

The Weights and Measures (Specified Quantities) (Unwrapped Bread and Intoxicating Liquor) Order 2011

Guidance for Businesses

July 2011

Version 1

Guidance first issued/ Date of change	Sections affected
July 2011	All

Introduction

1. This guidance has been produced by the National Measurement Office, an Executive Agency of the Department for Business, Innovation and Skills to accompany the Weights and Measures (Specified Quantities)(Unwrapped Bread and Intoxicating Liquor) Order 2011. Subject to parliamentary approval the Order will come into force on 1 October 2011.
2. The new law will amend Part IV of Schedule 3 to the Weights and Measures Act 1985, the Weights and Measures (Miscellaneous Foods) Order 1988 (SI 1988/2040), the Weights and Measures (Intoxicating Liquor) Order 1988 (SI 1988/2039) and the Measuring Instruments (Capacity Serving Measures) Regulations 2006 (SI 2006/1264).
3. This guidance is addressed to organizations that are required to comply with weights and measures law. Following the guidance is not in itself obligatory. However, if you do follow it this should help your organisation to meet its legal obligations. Ultimately, only the courts can provide a definitive interpretation of the law. However, for further guidance on how to comply with the law you can contact your local trading standards department, who provide this service free of charge: www.tradingstandards.gov.uk – simply type in your postcode and press 'go'. This guidance complies with the Government Code of Practice on Guidance and will be reviewed in June 2014.

Executive Summary

4. From 1 October 2011 the rules on the specified quantities (i.e. fixed sizes) of unwrapped bread and alcohol will be changing. There will be no restrictions on the quantities that may be used for the sale of unwrapped bread, provided that any new quantities are indicated on a ticket or notice. This will give greater freedom to bakers and retailers to introduce new sizes and respond to consumer demand.
5. Changes will also be made to specified quantities for non-prepackaged intoxicating liquor. A new specified quantity of 2/3 pint for draught beer and cider will be available for any licensed premises that choose to offer it. The sale of samples of wine will become legal as wine below 75 ml will be exempt from the requirement to use specified quantities and the specified quantities for the sale of fortified wines will be revised to better reflect existing trade practice by requiring their sale in quantities of 50 ml, 70 ml or a multiple of either.

What is the purpose of specified quantities?

6. They were originally introduced in the 1960s to protect consumers from being misled or confused by foods being presented in similar but different quantities, or by marginal reductions in quantity, and also to enable price comparisons to be made. In 2007 the UK agreed a new European law (Directive 2007/45/EC) to remove all specified quantities for pre-packages across Europe, apart from those applying to pre-packaged wines and spirits. In April 2009 the specified quantities

that applied to some 30 types of pre-packaged food and other pre-packaged products in the UK were deregulated. The concept of the fixed pack size had become out-of-step with modern retailing and shopping practices and replaced by more modern methods of consumer protection, including compulsory quantity labelling for most pre-packaged foods and unit pricing in larger stores.

7. However, in the UK specified quantities continued to apply to a limited number of non-pre-packaged foodstuffs which were outside the scope of the Directive, namely, non-pre-packaged alcoholic drinks and unwrapped bread. The requirement to sell only in fixed sizes for these products was intended to protect consumers against marginal reductions in quantity, but also, in the case of alcoholic drinks, to allow consumers to keep track of their alcohol intake more easily, with resultant health and social benefits. Until the changes to specified quantities coming into force on 1 October 2011 specified quantities for non pre-packaged alcohol and unwrapped bread are:
 - unwrapped bread weighing more than 300 g must be made up in quantities of 400 g or multiples thereof;
 - draught beer and cider sold on licensed premises must be sold only in 1/3 pint, ½ pint or multiples of ½ pint;
 - still wine and fortified wine, when sold by the glass, must sold in specified quantities of 125 ml or 175 ml or a multiple of either;
 - gin, rum, vodka and whisky must be served in either 25 ml or 35 ml quantities or a multiple of either.

Why is the law changing?

8. Having reviewed all specified quantities for pre-packages and deregulated all except those for pre-packaged wines and spirits, it was timely to review the operation of specified quantities for non pre-packages to ensure that they remained appropriate and continued to protect consumers without any unnecessary burdens on business. This was particularly important given the changing pattern of alcohol consumption and changes to drinking habits that have occurred in recent years.
9. It was clear that there was considerable interest from business in seeing more flexibility in some areas such as small servings of wine and additional sizes for the sale of beer and cider.
10. The previous Government held a full public consultation on the future of specified quantities for non-pre-packaged alcohol and unwrapped bread between October 2008 and January 2009 to seek views on a range of proposals to modernise the current system.
11. There was widespread support for the retention of specified quantities for alcoholic drinks, but also support for changes to provide greater flexibility in the

sale of wine and beer and cider and for the deregulation of specified quantities for unwrapped bread. Full details of the consultation exercise can be found here: <http://www.bis.gov.uk/assets/bispartners/nmo/docs/legislation/legislation/sfq/sfq-consultation-doc-final.pdf>.

12. The revised law takes account of the mandatory code for alcohol retailers (produced jointly by the Home Office and the Department of Health) under the Licensing Regime. The Code requires that on-trade premises always make certain alcoholic drinks available in the following specified quantities: beer – ½ pint; wine – 125 ml; gin, rum, vodka, and whisky – 25 ml or 35 ml single.

In what way is the law being amended?

13. Taking into account the results of the earlier consultation, the Coalition Government intends to amend the law on specified quantities in the following areas from 1 October 2011:

- Specified quantities for unwrapped bread will be deregulated enabling loaves to be sold in any quantity, including the traditional sizes (400 g or a multiple of 400 g) in which they are currently sold. Retailers will be required to clearly display the quantity in which non-standard loaves (that is, loaves sold in a quantity other than 400g or a multiple) are being offered for sale, to ensure that consumers receive sufficient information on quantity to make price and value comparisons. This will give greater freedom to bakers or retailers to make up and sell unwrapped loaves in any quantity and will bring the sale of unwrapped loaves into line with pre-packaged bread where the specified quantities have already been deregulated. However, there will be no additional burdens on bakers or retailers as there is no requirement to offer new sizes and information on quantity will only be required where new sizes are introduced (i.e. any size other than 400 g or a multiple of 400 g).
- A new specified quantity of 2/3 pint for draught beer and cider will be introduced to give licensed premises a greater choice of sizes and to satisfy a demand for a quantity between ½ and 1 pint.
- The existing specified quantities for fortified wines will be reduced to the smaller sizes of 50 ml and 70 ml to align the law with current trade practice.
- Specified quantities will no longer apply to servings of wine below 75 ml. This will allow for innovation in the sale of small glasses of wine as samples or as part of a wine flight. There is no requirement to sell by quantity below 75 ml, but, should a seller choose to do so, he should use one of the capacity measures set out in Part IV of Schedule 3 to the Weights and Measures Act 1985, (i.e. 20 ml, 25 ml, 25 ml, 35 ml, 50 ml 70 ml).

What do the changes affecting non-pre-packed alcohol and unwrapped bread mean for businesses and consumers?

14. Levels of protection for consumers will remain undiminished. But how much consumers benefit from the additional scope for business innovation will depend upon the extent to which the retail licensed trade and the baking industry, respectively, take advantage of the freeing up of the market place. This will be a matter for individual commercial judgement. The adjustment to the specified quantities in which fortified wine may be served by the glass will also ensure that consumers have access to smaller sizes, which are more appropriate to the sale of fortified wines, which may be significantly stronger than still wine.

What are the new Specified Quantities for alcoholic drinks and unwrapped bread from 1 October 2011?

- Unwrapped bread may be made up in any size, but a notice or label showing the quantity of any new size (i.e. any loaves other than 400 g or a multiple of 400 g) must be displayed;

 - Draught beer and cider sold on licensed premises must be sold only in 1/3 pint, ½ pint, 2/3 pint or multiples of ½ pint;

 - Still wine, when sold by the glass, must sold in specified quantities of 125 ml or 175 ml or a multiple of either, but wine in a quantity below 75 ml is exempt;

 - Fortified wine, when sold by the glass, must be sold in 50 ml or 70 ml or a multiple of either ;
16. A copy of the UK implementing legislation will be available from the www.legislation.gov.uk/ website on the coming into force of the legislation.

