
STATUTORY INSTRUMENTS

1988 No.2040

WEIGHTS AND MEASURES

The Weights and Measures (Miscellaneous Foods) Order 1988

Approved by both Houses of Parliament

Made - - - - 16th November 1988

Coming into force - - 1st January 1989

Whereas the Secretary of State pursuant to section 86(2) of the Weights and Measures Act 1985⁽¹⁾ has consulted with organisations appearing to him to be representative of interests substantially affected by this Order and considered the representations made to him by such organisations with respect to the subject matter of this Order:

And whereas a draft of this Order has been laid before Parliament and approved by resolution of each House of Parliament pursuant to section 86(5) of that Act:

Now, therefore, the Secretary of State, in exercise of the powers conferred on him by sections 22(1) and (2), 24(1) and 86(1) of that Act and of all other powers enabling him in that behalf, hereby makes the following Order:—

Citation, commencement and revocation

1.—(1) This Order may be cited as the Weights and Measures (Miscellaneous Foods) Order 1988 and shall come into force on 1st January 1989.

(2) The Orders specified in Schedule 3 hereto are revoked to the extent specified in the third column of that Schedule.

Commencement Information

II [Art. 1](#) in force at 1.1.1989, see [art. 1](#)

Interpretation

2. In this Order, unless the context otherwise requires—

“the Act” means the Weights and Measures Act 1985;

“biscuits” includes wafers, rusks, crispbreads, extruded flatbread, oatcakes and matzos;

“bread” means bread in any form other than breadcrumbs and includes the following, and any part of the following that is to say, fancy loaves and milk loaves, and “loaf” in relation to bread

(1) 1985 c. 72.

includes a roll and a bap; and for the purposes of this Order any pre-packed sliced bread shall be deemed to be a whole loaf of bread and the pre-packing of sliced bread in any quantity by net weight shall be deemed to be the making for sale of a whole loaf of bread of that net weight; “casein” and “caseinate” have the same meanings as they have in the Caseins and Caseinates Regulations 1985⁽²⁾;

[^{F2}“chicory”, “chicory extract paste”, “coffee extract paste”, “instant chicory”, “instant coffee”, “liquid chicory extract” and “liquid coffee extract”, have the same meanings—

- (a) in relation to the application of this Order to England, as in the Coffee Extracts and Chicory Extracts (England) Regulations 2000;
- (b) in relation to the application of this Order to Scotland, as in the Coffee Extracts and Chicory Extracts (Scotland) Regulations 2001, and
- (c) in relation to the application of this Order to Wales, as in the Coffee Extracts and Chicory Extracts (Wales) Regulations 2001;]

[^{F3}“chocolate confectionery” means any food which is ready for consumption without further preparation, of which a characterising ingredient is chocolate, cocoa or non-fat cocoa solids, and includes food of which a characterising ingredient is carbohydrate sweetening matter and which has a chocolate or chocolate-flavoured coating, but does not include any biscuits, chocolate products, flour confectionery or edible ice;]

[^{F4}“chocolate product” means—

- (a) in relation to the application of this Order to England, any chocolate product to which the Cocoa and Chocolate Products (England) Regulations 2003 apply;
- (b) in relation to the application of this Order to Scotland, any chocolate product to which the Cocoa and Chocolate Products (Scotland) Regulations 2003 apply; and
- (c) in relation to the application of this Order to Wales, any chocolate product to which the Cocoa and Chocolate Products (Wales) Regulations 2003 apply;

“cocoa product” means—

- (a) in relation to the application of this Order to England, any cocoa product to which the Cocoa and Chocolate Products (England) Regulations 2003 apply;
- (b) in relation to the application of this Order to Scotland, any cocoa product to which the Cocoa and Chocolate Products (Scotland) Regulations 2003 apply; and
- (c) in relation to the application of this Order to Wales, any cocoa product to which the Cocoa and Chocolate Products (Wales) Regulations 2003 apply;]

“cocoa product” and “chocolate product” shall include a product specially prepared for diabetics or to which a slimming claim (as defined in the said Regulations) is lawfully applied and which has been specially prepared in connection with that claim by the addition of any ingredient other than an edible substance as so defined;

[^{F5}“coffee” means the dried seed of the coffee plant whether such seed has been roasted or ground or both roasted and ground;]

[^{F6}“coffee bag” means a permeable sealed bag, which is intended to be immersed in water or to have water percolated through it, containing coffee, or a coffee mixture, or a combination of either coffee or a coffee mixture (or both) with a lesser quantity of instant coffee]

[^{F7}“condensed milk” means milk, partly skimmed milk or skimmed milk or any combination thereof, whether with or without the addition of cream, dried milk or sucrose, which has been concentrated by the partial removal of water, but does not include dried milk;]

[^{F8}“container”, in relation to cocoa products, chocolate products and fancy chocolate products, includes any form of packaging of goods for sale as a single item, whether by way of wholly or partly enclosing the food or by way of attaching the food to some other article, and in particular includes a wrapper or confining band, but does not include any crimp case used to support the base or the base and sides of any chocolate product;

“dried milk” means milk, partly skimmed milk or skimmed milk or any combination thereof, whether with or without the addition of cream, which has been concentrated to the form of powder, granule or solid by the removal of water;

“fancy chocolate product” includes any chocolate product in the form of figurines, cigarettes or eggs or enclosed in a seasonal selection pack;

“flour confectionery” means any cooked food which is ready for consumption without further preparation (other than reheating), of which a characterising ingredient is ground cereal, including shortbread, sponges, crumpets, muffins, macaroons, ratafias, pastry and pastry cases, and also includes meringues, petits fours and uncooked pastry and pastry cases, but does not include bread, pizzas, biscuits, crispbread, extruded flat bread or any food containing a filling which has as an ingredient any cheese, meat, offal, fish or shellfish;]

“liquid coffee and chicory products” means liquid coffee extract and liquid chicory extract, and blends thereof;

[^{F9}“mass caterer” means any establishment (including a vehicle or a fixed or mobile stall), such as restaurants, canteens, schools, hospitals and catering enterprises in which, in the course of a business, food is prepared to be ready for consumption by the final consumer;]

[^{F10}“Member State” means a member State as defined in Part II of Schedule 1 to the European Communities Act 1972, Norway, Iceland or Liechtenstein;]

“milk” means cows' milk in any liquid form other than that of condensed milk (including evaporated milk) or of cream;

“potatoes” means potatoes in the state in which they were harvested or in that state apart from cleaning;

[^{F11}“pre-packed”, in relation to food to which this Order applies, means either or both of—

- (a) made up for direct sale (within the meaning of Article 2(2)(e) of the FIC Regulation) by way of retail;
- (b) made up in advance ready for retail sale in an open container;]

“preserved milk” means condensed milk (including evaporated milk) or dried milk;

[^{F12}“relevant wholesale”, in relation to food to which this Order applies, means a sale by way of wholesale, but does not include any of the following—

- (a) a sale to a mass caterer;
- (b) a supply of food that is prepacked food within the meaning of the FIC Regulation intended for sale to the final consumer or to a mass caterer, or any other supply of food that is made up in advance ready for retail sale in an open container; or
- (c) a supply to which Article 8(8) of the FIC Regulation applies;]

“solid and paste coffee and chicory products” means instant coffee, coffee extract paste, instant chicory, chicory extract paste, and blends thereof, and extracts of blends of roasted coffee and roasted chicory.

[^{F13}“sugar confectionery” means any food which is ready for consumption without further preparation, of which a characterising ingredient is carbohydrate sweetening matter, and includes sweetened liquorice and chewing gum, but does not include any chocolate

confectionery, chocolate products, cocoa products, flour confectionery, edible ice, table jellies, slab marzipan or sugar.]

[^{F14}(2) References in this Order to items being “loose” include items packed at the request of the customer.]

Textual Amendments

- F1** Art. 2 renumbered as art. 2(1) (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **20(1)**
- F2** Words in art. 2(1) substituted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **20(2)(a)**
- F3** Words in art. 2(1) substituted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **20(2)(b)**
- F4** Words in art. 2(1) substituted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **20(2)(c)**
- F5** Words in art. 2(1) inserted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **20(2)(d)**
- F6** Words in art. 2 substituted (27.7.1990) by [The Weights and Measures \(Various Foods\) \(Amendment\) Order 1990 \(S.I. 1990/1550\)](#), arts. 1(1), **3(a)** (with art. 4)
- F7** Words in art. 2(1) substituted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **20(2)(e)**
- F8** Words in art. 2(1) inserted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **20(2)(f)**
- F9** Words in art. 2(1) inserted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **20(2)(g)**
- F10** Words in art. 2 inserted (15.11.2005) by [The Weights and Measures \(Miscellaneous Foods\) \(Amendment\) Order 2005 \(S.I. 2005/3057\)](#), arts. 1, 2
- F11** Words in art. 2(1) inserted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **20(2)(h)**
- F12** Words in art. 2(1) inserted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **20(2)(i)**
- F13** Words in art. 2(1) inserted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **20(2)(j)**
- F14** Art. 2(2) inserted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **20(3)**

Commencement Information

- I2** Art. 2 in force at 1.1.1989, see [art. 1](#)

[^{F15}Scope of application

3.—(1) Subject to the following provisions of this Order, the following must be made up in a container marked with an indication of quantity by net weight—

- (a) the foods specified in column 1 of Schedule 1, when pre-packed; and
- (b) cocoa products and chocolate products, solid and paste coffee and chicory products and sugar, when made up in a container for relevant wholesale,

subject to the exemptions specified in column 2 of Schedule 1.

(2) Unless sold loose or packaged in a quantity of less than 5 g, honey must be made up in a container marked with an indication of quantity by net weight.

(3) Subject to the following provisions of this Order, the foods specified in column 1 of Schedule 1 must, when sold loose, if sold by retail be sold only by net weight.

(4) Paragraph (3) above shall not apply in relation to any of the following—

- (a) biscuits (except to wafer biscuits which are not cream filled) when sold in a quantity of eight or less;
- (b) bread;
- (c) chunk honey; or
- (d) comb honey.]

Textual Amendments

F15 Art. 3 substituted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **21**

Provision for the containers of certain foods not sold by retail to be accompanied by a document indicating quantity

4.—(1) In the case of solid and paste coffee and chicory products, cocoa products and chocolate products, honey, caseins and caseinates or preserved milk for human consumption pre-packed or ^{F16}... made up in a container for [^{F17}relevant wholesale], the information required by article 3(2) above or, as the case may be, 7, 9(2) or 12 below to be marked on the container may, if:—

- (a) the foods are not sold by retail; and
- (b) the net weight of the foods is not less than the particular quantities specified in paragraph (2) below in relation to the foods,

be given at the time when they are sold in a document accompanying the container and containing an indication of quantity by net weight ^{F18}... .

(2) The quantities referred to in paragraph (1) above are:

solid and paste coffee and chicory products	5 kg
cocoa products and chocolate products	10 kg
honey	10 kg
caseins and caseinates	10 kg
preserved milk for human consumption	10 kg

Textual Amendments

F16 Word in art. 4(1) omitted (13.12.2014) by virtue of [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **22(a)**

F17 Words in art. 4(1) substituted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **22(b)**

F18 Words in art. 4(1) omitted (1.10.1995) by virtue of [The Weights and Measures \(Metrication\) \(Miscellaneous Goods\) \(Amendment\) Order 1994 \(S.I. 1994/2868\)](#), art. 2, **Sch.**

Commencement Information

I3 Art. 4 in force at 1.1.1989, see [art. 1](#)

Special provisions in respect of particular foods **Biscuits and shortbread**

5.—(1) Article 3(1) ^{F19} ... above shall not apply in relation to biscuits which have been pre-packed on the same premises as those on which they were produced, where either:—

- (a) the biscuits are in the possession of the producer for sale by him by retail on those premises; or
- (b) if the producer has agreed to sell or has sold the biscuits, he agreed to sell or sold them by retail on those premises.

(2) Biscuits to which paragraph (1) above applies (other than wafer biscuits which are not cream-filled) shall be pre-packed only if the container is marked with an indication of quantity by net weight:

Provided that there shall be exempted from the requirements of this paragraph biscuits pre-packed in a quantity not exceeding 100 g.

- (3) Shortbread shall be pre-packed only if the container is marked with an indication of quantity by net weight:

Provided that there shall be exempted from the requirements of this paragraph shortbread—

- (a) where made up in a quantity not exceeding 50 g; or
- (b) consisting of a piece or pieces each weighing 200 g or more if the number of pieces in the container, if more than one, is marked on the container or is clearly visible and capable of being easily counted through the container.

(4) Wafer biscuits which are not cream-filled shall be pre-packed only if the container is marked with an indication of quantity by number or, in the case of a container marked with the EEC mark within the meaning of section 54 of the Act, only if it is marked with an indication of quantity by net weight.

(5) Wafer biscuits which are not cream-filled and which are [^{F20}sold loose must] if sold by retail be sold only by number.

[^{F21}(6) Shortbread, when sold loose must, if sold by retail, be sold only by net weight, unless sold in a quantity of eight pieces or fewer.]

Textual Amendments

- F19** Words in art. 5(1) omitted (13.12.2014) by virtue of [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **23(a)**
- F20** Words in art. 5(5) substituted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **23(b)**
- F21** Art. 5(6) substituted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **23(c)**

Commencement Information

- I4** [Art. 5](#) in force at 1.1.1989, see [art. 1](#)

[^{F22}Unwrapped Bread

6.—(1) For the purposes of this article “unwrapped loaf of bread” means a loaf of bread which is not made up in advance ready for retail sale or wholesale in a securely closed container and includes bread offered for sale in a confining band.

(2) Subject to paragraph (3), an unwrapped loaf of bread may be made for sale only if—

- (a) an indication of the quantity of the bread is given on a ticket displayed in immediate proximity to that loaf; or
- (b) there is displayed, in such a position and manner as to be readily available without special request for inspection by a buyer before any sale is made, a notice—
 - (i) listing the forms in which unwrapped loaves of bread are made for sale; and
 - (ii) indicating the quantity or quantities in which each such form is made for sale.
- (3) The following are exempt from the requirements of paragraph (2)—
 - (a) any unwrapped loaf of bread in a quantity of 400 g or a multiple of 400 g;
 - (b) any unwrapped loaf of bread weighing 300 g or less; and
 - (c) any sale under a contract for the supply of bread for consumption on the premises of the buyer if the contract provides for each delivery of bread to be of a specified aggregate quantity of not less than 25 kg and for the weighing of the bread on delivery.]

Textual Amendments

F22 Art. 6 substituted (1.10.2011) by [The Weights and Measures \(Specified Quantities\) \(Unwrapped Bread and Intoxicating Liquor\) Order 2011 \(S.I. 2011/2331\)](#), arts. 1, **3(2)**

Caseins and caseinates

[^{F23}7. In the case of caseins and caseinates for human consumption, when pre-packed or made up in a container for relevant wholesale, the container must be marked with an indication of quantity by net weight.]

Textual Amendments

F23 Art. 7 substituted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **24**

Cocoa and chocolate products

8.—[^{F24}(1) Subject to paragraph (2) below, in the case of cocoa products and chocolate products, when pre-packed or made up in a container for relevant wholesale, the container must be marked with an indication of quantity by net weight, unless sold in a quantity by net weight of less than 50 g.]

(2) Nothing in paragraph (1) above shall require a container to be marked with an indication of quantity by net weight if it is a container in which fancy chocolate products are pre-packed, except that when the products are on sale by retail the exemption provided by this paragraph shall apply only if an indication of quantity by net weight is given on a ticket or notice displayed on or in immediate proximity to the products.

(3) Except in the case of an article the net weight of which is less than 50 g, cocoa products and chocolate products which are [^{F25}sold loose must], when sold by retail, be sold only by net weight.

Textual Amendments

F24 Art. 8(1) substituted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **25(a)**

F25 Words in art. 8(3) substituted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **25(b)**

Commencement Information

I5 Art. 8 in force at 1.1.1989, see [art. 1](#)

Coffee and chicory products

9.—^{F26}(1) In the case of liquid coffee and chicory products, when pre-packed or made up in a container for relevant wholesale, the container must be marked with an indication of quantity by capacity measurement, unless sold in a quantity of less than 5 ml.]

(2) Where the contents of a container in which solid and paste coffee and chicory products or liquid coffee and chicory products are pre-packed or ^{F27}... made up for [^{F28}relevant wholesale] consists of packs of such products not intended for individual sale, the container shall, in addition to any marking required by article 3(2) and paragraph (1) above, be marked with the total number of such packs.

Textual Amendments

F26 Art. 9(1) substituted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **26(a)**

F27 Word in art. 9(2) omitted (13.12.2014) by virtue of [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **26(b)(i)**

F28 Words in art. 9(2) substituted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **26(b)(ii)**

Commencement Information

I6 Art. 9 in force at 1.1.1989, see [art. 1](#)

Liquid edible oil

10 Liquid edible oil shall be pre-packed only if the container is marked with an indication of quantity by volume:

Provided that there shall be exempted from the requirements of this article liquid edible oil pre-packed in a quantity of less than 5 ml or more than 20 L.

Commencement Information

I7 Art. 10 in force at 1.1.1989, see [art. 1](#)

Milk

11.—(1) Milk which is [^{F29}sold loose or made up in a container for relevant wholesale] shall be sold only by capacity measurement or by net weight.

^{F30}(2)

(3) Milk shall be sold by means of, or offered or exposed for sale in, a vending machine only if there is displayed on or in the machine—

- (a) an indication of the quantity by capacity measurement of the milk comprised in each item for sale by means of that machine; and
- (b) except where the machine is on premises at which the seller carries on business, a statement of the name and address of the seller.

Textual Amendments

- F29** Words in [art. 11\(1\)](#) substituted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **27**
- F30** [Art. 11\(2\)](#) revoked (11.4.2009) by [The Weights and Measures \(Specified Quantities\) \(Pre-packed Products\) Regulations 2009 \(S.I. 2009/663\)](#), regs. 1, **5(4)**

Commencement Information

- I8** [Art. 11](#) in force at 1.1.1989, see [art. 1](#)

Preserved milk

[^{F31}**12.** In the case of preserved milk for human consumption, when pre-packed or made up in a container for relevant wholesale, the container must be marked with an indication of quantity by net weight, unless sold in a quantity of less than 5 g.]

Textual Amendments

- F31** [Art. 12](#) substituted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **28**

Potatoes

13.—(1) Where at any premises other than a vehicle or ship any potatoes have been sold by weight when made up in a container, and the sale is otherwise than by retail, the buyer may require all or any of the following weighings to be carried out at those premises, that is to say—

- (a) a weighing of that container while the potatoes are therein;
- (b) a weighing of that container after the removal of the potatoes therefrom;
- (c) a weighing of a similar container which is empty,

and thereupon the seller shall either carry out or permit the buyer to carry out the weighing or weighings so required; and if the seller without reasonable cause contravenes this requirement he shall be guilty of an offence.

(2) The occupier of any premises at which any potatoes are made up in a container for sale by weight otherwise than by retail, or of any premises (other than a vehicle or ship) at which such potatoes so made up are so sold, shall provide suitable weighing equipment and make that equipment available for any weighing or weighings required under the foregoing paragraph to be carried out at those premises; and if he without reasonable cause contravenes any of the requirements of this paragraph he shall be guilty of an offence.

(3) Any person guilty of an offence under this article shall be liable on summary conviction to a fine not exceeding £2,000.

14. Potatoes which are [^{F32}sold loose must], if sold by retail, be sold only—

- (a) by net weight; or
- (b) if the food is sold in a container which does not exceed the appropriate permitted weight specified in the Table in Schedule 2 to this Order, either by net weight or gross weight.

Textual Amendments

- F32** Words in art. 14 substituted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **29**

Commencement Information

- I9** [Art. 13](#) in force at 1.1.1989, see [art. 1](#)
I10 [Art. 14](#) in force at 1.1.1989, see [art. 1](#)

Miscellaneous foods to be marked when pre-packed with quantity by number

15.—(1) Subject to paragraph (2) below, foods of any of the following descriptions, that is to say—

- (a) cereal biscuit breakfast foods, other than foods in the case of which none of the biscuits weighs more than 10 g;
- (b) flour confectionery, except when consisting of uncooked pastry or uncooked pastry cases, not containing any filling, or shortbread;
- (c) fruit preservative tablets, rennet tablets, saccharin tablets, soft drink tablets and sweetening tablets;
- (d) shell eggs;
- (e) vanilla pods;
- (f) capsule and tablet foods,

shall be pre-packed only if the container is marked with an indication of quantity by number.

(2) There shall be exempted from the requirements of this article—

- (a) flour confectionery, if the number of items in the container is clearly visible and capable of being easily counted through the container; and
- (b) any foods in a quantity by number of one.

Commencement Information

- III** [Art. 15](#) in force at 1.1.1989, see [art. 1](#)

Other pre-packed foods

16.—(1) This article applies to foods of any description which are not goods—

- (a) required by any other provision of this Order or under or by virtue of any other provision of the Act to be pre-packed only if the container is marked with an indication of quantity; or
- (b) in the case of which when sold pre-packed (whether on any sale or on a sale of any particular description) the quantity of the goods sold expressed in a particular manner is required by or under any such provision to be made known to the buyer at or before a particular time; or
- (c) expressly exempted by any such provision from all such requirements which would otherwise apply thereto.

(2) Subject to paragraph (3) below, foods to which this article applies shall be pre-packed only if the container is marked with an indication of quantity either by net weight or by capacity measurement.

- (3) The following shall be exempted from the requirements of this article, that is to say—
- (a) bread and bun loaves, fruit loaves, malt loaves and fruited malt loaves;
 - (b) food to which articles 4 and 5 of the Weights and Measures Act 1963 (Cheese, Fish, Fresh Fruits and Vegetables, Meat and Poultry) Order 1984(3) apply, other than dates;
 - (c) freeze drinks in a quantity of less than 50 ml;
 - (d) herbs, whole and sifted except saffron, in a quantity of less than 25 g;
 - (e) iced lollies and water ices;
 - (f) intoxicating liquor to which article 6 of the Weights and Measures (Intoxicating Liquor) Order 1988(4) applies;
 - (g) milk;
 - (h) potato crisps and other similar products commonly known as snack foods in a quantity of less than 1 oz up to and including 30th June 1989 and thereafter in a quantity of less than 25 g;
 - (i) single portion vending machine beverage packs in a quantity of less than 25 g or of less than 25 ml whether or not they contain other foods to which this article does not apply;
 - (j) single toffee apples;
 - (k) soft drinks of any description in a syphon;
 - (l) sugar confectionery consisting of rock or barley sugar in sticks or novelty shapes;
 - (m) sugar confectionery not included in paragraph (l) above, and chocolate confectionery, in a quantity of less than 50 g;
 - (n) goods of any other description, except saffron, in a quantity of less than 5 g or of less than 5 ml.

Commencement Information

I12 Art. 16 in force at 1.1.1989, see art. 1

Multipacks

17.—(1) Nothing in the previous provisions of this Order shall require any container to be marked with any information or to enclose foods of a particular quantity if all the following provisions are satisfied:—

- (a) the contents of the container in which any foods to which the Order applies are pre-packed or ^{F33}... made up in the container for [^{F34}relevant wholesale] consist of two or more packs of goods;
- (b) where the goods in any pack, if sold individually, would be required by the Order to be made up in a specified quantity, the goods in any such pack are so made up;
- (c) where any pack, if sold individually, would be required by the Order to be marked with an indication as to the quantity of the goods, the pack is so marked;
- (d) (i) the container is marked with a description of the goods in each pack, the total number of packs containing goods of each description and where paragraph (c) above applies with an indication as to the quantity of the goods in each such pack; or

(3) S.I. 1984/1315, as amended by S.I. 1985/988, 1980.

(4) S.I. 1988/2039.

- (ii) where each pack to which paragraph (c) above applies contains the same quantity of identical goods, an indication as to the quantity of the goods in at least one such pack is clearly visible, and the total number of such packs is clearly visible and capable of being easily counted, through the container, or
- (iii) where each pack does not contain goods of the same description or does contain such goods but does not contain them in the same quantity, an indication as to the quantity of any goods in each pack to which paragraph (c) above applies, or if there are two or more identical such packs an indication as to the quantity of the goods in at least one of them, is clearly visible, and the total number of such packs of each description is clearly visible and capable of being easily counted, through the container.

(2) Where the provisions of both article 4 and paragraph (1) above apply in a particular case, the information permitted by paragraph (1)(d)(i) above to be marked on the container may be given in a document accompanying the container.

Textual Amendments

- F33** Word in art. 17(1)(a) omitted (13.12.2014) by virtue of [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **30(a)**
- F34** Words in art. 17(1)(a) substituted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **30(b)**

Commencement Information

- I13** [Art. 17](#) in force at 1.1.1989, see [art. 1](#)

Application of section 25 of the Act as modified in relation to certain foods

18.—(1) Section 25(2) and (3) of the Act shall apply in the case of any solid and paste coffee and chicory products, cocoa products and chocolate products, honey, caseins and caseinates or preserved milk for human consumption pre-packed or ^{F35}... made up in a container for [^{F36}relevant wholesale] where the information required by article 3(2), 7, 9(2) or 12, or permitted by article 17 (1)(d)(i), to be marked on the container is given in a document accompanying the container in accordance with article 4 or 17(2) with the following modifications:—

- (a) in section 25(2) the words “whether the sale is, or is to be, by retail or otherwise” shall be omitted; and
- (b) in paragraphs (d) and (e) of section 25(3)—
 - (i) after the word “information” there shall be inserted the words “or is accompanied by a document containing particular information”; and
 - (ii) after the words “so marked” there shall be inserted the words “or accompanied”.

(2) Where subsections (2) and (3) of section 25 of the Act apply by virtue of paragraph (1) above, a person shall not be guilty of an offence under the said subsection (2) by reason only of—

- (a) having in his possession for sale, or
- (b) having in his possession for delivery after sale, or
- (c) causing or suffering any other person to have in his possession for sale or for delivery after sale,

solid and paste coffee and chicory products, cocoa products and chocolate products, honey, caseins and caseinates or preserved milk for human consumption pre-packed or ^{F37}... made up in a container for [^{F38}relevant wholesale] otherwise than in a container so accompanied.

Textual Amendments

- F35** Word in art. 18(1) omitted (13.12.2014) by virtue of [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **31(a)(i)**
- F36** Words in art. 18(1) substituted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **31(a)(ii)**
- F37** Word in art. 18(2) omitted (13.12.2014) by virtue of [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **31(b)(i)**
- F38** Words in art. 18(2) substituted (13.12.2014) by [The Weights and Measures \(Food\) \(Amendment\) Regulations 2014 \(S.I. 2014/2975\)](#), regs. 1, **31(b)(ii)**

Commencement Information

- I14** [Art. 18](#) in force at 1.1.1989, see [art. 1](#)

16th November 1988

Eric Forth
Parliamentary Under-Secretary of
State, Department of Trade and Industry

[F39] SCHEDULE 1

Article 3

FOODS

Textual Amendments

F39 Sch. 1 substituted (13.12.2014) by The Weights and Measures (Food) (Amendment) Regulations 2014 (S.I. 2014/2975), regs. 1, 32, Sch.

(1) Foods	(2) Exemptions from quantity marking
Barley kernels, pearl barley, rice (including ground rice and rice flakes), sago, semolina and tapioca	Less than 5 g
Biscuits, other than wafer biscuits which are not cream-filled	50 g or less
Bread in the form of a whole loaf	Where the net weight of each loaf is less than 300 g and the number of items (if more than one in the container) is marked on the container or is clearly visible and capable of being easily counted through the container
Cereal breakfast foods in flake form, other than cereal biscuit breakfast foods	Less than 5 g
Coffee, coffee mixtures and coffee bags	Less than 5 g
Coffee extracts and chicory extracts consisting of solid and paste coffee and chicory products	Less than 5 g
Dried fruits of any one or more of the following descriptions, that is to say, apples (including dried apple rings), apricots, currants, dates, figs, muscatels, nectarines, peaches, pears (including dried pear rings), prunes, raisins, sultanas and dried fruit salad	Less than 5 g
Dried vegetables of any of the following descriptions, that is to say, beans, lentils and peas (including split peas)	Less than 5 g
Edible fats of any of the following descriptions—	Less than 5 g
(a) butter, margarine, any mixture of butter and margarine, and low fat spreads (butter or margarine substitutes);	
(b) dripping and shredded suet;	
(c) lard and compound cooking fat and substitutes therefor;	
(d) solidified edible oil (except in gel form)	
Flour, namely flour of bean, maize, pea, rice, rye, soya bean or wheat and flour products of any of the following descriptions—	Less than 5 g

(1) Foods	(2) Exemptions from quantity marking
(a) cake flour, other than cake mixtures and sponge mixtures;	
(b) cornflour, other than blancmange powders and custard powders;	
(c) self-raising flour	
Honey	Less than 5 g
Jam and marmalade, other than diabetic jam or marmalade, Jelly preserves	Less than 5 g
Molasses, syrup and treacle	Less than 5 g
Oat products of any of the following descriptions—	Less than 5 g
(a) flour of oats;	
(b) oatflakes and oatmeal	
Pasta	Less than 5 g
Potatoes	(1) Where the net weight of each potato is not less than 175 g and the container is marked with an indication of quantity by number and with a statement to the effect that each potato in the container is of a net weight not less than a weight specified in grams, whether the weight so specified is 175 g or a greater weight. (2) Less than 5 g
Salt	Less than 5 g
Sugar	Less than 5 g
Tea in a tea bag, namely a permeable sealed bag, containing tea, which is intended to be immersed in water in the course of preparation to drink	Less than 5 g
Tea, other than instant tea or tea in a tea bag	Less than 5 g]

SCHEDULE 2

Article 14

TABLE OF PERMITTED WEIGHTS FOR CONTAINERS

Commencement Information	
I15 Sch. 2 in force at 1.1.1989, see art. 1	
Gross weight	Permitted weight of container
Not exceeding 500 g	5 g
Exceeding 500 g	a weight at the rate of 10 g per kg of the gross weight

Changes to legislation: There are currently no known outstanding effects for the *The Weights and Measures (Miscellaneous Foods) Order 1988*. (See end of Document for details)

SCHEDULE 3

Article 1(2)

Commencement Information

I16 Sch. 3 in force at 1.1.1989, see [art. 1](#)

Column 1 Orders revoked	Column 2 References	Column 3 Extent of revocation
The Weights and Measures Act 1963 (Miscellaneous Foods) Order 1984	S.I.1984/1316	The whole Order
The Weights and Measures Act 1963 (Various Foods) (Amendment) Order 1985	S.I.1985/988	Article 3
The Weights and Measures Act 1963 (Various Foods) (Amendment No. 2) Order 1985	S.I.1985/1980	Article 4
The Weights and Measures Act 1963 (Miscellaneous Foods) (Amendment) Order 1986	S.I.1986/1260	The whole Order

EXPLANATORY NOTE

(This note is not part of the Order)

This Order consolidates and amends the Weights and Measures Act 1963 (Miscellaneous Foods) Order 1984 as amended. The principal changes introduced by this Order are as follows:—

- (a) in article 4, to permit the weights of non-retail pre-packed chocolate products weighing 10 kg or more to be marked on an accompanying document instead of the packaging, and to permit the weights of non-retail pre-packed solid and paste coffee and chicory products shown in an accompanying document to be in metric units only;
- (b) in article 9(1), pre-packed liquid coffee and chicory products in quantities of less than 5 ml are exempted from quantity marking;
- (c) in article 16(3)(a), to make clear that the prescribed quantities in which bread has to be made up do not also apply to bun loaves, fruit loaves, malt loaves and fruited malt loaves; and
- (d) in Schedule 1, to prescribe a new range for tea (other than tea bags), and to exempt from quantity marking all pre-packed foods in quantities of less than 5 g or 5 ml previously required to be quantity marked below those values.

Document Generated: 2024-04-11

Changes to legislation: *There are currently no known outstanding effects for the The Weights and Measures (Miscellaneous Foods) Order 1988. (See end of Document for details)*

Changes to legislation:

There are currently no known outstanding effects for the The Weights and Measures (Miscellaneous Foods) Order 1988.