for the purchase: water, aqueous solutions of salts, brine, aqueous solutions of food acids, vinegar, aqueous solutions of other sweetening substances, fruit or vegetable juices in the case of fruit or vegetables.

¹⁵ The European Commission has indicated that it intends to publish proposals for a common method for checking drained net weight as part of its proposals to update the EC system of “average quantity” control under Directive 75/106/EEC and Directive 76/211/EEC.

7.5 The new Order would include the requirement to indicate drained net weight, but cannot for the present specify the method to be used for checking drained net weight. Pending the adoption of a common EC method, existing industry guidelines will continue to be used for compliance and enforcement purposes.

Poultry

7.6 Pre-packaged fresh, frozen and quick-frozen poultry should be labelled with an indication of net quantity, in accordance with the general requirement under Directive 2000/13/EEC (see paragraph 4.2 above).

7.7 In the case of pre-packaged **fresh poultry intended for the final consumer**, Article 5.3 (b) of Council Regulation (EEC) No.1906/90 requires in addition that the **total price** and the **retail price per weight unit** should be indicated on the packaging or label¹⁶.

7.8 In the case of pre-packaged **frozen or quick frozen poultry**, Commission Regulation (EEC) No.1538/91 provides (in accordance with Article 3.3 of Council Regulation (EEC) No 1906/90) that they may be classified by **categories of nominal weights** (as an alternative to net weight); and that pre-packaged frozen and quick frozen poultry made up by weight category should be labelled with an indication of the “**nominal weight**”¹⁷. Annex G of this document sets out the details of the permitted weight categories, the “average system” of quantity control for pre-packages made up by weight category, a method for checking the accuracy of pre-packages made up by weight category, and a comparison with the “average system” under Directive 76/211/EEC.

7.9 Both Regulations have direct effect in Member States. The new Order would therefore repeal the existing UK provisions and give trading standards departments the responsibility for monitoring compliance with the requirements set out in the Regulation.

Specified Fresh Fruits and Vegetables

7.10 Certain pre-packaged fruit and vegetables are exempt from the general requirement of Directive 2000/13/EEC for the labelling of pre-packaged foods with an indication of net quantity, due to the effect of Council Regulation (EC) 2200/96¹⁸, which creates a separate requirement for pre-packaged fruit and vegetables to which the Regulation applies (see Annex H of this document) to be labelled with an indication of **net weight**, except for products “**normally sold by number**” where the number of items can be clearly seen and easily counted without opening the package **or** the number of items is indicated on the label.

7.11 The Regulation has direct effect in Member States. The new Order would therefore repeal the existing UK provisions and give trading standards departments the responsibility for monitoring compliance with the requirements set out in the Regulation.

¹⁶ Article 5 of Council Regulation (EEC) No 1906/90 of June 1990 on certain marketing standards for poultry.

¹⁷ Article 8 of Commission Regulation (EEC) No 1538/91 of 5 June 1991 introducing detailed rules for implementing Council Regulation 1906/90.

¹⁸ Article 6 of Council Regulation (EC) No 2200/96 of 28 October 1996 on the common organisation of the market in fruit and vegetables.

CHAPTER 8: PART-BAKED BREAD

8.1 This chapter concerns loaves of bread that are supplied part-baked to the retailer, who completes the baking process in-store for sale to the consumer. The issue for consultation is concerned not with indications of quantity for loaves, but the responsibility of the retailer for ensuring that consumers are not sold under-weight loaves.

8.2 At present, part-baked loaves, along with bread loaves above 300 g in general, must be made up in specified weights of 400 grams or multiples of 400 grams and are subject to the “average system” of weight control. Under the average system, the baker is responsible for ensuring that no loaf is short weight by more than the statutory tolerance. But where the retailer completes the baking process, he must either weigh every loaf, or undertake periodic weight checks and keep a record of the checks and any remedial action where short weight that exceeds the statutory tolerance is discovered. The burden on the retailer of ensuring “average system” compliance for part-baked loaves may be disproportionate, particularly where the turn over of part-baked loaves is small.

8.3 **The Department therefore proposes to give retailers of part-baked bread from in-store bakeries the option of continuing to operate to the average system or of switching to the “minimum system”.** Under the minimum system the retailer would not be required to weigh every loaf or to test weigh a number of loaves and maintain records of the test weighing and any remedial action taken where the test weighing disclosed short weight. But the retailer would commit if he or she supplied a short weight loaf. In practice, and in Order to rely on the defence of due diligence, it seems likely that retailers who switch to the minimum system would take steps to avoid short weight, but they would have full flexibility as to the steps they take. This seems a proportionate measure of deregulation that would not diminish consumer protection.

Question

Q.17 Do you agree that retailers of bread from in-store bakeries should have the option of compliance with the minimum system rather than the average system?

CHAPTER 9: WHAT HAPPENS NEXT?

9.1 The new Food Order proposed above would be made under Part IV of the Act. The Department intends to consult on detailed drafting proposals for the Order, in the light of the responses to this consultation, later in the year. The Order could then be placed before Parliament early in 2005. This Order will also update the legislation relating to sales of beer and cider in draught, to improve protection against short measure. The Department has already consulted on that issue, and a summary of the responses to the consultation document published in 2002 is at Annex L. The Department would welcome views on the timing of implementation of these measures, that is, when the new Order should be brought into effect. There appear to be two particularly relevant issues –

- (a) whether this Order, and the new Packaged Goods Regulations which are the subject of a separate consultation (a copy of that consultation can be viewed here - <http://www.dti.gov.uk/ccp/consultpdf/wmcondoc04.pdf>), should each be brought into effect separately at the earliest convenient date, or whether they should be commenced on a common date; and
- (b) assuming they are to be commenced on a single date, whether the whole reform package should be held back pending the review by the European Commission of Directives 76/211/EEC and 75/106/EEC.

9.2 The subject matter of the Order and the Regulations is largely distinct, but does overlap on some points, particularly labelling. Responses to the PGR condoc show that many stakeholders would find it more convenient for them to be introduced on a common date. The Department would welcome views on the most suitable calendar dates for this purpose. So far as employment legislation is concerned, the Department is already committed to commencing all relevant legislation on either 1st April or 1st October in any year. It might be convenient to focus on these dates as possible common commencement dates for the Packaged Goods Regulations and the new Food Order, but the Department will consider any views advanced in favour of other dates.

9.3 The European Commission recently conducted a review of the operation of the Directives on pre-packaged products under the SLIM (Simpler Legislation for the Internal Market) procedure. The review concluded that the average system should remain in place but recommended certain improvements. The Commission intends to bring forward proposals to revise the Directives in the light of the SLIM review. The Department will continue to work with the Commission and other Member States on proposals for improvement to the Directives. The Commission's current intention is to put forward proposals later this year. It is too early to say definitely what the timetable might be for Community agreement on these revisions and for their transposition into national legislation. But it seems unlikely that any changes to the Directives will fall to be transposed any earlier than 2006/07, while it could well fall later. The recommendations of the SLIM review have already been taken into account in the Department's proposals, which are consistent with these recommendations. It therefore seems likely that the Department's current proposals will effectively anticipate the revisions which the Commission may propose, and that any adjustments subsequently required to bring UK legislation into line with the revised Directive would be less radical. Feedback from stakeholders to date suggests that a majority would prefer to see the UK legislation modernised as soon as reasonably practicable. **The Department would welcome any further or differing views on this issue.**

Q. 18 Do you agree that the commencement date for new weights and measures legislation should be 1st April or 1st October, or are there alternative dates which should be considered?

Q. 19 Do you agree that the weights and measures legislation should be reformed as soon as practical, rather than awaiting the completion of the European Commission's review?

GENERAL QUESTIONS

Q.20 Do you have any other comments on the content of the proposed new Food Order?

Q.21 Are there any other aspects of weights and measures legislation which you think could be improved or made easier to comply with?

ANNEX A: CODE OF PRACTICE ON WRITTEN CONSULTATION

1. This consultation is being carried out in accordance with the Government's Code of Practice on Written Consultations. The Code sets out six consultation criteria as follows:

- Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of policy.
- Be clear about what your proposals are, who may be affected, what questions are being asked, and the timescale for response.
- Ensure that your consultation is clear, concise and widely accessible.
- Give feedback regarding the responses received and how the consultation process influenced the policy.
- Monitor your department's effectiveness at consultation, including through the use of a designated consultation co-ordinator.
- Ensure your consultation follows better regulation best practice, including carrying out a Regulatory Impact Assessment if appropriate.

2. A full version of the Code can be found at:

www.cabinet-office.gov.uk/regulation/consultation/code.asp

3. If you wish to comment on the conduct of this consultation or make a complaint about the way this consultation has been conducted, please write to:

Nick van Benschoten
DTI Consultation Co-ordinator
Better Regulation Team
Room 321
1 Victoria Street
LONDON
SW1H 0ET.

Tel: 020 7215 6206 Fax: 020 7215 0480

Email: nick.vanbenschoten@dti.gsi.gov.uk

ANNEX B: DETAILS OF CURRENT LEGISLATION

UK LEGISLATION

Hard copies of the UK legislation listed below are available from:

The Stationery Office
PO Box 29
Norwich
NR3 1GN
Tel: 0870 600 5522
E-mail: www.tso.co.uk.

- *The Weights and Measures Act 1985*
- *The Weights and Measures Act 1963 (Cheese, Fish, Fresh Fruits and Vegetables, Meat and Poultry) Order 1984 (SI 1984/1315)*
- *The Weights and Measures (Intoxicating Liquor) Order 1988 (SI 1988/2039)*
- *The Weights and Measures (Miscellaneous Foods) Order 1988 (SI 1988/2040)*
- *Amending Orders: SI 1985/988, SI 1985/1980, SI 1990/1550, SI 1994/1883 and SI 1994/2868.*
- *The Weights and Measures (Quantity Marking and Abbreviations of Units) Regulations 1987 (SI 1987/1538).*
- *Amending Regulations: SI 1988/627 and SI 1994/1852.*

EUROPEAN COMMUNITY LEGISLATION

Hard copies of the EC legislation listed below may also be obtained from the Stationery Office. The EC legislation may also be viewed on line:

- *Council regulation (EEC) 1906/90 (Marketing Standards for Poultry)*
http://europa.eu.int/eur-lex/en/consleg/pdf/1990/en_1990R1906_do_001.pdf
- *Council Regulation (EEC) 220/96 (Marketing of Fruit and Vegetables)*
http://europa.eu.int/eur-lex/en/consleg/pdf/1996/en_1996R2200_do_001.pdf
- *Commission Regulation (EEC) 1538/91 (Detailed Rules for Implementing Council Regulation 1906/90)*
http://europa.eu.int/eur-lex/en/consleg/pdf/1991/en_1991R1538_do_001.pdf
- *Directive 75/106/EEC (Pre-packaged Liquids)*
http://europa.eu.int/eur-lex/en/consleg/pdf/1975/en_1975L0106_do_001.pdf

- *Directive 88/344/EEC (Extraction Solvents)*
http://europa.eu.int/eur-lex/en/consleg/pdf/1988/en_1988L0344_do_001.pdf
- *Directive 88/388/EEC (Flavourings)*
http://europa.eu.int/comm/food/fs/sfp/addit_flavor/flav09_en.pdf
- *Directive 89/107/EEC (Food Additives)*
http://europa.eu.int/eur-lex/en/consleg/pdf/1989/en_1989L0107_do_001.pdf
- *Directive 89/108/EEC (Quick Frozen Foodstuffs)*
http://europa.eu.int/eur-lex/en/consleg/pdf/1989/en_1989L0108_do_001.pdf
- *Directive 2000/12/EC (formerly Directive 79/112/EEC) (Labelling, Presentation and Advertising of Foodstuffs)*
http://europa.eu.int/eur-lex/en/consleg/pdf/2000/en_2000L0013_do_001.pdf

ANNEX C: DRAFT REGULATORY IMPACT ASSESSMENT

PROPOSALS FOR A CONSOLIDATED FOOD ORDER UNDER PART IV OF THE WEIGHTS AND MEASURES ACT

PURPOSE AND INTENDED EFFECT

(a) Objective

1. The purpose of the reform is to simplify UK weights and measures legislation on foodstuffs by consolidating eight existing statutory instruments into one. This would be achieved at minimal cost to businesses and the intention is that there should be no diminution in consumer protection.
2. There is a considerable body of EC legislation on the labelling, presentation and advertising of foodstuffs within which there exist a number of weights and measures provisions relating to foodstuffs. The EC requirements on foodstuffs are largely implemented in UK law by three Orders made under the Weights and Measures Act 1985, and five amending Orders made at various times.
3. The Department's proposals have four main elements:
 - (a) The eight existing UK Orders could be consolidated into a single Order which would also include the UK implementation of certain related EC requirements and update UK law in the light of a recent ruling by the European Court of Justice (ECJ) on the free movement of goods between Member States;
 - (b) The provisions could also be simplified by modeling them on the general approach of the Directive rather than the present lists of specific foods;
 - (c) There could be scope to remove UK requirements within the existing Orders which are not required by EC law, so long as these are no longer necessary for consumer protection; and
 - (d) There is a specific deregulatory proposal relating to bread freshly baked in convenience stores and supermarkets.

(b) Background

4 Three separate Orders ("the Orders") made under Part IV of the Weights and Measures Act implement, but in part only, EC foodstuffs weights and measures provisions. These are the Cheese, Fish, Fresh Fruits and Vegetables, Meat and Poultry Order 1984, the Miscellaneous Foods Order 1988 and the Intoxicating Liquors Order 1988, together with five amending Orders¹⁹. The Orders prescribe the manner in which pre-packaged foods and intoxicating liquors shall be marked with an indication of quantity or volume. They have been added to in a piecemeal fashion over the course of some twenty years in Order to implement EC legislation.

¹⁹ The Weights and Measures Act 1963 (Various Foods) (Amendment) Order 1985 (SI 1985 No 988); The Weights and Measures Act 1963 (Various Foods) (Amendment No 2) Order 1985 (SI 1985 No. 1980); The Weights and Measures (Various Foods) (Amendment) Order 1990 (SI 1990 No. 1550); The Weights and Measures (Intoxicating Liquor) (Amendment) Order 1994 (SI 1994 No 1883); The Weights and Measures (Metrication) (Miscellaneous Goods) (Amendment) Order 1994 (SI 1994 No. 2868).

This has resulted in highly complex and fragmented law.

5 It is therefore proposed that the eight Orders should be repealed and replaced with a single Order. This could also be made simpler by mirroring more closely the weights and measures provisions of Directive 2000/13/EEC on the labelling, presentation and advertising of foodstuffs plus other related EC legislation. This would entail a departure from the highly detailed approach of the Orders, which name each specific foodstuff and alcoholic drink and their individual indications of quantity requirements. Instead, we propose to adopt the much broader, generally non-specific nature of the Directive. For example it is proposed that both prepacked foods and non-prepacked foods indicate net quantity by volume as regards liquids and by weight as regards foodstuffs (subject to certain exemptions). The new Order could also incorporate with the weights and measures provisions of various other EC Directives and Council Regulations to make it more comprehensive and convenient for users.

6 Some businesses may by now be aware of the implications of the ECJ ruling in the case of *Cidreirie Rumet SA v Cidre Stassen*. As a result of that case Member States may not prohibit the import of goods legally marketed in another Member State in prescribed quantities different from those allowed in the importing country. We therefore intend to include in the reform package a provision for mutual recognition of quantity ranges in packaged foods imported from other Member States (see paragraph 16).

7 In parallel, the Commission is pursuing separate proposals to revoke the non-mandatory EC ranges (which have been rendered redundant by the *Cidreirie Rumet* ruling) whilst at the same time increasing the number of mandatory ranges. In the light of all of this we are therefore also inviting views on which products should fall within either the EC or UK mandatory ranges.

8 In addition to the main proposal to consolidate and simplify existing law, the consultation will also seek views on a number of other related issues as described below.

- (i) *Aerosols*: we propose to simplify the current overlapping regulation of foodstuffs sold prepacked in aerosols by removing UK requirements which differ from the EC requirements.
- (ii) *Part baked bread*: we propose to offer retailers the option to sell bread which has its final baking on the premises on a basis of minimum weight rather than average weight. This reduces recordkeeping requirements and may be preferable in some cases, e.g., for small or convenience stores.
- (iii) *Multipacks*: the new Order will import the provisions in Directive 2000/13/EC governing the treatment of multi-packs which are defined as pre-packaged containers consisting of two or more packs of goods. Currently under UK law each multi-pack may comprise foods consisting of two or more packs of either the same quantity of the same foods, or different types of foods, or foods of different quantities (for example, cartons of fruit juice, often sold in packs of three for the price of two).
- (iv) *Mixed packages, and packages supplied to business*: in certain instances the existing Food Orders address issues not covered by EC legislation. For example, current UK law applies to a wider range of businesses than are provided for in EC law. The consultation document invites the views of consultees, on whether the new Order should continue to include these wider provisions.

9 The Department has already discussed informally with key stakeholders its proposals. The

response from a cross section of interests (including the National Association of Master Bakers, the British Beer and Pub Association and the British Aerosol Manufacturers Association) was generally favourable with industry welcoming the opportunity to influence policy in this area through the consultation process.

Business Sectors Affected

10 Those affected will primarily be businesses involved in the manufacture and packaging of foodstuffs, which would be likely to include major retail chains with in-house packaging and labelling facilities, and also the many small businesses in this sector. We would expect only very minimal impact on businesses engaged solely in retailing that is, those that do not package food products. The new regulations will not impact more widely than current legislation in this area.

11 The Office for National Statistics (Annual Business Enquiry) data shows the following:

There are some 88,000 retailers in the sectors affected by the proposals. Of these, about one per cent are involved in packaging, including dedicated packers and larger retailers (such as supermarkets) with their own in-house packaging operations.

The sector comprises enterprises in the following categories:

Small: 99% (total 86956)

Medium: 0.6% (total 578)

Large: 0.3% (total 262)

ONS data shows there to be some 7,458 businesses involved in the retail sale of baked bread and related products.

RISK ASSESSMENT

12 The existing Food Orders are set out in terms of detailed lists specifying the means by which quantity indications shall apply to each individual product. Some of the products which they cover also either no longer exist or are known by another name. They are therefore, complex and, in some places, out of date having failed to keep up with changing trends in foodstuffs and the way in which consumers now shop. They have also been amended at various times by five amending Orders, so that checking the current legal position, even for a single product, can require reference to several different documents. **The Department would welcome feedback on food categories identified in the legislation which may no longer exist or be known by another name.**

13 UK regulation of packaged goods has, in the past, been identified as being too complex by the Better Regulation Task Force, the NAO and, most recently, the Committee of Public Accounts. The NAO report, for example, cited the complexities as a hindrance to consumer protection and the risk of incorrect information being given to consumers as a result of confusion over legislative requirements.

14 Unnecessarily complex regulation is likely to deter new entrants to the market, possibly making it less dynamic than it might otherwise be since fewer new businesses are likely to mean less innovation and new ideas. **The Department would welcome any information which would throw light on the number of new businesses which enter this market in the UK, say, each year. Any data which would enable a comparison between new UK entrants to the market and those in other Member States would also be helpful.** Existing businesses,

even those that are long established, may have to devote more time to getting to grips with legislative complexities, diverting valuable resources away from their commercial operations. Legitimate businesses may also operate at a disadvantage to less scrupulous traders who will misuse complex and confusing laws to their advantage, at the same time taking the opportunity to confuse or mislead consumers.

15 Businesses and consumers would be better protected against non-compliance with the provisions on net quantity in the EC Regulations on poultry, fruit and vegetables since implementation would give enforcement powers to local authority trading standards departments. The latter, also, should benefit from having less complex legislation to enforce as there would no longer be the need to cross-refer to several pieces of legislation.

16 By bringing the law into line with the *Cidrerie Rumet* judgement the UK would avoid the possibility of infraction proceedings with the result also that UK companies.

OPTIONS

17. The following options have been identified:

Option 1: No change. (This is not a realistic option because it would lead to action against the UK by the Commission for not properly implementing EC law, but is included for completeness.)

Option 2: minimal change to reflect the recent ECJ judgement, i.e., providing for mutual recognition in respect of specified quantities (see paragraph 6)

Option 3: a re-implementation of the existing EC law in this area, consolidating and simplifying the provisions in UK law which implement the Directives, and adding a mutual recognition clause, but re-enacting the additional UK requirements without change (see paragraphs 1-3).

Option 4: As Option 3, but removing any additional UK requirements which, in the light of public consultation, are considered to be no longer justified (see paragraphs 1-3).

COSTS AND BENEFITS

Benefits

Option 1 (No change)

18 There would be no benefit to **consumers**. Although **businesses** may benefit by avoiding small transitional costs they would miss out on the benefits of simplified legislation.

Option 2 (Minimal change to reflect the recent ECJ judgement, .i.e., providing for mutual recognition in respect of specified quantities)

19 The UK would avoid the possibility of infraction action by the European Commission, but it seems unlikely that there would in practice be significant benefits for **consumers** or **businesses**. In theory, mutual recognition increases business opportunities for importers and hence choice for consumers; but in practice these benefits would not be likely to be significant, because packers throughout the EU have concentrated on the EC permitted ranges since these were originally introduced in 1975. It therefore seems unlikely that there will be extensive ranges of products packed in other sizes available within national markets. (The case in question arose

because cider is packed in the same range of sizes as beer in one Member State, but in the same range as wine in another, not because either had permitted sizes outside the EC specified ranges.)

Option 3 (Re-implementation of existing EC law in this area, consolidating and simplifying the provisions in UK law which implement the Directives, and adding a mutual recognition clause, but re-enacting the additional UK requirements without change)

20 **Businesses** would benefit from reduced compliance costs. A new, slimmed down piece of legislation would be easier to understand, comply with and enforce. It would be easier for trading standards officers to check compliance and offer advice to business as they would not have to refer to several documents in Order to check the legislation. The law would no longer be fragmented but instead compressed into a coherent whole.

21 These benefits would be particularly important for new entrants. However, all businesses would benefit from up-to date, simpler and more streamlined legislation. Not only would it all be located in one place instead of being spread amongst three separate Orders, it would also be expressed in broader terms minus the unnecessary and in places outdated detail of current law. This would free up time for the running of efficient operations and the pursuit of new opportunities. Views are invited on any cost benefits which would be likely to accrue to businesses as a result of this proposal.

22 It is unlikely that there would be any material benefits for **consumers** since the protections afforded by existing legislation would not change. It is possible that the benefits of more efficient business operations could be passed on to consumers at point of sale. There may be some cost benefit to consumers resulting from more and better information on the labelling and advertising of foodstuffs, but this is not easily quantifiable.

Option 4 (As option 3, but removing any additional UK requirements which, in the light of public consultation, are considered to be no longer justified).

23 **Businesses** could benefit from further reductions in compliance costs, to the extent that existing UK requirements can be removed. Because of the limited extent of additional UK provisions, any such reductions would not be large in aggregate, though they could be significant for particular businesses. It seems likely that the latter would primarily comprise, for example, those businesses engaged in the supply of pre-packed foods to *any* business (and not just to mass caterers) and also the manufacture of food intended for sale in as mixed packs. However, views are invited on the accuracy of the Department's assessment.

Costs

Option 1

24 This option would do nothing to address the often-expressed concerns about the complexities in the legislation. It would mean that the advantages of clarification and simplification of existing law would not be delivered to businesses or consumers. In addition, non-compliance with EC law would carry the risk of threatened infraction proceedings.

Option 2

25 No significant costs identified. **Businesses** importing goods from the EC might wish to examine the legislation to assess its implications for them, and to familiarize themselves with the new guidance, but as a freestanding measure would be very short, the cost implications should be negligible. **We would welcome any information which may be available on specific business or activities which might be affected.** This option would however do nothing to

address the often-expressed concerns about the complexities in the legislation. New entrants to the market, also, would continue to find the current legislation confusing and a possible barrier to entry to the market. It would mean that the potential advantages to business from clarifying and simplifying the law would have been missed.

Option 3

26 There would be some transitional costs to **business**. The reform will not require any major changes on the part of business, as it does not introduce new requirements. Therefore the main cost will be time spent on familiarisation with the regulations in their new consolidated form. We estimate that this one-off cost to business will amount to around £2.8 million. This is based on the assumption that for the average business it will take one manager half a day²⁰. This calculation assumes that the businesses affected will comprise all of those engaged in the manufacture of foodstuffs, packaging of foodstuffs and medium to large retailers who are likely to have their own in-house brands and food labelling. This figure is, in fact, likely to over-estimate the costs to business as not all of those engaged in food manufacture will be affected, for example those processing milk, grain and wheat. Costs incurred by the small number of businesses who might find it necessary to change existing labels would be negligible in view of the long lead in time between implementation and the coming into force date of the new regulations.

27 Views would be welcome on the Department's estimate of the likely costs to business as outlined in the preceding paragraph.

28 There are unlikely to be any significant extra costs for **Government** arising from the changes. However, the enforcement authorities will incur some costs because of the need for familiarisation with the new regulations, and perhaps to provide some one-off training for enforcement officers. There will also be some new enforcement responsibilities. Offsetting this is the benefit to enforcement authorities of having a simpler, more easily understandable regime to enforce.

Option 4

29 **Consumers** could lose some protection afforded by the existing additional UK provisions, although the Department would not propose to remove any requirements which appear to provide consumer protections which remain appropriate in present conditions.

QUESTIONS

Q1 Views are invited on whether the assessment of the cost impact on businesses of consolidating current law is reasonable or if there are factors which we have not taken into account. For example, the presumption is that the long transitional period allowed for the changeover of labels (where needed in limited instances) would involve only minimal costs. The assumption is that somewhere in the region of 18 months to two years would be required in such cases. Again the views of businesses (especially any which see a particular need for a long transitional phase-in period) would be welcome.

Q2 The proposal that retailers who sell fresh bread (supplied to them as part-baked loaves) be able to opt either to use the "average" or the "minimum" system of weight control would undoubtedly produce cost benefits for those who chose to take advantage

20 It is assumed that the hourly wage of a marketing and sales manager is £23.21, which is taken from the 2003 new earnings survey.

of this relaxation in the law. In assessing the likely degree of take-up views are invited, particularly from bread retailers, on how useful in practice this proposal would be to them.

Q3 Respondents are also invited to let us have any views and evidence of, for example, any costs or savings associated with other issues raised in this consultation including part-baked bread.

Q4 Views are invited on whether the protection afforded by the existing UK provisions on mixed packages and packages supplied to business merits their retention.

Equity and Fairness

30 The benefits are hard to quantify but overall we expect the proposals to have a broadly neutral cost impact on businesses (primarily packers of foodstuffs) and consumers who will continue to enjoy the same levels of protection. The proposals would not impact disproportionately on any particular group or sector. They would have a neutral, or possibly slightly advantageous effect on consumers depending on the extent to which businesses chose to pass on any cost savings. Any one-off costs incurred by businesses should be more than offset by the advantages of simplified legislation.

Small Firms Impact Test

31 The vast majority of firms involved in the manufacture, retail and packaging of foodstuffs in the UK are small businesses (well over ninety per cent). Of these, packers comprise only some one per cent and it is on this sector that the proposals would, relatively speaking, impact the most. Even in this case, we would expect the cost impact to be minimal. The impact of the favoured option on retailers (those not also packing products) would be even more negligible given their need only to ensure compliance with the new regulations.

32 Because of the relative size of their operations, small firms are liable to be more vulnerable to the burdens imposed on them by complex legislation (comprehension, compliance and so on). Such businesses therefore stand to gain from a more readily comprehensible regime since resources that would otherwise be devoted to interpreting statutory and legal complexities should be able to be re-deployed towards running more cost-efficient operations.

Competition Assessment

33 We would expect the proposals to have only minimal (but, in any case, a positive) impact on competition between businesses. There are several reasons for this: (a) there is no disproportionate effect on any part of the market so there should be no resultant distortion of competition; (b) an important side-effect of simplification of the UK statutory framework would be consistency of weights and measures controls on foodstuffs across Europe thus, if anything, improving the ability of UK businesses to compete with European counterparts owing to the removal of the disadvantages of an overly complex regime: this would have obvious benefits for consumers; (c) the market should be further stimulated by the entry to the market of new enterprises who may have been previously deterred by the need to wrestle with fragmented existing law out of alignment with that in Europe.

Enforcement and Sanctions

34 Weights and measures food controls will continue to be enforced by trading standards officers who are located in some two hundred local authorities across Britain. Enforcement will remain as at present, that is, by means of a combination of pro-active checks on pre-packaged foods and alcoholic drinks offered for retail and by reactive policing of the market. Sanctions for failing to comply with the duties under Part IV will remain the same.

Monitoring and Review

35 The Regulations will be monitored to ensure they are operating effectively. Section 87 of the 1985 Act requires the Secretary of State to report to Parliament, at least once every five years, on the operation of Part IV. There is regular discussion between the Department and the metrological representatives of the Local Authority Co-ordinators of Regulatory Services (LACORS) of the working of the Act and its subordinate legislation.

Summary and recommendation

36 The simplification of UK weights and measures food controls is very desirable. It will make life easier and reduce longer-term costs for businesses and enforcement authorities, while the transitional costs, mainly confined to a limited segment of the food and drink packing, retail and manufacturing industry, should be modest. It is therefore recommended that the existing Food Orders, their amending Orders, and other UK provisions implementing related EC requirements should be unified into a single, simpler Order; and that additional UK provisions in these areas should be removed where it appears that they are no longer of significance for consumer protection.

ANNEX D: WEIGHTS AND MEASURES PROVISIONS IN EC FOOD LEGISLATION (EXCLUDING DIRECTIVE 2000/13/EEC)

EC LEGISLATION	WEIGHTS AND MEASURES PROVISIONS
Article 5 of Council Regulation (EEC) No. 1906/90 of 26 June on certain marketing standards for poultry	Prepackaged poultry to be labeled with an indication of the total price and the price per weight unit. Price per unit weight to be indicated for poultry without pre-packaging.
Article 8 of Commission Regulation (EEC) No. 1538/91 of 5 June 1991 introducing detailed rules for implementing Council Regulation (EEC) No 1906/90	Prepackaged frozen and quickfrozen poultry may be classified and labeled by categories of nominal weights, with average system tolerances and reference test.
Article 6 of Council Regulation (EEC) No. 2200/96 of 16 July 1992 on the common organisation of the market in fruit and vegetables	Prepackaged fresh fruit and vegetables to be labeled with an indication of net weight or number in the case of products sold by number if the number of items in the package cannot be easily seen and counted from the outside.
Council Directive 75/106/EEC of 19 December 1974 on the making-up by volume of certain prepackaged liquids	Pre-packaged spirits and wines to be made up in the range of volumes in Annex III. Free movement guaranteed for liquids pre-packaged in the other ranges in Annex III.
Council Directive 80/232/EEC of 15 January 1980 on the ranges of nominal quantities and nominal capacities permitted for certain pre-packaged products .	Free movement guaranteed for foodstuffs pre-packaged in the ranges of weights, volumes and capacities in Annexes I-III.
Article 7 (1) (d) of Council Directive 88/344/EEC of 13 June 1988 on extraction solvents used in the production of foodstuffs and food ingredients	Prepackaged solvents to be labelled with an indication of net quantity in units of volume.
Articles 7 (1) (h) and 9A (1) (f) of Council Directive 88/388/EEC of 22 June 1988, as completed by Commission Directive 91/71/EEC of 16 January 1991, on flavourings for use in foodstuffs and on source materials for their production	Prepackaged food flavourings to be labelled with an indication of net quantity in units of mass or volume.
Article 7 (1) (h) of Council Directive 89/107/EEC of 21 December 1988 on food additives authorised for use in foodstuffs intended for human consumption	Prepackaged food additives to be labelled with an indication of net quantity.
Article 9 (1) (b) of Council Directive 89/108/EEC of 21 December 1988 on quick-frozen foodstuffs for human consumption	Prepackaged quick-frozen foodstuffs to be labelled with an indication of net quantity in units of mass.
Article 2 (2) of Directive 2001/111/EC of 20 December 2001 relating to certain sugars intended for human consumption	The net weight need not be indicated on the label for pre-packages of less than 20 g.

ANNEX E: EXISTING UK REQUIREMENTS FOR INDICATIONS OF QUANTITY FOR SPECIFIED PRE-PACKAGED FOODS

Table 1: Foods to be labelled with an indication of quantity by net weight
Cheese; fish, meat and poultry; sausage meat; any food consisting substantially of cheese, fish, meat, poultry or sausage meat, other than dripping lard, fish paste, poultry paste and shredded suet.
Fresh fruits and vegetables. Dried fruits and vegetables.
Flour. Bread in the form of a whole loaf. Pasta.
Oat products (flour of oats, oat flakes and oatmeal).
Biscuits (other than wafer biscuits which are not cream filled) and shortbread.
Cereal breakfast foods in flake form (other than cereal biscuit breakfast foods).
Wafer biscuits which are not cream-filled and the package is marked with the EEC mark.
Barley kernels, pearl barley, rice (including ground rice and rice flakes), sago, semolina and tapioca.
Chocolate and cocoa products.
Tea, coffee, coffee mixtures and coffee bags. Coffee and chicory extract consisting of solid and paste coffee and chicory products.
Edible fats (including butter and margarine). Salt.
Honey. Jam and marmalade (other than diabetic jam and marmalade). Jelly preserves.
Sugar. Molasses, syrup and treacle.
Caseins and caseinates. Preserved milk.

Table 2: Foods to be labelled with an indication of quantity by volume
Milk. Edible oils. Liquid coffee and chicory products.
Beer, spirits, wine and other alcoholic drinks.

(Continued on next page)

ANNEX E (cont'd)

Table 3: Food to be labelled with an indication of quantity by number
Shell eggs.
Shell pods. Vanilla pods.
Capsule and tablet foods. Fruit preservative tablets. Rennet tablets, saccharin tablets, soft drink tablets and sweetening tablets.
Cereal biscuit breakfast foods (other than foods in the case of which none of the biscuits weighs more than 10 g).
Wafer biscuits that are not cream-filled and the package is not marked with the EEC sign.
Flour confectionery (except when consisting of uncooked pastry or uncooked pastry cases, not containing any filling, or shortbread).
Potatoes where the net weight of each potato is not less than 175 g and the package is marked with a statement to the effect that each potato is of a net weight not less than a specified weight of 175 g or more than 175 g.

Table 4: Food to be labelled with an indication of quantity by net weight or number
Two or more items of bath chaps, cheese, fish, meat or poultry pies, puddings and flans and sausage rolls if the number of items is not clearly visible or is not capable of being easily counted.
Any of the fresh fruits and vegetables specified in Part 1 of Schedule I of the Cheese, Fresh Fruits and Vegetables, Meat and Poultry Order 1984 ²¹ if the package contains more than eight items; or not all of the items can clearly be seen by the buyer where the number of items is less than nine.
Bread in the form of whole loaves where the net weight of each loaf is less than 300 g and the number of loaves is not clearly visible or capable of being easily counted through the package.
Shortbread piece or pieces each weighing 200 g or more if the number of pieces is not clearly visible or capable of being counted without opening the package.

²¹ Apples, apricots, artichokes (globe), aubergines and avocados. Bananas and beetroots (including cooked). Cabbage, cauliflower, capsicum, celery, coconuts, corn on the cob, cucumber. Fennel and figs (fresh). Garlic, grapefruit and guavas. Kiwi fruit and kohlrabi. Lemons, lettuce and limes. Mangoes, marrows and melons. Nectarines. Onions (other than spring) and oranges. Passion fruit, pawpaw, peaches, pears, pineapple, plums, pomegranates, pomelo and pumpkins. Radishes. Shaddock and soft citrus fruits. Tomatoes. Ugli.

ANNEX F: EXISTING UK DEROGATIONS AND EXEMPTIONS FROM INDICATIONS OF QUANTITY

Table 1: Exemptions for Quantities at or below Specified Thresholds
Any food (except saffron) below 5 g or 5 ml.
Cheese below 25 g.
Herbs whole and sifted (except saffron) below 25 g.
Potato crisps and other snack foods below 25 g.
Single portion vending machine beverage packs below 25 ml.
Biscuits (other than wafer biscuits which are not cream-filled) below 50 g.
Shortbread not exceeding 50 g.
Chocolate and cocoa products below 50 g.
Sugar confectionery and chocolate confectionery below 50 g.
Sugar below 50 g.
Freeze drinks below 50 ml.
Biscuits (other than wafer biscuits which are not cream-filled) not exceeding 100g where pre-packaged on the same premises as those on which they were produced where either the biscuits are in the possession of the producer for sale by him by retail on those premises; or if the producer has agreed to sell or has sold the biscuits, he agreed to sell or sold them by retail on those premises.
A single piece of shortbread of 200 g or more.
Shortbread pieces each of 200 g or more if the number of pieces is clearly visible and is capable of being counted without opening the package.
Bread in the form of a whole loaf of less than 300 g.
Bread in the form of whole loaves where the net weight of each loaf is less than 300 g and the number of loaves is clearly visible and capable of being easily counted without opening the package.
Single toffee apples.
Whole Stilton cheese.
A single item in the case of foods required to be labelled with an indication of quantity by number (see Table 3 in Annex F above).

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ANNEX F (cont'd)

Table 2: Exemptions for Quantities above Specified Thresholds
Cheese above 10 kg that is not a processed cheese, or a cheese spread or a natural cheese of any of the following descriptions: Caerphilly, Cheddar, Cheshire, Derby, Double Gloucester, Dunlop, Edam, Gouda, Lancashire, Leicestershire and Wensleydale.
Fresh fruit and vegetables above 5 kg.
Solid and paste coffee and chicory products above 5 kg and cocoa and chocolate products, honey, caseins and caseinates and preserved milk for human consumption above 10 kg, where the foods are not sold retail and are accompanied by a document with an indication of quantity by net weight.
Liquid edible oil above 20 L.
Intoxicating liquors listed in Schedule 1 of the Intoxicating Liquor Order 1988 ²² above than 10 L.
Other intoxicating liquors above 5 L.

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²² The following beverages or categories of beverage:

- Wine of fresh grapes; grape must with fermentation prevented or arrested by the addition of alcohol, including wine made of unfermented grape juice blended with alcohol, grape must in fermentation or with fermentation arrested otherwise than by the addition of alcohol, of subheadings 2204 21 21 to 2204 21 39 inclusive, 2204 29 21 to 2204 24 39 inclusive and 2204 30 10.
- “Yellow” wines entitled to use the following designations of origin: “Cotes du Jura”, “Arbois”, “L’Etoile” and “Chatteau-Chalon”.
- Sparkling wine and wine in bottles with “mushroom” stoppers held in place by ties or fastenings, and wine otherwise made up with an excess pressure of not less than one bar but less than three bar, measured at a temperature of 20 C, of subheadings 2204 10 11, 2204 10 19, 2204 10 90, 2204 21 10 and 2204 29 10.
- Spirits, liqueurs and other spirituous beverages and compound alcoholic preparations of a kind used for the manufacture of beverages, of subheadings 2208 10 10 to 2208 90 79 inclusive.

ANNEX F (cont'd)

Table 3: Other Exemptions
Cheese that is not a processed cheese, or a cheese spread, or a natural cheese of any of the following descriptions: Caerphilly, Cheddar, Cheshire, Derby, Double Gloucester, Dunlop, Edam, Gouda, Lancashire, Leicestershire and Wensleydale and is sold by gross weight if the container does not exceed the permitted weight specified in Table A of Schedule 2 of the Cheese, Fresh Fruits and Vegetables, Meat and Poultry Order 1984 ²³ and the quantity is made known to the buyer before he pays for or takes possession of the goods.
Two or more items of bath chaps, cheese, fish, meat or poultry pies, puddings and flans and sausage rolls if the number of items is clearly visible and capable of being easily counted.
Any of the fresh fruits and vegetables specified in Part I of Schedule 1 of the Cheese, Fish, Fresh Fruits and Vegetables, Meat and Poultry Order 1984 ²⁴ if the package contains no more than eight items, all of which can clearly be seen by the buyer.
Any of the fresh vegetables listed in Part II of Schedule 1 of the Cheese, Fresh Fruits and Vegetables, Meat and Poultry Order 1984 ²⁵ if sold in a bunch.
Fresh soft fruits and mushrooms provided that the quantity is made known to the buyer before he pays for or takes possession of the goods.
Bread and bun loaves, fruit loaves, malt loaves and fruited malt loaves.
Flour confectionary if the number of items is clearly visible and is capable of being counted without opening the package.
Fancy chocolate products on sale by retail if an indication of net weight is displayed on a ticket or notice on or in immediate proximity to the products.
Sugar confectionery consisting of rock or sugar barley sticks or novelty shapes.
Soft drinks of any description in a siphon.

²³ The permitted container weight is 5 g if the gross weight does not exceed 500 g; and 10 g per kg of the gross weight if the gross weight exceeds 500 g.

²⁴ See footnote 15 in Annex F above.

²⁵ Asparagus, beetroots, carrots, chives, endives, garlic, mint, mustard and cress, onions (including spring), parsley, radishes, salad cress, turnips and watercress.

ANNEX G: EC WEIGHT CATEGORIES FOR PRE-PACKAGED FROZEN AND QUICK-FROZEN POULTRY

Commission Regulation 1538/91	Directive 76/211/EEC
<p style="text-align: center;">Article 8 (1)</p> <p>Pre-packaged frozen or quick frozen poultrymeat may be classified by weight category in accordance with Article 3 (3) of Regulation (EEC) No 1906/90 in pre-packages within the meaning of Article 2 of Directive 76/211/EEC. These pre-packages may contain:</p> <ul style="list-style-type: none"> • One poultry carcass; or • One or several poultry cuts of the same type and species, as defined in Article 1 of Commission Regulation 1538/91). 	<p style="text-align: center;">Article 2</p> <p>1. A pre-package within the meaning of this Directive is the combination of product and the individual package in which it is pre-packed.</p> <p>2. A product is pre-packed when it is placed in a package of whatever nature without the purchaser being present and the quantity of product contained in the package has a predetermined value and cannot be altered without the package either being opened or undergoing a perceptible modification.</p>
<p style="text-align: center;">Article 8 (2)</p> <p>All pre-packages shall, in accordance with Article 8 (3) and 8 (4) below, bear an indication of the weight of the product known as the “nominal weight” which they are required to contain.</p>	
<p style="text-align: center;">Article 8 (3)</p> <p>Pre-packages of frozen or quick-frozen poultry meat may be classified by categories of nominal weights as follows:</p> <p>Carcases:</p> <ul style="list-style-type: none"> • <1 100 g: classes of 50 g (1 050 - 1 000 – 950 etc). • 1 100 -<2 400 g: classes of 100 g (1 100 - 1 200 - 1 300 etc). • >2 400 g: classes of 200 g (2 400 - 2 600 - 2 800 etc). <p>Cuts:</p> <ul style="list-style-type: none"> • >1 100 g: classes of 50 g (1 050 - 1 000 - 950 etc). • >1 100 g: classes of 100 g (1 100 - 1 200 - 1 300 etc). 	

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ANNEX G (cont'd)

<p style="text-align: center;">Article 8 (4)</p> <p>Pre-packages referred to in Article 8 (1) above shall be made up in such a way that they satisfy the following requirements:</p> <ul style="list-style-type: none"> • The actual contents shall not be less, on average, than the nominal weight. • The proportion of pre-packages having a negative error greater than the tolerable negative error laid down in Article 8 (9) below shall be sufficiently small for batches of pre-packages to satisfy the requirements of the test specified in Article 8 (10) below. • No pre-package having a negative error greater than twice the tolerable negative error given in Article (8) 9 below shall be marketed. <p>The definitions of “nominal weight”, “actual content” and “negative error” laid down in Annex I to Directive 76/211/EEC shall apply to this Regulation.</p>	<p style="text-align: center;">Annex 1, point 2</p> <p>2.1 The nominal quantity (weight or volume) of the contents of a pre-package is the quantity indicated on the pre-package, i.e. the quantity of product that the pre-package is deemed to contain.</p> <p>2.2 The actual contents of the pre-package are the quantity of product that it in fact contains.</p> <p>2.3 The negative error of a pre-package is the quantity by which the actual contents of the pre-package are less than the nominal quantity.</p>
<p style="text-align: center;">Article 8 (5)</p> <p>Regarding responsibility of the packer or importer of frozen or quick-frozen poultrymeat and checks to be carried out by competent authorities, points 4, 5 and 6 of Annex I to Directive 76/211/EEC apply <i>mutatis mutandis</i>.</p>	<p style="text-align: center;">Annex 1, points 4, 5 and 6</p> <p>Point 4 sets out the responsibilities of the packer or importer.</p> <p>Point 5 sets out checks to be carried out by the competent departments on the premises of the packer or of the importer or his agent established in the EC.</p> <p>Point 6 sets out other checks that may be carried out by the competent departments.</p>
<p style="text-align: center;">Article 8 (6)</p> <p>The checking of pre-packages shall be carried out by sampling and shall be in two parts:</p> <ul style="list-style-type: none"> • A check covering the actual content of each pre-package in the sample. • A check on the average actual contents of the pre-packages in the sample. <p>A batch of pre-packages shall be considered acceptable if the results of both these checks satisfy the acceptance criteria referred to in Article 8 (10) and (11) below.</p>	

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ANNEX G (cont'd)

<p style="text-align: center;">Article 8 (7)</p> <p>A batch shall be made up of all the pre-packages of the same nominal weight, the same type and the same production round, packed in the same place, which are to be inspected. The batch size shall be limited to the quantities laid down below:</p> <ul style="list-style-type: none"> • When pre-packages are checked at the end of the packing line, the number in each batch shall be equal to the maximum hourly output of the packing line, without any restriction as to batch size. • In other cases the batch size shall be limited to 10 000. 																
<p style="text-align: center;">Article 8 (8)</p> <p>A sample consisting of the following numbers of pre-packages shall be drawn at random from each batch to be inspected:</p> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="padding: 2px 10px;">Batch size</th> <th style="padding: 2px 10px;">Sample size</th> </tr> </thead> <tbody> <tr> <td style="padding: 2px 10px;">100 to 500</td> <td style="padding: 2px 10px;">30</td> </tr> <tr> <td style="padding: 2px 10px;">501 to 3 200</td> <td style="padding: 2px 10px;">50</td> </tr> <tr> <td style="padding: 2px 10px;">> 3 200</td> <td style="padding: 2px 10px;">80</td> </tr> </tbody> </table> <p>For batches of fewer than 100 pre-packages, the non-destructive test, within the meaning of Annex II to Directive 76/211/EEC, where carried out, shall be 100 %.</p>	Batch size	Sample size	100 to 500	30	501 to 3 200	50	> 3 200	80	<p>Annex II, Section 2.2.</p> <p>Point 2.2.1 sets out the procedure for non-destructive testing, using a double sampling plan, and specifies the criteria for acceptance or rejection.</p>							
Batch size	Sample size															
100 to 500	30															
501 to 3 200	50															
> 3 200	80															
<p style="text-align: center;">Article 8 (9)</p> <p>In the case of pre-packaged poultrymeat the following tolerable negative errors are permitted:</p> <table border="1" style="margin-left: auto; margin-right: auto; border-collapse: collapse; text-align: center;"> <thead> <tr> <th style="padding: 2px 10px;">Nominal weight (g)</th> <th colspan="2" style="padding: 2px 10px;">Tolerable negative error</th> </tr> <tr> <th style="padding: 2px 10px;"></th> <th style="padding: 2px 10px;"><u>Carcases</u></th> <th style="padding: 2px 10px;"><u>Cuts</u></th> </tr> </thead> <tbody> <tr> <td style="padding: 2px 10px;">< less than 1 000</td> <td style="padding: 2px 10px;">25</td> <td style="padding: 2px 10px;">25</td> </tr> <tr> <td style="padding: 2px 10px;">1 100 <2 400</td> <td style="padding: 2px 10px;">50</td> <td style="padding: 2px 10px;">50</td> </tr> <tr> <td style="padding: 2px 10px;">2 400 and more</td> <td style="padding: 2px 10px;">100</td> <td style="padding: 2px 10px;">50</td> </tr> </tbody> </table>	Nominal weight (g)	Tolerable negative error			<u>Carcases</u>	<u>Cuts</u>	< less than 1 000	25	25	1 100 <2 400	50	50	2 400 and more	100	50	
Nominal weight (g)	Tolerable negative error															
	<u>Carcases</u>	<u>Cuts</u>														
< less than 1 000	25	25														
1 100 <2 400	50	50														
2 400 and more	100	50														

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ANNEX G (cont'd)

Article 8 (10)		
<p>For the checking of the actual content of each pre-package in the sample, the minimum acceptable content shall be calculated by subtracting the tolerable negative error for the contents concerned from the nominal weight of the pre-package.</p> <p>The pre-packages in the sample whose actual contents are less than the minimum acceptable content shall be considered defective.</p> <p>The batch of pre-packages, checked shall be considered acceptable or rejected, if the number of defective units found in the sample is less than or equal to the acceptance criterion or equal to or greater than the criterion for rejection shown below:</p>		
	Number of defective units	
Number in sample	Acceptance Criterion	Rejection Criterion
30	2	3
50	3	4
80	5	6

Article 8 (11)	
<p>For the checking of the average actual contents, a batch of pre-packages shall be considered acceptable, if the average actual content of the pre-packages forming the sample is greater than the acceptance criterion shown below:</p>	
Sample size	Acceptance criterion for average actual content
30	$\bar{x} \geq Q_n - 0,503 s$
50	$\bar{x} \geq Q_n - 0,379 s$
80	$\bar{x} \geq Q_n - 0,295 s$
<p>\bar{x} = average actual content of prepackages, Q_n = nominal quantity of the prepackage, s = standard deviation of the actual contents of the prepackages in the batch.</p> <p>The standard deviation shall be estimated as set out under point 2.3.2.2. of Annex II to Directive 76/211/EEC.</p>	
<p>Annex II, point 2.3.2.2</p> <p>This point of the Directive sets out the calculation required to estimate the standard deviation of a set of measured values.</p>	

ANNEX H: FRUITS AND VEGETABLES WHICH UNDER ARTICLE 6 OF COUNCIL REGULATION 2200/96 REQUIRE AN INDICATION OF WEIGHT WHEN PREPACKAGED

Almonds
Apples and pears
Apricots
Artichokes
Asparagus
Aubergines
Avocados
Beans
Brussels sprouts
Cabbage
Carrots
Cauliflowers
Celery
Cherries
Citrus fruit
Courgettes
Cucumbers
Garlic
Hazelnuts
Kiwis
Leeks
Lettuce, curly and escarole chicory
Melons
Onions
Peaches and nectarines
Peas for shelling
Plums
Spinach
Strawberries
Sweet peppers
Table grapes
Tomatoes
Walnuts
Water melons
Witloof chicory

ANNEX J: EC SPECIFIED QUANTITIES AND CAPACITIES FOR PRE-PACKAGED FOODS

1. SPECIFIED QUANTITIES BY VOLUME (in litres)

- Wine of fresh grapes; fresh grape must with fermentation arrested by the addition of alcohol including wine made of unfermented grape juice blended with alcohol except for wines included in Common Customs tariff subheadings 22.05 A and B and liqueur wines (CCT sub-heading ex 22.05 C); grape must, in fermentation or with fermentation arrested otherwise than by the addition of alcohol (CCT heading No 22.04): 0.10 – 0.187 – 0.25 – 0.375 – 0.50 – 0.75 – 1 – 1.5 – 2 – 3 – 4 – 5 – 6 – 8 – 9 – 10.
- “Yellow” wines entitled to use the following designation of origin: “Cotes du Jura”, “Arbois”, “L’Etoile” and “Chateau-Chalon”: 0.62.
- Other non-sparkling fermented beverages, for example cider, perry and mead (CCT sub-heading 22.07 B II): 0.10 – 0.25 – 0.375 – 0.50 – 0.75 – 1 – 1.5 – 2 – 5.
- Vermouths and other wines of fresh grapes flavoured with aromatic extracts (CCT heading No 22.06); liqueur wines (CCT subheading ex 22.05 C): 0.10 – 0.20 – 0.375 – 0.50 – 0.75 – 1 – 1.5 – 3 – 5.
- Sparkling wines (CCT subheading 22.05 A) and wine in bottles with “mushroom” stoppers held in place by ties or fasteners, and wine otherwise put up with an excess pressure of not less than one bar but less than three bar, measured at a temperature of 20 C (CCT subheading 22.05 B): 0.125 – 0.20 – 0.375 – 0.75 – 1.5 – 3 – 4.5 – 6 – 9.
- Other fermented sparkling beverages, for example, cider, perry and mead (CCT subheading 22.07 B I): 0.10 – 0.20 – 0.375 – 0.75 – 1 – 1.5 – 3.
- Beer made from malt (CCT heading No 22.03), excluding acid beers: 0.25 – 0.33 – 0.50 – 0.75 – 1 – 2 – 3 – 4 – 5.
- Acid beers, gueuze: 0.25 – 0.375 – 0.75.
- Spirits (other than those of CCT headings No 22.08): liqueurs and other spirituous beverages; compound alcoholic preparations (known as “concentrated extracts”) for the manufacture of beverages (CCT heading No 22.09): 0.02 – 0.03 – 0.04 – 0.05 – 0.10 – 0.20 – 0.50 – 1 – 1.5 – 2 – 2.5 – 3.
- Vinegar and substitutes for vinegar (CCT heading No 22.10): 0.25 – 0.50 – 0.75 1 – 2 – 5.
- Olive oils (CCT subheading 15.07 A), other edible oils (CCT subheading 15.07 D II): 0.25 – 0.50 – 0.75 – 1 – 2 – 3 – 5 – 10.
- Milk, fresh, not concentrated or sweetened (CCT heading ex 04.01), excluding yoghurt, kephir, curdled milk, whey and other fermented or acidified milk. Milk-based beverages (CCT subheading 22.02 B): 0.20 – 0.25 – 0.50 – 0.75 – 1 – 2.
- Waters, including spa waters and aerated waters (CCT heading No 22.01): 0.125 – 0.20 – 0.25 – 0.33 – 0.50 – 0.75 – 1 – 1.5 – 2.
- Lemonade, flavoured spa waters and flavoured aerated waters and other aerated waters and other non-alcoholic beverages not containing milk or milkfats (CCT subheading 22.02 A), excluding fruit and vegetable juices falling within CCT heading No 22.07 and concentrates: 0.125 – 0.20 – 0.25 – 0.33 – 0.50 – 0.75 – 1 – 1.5 – 2.

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ANNEX J (cont'd)

- Beverages labeled as alcohol-free aperitifs: 0.10.
- Fruit juices (including grape must) or vegetable juices, whether or not containing added sugar, but enfermented and not containing spirit falling within CCT subheading 20.07 B, fruit nectar 75/726/26 EEC of 17 November 1975 on the approximation of the laws of the Member States concerning fruit juices and certain similar products: 0.125 – 0.20 – 0.25 – 0.33 – 0.50 – 0.75 – 1 – 1.5 – 2.

2. SPECIFIED QUANTITIES BY WEIGHT (in g)

- Butter (CCT heading 04.032), margarine emulsified or non-animal and vegetable fats (low fat spreads): 125 – 250 – 500 – 1 000 – 1 500 – 2 000 – 2 500 – 5 000.
- Fresh cheese except “petits suisses” and other cheeses put up in the same way (CCT subheading ex 04.04 E I c): 62.5 – 125 – 250 – 500 – 1 000 – 2 000 – 5 000.
- Table and cooking salt (CCT subheading 25.01 A): 125 – 250 – 500 – 750 – 1 000 – 1 500 – 5 000.
- Impalpable sugars, red or brown sugars, candy sugars: 125 – 250 – 500 – 750 – 1 000 – 1 500 – 2 000 – 2 500 3 000 – 4 000 – 5 000.
- Cereal flours, groats, flaks and oatmeal and meal, oatflakes: 125 – 250 – 500 – 1 000 - 1 500 – 2 000 – 2 500 – 5 000 – 10 000.
- Pasta products: 125 – 250 – 500 – 1 000 – 1 500 – 2 000 – 3 000 – 4 000 – 5 000 – 10 000.
- Rice: 125 – 250 – 500 – 1 000 – 2 000 – 2 500 – 5 000.
- Prepared foods obtained similar the swelling or roasting of cereals or cereal products (puffed rice, corn flakes and similar products) (CCT heading No 19.05): 250 – 375 – 500 – 750 – 1 000 - 1 500 – 2 000.
- Dried vegetables (CCT heading No 07.05) and dried fruit (CCT heading Nos or subheadings ex 08.01, 08.03 B, 08.04 B, 08.12): 125 – 250 – 500 – 1 000 – 1 500 – 2 000 – 5 000 – 7 500 – 10 000.
- Ground or unground roasted coffee, chicory and coffee substitutes: 125 – 250 – 500 – 1 000 – 2 000 – 3 000 – 4 000 – 5 000 – 10 000.
- Frozen fruit and vegetables and pre-cooked potatoes for chips: 150 – 300 – 450 – 600 – 750 – 1 000 – 1 500 – 2 000 – 2 500.
- Fish fillets and portions, breaded and not breaded: 100 – 200 – 300 – 400 – 500 – 600 – 800 – 1 000 – 2 000.
- Fish fingers: 150 – 300 – 450 – 600 – 900 – 1 200 – 1 500 – 1 800.

3. SPECIFIED QUANTITIES BY VOLUME (in ml) FOR ICE CREAM

- Ice cream in quantities of more than 250 ml: 300 – 500 – 750 – 1 000 – 1 500 – 2 000 – 2 500 – 3 000 – 4 000 – 5 000.

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ANNEX J (cont'd)

4. SPECIFIED CONTAINER CAPACITIES (in ml) FOR PRESERVES AND SEMI-PRESERVES IN TINS AND GLASS CONTAINERS: VEGETABLE PRODUCTS (FRUIT, VEGETABLES, TOMATOES, POTATOES, WITH THE EXCEPTION OF ASPARAGUS, SOUPS, FRUIT OR VEGETABLE JUICES AND FRUIT NECTARS)

- Tins and glass containers: 106 – 156 – 212 – 314 – 370 – 425 – 446 – 580 – 720 – 850 – 1 062 – 1 700 – 2 650 – 3 100 – 4 250 – 10 200.
- Additional list for tumblers: 53 – 125 – 250.
- Truffles: 26 – 53 – 71 – 106 – 212 – 425 – 720 – 850.
- Tomatoes (concentrates): 71 – 142 – 212 – 370 – 425 – 720 – 850 – 3 100 – 4 250.
- Tomatoes (peeled or unpeeled): 236 – 370 – 425 – 720 – 850 – 2 650 – 3 100.
- Fruit cocktails, fruit in syrup: 106 – 156 – 212 – 228 – 236 – 314 – 370 – 425 – 446 – 580 – 720 – 850 – 1 062 - 1 700 - - 3 100 – 4 250 – 10 200.

5. SPECIFIED VOLUMES AND CONTAINER CAPACITIES (in ml) FOR FOOD PRE-PACKAGED IN AEROSOLS

- Metal Containers²⁶:

Volumes of product (in ml)	Container capacities (in ml)	
	Products propelled by liquid gas	Products propelled by compressed gasses alone or by nitrous oxide or carbon dioxide alone or by mixtures of the two alone when the product has a Bunsen coefficient of 1.2 or less
25	40	47
50	75	89
75	110	140
100	140	175
125	175	210
150	210	270
200	270	335
250	335	405
300	405	520
400	520	650
500	650	800
600	800	1 000
750	1 000	-

- Transparent or non-transparent glass or plastic containers: 25 – 50 – 75 – 100 – 125 – 150.

²⁶ By way of derogation from Article 8 (1) (e) of Council Directive 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers, food sold in aerosols made up in the product volumes and corresponding containers capacities listed above need not be marked with the nominal weight of their content.

ANNEX K: UK SPECIFIED QUANTITIES FOR PRE-PACKAGED FOODS

1. SPECIFIED QUANTITIES BY VOLUME (in litres unless otherwise specified)

- Wine of fresh grapes; fresh grape must with fermentation prevented or arrested by the addition of alcohol including wine made of unfermented grape juice blended with alcohol, grape must in fermentation or with fermentation arrested otherwise than by the addition of alcohol, of subheadings 22.04 21 21 to 2204 21 39 inclusive, 2204 29 21 to 2204 29 39 inclusive and 2204 30 10: 0.10 – 0.187 (for consumption on aircraft, ships and trains only) - 0.25 – 0.375 – 0.50 – 0.75 – 1 – 1.5 – 2 – 3 – 4 – 5 – 6 – 8 – 9 - 10.
- “Yellow” wines entitled to use the following designations of origin: “Cotes du Jura”, “Arbois”, “L’Etoile” and “Chateau-Chalon”: 0.62.
- Sparkling wine and wine in bottles with “mushroom” stoppers held in place by ties or fastenings, and wine otherwise made up with an excess pressure of not less than one bar but less than three bar, measured at a temperature of 20 C, of subheadings 2204 10 11, 2204 10 19, 2204 10 90, 2204 21 10 and 2204 29 10: 0.125 – 0.20 – 0.375 – 0.75 – 1.5 – 3 – 4.5 – 6 – 9.
- Spirits, liqueurs and other spirituous beverages and compound alcoholic preparations of a kind used for the manufacture of beverages, of subheadings 2208 10 10 to 2208 90 79 inclusive: 0.02 – 0.03 – 0.04 – 0.05 – 0.071 - 0.10 – 0.20 – 0.35 - 0.50 – 1 – 1.125 (for non-retail sale only) - 1.5 – 2 – 2.5 – 3. – 4.5 – 5 (for non-retail sale only) – 10 (for non-retail sale only).
- Milk in a returnable container: one third of a pint – half a pint – multiples of half a pint. Exempt: : 50 ml or less.
- Milk other than in a returnable container: 189 – 200 – 250 – 284 – 500 – 750 – multiples of 284 and 500. Exempt: 50 ml or less.

2. SPECIFIED QUANTITIES BY WEIGHT (in grams)

- Barley kernels, pearl barley, rice (including ground rice and rice flakes), sago, semolina and tapioca: 125 – 250 – 375 – 500 – multiples of 500. Exempt: 75 g or less and more than 10 kg.
- Biscuits other than wafer biscuits which are not cream-filled: 100 – 125 – 150 – 200 – 250 – 300 – multiples of 100. Exempt: 85 g or less and more than 5 kg.
- Bread in the form of a whole loaf: 400 – multiples of 400. Exempt: 300g or less and 25 kg or more for non-retail sales.
- Cereal breakfast foods in flake form, other than cereal biscuit breakfast foods: 125 – 250 – 375 – 500 – 750 – 1 kg – 1.5 – multiples of 1 kg. Exempt: 50 g or less and more than 10 kg.
- Chocolate products: 85 – 100 – 125 – 150 – 200 – 250 – 300 – 400 – 500. Exempt: less than 85 g and more than 500 g.
- Cocoa products: 50 – 75 – 125 – 250 – 500 – 750 – 1 kg. Exempt: Less than 50 g and more than 1 kg.
- Coffee, coffee mixtures and coffee bags: 57 – 75 – 113 – 125 – 227 – 250 – 340 – 454 – 500 – 680 – 750 – multiples of 454 and 500. Exempt: less than 50 g and more than 1 kg.
- Coffee extracts and chicory extracts: 50 – 100 – 200 – 250 (for mixtures of coffee extracts and chicory extracts only) – 300 (for coffee extracts only) – 500 – 750 – 1 kg – 1.5 – 2 – 2.5 – 3 – multiples of 1 kg. Exempt: 25 g or less and more than 10 kg.

- Dried fruits: 125 – 250 – 375 – 500 – 1 kg – 1.5 – 7.5 – multiples of 1 kg. Exempt: 75 g or less and more than 10 kg.
- Dried vegetables: 125 – 250 – 375 – 500 – 1 kg – 1.5 – 7.5 – multiples of 1 kg. Exempt: 100 g or less and more than 10 kg.
- Edible fats in solid form (including butter, margarine and low fat spreads): 50 – 125 – 250 – 500 – multiples of 500 up to 4 kg – multiples of 1 kg up to 10 kg. Exempt: 25 g or less and more than 10 kg.
- Flour: 125 - 250 – 500 – multiples of 500. In addition: 375 and 750 for corn flour. Exempt: 50 g or less and more than 10 kg.
- Honey: 57 - 113 - 227 - 340 - 454 - 680 - multiples of 454. Exempt: Less than 50 g.
- Jam and marmalade other than diabetic jam or marmalade: 57 – 113 – 227 – 340 – 454 – 680 – multiples of 454. Exempt: Less than 50 g.
- Jelly preserves: 57 – 113 – 227 – 340 – 454 – 680 – multiples of 454. Exempt: less than 50 g.
- Molasses, syrup and treacle: 57 – 113 – 227 – 340 – 454 – 680 – multiples of 454. Exempt: Less than 50 g.
- Oat products, namely flour of oats, oat flakes and oatmeal: 125 – 250 – 375 – 500 – 750 – 1 kg – 1.5 – multiples of 1 kg. Exempt: 50 g or less.
- Pasta: 125 – 250 – 375 – 500 – multiples of 500. Exempt: 50 g or less.
- Potatoes: 500 – 750 – 1 kg – 1.5 – 2 – 2.5 – multiples of 2.5 up to and including 15 – 20 – 25. Exempt: Less than 5 g and more than 25 kg. Any quantity where the net weight of each potato is not less than 175 g.
- Salt: 125 – 250 – 500 – 750 – 1 kg – 1.5 – multiples of 1 kg to 10 – 12.5 – 25 – 50. Exempt: 100 g or less.
- Sugar: 125 – 250 – 500 – 750 – 1 kg – 1.5 – 2 – 2.5 – 3 – 4 – 5. Exempt: 100 g or less and more than 5 kg.
- Tea in a tea bag: 50 – 125 – 250 – 500 – 750 – 1 kg – 1.5 – 2 – 2.5 – 3 – 4 – 5. Exempt: 25 g or less.
- Tea other than in a tea bag: 50 – 125 – 250 – 500 – 750 – 1 kg – 1.5 – 2 – 2.5 – 3 – 4 – 5. In addition: 100 – 200 – 300 for tea packed in tins or glass or wooden containers. Exempt: 25 g or less or more than 5 kg.

ANNEX L: RESPONSE TO CONSULTATION ON PROPOSALS TO STRENGTHEN PROTECTION AGAINST SHORT MEASURE DRAUGHT BEER

Introduction

A total of **99** organisations were consulted in March 2002 on the consultation paper *Draught Beer and Cider: Public Consultation on Proposals to Tighten Consumer Protection Against Short Measure* and the accompanying draft Regulatory Impact Assessment. This consultation follows an earlier one in December 2000 that proposed that licensees serve an average of 100% liquid and that no measure should be less than 95%. The latest consultation presented consultees with three regulatory options for ensuring that consumers receive not less than 95% liquid of pint and half pint measures of draught beer and cider. These were as follows:

- Option 1: 100% average option
- Option 2: 100% minimum option
- Option 3: 95% minimum option

Taking into account responses to earlier consultation documents on this issue DTI expressed a preference for option 3, that is, that the legislation be amended to ensure that measures of draught beer and cider comprise not less than 95% liquid after the collapse of any head of froth.

The **639** responses received are summarised in this document. They comprised **16** from **trade organisations**, **2** from **consumer organisations**, **599** from **individual consumers**, **20** from **enforcement bodies** and **2** from **Members of Parliament**.

Shortly before the consultation document was issued the **Campaign for Real Ale (CAMRA)** organised a campaign encouraging its members to write in support of a full liquid pint. Over **10,000 individuals** wrote to DTI in response to CAMRA's initiative. Though not expressed as responses to the consultation, the views expressed are recorded below as relevant to the issues.

Trade Organisations (comprising trade associations, brewers, retailers of beer and cider and suppliers of equipment for retailing beer)

In all there were 13 responses from the licensed trade, including 7 breweries, all expressing support for the 95% proposal.

British Beer and Pub Association (BBPA) fully supported the 95% option, making the point that beer is not a liquid but a fluid, comprising a mixture of liquid and gas. This definition made it possible for a measure of such a substance to be defined as "a full pint of beer" of which not less than 95% must be liquid. Against this definition neither of the other two options were practicable. BBPA considered that the 95% option fully recognises the inherent difficulties of delivering precise measurements of beer but nonetheless welcomes the tightening of case law which this option represents which should ensure the prosecution of unscrupulous licensees serving unacceptably short measure.

BBPA welcomed the alignment of the sale of beer and cider in brim and lined measure glasses with beer and other alcoholic drinks, such as wine and spirits, sold in draught and sealed containers. The proposed minimum 95% liquid in a beer would therefore remove all confusion

as to what bar staff and customers could expect of a pint of beer.

BBPA asserted that short measure was in reality a minor problem brought to light only during trading standards surveys of licensed premises. The significant increase in short measure draught beer since 1982 had not been matched by a corresponding rise in consumer complaints which are dealt with at point of sale and not by prosecution action. Incidences of short measure, such as those revealed by local authority test purchases between 1997-2000 (20% of pints measured less than 95% liquid), would be tackled by the introduction of the minimum 95% option.

The cost impact on licensees (whether serving short measure or not less than 95% liquid) was not clear except that the former group would experience reduced profits and the latter increased costs were there to be heightened demand for top ups. BBPA agrees that the 95% requirement would not impose disproportionate burdens on smaller licensees and that there was therefore no reason why such businesses should be exempted.

The association welcomed the opportunity to work in partnership with the DTI, enforcement agencies, LACORS and other industry partners in ensuring a consistent approach to compliance and enforcement.

In addition the following breweries wrote to support the views expressed by the BBPA: **Tennent Caledonian Breweries, Unique Pub Co, S A Brain & Co Ltd, Hall & Woodhouse Ltd, Guinness UDV, Fuller Smith & Turner and Belhaven Brewery Co Ltd** (which also made the point that Scotland has no metered dispense beer equipment; also has beer containing more liquid than cask beers and so options 1 or 2 would therefore involve significant cost to the trade).

United Kingdom and Ireland Licensed Trade Association welcomed the Department's proposal, particularly its aim to strike a balance between the interests of consumers and business.

Federation of Licensed Victuallers Associations considered that the 95% minimum option was the only practicable one given that the extra liquid provided to ensure a 100% liquid pint would lead to price increases. Metered pumps would lead to similar price rises to cover their introduction. The experimental introduction by **Wetherspoons** of over-sized (lined) glasses proved to be costly and had to be withdrawn. FLVA would be willing to work with all interested parties to ensure the smooth implementation of the 95% proposal.

British Institute of Innkeeping (BII) had consistently supported the option that 95% minimum liquid be served. The other two options would have disastrous practical and cost implications (introduction of lined glasses) for their members. They felt that guidance would be needed on changes to the law requiring top ups to be given on request to avoid confusion and misunderstandings between customers and bar staff. As there was a need to keep pub signage to a minimum BII would like to assist decisions on what should be displayed, and where, if the latest proposal were to be implemented. They sought clarification on one point: what would be the legal position of licensees serving customers requesting a large head, perhaps making a pint less than 95% liquid?

Association of Licensed Multiple Retailers welcomed the 95% minimum proposal as serving the needs of consumers without creating extra burdens on business. Hoped that implementation could be achieved with a minimum of red tape, for example, involving the placing of explanatory notices in bars and pubs. Would be happy to assist the distribution of public information leaflets through its membership.

Licensed Victuallers Trade Association West expressed support for the summary contained in the consultation document. It also undertook, on behalf of its members, to provide top ups on request.

Beer service industry (i.e. manufacturers and vendors of beer meters)

A total of **3** replies were received from this sector all expressing opposition to the 95% minimum liquid proposal.

Brewing Food & Beverage Industry Suppliers Association (BFBI) was critical of the Government's proposal which it regarded as an endorsement of the serving of short measure and representative of a complete misunderstanding by HMG of the nature of the problem. The DTP's assertion that the proposal would ensure customers are served not less than 95% was very questionable: on the contrary, it would encourage short measure because vendors would aim to serve as close to 95% as possible. It would also encourage the marketing of meters delivering a 95% pint. The proposal would conflict with the Weights and Measures Act 1985 which would be breached were the pint not to be re-defined.

They referred to the statement in the consultation paper that the pint was not being re-defined. However, if this were the case, and customers would be entitled to ask for a top up (even if the measure were to be in excess of the 95% short measure limit) the Department would be tacitly defining the pint as being composed of 100% liquid measure. No matter how the measure was presented to the customer, this definition must remain true (they cite in support of their argument the fact that nowhere in the Alcoholic Liquor Duties Act 1979 (as also reflected in the Intoxicating Liquor Order 1988) was there any indication that "beer" and "cider" referred to anything other than liquid. BFBI took this existing legislation to be confirmation that the "pint of beer or cider" was a volume of 100% liquid.

Clarification was needed in the proposed Order of a customer's statutory right to seek (and be given) a top up; was it intended to confer such a right on consumers – with no compulsion on vendors to accede to such requests consumers' rights would be much restricted. There was no evidence that, although currently allowed to make such a request, many customers actually did so.

BFBI considered that the resultant loss of income tax to the Treasury had not been properly addressed. This would come about because customers would be paying the same amount of money (including alcohol duty and VAT) as if a pint had been served even though less than a pint of liquid would have been dispensed.

BFBI said that more radical measures could have been taken to overcome the problem of short measure such as introducing a change to half litre (88% of a pint) measures; or reducing alcohol duty by 3.75% given the tax implications of short measure. Alternatively, de-regulation of the retail sale of beer and cider was an option.

J R Hardings, Drinks Dispense & Cooling Consultants regard the 95% option as a retrograde step. They considered that, as only retailers stood to gain, it would be better to maintain the status quo. Consumers, the breweries (selling less beer) and the Government itself (reduced tax revenue) would lose out. The new law would be impossible to police and consumers would be unable to gauge whether they had been served short measure. A simple solution would have been to introduce a 22 ounce lined glass which would hold a 100% liquid pint and a head of froth.

Hallamshire Brewery Services Ltd strongly disagreed with the 95% approach, regarding it as legitimising short measures, benefiting only the licensee. Said that a sensible option would be to increase the size of the glass to 21 ounces with a line to allow for a small head of froth – this could be followed by the phasing out of brim measures. Concerned that, if implemented, the change could make beer meters defunct leading to job losses within the industry. They asked also whether the manufacturing tolerance on beer meters would change to –5%. They considered that a breach of the 95% rule should be made an automatic offence, regardless of whether the customer asked for a top up.

Consumer groups and individual consumers

The **599** individual consumers who responded were almost unanimously in favour of a 100% minimum pint. In addition, there were two responses from organisations considered to represent consumers, the **Campaign For Real Ale (CAMRA)** expressing a preference for the 100% average approach and the **National Consumer Federation (NCF)** favouring the 100% minimum approach. It can also be noted that CAMRA organised a postcard write-in campaign for the full pint, which drew around 10,000 responses. Though not expressed as a response to the consultation, the view of those joining in was overwhelmingly in favour of a 100% minimum pint.

The **Campaign For Real Ale (CAMRA)** advocated the 100% average approach and believed that a minimum 95% pint would reduce levels of consumer protection and lead to an increase in short measure – a worse position than maintaining the status quo. The 95% proposal was incompatible both with existing law (which requires that a full liquid pint be served to within 0.5% in deficiency and 1% in excess) and industry guidelines (which require a full pint to be dispensed where line measure glasses are used). The 95% minimum option would make it difficult for bar staff and customers to judge how much of a pint had been served. In addition, CAMRA quotes the Trading Standards Institute as saying that that the addition of the conventional prosecution tolerance to the proposed 95% minimum would make prosecutions for deficiencies less than 10% impossible. The 95% minimum would encourage brewers to brew frothier ciders and lagers to generate a frothy head to maximise profits. CAMRA thought it unrealistic to expect customers in busy pubs to requests top ups – it was not the solution it was claimed to be in the consultation paper.

CAMRA estimated from figures provided in the consultation paper that consumers are being defrauded annually of £400 million through the serving of short measure beer. They thought that adoption of the average 100% pint would not lead to retail price rises. On the contrary, CAMRA's own research showed that pubs serving full pints by means of line measure glasses or metered dispenser were able to charge lower prices. CAMRA cited Competition Commission estimates that brewing and retailing costs represent only 13% of retail price of beer to support its contention that the ending of short measure would not lead to price rises. Market forces would play a major part in ensuring there would be no resultant price rises, a view supported by the fact

that Local Authority surveys found no correlation between the quantity of beer served and the price charged per pint. CAMRA thought that the serving of a full liquid pint would enable customers to make accurate price comparisons.

The **National Consumer Federation (NCF)** supported the 100% minimum quantity option and saw the 95% proposal as an endorsement of the increasing tendency within the trade to serve short measure. Only 5% of licensees now serve full 100% liquid measures compared with 50% in 1982. NCF was concerned that a bad precedent could be set were licensees to be allowed to continue to serve short measure and likened it to market traders being allowed to sell short measure fruit. They proposed the provision of line glasses, coupled with the banning of brim measures, as the solution. Any slight increase in beer prices should be limited by statute to the actual cost to the brewery of the extra quantity of beer provided. They did not see the same problem arising with cider and most lagers which did not have a significant head.

NCF foresaw practical problems with enforcement were the 95% option to be adopted because short staffing in many trading standards departments would mean that many establishments would not receive a visit from a TSO. Even if trading standards could measure a reduction of more than 5% deficiency customers generally would be unlikely to be able to do so. They also thought that the serving of a full pint would enable customers to make accurate price comparisons.

NCF doubted whether the trade would take note of statutorily regulated levels of liquid measure when it already flouted the trade's own recommended minimum levels.

Local Authorities (comprising representative organisations, individual authorities and individual staff at authorities)

These responses, comprising one each from the **Local Authority Co-ordinators of Regulatory Services (LACORS)** and the **Trading Standards Institute (TSI)** plus a further 18 from individual local authority trading standards departments (some of which represented regional metrology sub-groups) and serving officers at individual authorities, expressed unanimous opposition to the 95% minimum liquid proposal.

LACORS saw no justification for the 95% option and urged Government to act to ensure that consumers received a full pint of liquid thereby dispelling all uncertainty over this issue. There already exists equipment which can accurately deliver 100% pints used in association with over-sized glasses. The supply of beers with froth could be achieved with stamped line glasses and real ales by means of brim or line measures. Should this prove unacceptable to the trade, it would be for Government to prescribe the use of lined measures only except where beer measuring instruments were used.

Far from incurring compliance costs, those businesses which were not providing a full pint would simply be bearing the cost of doing what competitors already did, that is, provide a full pint – this represented unfair competition; many suppliers would continue to serve 100% liquid pints even if the 95% minimum were introduced leading to an even more unlevel playing field.

Enforcement officers already applied negative tolerances to short measure beer, often as much as 5% so it was already customary not to take enforcement action in cases involving a 95% pint. As the same considerations would apply to a 95% statutory minimum pint some authorities

would be likely to reduce the tolerance by a further 5%, resulting in 90% pints being exempted from enforcement action.

Allowing customers to request top ups was not only controversial but also placed on customers an unnecessary contractual obligation which implied that if the customer did not make such a request he or she would be legally deemed to have accepted a lesser quantity.

TSI said that the 95% option, which made no distinction between liquors with and without a head, would legalise the 95% pint of cider or flat beer thus giving no incentive to licensees who currently served correct measure to continue to do so. The pint was thus re-defined as 95% of a pint for the sale of draught beer and cider. It favoured the 100% minimum option. There was no evidence that licensees who served a 100% liquid pint charged more than their competitors. Therefore, were there to be a requirement for a full liquid pint, TSI said that either customers would be happy to pay the increase or market forces would ensure there was no increase. This would be preferable to the current situation where consumers faced real problems in determining whether short measure had been served.

It expressed concern at the divergence of view between consumers and the trade as revealed by the previous consultation that some sectors of the trade could only survive by selling short measure. This demonstrated a failure of self-regulation, inevitable where no penalty existed for non-compliance. The level of consumer protection depended on the equipment used in line with trade guidelines. It was unsatisfactory that customers should, as a result, receive differing measures – for example, meters or lined glasses allegedly ensure 100% liquid and brim measures only 95%. TSI drew a parallel with motorists receiving (unacceptably), say, a litre of petrol from one type of pump and 95% from another.

TSI argued that, if suitable equipment was used (such as lined glasses), there was no reason why a full liquid pint should not be delivered and wondered why the number of licensees estimated in 1982 to have served 100% liquid measures had fallen to only 5% now. To overcome some trade objections to lined glasses (on the grounds that customers think they should be filled to the brim) it suggested a drive towards consumer education by the trade without adding to its annual advertising budget.

A total of 18 trading standards departments (or individual officers) responded as follows:

Yorkshire and Humberside Co-ordinators of Regulatory Services (YAHCORS)

Metrology Sub-Group also strongly opposed the proposal which seemed to it not to distinguish between liquids served in brim measures and those served otherwise. If pubs were required to use both brim (not less than 95%) and line (full pint to the line) glass measurements customers would have a choice which could be advertised on the premises. Pubs serving a full measure would be exempt and gain from their commitment to fair trading.

Society of Chief Officers of Trading Standards in Scotland (SCOTTSS) said that the 95% option would come to be regarded as the new “required” capacity. Scottish local authorities may encounter more problems in taking prosecution action than their English and Welsh colleagues given that in Scotland prosecutions are taken by the Procurator Fiscal rather than individual authorities which was a more complex process.

Midcots Metrology Focus Group objected to the 95% option which it said represented short measure. Beers with large heads of froth served in brim measure glasses were the main problem, not the lack of an accurate means of delivering a full pint by, say, beer measuring instruments or

oversize pint to line glasses. Enforcement could be a problem were trading standards officers to accept a test purchase pint without asking for a top up as any subsequent measure of the beer could be open to criticism.

North Yorkshire County Council, Hampshire County Council, Wolverhampton Metropolitan Borough Council, South East Trading Standards Authorities Regional Liaison Group, North of England Trading Standards Group, Southwark Trading Standards, London Trading Standards Authorities (representing the 32 London authorities) and **Wales Metrology Panel**, plus individual officers at **Richmond-upon-Thames Trading Standards, Croydon Trading Standards and Mid-Surrey Trading Standards** expressed some or all the views attributed to the authorities whose comments are summarised above.

Additional views received were that: the 95% option represented short measure and reduced consumer protection; there was no justification for treating the measurement of beer differently from other staple liquids such as milk and diesel oil; there should be no need for customers to request a top up.

Members of Parliament

Ms Joan Walley MP (Stoke-on-Trent North) considered the 100% average approach to be a pragmatic solution. In addition, she thought that the 95% proposal was an attempt to achieve a lowest common denominator solution rather than a complete remedy which, in her view, suggested that the Government endorsed short measure servings for consumers. She quoted trading standards officers as stating that an additional “prosecution tolerance” of up to 5% would need to be applied if legal action were to be taken. She considered that this rendered the 95% option unenforceable. She expressed views on the correlation of beer and price rises similar to those of CAMRA.

Mr Huw Edwards MP (Monmouth) welcomed the 95% proposal but considered that it did not go far enough. On behalf of some of his constituents he said that his preference was for a full liquid pint without the need to ask for a top up.

ANNEX M: L **List of Consultees**

<p>Aberdeenshire Council Advertising Association Advertising Standards Authority Advice Bureaux Age Concern Cymru Age Concern England Age Concern Northern Ireland Age Concern Scotland Agricultural Lime Producers' Council Alcohol Concern Alliance of Independent Retailers & Business Allied Brewery Traders' Association Allied Domecq Retailing Amersham International Plc Argos Distributors Limited Asda Stores Ltd Association of British Preserved Milk Manufacturers Association of Cereal Food Manufacturers Ltd Association of Cheese Processors Association of Convenience Stores (Farnborough) Association of Convenience Stores (London) Association of Independent Businesses Association of Independent Radio Association of Licensed & Multiple Retailers Association of London Government Association of Optometrists Association of Public Analysts of Scotland Aston Manor Brewery B T T Spirit Dispensers Bakers, Food & Allied Workers Union Bath Executive Resources Bedfordshire Trading Standards Bee Farmers' Association UK Bernard Matthews Plc Better Regulation Task Force Biscuit, Cake, Chocolate and Confectionery Alliance Boots Company Plc Brewers' Association of Scotland British Aerosol Manufactures Association British Bee Keepers' Association British Beer & Pub Association British Cement Association British Chambers of Commerce British Chemical Distributors & Trade Association British Coatings Federation Ltd British Coffee Association British Durum Association Ltd British Egg Industry Council British Food Importers' & Distributors' Association</p>	<p>John Artis Ltd John Lewis Partnership Joint Hospitality Industry Congress Joint Optical Committee of the European Union Keith Anderson Services Kent Scientific Services Kwik Save Stores Ltd Law Commission Law Laboratories Ltd Law Officers Law Society Law Society of Northern Ireland Leatherhead Food International Licensed Victuallers Trade Association (West) Liquid Measures Local Authorities Coordinators of Regulatory Services (LACORS) Local Government Association London Chamber of commerce & Industry London Fish & Poultry Retailers' Association London Fish Merchants' Association London School of Economics & Political Science Lord Chancellors Department Malt Distillers' Association of Scotland Manchester University Marks and Spencer Plc McKenna & Co Meat and Livestock Commission Napier Brown & Co Ltd National Assembly for Wales National Association of Cider Makers National Association of Citizens National Association of Health Stores National Association of Licensed House Managers National Association of Master Bakers National Association of Perrymakers National Association of Shopkeepers National Association of Speciality Food & Drink National Association of Women's Clubs National Chamber of Trade Association National Consumer Council National Consumer Protection Council National Consumers' Federation National Council of Women of Great Britain National Dairy Council National Dried Fruit Trade Association National Farmers' Union of England and Wales National Farmers' Union of Scotland National Federation of Fish Fryers National Federation of Fisherman's Organisations National Federation of Fishmongers Ltd National Federation of Inland Wholesale Fish Merchants National Federation of Meat and Food Traders National Federation of Retail Newsagents</p>
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<p>British Frozen Food Federation British Fruit Juice Importers' Association British Goat Society British Honey Importers' & Packers' Association British Hospitality Association British Importers' Association British Lubricants Federation Ltd British Meat Manufacturers' Association British Potato Council British Potato Marketing Association British Poultry Council British Retail Consortium British Sheep Dairy Association British Shops and Stores Association Ltd British Soft Drinks Association British Soluble Coffee Packers' and Importers' Association British Standards Institution British Sugar Plc Brunel University Budgens Stores Limited Builders Merchants Federation Butterworths (University of Dundee) Butterworths Trading and Consumer Law Cabinet Office Cameron Markby Hewitt Campaign For Real Ale Ltd Campden & Chorleywood Research Carlsberg-Tetley Brewing Ltd Catering Equipment Suppliers' Association Chamber of Commerce Charity Commission Chilled Food Association Citizens Advice Cymru Citizens Advice London Citizens Advice Northern Ireland Citizens Advice Scotland Cleaning Hygiene Suppliers Association Coffee Trade Federation Cold Storage & Distribution Federation Company of Scottish Cheese Makers Confederation of British Industry (Belfast) Confederation of British Industry (London) Consumer and Marketing Law (Publishing Ltd) Consumer Law Bulletin Consumer Law Journal (Sweet & Maxwell Ltd) Consumer Law Today Consumers Association Convention of Scottish Local Authorities Co-op Group Co-operative Group (CWSI) Ltd Cosmetic, Toiletry & Perfumery Association Ltd Customs and Excise Dairy Industry Association Ltd De Montfort University Department for Culture, Media and Sport Department for Environment, Food & Rural</p>	<p>National Federation of Wholesale Poultry Merchants National Market Traders' Federation National Union of Townswomen's Guilds National Weights & Measures Laboratory Neath Port Talbot County Borough Council Nestle UK Ltd New College Oxford New Spirits Association Producers North of Scotland Milk Co-Op Society Ltd Northern Ireland Bakery Council Nottingham Trent College O'Keefe's – The Editor (The Law of W & M) Office Of Fair Trading Office of Government Commerce Office of the Deputy Prime Minister Office of Water Services Packaging Standards Council Packing and Industrial Films Association Pet Food Manufacturers' Association Potato Marketing Board Prepared Fish Products Association Proprietary Association of Great Britain Provision Trade Federation Ravenhead Company Ltd Registry of friendly Societies Restaurateurs Association of GB Rice Association Royal National Institute for the Blind Rural Shop Alliance Safeways Stores Plc Salmon Net Fishing Association of Scotland Salt Manufacturers' Association Scotch Whisky Association Scotland Office Scottish & Newcastle Plc Scottish Association of Master Bakers Scottish Bee Keepers' Association Scottish Chambers of Commerce Scottish Consumer Council Scottish Corn Trade Association Ltd Scottish Dairy Association Scottish Federation of Fishmongers Scottish Federation of Meat Traders' Association Scottish Fish Merchants' Federation Scottish Fishermen's Federation Scottish Food & Drink Federation Scottish Grocers' Federation Scottish Licensed Trade Association Scottish Milk Limited Scottish Parliament Information Centre Scottish Pelagic Fishermen's Assoc. Ltd Scottish Potato Trade Association Scottish Provision Trade Association Scottish Seed and Nursery Trade Association Scottish Wholesale Druggists' Association Scottish Wholesale Grocers' Association Scottish Women's Rural Institute</p>
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<p>Affairs Department of Agriculture for Northern Ireland Department of Enterprise, Trade & Investment (Northern Ireland) Department of Health Department of the Environment for N I Dessert & Cake Mixes Association Direct Marketing Association (UK) Ltd Dromona Quality Foods English County Cheese Equality Commission for Northern Ireland Essex County Council Eurobest Associates European Catering Association (GB) Farm Shop and Pick Your Own Association Ltd Farmers' Union of Wales Federation of Bakers Federation of British Kipperers & Herring Merchants Federation of British Port Wholesale Fish Merchants Federation of European Honey Packers & Distributors Federation of Licensed Victuallers' Associations Federation of Medium and Small Employers Federation of Oil Seeds & Fats Association Federation of Small Businesses (Belfast) Federation of Small Businesses (Westminster) Federation of The Retail Licensed Trade Federation of Wholesale Distributors FINA T Fishmongers' Company Food and Drink Federation Food Science & Technology Consultants Food Standards Agency Foreign and Commonwealth Office Forum of Private Business Association Freight Transport Association Fresh Produce Consortium (UK) Ltd General Consumer Council for Northern Ireland Gin & Vodka Association Goat Advisory Bureau Goat Veterinary Society Government of Gibraltar Grain and Feed Trade Association Guinness Plc Hampshire County Council Health and Safety Executive Health Food Manufacturers' Association Highfield Consultancy Services HM Treasury Home Beer & Wine Manufacturers' Association Home Office Hotel and Catering Institutional Management Association HP Bulmer Drinks Ltd I & D Smallwood Ltd</p>	<p>SCOTTS Sea Fish Industry Authority (Humberside) Sea Fish Industry Authority (Scotland) Shellfish Association of Great Britain Shop & Display Equipment Small Brewers' Association Small Business Service Snack, Nut & Crisp Manufacturers' Association Ltd Society of Licensed Victuallers Somerset Stores Ltd Somerset County Council /WELMEC Soup & Gravy Manufacturers' Association Spar Landmark Ltd St John's College Oxford STA Ltd States of Guernsey StoreLaw Sugar Bureau Tate & Lyle Sugars Tesco Stores Ltd The Federation of Bakers The Guild of Master Victuallers The Guild of Master Victuallers The Lard Association The Law School The Law Society (London) The Law Society of Northern Ireland The Law Society of Scotland Tioxide Europe Ltd Townswomen's Guilds Transport and General Workers' Union UK Association of Fish Meal Manufacturers UK Association of Frozen Food Producers UK Herbal Infusion Association UK Sugar Merchants' Association UK Tea Association UK Vineyard Association UKA Ulster Reform Club Union of Independent Companies Union of Shop Distributive and Allied Workers United Distillers (UK) United Kingdom Agricultural Supply Trade Association United Kingdom Cleaning Products Industry United Kingdom Dairy Association United Kingdom Weighing Federation Univar limited University of Birmingham University of Nottingham University of Oxford - Somerville College University of Sheffield University of Wales Uppingham Yarns Ltd Village Shops Association Vinegar Brewers' Federatio Vodka Trade Association Waitrose Ltd Wales Office</p>
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Ice Cream Alliance Ltd Ice Cream Federation Ltd IMTA Incorporated Society of British Advertisers Independent Family Brewers of Britain Independent Food Retailers' Association Independent Retail News Industry Council For Packaging Inland Revenue Institute of Directors Institute of Environmental Health Officers Institute of Food Science & Technology (UK) Institute of Grocery Distribution Institute of Independent Business Institute of Packaging Marketing & Membership Institute of Practitioners In Advertising Intervention Board Isle of Man Trading Standards Division J D Wetherspoons Plc J Sainsbury Plc Jaylake Ltd	Water UK Welsh Bee Keepers' Association Welsh Consumer Council Whitbread Plc Wholesale Traders' Association Ltd Whyte & Mackay Ltd William Morrison Supermarkets Plc Wine & Spirit Association of Great Britain Wine and Spirit Association of Scotland Wine Standards Board of The Vintner's Company WM Low & Co PLC Women's National Commission Woolworths Plc Working Men's Club & Institute & Union Ltd
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