

# Trading Standards Information Leaflet Licensed Premises



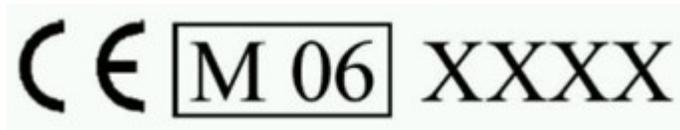
## Introduction

This leaflet contains guidance on the main Trading Standards legislation which applies to licensed premises. This is not an exhaustive list, but covers the main points which are identified during inspections and through complaints.

## Weights and Measures

There are legal requirements concerning the way in which certain non pre-packed alcoholic drinks are sold. Beers, ciders, wines and certain spirits are required to be sold in prescribed quantities and using only equipment or glasses which are “approved”. This is to ensure that the glasses or equipment are accurate and suitable for the intended purpose.

Approved equipment and glasses must bear either a crown stamp or a CE mark. In both cases this will be accompanied by a reference mark which indicates who applied the mark. The CE mark must also be accompanied by an M mark and an indication of the year it was made. A CE mark may be shown on the side OR base of a capacity measure, whereas a crown stamp will only be found on the side of the measure.



## **Draught beer & cider**

Draught beer and cider may only be sold in quantities of 1/3 pint, 1/2 pint or multiples of 1/2 pint. To serve the correct measure, approved glasses or an approved beer-measuring instrument must be used.

Approved serving glasses are usually of the brim type. To give the correct measure the glass must be filled to the brim and should not be served with an excessive head. If a customer considers the head too large it should be topped up on request. The British Beer and Pub Association (BBPA) recommend that a measure of beer served with a head should contain a **minimum** of 95% liquid.

The other type of approved serving glass is the lined type. These are oversize and the measure is marked with a line near the top of the glass thereby allowing a **full measure** of liquid as well as a head. Pint glasses are often subdivided so that a ½ pint can also be measured. Rigid and flexible plastic approved pint

-serving “glasses” are readily available, and must be marked in the same manner. Metal tankards, jugs or pitchers may be used but must also be approved.

Beer measuring instruments automatically dispense a ½ pint etc. If these are used there is no requirement to serve in approved glasses but the instrument itself must be approved equipment.

### **Gin, Rum, Whisky & Vodka**

These are “prescribed spirits” and may only be sold in quantities of 25ml or 35ml or multiples thereof. **You cannot use both 25ml and 35ml in the same premises.** Where equipment is used to determine the correct measure it must be of an approved type, i.e. approved ‘thimble’ type capacity measures or approved measuring equipment (e.g. optics).

Where an approved capacity measure is used to pour the correct amount of spirit into a glass, the customer must be able to see this being done. The capacity measure must be filled **fully to the brim**, before decanting into a glass for serving.

Approved measuring equipment will usually consist of devices placed in mounted inverted bottles. These are commonly referred to as Optics<sup>®</sup>. These automatically dispense a pre-determined quantity which must be clearly marked on the instrument.

Whichever method is used, a notice must be displayed in the premises stating in what quantity these spirits are sold. A suitable example is shown below and it should be placed where customers can easily see it before buying.

<p><b>Weights and Measures Act 1985</b> Gin, rum, vodka and whisky are sold for consumption on these premises in quantities of 25ml</p>
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These quantity requirements do not apply if a customer expressly requests a different quantity as part of any mixture of liquids. Neither do they apply if any of the spirits form a constituent in a mixture of three or more liquids, for example in a cocktail.

### **Wine**

When wine is sold by the glass, it may only be sold in quantities of 125ml, 175ml or multiples thereof. Where any items are used to determine the correct measure they must be of an approved type, i.e. approved glasses, approved “thimble” type capacity measures or approved measuring equipment.

Approved wine serving glasses will be of the lined type. These are oversized and the measure is denoted by a line near the top of the glass adjacent to the quantity marking.

Approved wine measuring equipment will usually consist of the type commonly referred to as Optics<sup>®</sup>. These automatically dispense a pre-determined quantity which must be clearly marked on the instrument

Where an approved capacity measure is used to dispense the correct amount of wine into a glass the customer must be able to see this being done. The capacity measure must be filled **fully to the brim**, before decanting into a glass for serving.

Whichever method is used a notice must be displayed in the premises stating in what quantities wine by the glass is sold. A suitable example is shown below and it should be placed where customers can easily see it before buying.

<p><b>Weights and Measures Act 1985</b> Wine sold by the glass is sold in quantities of 125ml and 250ml</p>
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Alternatively, details can be given in every menu or wine list used prior to sale. These requirements do not cover wine that is pre-packed in a securely closed container regardless of whether it is decanted at the customer's request before being served (i.e. a full bottle)

Where wine is sold in carafes which have been filled up from a bulk quantity, it may only be sold in quantities of 25cl (250ml), 50cl (500ml), 75cl (750ml) or 1 litre. Carafes, equipment or measures used to determine the quantity must be approved as detailed above

### **What happens if I don't comply with these requirements?**

These requirements are detailed in regulations and orders made under the Weights and Measures Act 1985. Failure to comply could result in equipment being seized and prosecution. On conviction the courts may impose a fine of up to £2000 per offence.

### **Fair Trading**

#### **Descriptions**

It is an offence under the Consumer Protection from Unfair Trading Regulations 2008 to make a misleading claim about goods or services. If you describe a particular brand of product for sale, it must correspond with that description (e.g. goods described as "Smirnoff" or "Coca-Cola" must be genuine and not

substituted with a different brand). If a customer asks for a particular brand of drink, and you do not have that brand, you must tell the customer before offering an alternative. You should be careful not to use old dispensers for drinks if they have previously used brand names on them.

### **Approvals and Awards**

If you display signs or notices which indicate that you are a member of a trade association, have a favourable entry in a guide book or have received an award, you should be certain that these awards or notices are current and do not mislead any of your potential customers.

### **Business Details**

The Companies Act 2006 requires you to disclose particular information about the ownership of your business. You are required to make known:

- The name of the owner or owners
- An address in Great Britain at which documents can be served

These details must be clearly displayed in a notice on all premises where the business is carried on and shown on all business letters, orders, invoices, receipts and payment demands.

### **Pricing**

When you invite customers to purchase goods or services you are required to make the price known, prior to the customer making a decision. How or where you provide this information is up to you, however, it must be provided in a clear and unambiguous manner. In practical terms, a price list or menu, which is clearly displayed, would satisfy this requirement.

It is important that any pricing information which you provide to a consumer is not misleading. Promotional material should be removed when the offer has expired and price lists should be kept up to date.

### **Tobacco Sales**

It is an offence to sell tobacco and tobacco products to anyone under the age of 18, even if they look older or tell you they are not buying for their own use. It is also an offence to sell loose cigarettes, regardless of the purchaser's age.

Retailers of tobacco must display an A3 size notice in close proximity to a tobacco sales area, which is clearly visible by the purchaser. The notice should read "IT IS ILEGAL TO SELL TOBACCO PRODUCTS TO ANONE UNDER THE AGE OF 18". Vending machines are no longer permitted.

## **Training/Due Dilligence**

Most of the legislation which Trading Standards enforces, allows a defence to the criminal offences which may be committed. In order to use this defence, you must be able to show that you have taken ALL reasonable steps and exercised ALL due diligence to avoid the commission of the offence.

There are a number of things you could do to try and satisfy this requirement, most importantly ensuring that all of your staff are suitably trained and fully aware of the legal requirements. You should maintain records of training and renew and refresh this as and when required. In order to check whether the training is having the desired effect, you should monitor the work being carried out, or perform regular refresher training.

The information provided in this leaflet is for guidance only and is not an exhaustive list of requirements. If you would like further information or advice on any of the legal requirements listed here, please feel free to contact:

### **Trading Standards**

**Telephone            01546 605519**

**Email                tradingstandards@argyll-bute.gov.uk**

**Bute and Cowal - 22 Hill Street, Dunoon, PA23 7AP**

**Helensburgh and Lomond - Blairvadach, Shandon, Helensburgh, G84 8ND**

**Mid Argyll, Kintyre and Islands - Area Office, Manse Brae, Lochgilphead, PA31 8QU**

**Oban, Lorn and the Isles - Municipal Buildings, Albany Street, Oban, PA34 4AW**

**Office Hours: 9.00am-5.00pm Monday-Friday**