

Consultation on weights and measures legislation dealing with specified quantities and quantity labelling of foods.

This consultation seeks views on the implementation of a new European Directive (Directive 2007/45/EC of the European Parliament and of the Council of 5 September 2007 laying down rules on nominal quantities for pre-packed products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC) which will deregulate specified quantities (known as prescribed quantities in UK legislation), for all pre-packaged goods except wines and spirits; and on DIUS proposals to reform specified quantities for non pre-packaged intoxicating liquor and bread.

It also invites views on the quantity labelling aspects of the European Commission's proposal for a Regulation on food labelling published by the European Commission on 31st January 2008 (the "European Proposals").

The proposals on specified quantities will replace parts of the Weights and Measures (Intoxicating Liquor) Order 1988 (SI 1988/2039) parts of the Weights and Measures (Miscellaneous Foods) Order 1988 (SI 1988/2040) and parts of Schedules 4, 5 and 6 of the Weights and Measures Act 1985.

The European Proposals would replace parts of the Weights and Measures (Miscellaneous Foods) Order 1988 (SI 1988/2040) and its six amending Orders together with the Weights and Measures Act 1963 (Cheese, Fish, Fresh Fruit and Vegetables, Meat and Poultry) Order 1984 (SI 1984/1315), and its two amending Orders.

A consultation exercise on the principles behind reform in this area was carried out between October 2004 and January 2005. Feedback from that consultation exercise was taken into account in negotiating the new Directive and in the proposals for reform of specified quantities for non pre-packaged intoxicating liquor and bread.

The National Weights and Measures Laboratory (NWML) is seeking views on implementation of the new Directive with a view to making new legislation which will come into force on 11 April 2009.

Issued 23 October 2008

Respond by 1 January 2009

Enquiries to Lynnette Falk, National Weights and Measures Laboratory, Department for Innovation, Universities and Skills, Stanton Avenue, Teddington, TW11 0JZ
Tel: 020 7215 0109 Fax: 020 7215 0339
Email: lynnette.falk@dius.gsi.gov.uk

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1. EXECUTIVE SUMMARY

- 1.1 Legislation in this area is aimed at protecting consumers from short measure and ensuring they have adequate information on quantity to enable them to make informed purchasing decisions, which in turn helps markets to work efficiently. Therefore, specified quantities (the fixed sizes that certain goods must be sold in which are known as “prescribed quantities” in UK legislation) were introduced as a measure intended to protect consumers from being confused when faced with many different sizes of the same product, from being misled by marginal reductions in quantity and also to assist consumers in making price comparison and obtaining best value for money. Since this legislation was made there have been improvements to consumer protection in related areas, significant changes in consumer behaviour and demand and innovations in pre-packing and retailing at Community and national levels.
- 1.2 This consultation paper is divided into three parts. Part 1 seeks views on implementation of a new European Directive of the European Parliament and of the Council of 5 September 2007 laying down rules on nominal quantities for pre-packed products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC (“Directive 2007/45/EC”), which will remove the requirements for specified (or prescribed) quantities for some 30 types of pre-packaged goods and maintain them permanently only in relation to wines and spirits. Part 2 seeks views on proposals for the reform of specified quantities for non pre-packaged alcoholic drinks and unwrapped bread. Part 3 seeks views on the quantity labelling aspects of the European Commission’s proposal for a Food Labelling Regulation which will update and replace 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 (“Directive 2000/13/EC”).
- 1.3 The existing legislation on specified quantities applies to some 30 categories of pre-packaged goods, which are listed in Annex 6. Directive 2007/45/EC requires deregulation of all specified quantities for pre-packaged products at European level except those for wines and spirits. There is no scope for Member States to retain any permanent specified quantities for pre-packaged goods at national level.
- 1.4 However, Directive 2007/45/EC provides for Member States to retain their existing mandatory nominal quantities - for coffee, dried pasta, milk and butter for up to five years after adoption (up to 11 October 2012) and for up to six years for white sugar (up to 11 October 2013). We are therefore seeking the views of stakeholders on whether the UK should continue to apply the existing restrictions on these five products and what, if any, is the preferred transitional period for each.
- 1.5 Directive 2007/45/EC is only concerned with pre-packaged products. The UK also has a small number of prescribed quantities in place for non pre-packaged goods. These apply in particular to intoxicating liquor (beer, cider, wines, gin, rum, vodka and whisky) and non pre-packed bread. This consultation seeks the views of stakeholders on the future of these restrictions in light of the deregulation for pre-packages and puts forward proposals for change.

- 1.6 Part 2 of this consultation document seeks views on the quantity labelling and information parts of the European Commission's proposal for a Regulation on the provision of food information to consumers, which will consolidate and update Directive 2000/13/EC (the "European Proposals").
- 1.7 We had intended to simplify and consolidate the existing domestic weights and measures legislation dealing with foods into a single Order to base UK legislation more closely on the structure of the quantity labelling aspects of Directive 2000/13/EC. However, following consultation with business, this proposal was delayed until Directive 2007/45/EC was agreed. This was to avoid business having to take account of two sets of changes to the same legislation in a small space of time. Given the European Proposals, we now propose to limit the legislative changes to be made in April 2009 to those necessary to implement Directive 2007/45/EC and to make any appropriate changes to specified quantities for non pre-packaged foods. However, we are inviting views on the quantity marking and information parts of the European Proposals to help inform our negotiating position on the new Regulation, which will have direct effect in all Member States. The European Proposals are unlikely to take effect before 2010.
- 1.8 We are seeking views of those affected or who have an interest in the packaging and sale to consumers of most foods, including liquids, made up or sold by weight or volume, together with solid fuel such as coal.
- 1.9 The proposals in this consultation will amend the Weights and Measures (Intoxicating Liquor) Order 1988 (SI1988/2039) as amended by SI1990/1550, SI1994/1883 and SI1994/2868, and the Weights and Measures (Miscellaneous Foods) Order (SI1988/2040) as amended by SI1990/1550, SI1994/2868 and SI2005/3057 and SI2006/659 and parts of Schedules 4, 5 and 6 of the Weights and Measures Act. Further changes, including the replacement of the Weights and Measures Act 1963 (Cheese, Fish, Fresh Fruit and Vegetables, Meat and Poultry) Order 1984 (SI1984/1315), and its two amending Orders (SI1985/1980 and SI1984/988) are dependent upon the outcome of the negotiations on the Commission's proposal on food labelling.
- 1.10 The main changes in Directive 2007/45/EC that will be implemented into UK law in April 2009 are:
- Deregulation of specified quantities for over 30 categories of pre-packaged goods.
 - A reduction in the range of sizes of pre-packaged spirits subject to specified quantities so that those outside the range 100 ml to 2000 ml will no longer be regulated.
 - The addition of the 1750 ml size for pre-packaged spirits.
 - A reduction in the range of sizes of pre-packaged still wines subject to specified quantities so that those outside the range 100 ml to 1500 ml will no longer be regulated.
 - The removal of the restriction on the use of the 187 ml size for pre-packaged still wines, which limited its use to duty free sales.
 - Derogation from Directive 75/324/EEC to allow aerosols to be marked by volume rather than weight.

1.11 Part 1 of this consultation considers whether to:

- Retain specified quantities for pre-packaged milk, coffee, dried pasta and butter until any date up until 11 October 2012 and whether to retain specified quantities for pre-packaged white sugar until any date up to 11 October 2013 for white sugar.

Part 2 of this consultation considers whether to:

- Change or deregulate the specified quantities that apply to non pre-packed intoxicating liquor (i.e. wines sold by the glass, draught beer and cider and spirits) and unwrapped bread.

1.12 In addition we are inviting comments on the quantity labelling aspects of the European Proposals.

1.13 The proposals will affect manufacturers, packers, importers and retailers and pubs, bars and other licensed premises serving alcoholic drinks. They will also affect Local Weights and Measures Authorities who will continue to have a duty to enforce the legislation. The resulting legislation will apply throughout England, Wales and Scotland. This consultation does not affect Northern Ireland, which has its own separate weights and measures legislation.

1.14 The main benefit of the proposals in Part 1 will be greater freedom for packers and retailers to sell pre-packaged foods in any size, greater choice of pack size for consumers and greater opportunity for product and process innovation. The overall impact of the proposals in reducing enforcement costs is expected to be very small.

1.15 Views are invited on all aspects of the proposals and on a number of specific questions set out in Section 3.

2. HOW TO REPLY

- 2.1 This consultation seeks views from packers and importers of packaged goods, enforcement authorities, consumer bodies, retailers, licensed premises or other interested parties. 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 1st January at the latest. Earlier responses would be very welcome. In order to meet the deadline for implementation of 11th April 2009 for Directive 2007/45/EC, and to ensure that guidance for business is published in good time before implementation, this consultation period is 10 weeks rather than the standard 12 weeks.
- 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.nwml.gov.uk
- 2.4 Copies sent by post should be marked “Specified Quantities Consultation” on the envelope.

Lynnette Falk
National Weights and Measures Laboratory
Department for Innovation, Universities and Skills
Stanton Avenue
Teddington
TW11 0JZ
Tel: 020 7215 0109
Fax: 020 7215 0339
E-mail: lynnette.falk@dius.gsi.gov.uk

- 2.5 All responses will be acknowledged.
- 2.6 This document is available electronically at www.nwml.gov.uk. You may also photocopy it if you wish, or additional hard copies may be obtained by calling 0208 943 7272.
- 2.7 A list of those organisations and individuals consulted is in Annex 4. We would welcome suggestions of others who may wish to be involved in this consultation process.

Confidentiality and Data Protection

- 2.8 Information provided in response to this consultation, including personal information, may be subject to publication or disclosure in accordance with the access to information regimes (these are primarily the Freedom of Information Act 2000 (FOIA) and the Data Protection Act 1998 (DPA)). If you want information that you provide to be treated as confidential, please be aware that, under the FOIA, there is a statutory Code of Practice with which public authorities must comply and

which deals, amongst other things, with obligations of confidence. In view of this it would be helpful if you could explain to us why you regard the information you have provided as confidential. If we receive a request for disclosure of the information we will take full account of your explanation, but we cannot give an assurance that confidentiality can be maintained in all circumstances. An automatic confidentiality disclaimer generated by your IT system, or included as a general statement in your fax cover sheet, will not, of itself, be regarded as binding on the Department and will be taken to apply therefore only to information in your response for which confidentiality has been requested.

- 2.9 The Department will process your personal data in accordance with the DPA and in the majority of circumstances this will mean that your personal data will not be disclosed to third parties.

Help With Queries

- 2.10 If you have questions about the issues discussed in this consultation document, please phone Lynnette Falk on 020 7215 0109.
- 2.11 If you have comments or complaints about the way this consultation has been conducted, these should be sent to:

Helen Smart
Better Regulation Team Leader
Department for Innovation, Universities and Skills
Room 323
Kingsgate House
London SW1E 6SW
Email: Helen.smart@dus.gsi.gov.uk

- 2.12 A copy of the Code of Practice on Consultation is at Annex 5.

3. CONSULTATION QUESTIONS

3.1 Do you agree that the UK should deregulate specified quantities for the following products on 11th April 2009 rather than make use of the extended transitional periods and retain them until 11th October 2012 (11th October 2013 for white sugar)?

a. Dried Pasta

b. Coffee

c. Milk

d. Butter

e. White Sugar

Please give the reasons for your answer in each case and state the length of time for which they should be maintained. (See paragraph 5.12)

3.2 Do you support the retention of prescribed quantities for the sale of non-pre-packaged alcoholic drinks (spirits, wine, beer and cider) sold where they are to be consumed? (See paragraph 5.16)

3.3 Do you support increasing the available prescribed quantities for non pre-packaged beer and cider (currently 1/3, 1/2, and multiples of 1/2 pint) to allow 2/3 pint to be served (See paragraph 5.19)

3.4 Do you support the exclusion of wine served in a quantity below 75 ml from the requirement to use prescribed quantities? (See paragraph 5.20)

3.5 Do you support the proposal to deregulate specified quantities for unwrapped bread? (See paragraph 5.21)

3.6 Do you have any views on whether the requirement for the use of specified quantities be extended to spirits other than gin, rum, vodka, and whisky where they are sold for consumption on the premises where they are to be consumed? (See paragraph 5.22)

3.7 Should fortified wines continue to be subject to specified quantities? (See paragraph 5.23)

3.8 Do you have any views on whether the quantities of wine permitted to be sold by the glass are sufficient to protect the public health interest? (See paragraph 5.26)

3.9 Do you have any views on the quantity labelling or information aspects of the Commission's proposal for a Regulation on the provision of food information to consumers to replace Directive 2000/13/EC ? (see paragraphs 5.27 - 5.31)

General questions

3.10 Do you have any other comments on the proposals or any suggestions for further reform in this area?

Costs

3.11 Can you;

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

3.12 See Annex 2 for details on costs and benefits.

4. BACKGROUND TO THE PROPOSALS

Background to Reform

- 4.1 This consultation follows an earlier consultation exercise on the principles behind reform in this area. A copy of the earlier consultation entitled “Consultation on Consolidating and Simplifying the Food Orders” may be found here <http://www.berr.gov.uk/files/file14665.pdf> . That document sets out in detail the background to reform in this area.
- 4.2 Sixty-three substantive replies were received in response to the earlier consultation. Those included a total of 23 responses from the enforcement community and 34 responses from the business community, including 8 responses from individual businesses and 26 responses from trade associations. Responses were positive overall with a substantial majority of respondents supporting the proposed reforms in principle. A summary of responses to that consultation together with the Government response may be found here <http://www.berr.gov.uk/files/file14666.pdf>.

European Requirements

- 4.3 Directive 2007/45/EC repeals Council Directive (Directive 80/232/EEC) of 15 January 1980 on the approximation of the laws of the Member States relating to the ranges of nominal quantities and nominal capacities permitted for certain pre-packaged products and Council Directive (Directive 75/106/EEC) of 19 December 1974 on the approximation of the laws of the Member States relating to the making-up by volume of certain pre-packaged liquids and amends Directive 76/211/EEC. It requires Member States to have new legislation in force from 11th April 2009.
- 4.4 At present the main requirements under European law governing the quantity labelling of food are set out in Directive 2000/13/EC on the labelling, advertising and presentation of foodstuffs.

5. THE PROPOSALS

5.1 This section explains the main changes from the current legislation.

PART 1

Prescribed quantities for pre-packaged goods

- 5.2 Directive 2007/45/EC was agreed by the UK in May 2007 and came into force on 5th September 2007. It will result in the eventual removal in all Member States of all restrictions on pack size for pre-packaged products, known as specified (or prescribed) quantities, apart from wines and spirits.
- 5.3 Under existing legislation the UK has in place restrictions on the use of pack size for approx 30 categories of goods, predominantly foods, although some pre-packaged solid fuel, ballast, and ready mixed cement mortar and ready mixed concrete are also regulated. Some of the current restrictions are mandatory at EU level, some are optional at EU level but have been made mandatory by the UK (and some other Member States), and some are not currently subject to European rules. Under the new Directive all restrictions on pack size will be removed from April 2009, apart from those for wines and spirits and those subject to optional transitional periods.
- 5.4 The purpose behind these restrictions was to ensure that consumers could be certain that a range of packaged products, reflecting the staples of the time, would be sold in standard quantities. This enabled consumers to make cost and value comparisons between different sizes and brands more easily and protected them from marginal reductions in pack size. However, it also restricted the choice available to consumers and limited the freedom that producers had in responding to demand, restricting innovation in packaging and product development.
- 5.5 Since the introduction of specified quantities in the UK in the 1960s, advances in consumer protection have been made which ensure that almost all pre-packaged foods made up in a constant nominal weight or volume are required to be labelled with their quantity. In addition, unit price information (e.g. price per kilo or per litre) must be displayed in all large retail stores, making it easier for consumers to make comparisons between a wide range of pack sizes and products. These newer methods of consumer protection provide consumers with the information they need without restricting their choice of pack size and apply to many more products than the limited range covered by specified quantities.
- 5.6 The deregulation of specified quantities will give greater freedom to packers and retailers to make up and sell their products in any size to meet demand and will also give greater choice to consumers. In addition, the removal of specified quantities in other Member States will ensure that UK exports will no longer be subject to any restrictions on pack size across the European Union, except for wines and spirits. It will also remove an anomaly whereby, following a European Court of Justice Case (*ref C-3/99 Cidrerie Ruwet 2000 ECR I-8749*), national rules on specified quantities could not be applied to imports legally manufactured or marketed in another

Member State. This created a market where domestic goods were subject to more restrictive rules than imports.

- 5.7 For wines and spirits mandatory restrictions remain across all Member States.
- 5.8 For spirit drinks a new pack size of 1750 ml has been introduced and the range of packages to which regulation applies has been reduced to packages between 100 ml and 2000 ml rather than unrestricted range in place previously.
- 5.9 For still wine an additional bottle size of 187 ml will be added to the list of prescribed quantities. This size was previously permitted only for duty free sales. In addition, the range of still wine subject to the Directive is reduced from up to 10 L to 1500 ml.
- 5.10 Directive 2007/45/EC also provides derogation from Council Directive 75/324/EEC of 20 May 1975 on the approximation of the laws of the Member States relating to aerosol dispensers to allow aerosols to be labelled by volume rather than by weight.
- 5.11 We propose to implement the Directive 2007/45/EC by revoking those provisions in the Weights and Measures (Miscellaneous Foods) Order 1988 (SI 1988/2040) (as amended) and the Weights and Measures (Intoxicating Liquor) Order 1988 (SI1988/2039) (as amended) which set out prescribed quantities for pre-packaged foods and intoxicating liquor and those parts of Schedules 4, 5 and 6 to the Weights and Measures Act 1985 which set out specified quantities for pre-packaged coal, ballast and ready mixed cement.
- 5.12 Directive 2007/45/EC does not allow for the permanent retention of any national rules setting mandatory nominal specified quantities. But, there is a transitional period in the case of specific products. For milk, butter, dried pasta and coffee Member States may continue to apply mandatory rules setting nominal quantities until 11th October 2012 and for white sugar until 11 October 2013. We would welcome the views of stakeholders, including industry representatives and consumer groups on whether the UK should make use of this transitional period for each of the products listed above and what an appropriate transitional period would be. In the absence of any strong arguments for retention, we would propose to deregulate the specified quantities for milk, butter, dried pasta, coffee and white sugar from 11th April 2009.
- 5.13 **Do you agree that the UK should deregulate specified quantities for butter, milk, dried pasta, coffee and white sugar on 11th April 2009 rather than make use of the extended transitional periods which would allow for retention until 11th October 2012 (11th October 2013 for white sugar)?**

PART 2

Prescribed quantities for non pre-packaged goods

- 5.14 The UK currently regulates the quantities available for the sale of non pre-packed beer, cider, wine, vodka, rum, gin and whisky, unwrapped bread, and non pre-packaged solid fuel, ready mixed concrete, ready mixed cement and sand and

ballast or yarn. Directive 2007/45/EC does not apply to non pre-packaged products and so the future of these requirements is a matter for the UK to decide.

- 5.15 Paragraphs 5.18 to 5.21 set out proposals on alcoholic drinks and unwrapped bread which take into account the treatment of the corresponding pre-packed products. We do not propose at this stage to make any changes to the specified quantities for non pre-packaged solid fuel, ready mixed concrete, ready mixed cement, sand and ballast or yarn, since these will require amendments to the Weights & Measures Act itself which would be more appropriately addressed in the review of the Act currently being undertaken by NWML.
- 5.16 Prescribed quantities for alcoholic drinks date from the 1960s and have changed very little since then, despite widespread changes to the range of alcoholic drinks available or changing consumption habits over the last four decades. The particular alcoholic drinks and the quantities that are prescribed may need updating to reflect changes to drinking habits. We believe that there is still a good case for regulating the prescribed quantities for alcoholic drinks in recognition of the special characteristics of alcohol as a commodity and to help consumers to be aware of the quantity of alcohol that they are consuming. **We would like to invite views on whether prescribed quantities for the sale of alcoholic drinks on licensed premises remain appropriate and if so whether the range and coverage remain suitable.**
- 5.17 Whilst we are open to all views, there are some specific proposals on which we would welcome feedback.

Proposal 1

- 5.18 At present the prescribed quantities for the sale of non pre-packaged beer and cider (i.e. draught beer and cider sold on licensed premises) are $\frac{1}{3}$ pint, $\frac{1}{2}$ pint and multiples of $\frac{1}{2}$ pint. A number of business stakeholders from the beer and pub industries have proposed that the range of prescribed sizes be extended to include the use of $\frac{2}{3}$ pint measures, which would allow pubs and bars greater flexibility in the service of draught beers, particularly in the premium imports sector of the market.
- 5.19 The addition of this size would increase the flexibility of the pub and brewing industries to innovate in the presentation of beer to consumers. However, we would also want to give consideration as to whether it could lead to greater confusion for consumers through the presentation of beer in a wider range of sizes. We would also need to take account of health harm if the ability of consumers to easily keep track of the number of units of alcohol that they have consumed was to be reduced. However, the greater flexibility of a wider range of sizes may result in some young adults choosing to drink $\frac{2}{3}$ pints rather than 1 pint measures. **We would be grateful to receive the views of stakeholders on whether to permit the sale of $\frac{2}{3}$ pint measure.**

Proposal 2

- 5.20 Under existing legislation wine may only be sold by the glass in specified quantities of 125 ml, 175 ml or a multiple of either. There is no limit below which these rules do not apply. However, since the adoption of these rules in 1995, there has been significant growth in the consumption of wine and, in particular the demand for higher quality product. These changes to consumer demand have created a market for the sale of wine flights with meals and the sale of wine samples, i.e. the sale of wines served in very small quantities as tasters. Neither of these demands can be met under the current legislation and it is clear that the legislation is restricting innovation in the service of small wine servings. Therefore, we propose to amend the legislation to exclude the sale of wines in quantities below 75 ml from the scope of the legislation. As these servings are very small there is no scope for confusion with the traditional 125 ml or 175 ml wine glasses and so this proposal should not reduce consumer protection for the sale of traditional sizes, but it will allow innovation in the specialist area of wine flights and wine samples. **Do you agree with the proposal to exclude wines served in quantities below 75 ml from the scope of the legislation.**

Proposal 3

- 5.21 At present unwrapped bread weighing more than 300 g must be made up in prescribed quantities of 400 g or multiples of 400 g. However the specified quantities for pre-packaged bread will be deregulated in April 2009. We are proposing that the specified quantities for unwrapped bread be removed at the same time. This would ensure consistency between the treatment of non pre-packed bread and pre-packaged bread. It would also acknowledge the changes in the market and consumer demand for artisan breads which are not made up in traditional UK sizes. As unwrapped bread, is by definition, sold without pre-packaging, consumers would be able to see the size of the loaf and make appropriate value for money judgments when making their purchasing decision. Of course, bakers and retailers would still have the freedom to continue to make up their bread in the existing sizes, but they would not be required to do so. **Do you agree that specified quantities for unwrapped bread should be deregulated to allow unwrapped bread to be sold in any size?**

Other questions

- 5.22 Under the existing legislation gin, rum, vodka and whisky may only be sold by retail for consumption on the premises at which they are sold in a quantity of 25 ml or 35 ml or a multiple thereof (unless they are to be used in a mixture of three or more liquids). There are no restrictions on the quantities that may be sold for other spirits such as tequila or brandy. In practice, most licensed premises serve these spirits in the same quantities (and using the same glassware) as those that are prescribed. **We would welcome views from stakeholders on whether legislation should be extended to cover any other spirits.**
- 5.23 At present wine served by the glass must be sold in quantities of 125 ml or 175 ml or multiples thereof. The definition of wine extends to fortified wines including port and sherry, requiring a minimum serving of 125 ml. **Should fortified wines continue to be subject to specified quantities?**

- 5.24 Since the adoption of the legislation on wines sold by the glass in the 1990s there has been a move towards the use of the larger sizes in the range (175 ml and 250 ml are often offered rather than 125 ml and 175 ml). Typical wine servings have also increased in strength. Both trends are the result of industry provision and consumer demand, and have implications for the health of the population. In 2005, ONS estimates of adult alcohol consumption increased by 1/3 once account was taken of larger sizes and the increased strength of typical wine servings.
- 5.25 The most recent ONS figures show that $\frac{1}{4}$ of adults are regularly drinking in excess of government recommended guidelines.¹ There are serious long-term health impacts of drinking excessively, including increased risk of certain cancers, stroke and liver disease. In 2006/7 there were 811,443 hospital admissions that were directly related and attributable to alcohol, an increase from 473,529 in 2002/3. The figure is rising by 80,000 admissions every year. Overall these admissions comprise 6% of all NHS hospital admissions. In 2005, 4,160 people in England and Wales died from alcoholic liver disease – this figure has almost doubled in ten years. Premature deaths that are related to alcohol are between 15,000 and 22,000 annually, and each man in England dying from an alcohol related cause loses an average of 20.2 years while each woman loses an average of 15.1 years.
- 5.26 The Government's national alcohol strategy, "Safe. Sensible. Social" has at heart the aim of achieving long-term reductions in alcohol-related ill health. The policy behind specified quantities for glasses of wine has been that consumers should have access to information on the sizes of glasses of wine being offered and should be able to tell the difference between the sizes so that they can compare price and make value judgements. However account must be taken of the health impact of offering 250 ml large glasses and any impact on underage sales must also be considered. A Home Office KPMG study (July 2008) reviewed compliance with industry's own social responsibility standards and found evidence of pubs / bars promoting bigger wine glass sizes and an association with drunkenness. For this reason we would welcome views on whether there should be an upper limit for glass sizes of 175 ml, with the requirement to also stock, clearly advertise and offer 125 ml glasses as the normative measure. **We would welcome views on whether the specified quantities for the sale of wine by the glass are sufficient to protect the public health interest.**

PART 3

Food Labelling Proposal

- 5.27 On 31st January 2008 the European Commission published a proposal for a Regulation on the provision of food information to consumers to consolidate and update Directives 2000/13/EC and 90/496/EEC (the "European Proposal"). A copy of the European Proposal can be found here:
http://ec.europa.eu/food/food/labellingnutrition/foodlabelling/proposed_legislation_en.htm.

¹ Women should not regularly exceed 2-3 units daily, and that men should not regularly exceed 3-4 units daily. Women that are pregnant or trying to conceive should avoid alcohol altogether, or if they choose to drink, to protect the baby they should not drink more than 1-2 units of alcohol once or twice a week and should not get drunk.

- 5.28 The Food Standards Agency is leading the co-ordination of the Government's response to the European Proposal. Policy on quantity labelling is the responsibility of NWML. The draft Regulation includes provisions for the mandatory marking of quantity on foods and will eventually replace parts of the Weights and Measures (Miscellaneous Foods) Order 1988 (SI1988/2040) and its six amending Orders together with the Weights and Measures Act 1963 (Cheese, Fish, Fresh Fruit and Vegetables, Meat and Poultry) Order 1984 (SI1984/1315), and its two amending Orders.
- 5.29 The proposal is still subject to agreement by the European Parliament and Member States and is not expected to receive formal agreement until 2010.
- 5.30 The main purpose of the proposal is to up date the provisions on food labelling, to consolidate them into a single Regulation and to ensure that there is a level playing field across all Member States. With regards to quantity labelling the proposal would retain the rules in Directive 2000/13/EC but would make them mandatory across all Member States, and would require the removal of different application and national rules. This would affect the national rules that the UK has applied – including exemptions for small packages and exemptions for certain types of food.
- 5.31 We would be grateful for any views on any aspect of the European Proposal as it applies to quantity marking, but we would draw your attention in particular to the proposals in Articles 9, 12-15, 17, 24 and 41 of the draft. In addition to any other comments you may have, we would be grateful for your views on:
- The treatment of loose foods (in terms of quantity information to be provided);
 - The application of the weight/volume rule (i.e. liquids by volume; others by weight);
 - The application of the rules to multipacks;
 - The treatment of small packages.

6. **What Happens Next?**

- 6.1 The results of this consultation exercise, including a summary of views expressed will be emailed to all respondents and published on the NWML website with paper copies of the summary of responses available on request.
- 6.2 Once the consultation process is complete we will publish a draft Order to make the necessary legislative changes. The Order must then be submitted for Parliamentary scrutiny before it can be brought into force.
- 6.3 Any Order to implement Directive 2007/45/EC will need to come into effect on 11 April 2009.
- 6.4 We will also take into account any views received on the quantity labelling aspects of the European Proposal in future negotiations. Any changes to quantity labelling for foods will take effect in 2010 at the earliest.

ANNEX 1: RESPONSE FORM

SEE SEPARATE DOCUMENT

ANNEX 2: IMPACT ASSESSMENT

SEE SEPARATE DOCUMENT

ANNEX 3: DETAILS OF CURRENT LEGISLATION

UK Legislation

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 No.1315)

The Weights and Measures (Miscellaneous Foods) Order 1988 (SI 1988 No. 2040)

The Weights and Measures (Intoxicating Liquor) Order 1988 (SI 1988 No. 2039)

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 (Knitting Yarn) Order 1988

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)

The Weights and Measures (Miscellaneous Foods)(Amendment) Order 2005 (SI 2005 No. 3057)

Hard copies of the above legislation are available from:

TSO

PO Box 29

Norwich

NR3 1GN

Tel: 0870 600 5522

Online: <http://www.tso.co.uk/>

Alternatively copies of all Statutory Instruments made after 1987 may be viewed on line at:

www.opsi.gov.uk/legislation/

European Legislation

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

http://ec.europa.eu/food/fs/fl/fl01_en.pdf

Council Directive **76/211/EEC** of 20 January 1976 on the approximation of the laws of the Member States relating to the making-up by weight or by volume of certain prepackaged products

http://europa.eu.int/eur-lex/en/consleg/pdf/1976/en_1976L0211_do_001.pdf

Council Directive **75/106/EEC** of 19 December 1974 on the approximation of the laws of the Member States relating to the making-up by volume of certain prepackaged liquids

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31975L0106:EN:HTML>

Council Directive **80/232/EEC** of 15 January 1980 on the approximation of the laws of the Member States relating to the ranges of nominal quantities and nominal capacities permitted for certain prepackaged products

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:31980L0232:EN:HTML>

Directive **2007/45/EC** of 5 September 2007 laying down rules on nominal quantities for prepacked products, repealing Council Directives 75/106/EEC and 80/232/EEC, and amending Council Directive 76/211/EEC

<http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:L:2007:247:0017:0020:EN:PDF>

ANNEX 4: LIST OF CONSULTEES

Age Concern	Kent County Council
Association of Cereal Food Manufacturers	LACORS
Association of Licensed Multiple Retailers	Lancashire County Council
Allied Technical Centre	Leatherhead Food International
AMEDEA	London Trading Standards Authorities
ASBCI	Magistrates' Association
Associated British Foods	Manchester Business School
Association of Greater Manchester Authorities	Margarine & Spreads Association
Bakers, Food and Allied workers' Union	Marks & Spencer plc
Bakkavor	MH Foods Ltd
Bedfordshire County Council	Midlands Co-ordinating Group on Trading Standards
Bee Farmers Association	Milton Keynes Trading Standards
Bermar International Ltd	Mitchells & Butlers
BERR	Montpeliers (Edinburgh) Limited
Bicycle Association	Muller Dairy (UK) Ltd
Birmingham City Council	Napier Brown & Co Ltd
Biscuit Cake Chocolate & Confectionery Association	National Association of British and Irish Millers
Bodycote Law Labs	National Association of Master Bakers
Boots Company plc	National Consumer Council
British Aerosol Manufacturers' Association	Nestle
British Beer & Pub Association	Northamptonshire County Council
British Cement Association	Northumberland County Council
British Chambers of Commerce	Oldham MBC Trading Standards
British Chemical Distributors & Trade Assoc	Packaging Federation
British Coatings Federation Ltd	Peterborough City Council Trading Standards
British Coffee Association	Petrol Retailers Association
British Frozen Food Federation	Premier Foods
British Hospitality Association	Process & Packing Machinery Association
British Potato Council	Provision Trade Federation
British Poultry Council	Redcar & Cleveland Borough Council
British Precast	Royal Borough of Kensington and Chelsea T S
British Retail Consortium	Royal National Institute of the Blind (RNIB)
British Sugar plc	Rural Payments Agency
British Weights and Measures Association	Sainsbury's Supermarkets Ltd
BTMA Ltd	Sampler
Builders Merchants Federation	Sapori D'Italia (UK) Limited
Caledonian Exchange	Sara Lee
Campaign For Real Ale	Scotch Whisky Association
Campden & Chorleywood Research	Scotland Office
Carlec	SCOTSS
CBI	Scottish Association of Master Bakers
City of Edinburgh Council	Scottish Beekeepers Association
	Scottish Grocers' Federation
	Scottish Licensed Trade Association
	Selfridges
	Sheffield trading Standards
	Society of British Aerospace Companies
	Somerset Trading Standards Service

<p>Cleaning & Hygiene Suppliers Association Coal Merchants' Federation Cocoa, Chocolate & Confectionery Alliance Co-operative Group Cosmetic, Toiletry & Perfumery Association Ltd Crossing Boundaries Partnership Dairy UK David Jordan Del Monte International Inc DETI (NI) Devon County Council Doncaster MBC East Midlands Co-ordinators of Regulatory Services Edinburgh Brewing Company Equality Commission for Northern Ireland European Snacks Association Eversheds LLP Federation of Bakers Federation of British Hand Tool Manufacturers Federation of Licensed Victuallers Association Food & Drink Federation Food From Britain Food processors Association Food Standards Agency Gin & Vodka Association Gloucestershire County Council Guernsey Trading Standards Hampshire County Council Institute of Directors Inbev UK Jersey Trading Standards</p>	<p>South Eastern Metrology Group South Lanarkshire Council Stockport MBC Stoke-on-Trent City Council SWERCOTS Tastes of Anglia Tesco Stores Ltd The Justices Clerks Society Trading Standards Institute Typhoo Tea Ltd UK Baking Industry Consultative Committee UK Cleaning Products Industry (UKCPI) UK Lubricants Association UK Metric Association UK Tea Council UK Travel Retail Forum United Biscuits United Kingdom Weighing Federation Univar Limited University of Nottingham Uppingham Yarns Ltd Wahl Ltd (UK) Waitrose Wales Office West Sussex County Council Which Whyte & Mackay Ltd Wine & Spirit Trade Association Wine Standards Board Worcestershire County Council</p>
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ANNEX 5: THE CONSULTATION CODE OF PRACTICE CRITERIA

The six consultation criteria:

- Consult widely throughout the process, allowing a minimum of 12 weeks for written consultation at least once during the development of the policy.
- Be clear about what your proposals are, who may be affected, what questions are being asked and the timescale for responses.
- 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 Impact Assessment if appropriate.

Further information on the consultation code of practice can be found at:
<http://www.cabinet-office.gov.uk/servicefirst/index/consultation.htm>.

Comments or complaints

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:

Helen Smart
Better Regulation Team Leader
Department for Innovation, Universities and Skills
Room 323
Kingsgate House
London SW1E 6SW
Email: Helen.smart@dus.gsi.gov.uk

ANNEX 6: CURRENT UK SPECIFIED QUANTITIES FOR PRE-PACKAGED GOODS

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 sub-headings 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.
- Ballast: a multiple of 0.2 cubic metres. Exempt: any quantity of both more than 1 tonne and more than one cubic metre and any quantity sold by net weight.
- Ready mixed cement mortar and ready mixed concrete: in a multiple of 0.1 cubic metres. Exempt: less than 1 cubic metre.

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
- Solid fuel – 50 kg or a multiple of 50 kg. Exempt 30 kg or less.
- 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.